

Amgylchedd a Datblygu Cynaliadwy
Environment and Sustainable Development



Llywodraeth Cymru
Welsh Government

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Our Ref: qA930135
Your Ref: LDP Dep/SpecCon/IRL

Date: **18 August 2011**

Dear Jon

**Carmarthenshire Local Development Plan – Deposit Version
: Response**

Thank you for your letters of 20 June and 5 July, copies of the Deposit Local Development Plan (LDP) and accompanying documentation.

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**.

Category 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:

- i. **Deliverability of Strategy: Flood Risk (Highly Vulnerable Development, especially Housing Allocations)**
- ii. **Deliverability of Strategy: Impact on European Habitats**
- iii. **Deliverability of Strategy: Timing and Infrastructure**
- iv. **Monitoring Framework**

Category 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. **Scale and Location of Growth: Spatial Framework and Settlement Strategy**
- ii. **Scale and Location of Growth: Housing**

- iii. **Scale and Location of Growth: Affordable Housing**
- iv. **Scale and Location of Growth: Employment**
- v. **Minerals Safeguarding**
- vi. **Gypsy and Traveller Sites**
- vii. **Welsh Language**

Category 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:

- i. **Minerals**
- ii. **Renewable Energy**
- iii. **Water and Environmental Capacity**

Category 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.

We have raised many of these issues with you on previous occasions. 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 advise that you consider how you could maximise the potential of your LDP being considered 'sound' through the examination process. We consider that an early meeting is important to discuss matters arising from our formal response to your deposit LDP and would encourage you to contact me.

Yours sincerely

Mark Newey
Head of Plans Branch
Planning Division
Welsh Government

Annex

Annex to WAG letter (18 August 2011) in response to the Carmarthenshire County Council Deposit LDP

Category 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:

- A.i. Deliverability of Strategy: Flood Risk (Highly Vulnerable Development, especially Housing Allocations) - (Category A Objection)

Planning Policy Wales (section 13.3) and TAN 15: Development and Flood Risk are clear that inappropriate development should not be located in areas defined as being of high flood hazard. TAN 15, at paragraph 6.2, states, *'in Zone C the tests outlined in sections 6 and 7 will be applied recognising, however, that highly vulnerable development...in Zone C2 should not be permitted'*. Highly vulnerable development (HVD) is defined in Figure 2 on page 7 of the TAN as *'all residential premises, public buildings, especially vulnerable industrial development, and waste disposal sites'*.

The Deposit LDP states that it will promote the principles of sustainability by reducing the vulnerability of communities by ensuring that development is not located in flood risk areas (para 5.3.5). However, the Deposit LDP includes allocations for HVD in Zone C2. Indeed, a significant proportion of the Deposit LDP's housing allocations are within Zone C2 flood plain and should be removed (see examples at table 1 below); loss of these allocations would impact on the deliverability of the plan's strategy or require new allocations to maintain the level of provision. Mixed-use developments are also located in Zone C2 with inadequate clarity in relation to any HVD elements of these developments.

Table 1: Example of Deposit Housing Allocations in Zone C2 flood risk areas

Settlement	Allocation	Number of Housing Units
Llanelli	GA2/h2 – Former Stradey Park	355
	GA2/MU7 – Old Castle Works	50
	GA2/MU7 – North Dock	335
Glanaman	T3/8/h4 – Land at Glan Yr Afon	58
Burry Port/Pembrey	T2/1/h10 – Land at Glanymor Terrace, Burry Port	25
	T2/1/h11 – Adj Silver Terrace, Burry Port Harbour	55
	T2/1/h13 – Former Grillo Works, Burry Port Harbour	230
	T2/1/h14 – Land adj former Grillo Works, Burry Port Harbour	55
Llandovery	T2/3/h1 – Land to North of Dan y Crug	120
		TOTAL: 1283

The reasoned justification to Strategic Policy SP2 Climate Change refers to the importance of the Strategic Flood Risk Consequences Assessment (SFCA) and the Level 2 SFCA for the Llanelli area in assessing the appropriateness of sites for inclusion in the plan (para 5.9.9). However, the 'SFCA Level 2 - Sites at Burry Port and Llanelli' (May 2011) is flawed in that, despite correctly referring at the penultimate sentence of page 6 to the TAN 15 guidance, it has failed to exclude HVD in Zone C2 floodplain and has sought to justify the location of development based on the subsequent tests in TAN15 sections 6.2 . The justification is based upon the proposed sites having been allocated in the

previous Unitary Development Plan (section 4 of the level 2 SFCA). However section 10.8 of TAN15 clearly identifies that sites in Zone C2 should not be allocated for highly vulnerable development.

The Population and Housing Revised Topic Paper 2, June 2011, advises that the adopted Carmarthenshire Unitary Development Plan (UDP) incorporates a policy framework which largely reflects planning policy and guidance, delivering housing provision in a manner consistent with the guidance but also in line with the content of the Wales Spatial Plan and its aspirations (para 3.3.5). However, this is a flawed statement considering the presence of HVD in Zone C2 flood plain. Whilst many sites included in the deposit LDP are already included in the Carmarthenshire UDP (adopted 2006), all allocations should have been subjected to a proper review before including them in the Deposit LDP rather than considering that the UDP has established the suitability of sites. The UDP Critique Background Paper, October 2010 (referenced at para 2.4.16 of the Deposit LDP), fails to interrogate the issue of UDP allocations within the Zone C2 flood plain. We note that the "Assessment of Sites" June 2011 advises at paragraph 6.1 that in order to ensure the land use allocations within the Plan are deliverable and robust each UDP residential allocation and employment allocation has been re-assessed in line with the Site Assessment Methodology to ensure its appropriateness in taking it forward into the LDP; we fail to see how that assessment has been appropriately conducted given that residential allocations are included in the Zone C2 flood plain.

- A.ii. Deliverability of Strategy: Impact on European Habitats - (Category A Objection)

Policy SP14 Protection and Enhancement of the Natural Environment (page 66)

The Habitats Regulation Assessment June 2011 (HRA) concludes that the Carmarthenshire LDP alone and in combination will have no likely significant effects on the European site network (HRA Volume 1: Report – page 65). The HRA specifies several key policies upon which this conclusion is dependent, including Policy GP4 Infrastructure and New Development, GP5 Phasing and Policy EP1 Water and Environmental Capacity. Given that the Deposit LDP leaves the details of a phasing plan and infrastructure delivery to SPG that has not yet been produced (e.g. para 5.9.12-13, 6.1.11, 6.1.26, App5), the conclusions of the HRA that effects are mitigated at a strategic level by the LDP are questionable and should be tested at the LDP examination to ensure that there is no breaching of the Habitats regulations. Of particular concern are the following habitats:

- a. Habitats: Caeau Mynydd Mawr SAC, Cross Hands

The Habitats Regulation Assessment June 2011 (HRA) of the Deposit LDP revealed the potential for a likely significant effect from the Growth Area GA3 Cross Hands on the marsh fritillary butterfly metapopulation of the Caeau Mynydd Mawr SAC. The HRA (HRA Volume 1: Report – page 55; Deposit LDP paras 5.9.111-113) recommends the inclusion of a mitigation strategy to provide an area or network of areas that can be managed to provide supporting habitat for the butterfly. A number of specific options are referred to; the Deposit LDP response to the HRA recommendation is, "the LDP in recognising and accounting for the potential for a likely significant effect identified within the HRA is committed to the preparation of SPG"; some details are provided in the LDP on the likely content of the SPG, which is not scheduled to be prepared until after adoption of the LDP.

The acceptability of delegating to subsequent SPG a strategy to mitigate against a likely significant effect is an issue which should be tested as part of the LDP examination as the principle should be addressed by the plan itself.

- b. Habitats: Carmarthen Bay and Estuaries European Marine Site (CBEEMS) / (incl Burry Inlet)

The conclusion of the Habitats Regulations Assessment June 2011 (HRA) that the plan (in particular, the Growth Area GA2 Llanelli site allocations) will have no likely significant effect on the Carmarthen Bay and Estuaries European Marine Site (CBEEMS) is based on commitments for improvements envisaged to occur through the River Basin Management Plan (RBMP) process, the combined action of stakeholders under the Memorandum of Understanding February 2010 (MoU)

and the implementation of key policies identified in the plan (HRA Volume 1: Report – page 54; Deposit LDP paras 6.8.4-5).

Deliverability must be considered in the context of the nature, robustness and longevity of these arrangements as a whole.

Whilst the intention is that flexibility is to be catered for through phasing (Deposit LDP Policy GP5 – page 76), the required phasing plan won't be developed until after the adoption of the LDP by means of SPG (Deposit LDP para 6.1.26).

We note that the MoU made available in the LDP evidence base has a duration of two years from 1 March 2010, and includes a commitment to review it in July 2010 and subsequently at a minimum frequency of every 6 months (MoU para 8.2 & 11.1); neither the deposit plan nor the evidence base clarify outcomes of any reviews, nor confirmation that they have been conducted. It would be of benefit to provide clarification with regard to the likely combined effects of the Carmarthenshire LDP and the emerging Swansea LDP on water quality.

- The evidence to support the Deposit LDP does not provide sufficient certainty and clarity to demonstrate that the plan can provide the appropriate measures to ensure water quality issues can be addressed.

- A.iii. Deliverability of the Strategy: Timing and Infrastructure - (Category A Objection)

To be clear that the Deposit LDP strategy and policies can be implemented and delivered the plan needs a more explicit demonstration of how and when development will be realised over its lifetime; greater clarity on timing (including on priorities), on linkages to infrastructure and on funding sources, albeit at a strategic scale is required to assist clarity and certainty.

Some key matters that are of specific concern in this respect are:

- a. Supplementary Planning Guidance: The Deposit LDP relies on SPG, that is critical to the plan, yet is to be prepared after adoption of the LDP. There is a lack of clarity in the LDP in relation to critical matters, for example, affordable housing, phasing, infrastructure, planning obligations, site development briefs, these being decanted to SPG. This is not acceptable. Irrespective of this point, whilst Appendix 5 provides an indicative schedule for the preparation of identified SPGs, including unspecified 'site development briefs', the timescales provided in the table do not make it clear whether the dates given are for preparation for consultation or for actual adoption of the SPG. In addition, the monitoring framework (Ch.7) fails to include the preparation and adoption of SPG as considerations for targets and triggers.

- b. Infrastructure Provision - CIL / planning obligations: Deliverability of the plan is inextricably linked to infrastructure delivery. A number of policies, including Policy GP4 Infrastructure and New Development (page 76), Policy GP3 Planning Obligations (page 75), Policy EP1 Water Quality and Environmental Capacity (page 129), Policy MPP7 Restoration and Aftercare of mineral Sites (p152), seek infrastructure delivery through securing contributions from developers through planning obligations, and advise that future use of obligations will be considered in the light of the Community Infrastructure Levy (CIL); SPG in respect of planning obligations is to be prepared after the adoption of the LDP (para 6.1.19, App5). Significant issues that aren't adequately addressed by this approach are:

- **Priorities:** that the Deposit LDP fails to outline the Council's main priorities for contributions, linked to the key issues and delivery of the plan's strategy.

- **The CIL:** further clarification is required on how the CIL will be taken forward when pooled s106 contributions are no longer allowed after 6 April 2014 (5 or more), particularly in delivering the necessary infrastructure to support the plan and the timing of any transition to a CIL. The deliverability of the plan could come under question if there is no mechanism in place to capture the financial benefits arising from development which can be used to assist the provision of appropriate infrastructure. If there is no CIL in place until a date after April 2014 there could be a vacuum in the plan's ability to capture such financial receipts. This should not be left to an early review of the plan.

It is not in the interest of the plan to create a policy void. Further explanation should be provided to demonstrate how this situation is not an issue or, if it is, how it is to be resolved. In relation to infrastructure delivery and CIL, it would be helpful to provide a visual consideration of deliverability by showing a trajectory of development related to barriers to development.

A.iv. Monitoring Framework - (Category A Objection)

The LDP monitoring framework (at Chapter 7) is totally inadequate. An appropriately transparent and comprehensive monitoring framework should be an integral part of an LDP, providing timescale and implementation information. It should be sufficiently sensitive to provide an alert with regard to any lack of required activity in particular on key sites including at early pre-application stages.

The LDP monitoring framework (p158) would appear from its 8 column headings to address many of the matters crucial to a monitoring framework. However, there are severe shortcomings with regard to the content under these headings, including:

- a. the content within the columns fail to provide a sufficiently clear understanding of how the plan's strategy will be successfully monitored;
- b. there is no consideration of the relationship between the spatial spread of development across the plan area and timescales;
- c. some performance indicators are very general rather than being specific to LDP influence and outcomes e.g. SP2 ecological footprint;
- d. targets are not specified in terms of numbers but rather by reference to the strategy etc e.g. SP3 2nd row;
- e. the specified targets are not always consistent with policy figures, e.g. SP5 target of 15,197 is not the same as the figure in the policy; SP6 target is not the same as the figure in the policy;
- f. where the target & trigger are both 'none' (i.e. zero) it is not clear how will framework will monitor the related indicator e.g. SP3 & SP4 1st lines;
- g. the triggers and actions fail to provide clear actual/specific triggers for action, and many actions are vague;
- h. there is no indication of any phasing;
- i. there is no clear monitoring, as recommended in the Habitats Regulations Assessment Volume 1: Report, of the key mitigation policies it recognises (sections 4 & 5);
- j. there are no specified targets and triggers within the framework for SPG and development briefs, upon which delivery of the strategy is crucial.

There needs to be a connection between water / environmental issues and how the plan will respond practically in light of EU Regulations. This has implications potentially halting development.

Category B. Objections under soundness tests C2, CE1, and 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:

- B.i. Scale and Location of Growth: Spatial Framework and Settlement Strategy - (Category A Objection)

Policy SP3 Sustainable Distribution - Settlement Framework (p41) and section 5.5.

- a. Scale of Allocations based on Role and Function of Settlements: It is not apparent that the role and function of settlements, which the plan says is one of the key determinants of its 4-tier settlement hierarchy (Deposit LDP section 5.5), is fully reflected in the scale of respective housing, employment and mixed-use land allocations. Given that there is no distinction between allocations and commitments (including under construction) on the maps, it is difficult to determine which sites

are actually under consideration for the LDP. It is also not clear whether the allowances for housing and employment numbers contained in the plan totals take full account of the contribution from mixed-use sites.

The proposals map would appear to display significant incongruities, for example:

- Map Ammanford/Cross Hands GA3 Housing – H17 is 250 units whilst h23 is only 127 units (and also appears to be in a new settlement) and h22 is only 20 units.
- Map Llandeilo T2/2/h1 – appears to be a very sizable new residential area at Llandeilo compared to the existing settlement size.
- Map Glanamau T3/8/h1, h3, h4 – these 3 sites are examples where size of allocation on the map don't always appear to correlate with plan numbers (h1- 28 units, h3 – 70 units, h4 – 58 units) for the allocation.
- Map Whitland T2/6/MU1 – is an example of a very sizeable Mixed Use allocation compared to the size of the settlement.
- Map St Clears T2/5 – is an example where there is appears to be a lot of housing allocated compared to the size of the existing settlement, whilst allocation E1 appears to impact on the sand and gravel safeguarding area.

- **b. White Land:** Development limits have been drawn to include **white land** within settlements as opportunities for small scale development including infill on unallocated small sites (para 6.2.17). Paragraph 5.9.41 may give some clarification as to windfall and small site overall allowance; however, the plan isn't clear about the spatial spread, whilst from the proposals map and its inset maps this white land appears sometimes more sizeable than allocated market housing sites (eg map T3 5).

- **c. Smaller settlements:** It is not necessary to name the settlements within the sustainable communities (Policy SP3 p42) nor to have defined development limits for them (Policy GP2 Development Limits p74). A criteria based policy against which applications can be assessed would be better for these settlements (TAN 6: Planning for Sustainable Communities, paragraph 2.2.4) and would still enable those types of development considered suitable, including affordable housing.

B.ii. Scale and Location of Growth: Housing - (Category B Objection)

Policy SP5 Housing (p49), Policy H1 Housing Allocations (p81); Appendix 3 Housing Land Allocations (p223); Revised Topic Paper 2 – Population and Housing, June 2011

The WG 2006-based household projections have been used as the starting point for assessing housing requirements, with consideration also given to the 2008-based projections; the WG 2008-based projections projects additional households of 1,146pa (Deposit LDP para 5.4.4). The appropriateness of these projections has then been assessed using a statistical analysis at the level of six Community Areas (Population & Housing Projections – Edge Analytics Ltd, August 2010). This analysis justifies a deviation by means of a reduction from the WG figures, arguing that the recession has had a significant impact upon population mobility and that population growth in Carmarthenshire is largely migration-led.

Based upon this, the Deposit LDP Policy SP5 Housing (page 46-49) proposes that provision be made for 16,324 new dwellings. This is based on a projected requirement for 15,197 new dwellings in the plan period (based on one dwelling per household), requiring a build rate of 1,013 pa, together with a further 1,127 dwellings to provide an 8% flexibility allowance (Deposit LDP para 5.9.27). This policy together with Policy H1 Housing Allocations (p81, and related App3 – p223) allocates land for 13,340 dwellings, split across the settlement framework (Table 3 of Policy SP5).

The Carmarthenshire Unitary Development Plan allocated 11,300 new dwellings or 750pa (Deposit LDP para 5.9.26). The Revised Topic Paper 2 – Population and Housing (June 2011) advises that *“using a recent history of ‘completions’ statistics by community area a maximum build rate of 807 units per year has been derived for Carmarthenshire”* (para 5.2.9).

We have the following specific concerns:

- **a.** The critical issue requiring further clarification is **the ability to deliver the scale of development proposed** when compared to past **build rates**. It should be noted that we are not criticising the positive approach to scale of development, but rather seeking to ensure that the plan is deliverable, in broad terms.
- **b.** We note that nearly half of the 13,340 housing allocations are existing permissions (40% or 5286) or completions (6% or 798) (Deposit LDP, table at para 5.9.39), and Appendix 3 shows which allocated housing sites contain completions or are under construction. The spatial spread of **allocations versus commitments** should be clarified, including by the use of differing notations on the proposals map. In addition, the spatial spread of windfalls (windfall allowance is 102p/a based upon the UDP allowance of 35p/a and actual completions of 169pa between July2005 and April2008) and small sites (small sites allowance is 97pa) is not clarified (Deposit LDP paras 5.9.40-41).
- **c.** The Deposit LDP makes an allowance for a significant proportion of the housing requirement to be met by means of windfalls and small unallocated sites of 4 or less dwellings (Policy H1 and para 5.9.41). Our representation at **B.i.** raises concerns in relation to the scale of **white land** within settlement development limits.
- **d.** Our representations at **A.i.** and **B.i.** raise significant concerns in relation to inclusion of housing allocations on **Zone C2 flood plain**, as well as to the **scale of allocations** across the settlement hierarchy and the uncertainty about the contribution of housing within the **mixed-use sites**.
- **e.** We would point out that the Deposit LDP appears to indicate that the allowance has been included for the part of the County occupied by the **Brecon Beacons National Park** (para 5.9.36). The National Park Authority, in accordance with its statutory duty, is bringing forward an LDP for the whole of the Park.
- **f.** The second part of Policy H1 Housing Allocations in relation to **layout** should not have policy status.

B.iii. Scale and Location of Growth: Affordable Housing - (Category B Objection)

Policy SP6: Affordable Housing (p50); **Policy AH1 Affordable Housing** (p88); **Policy AH2 Affordable Housing Exceptions Sites** (p89); **Policy AH3 Affordable Housing – Minor Settlements in Open Countryside** (p90)

- **a. Delivery of the AH Target:** The Deposit LDP proposes a significant increase in house-building compared with past performance and, based on this, a significant increase in the delivery of affordable housing. It should be noted that the WG does wish to see LDPs maximising the provision of affordable housing through the planning system; but this must be grounded in a plan that is deliverable.

The LDP (Policy SP6: Affordable Housing p50) targets the delivery of 2,954 affordable housing units through the LDP (197 p.a.), but states (at para 5.9.49) that only 184 units (48 p.a.) have been delivered (through various means) over the period 2007-11. However, according to the figures provided by Carmarthenshire for the WG's affordable housing Statistical collection, they delivered 352 units over the period 2007-10. Clarity concerning deliverability of the plan target is required. The issue is exacerbated when account is taken of our other representations in relation in particular to flood risk and European Habitats which seriously question the validity of a significant number of housing allocations in the Deposit LDP (reps A.i. and A.ii.).

The contribution to meeting the target by affordable housing that is already linked to commitments should be clarified.

- **b. Thresholds:** A county-wide affordable housing target of 20% has been chosen with two differing thresholds for growth areas and rural tiers (Policy AH1 Affordable Housing p88). The argument for a county-wide target focuses on the need for flexibility should market conditions change and given that approximately 60% of the housing allocations are in areas where there is currently low viability. However, it is not clear why this flexibility could not be applied to variable targets. There is some doubt about whether this approach will maximise the opportunities to deliver affordable housing - Topic Paper 4 Affordable Housing states (at para 5.16) that 20% *"would be challenging in the weaker sub-markets and probably not challenging enough in higher value areas"*. Having set a 20% target, it could prove difficult to negotiate for more than 20% in areas where a higher percentage is viable.

B.iv. Scale and Location of Development: Employment - (Category B Objection)

Policy SP7 Employment Land Allocations (p 52); Policy EMP1 Employment - Safeguarding of Employment Sites (p92)

The Deposit LDP refers to various amounts of employment land at the justification to Policy SP7 and at section 6.3. Clarification is required in the LDP of both the deliverability of these policies as well as to the level of the employment allocation (Policy SP7 Employment Land Allocations (p52) - 266ha) given the identified need (34ha by 2031) and allocations brought forward from the Unitary Development Plan (adopted 2006, UDP). 'Opportunity land' of **281ha** is referred to at para 5.9.58 with no definition.

Added to the allocations is Policy EMP1 Employment - Safeguarding of Employment Sites (p92). If there has been a significant amount of UDP allocated employment land that has not come forward, it is not clear why this should be rolled forward to the LDP. The Employment Land Study 2010 (ELS) refers to 171ha 2001-09 having been developed between 2001 and 2009 (Table ES2) which is a significant amount, but it is not clear whether it is where the market wants it which would be reflected in whether there has been take-up of it or whether it is vacant; para 5.9.57 refers to a 20% vacancy rate, but it is not clear whether there is a policy approach to reduce vacancy rates.

B.v. Minerals Safeguarding - (Category B Objection)

- **a. Minerals: Buffer Zones (Safeguarding)** - The reasoned justification to **policy MPP3 Mineral Safeguarding** (paragraph 6.11.21) says that buffer zones in respect of minerals safeguarding areas will be established around certain recognised settlements. Protecting buffer zones for minerals safeguarding around settlements are not a requirement in national policy and the plan should be amended by deleting the reference to the intention to do so. (We note that, correctly, buffer zones for safeguarding around settlements have not been applied on the proposals map.) (The use of the term 'buffer zones' in national minerals planning policy relates to permitted and proposed mineral workings.)

- **b. Minerals: Coal Safeguarding (Policy SP10 Mineral Resources & MPP3 Mineral Safeguarding p58 &148)** - The coal resource safeguarding is differentiated on the proposals map as primary, secondary & tertiary (LDP paragraphs 5.9.92, 6.11.25ff refer). MTAN2: Coal (2009), paragraph 36, requires the consideration of primary and secondary coal resource zones for safeguarding; tertiary safeguarding is not required in an LDP and should be deleted. In addition, there is no need to differentiate between the categories on the proposals map. For information, the **Minerals Topic Paper 7** refers to the Safeguarding Map Project for Wales; however, this is an aggregate safeguarding map and doesn't have regard to energy minerals (paragraph 6.2.3).

B.vi. Gypsy and Traveller Sites - (Category B Objection)

Policy H7 Gypsy and Traveller Sites (page 86):

- **a. Transit sites/pitches:** clarification is required within the Deposit LDP to the need for transit sites / pitches. In addition, whilst Policy H7 refers to transit pitches as well as sites, Topic Paper 11: Gypsy Traveller Accommodation Needs Assessment 2011 says there is no current evidence to indicate the requirements of a transit site (paragraph 5.22); however, it does not clarify whether there is any need for transit pitches. We would note that the bi-annual Gypsy and Traveller Count figures shows a pattern of a small number of caravans at 1 to 3 unauthorised sites and evidence of more caravans being counted in the July count compared to January count which suggests that need exists.

- **b. Policy Criteria:** WAG Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites' requires that criteria based policies be fair, reasonable, realistic and effective in delivering sites, and that policies should not rule out or place undue constraints on the development of sites (para 25). The following criteria of Policy H7 appear overly restrictive:

- **i):** the requirement to be "within close proximity of main transport routes" goes perhaps beyond what is suggested in the last two sentences of paragraph 21 of the WG circular 30/2007 Planning for Gypsy and Traveller Caravan Sites; paragraph 4 of Annex B to the circular simply suggests the issue is "vehicular access from the public highway".

- **ii):** the requirement of a need for pitches, doesn't accord with paragraphs 5 and 37 of the WG Circular 30/2007 which encourage privately owned site provision by Gypsies and Travellers as well as affording choice. In addition the requirement for a demonstrable need for a particular development at a location, is not usually a valid planning consideration.

- **iii):** the requirement relating to amenity is very general and questionable given the comments on the last two examples given in paragraph 6 of Annex B to WG Circular 30/2007); the WG booklet, Planning for Gypsy and Traveller Caravan Sites November 2008, provides greater clarity on what may be a more appropriate consideration, namely that new sites should not cause too much noise or other disturbance to local people (page 14).

- **c. Definition:** the Deposit LDP (para 6.2.38) refers to the definition of Gypsy Traveller used for Housing Assessment rather than the definition for planning purposes as at paragraph 3 of WAG Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites'.

B.vii. Welsh Language - (Category B Objection)

- **a. Deposit LDP Strategy and Welsh Language:** In preparing the LDP it is appropriate for the local planning authority to consider the implications of development, both in terms of scale and location, on the Welsh language. The Deposit LDP recognises that the Welsh language is important in the plan area (5.9.140ff + 2.4.2 & p22). LDP Topic Paper 1: Issues Vision & Objectives clarifies that the Welsh language is identified as a national and regional issue and driver for the LDP (p27 - NRID16), and helpful spatial commentary to the LDP strategic objective SO7 is provided (p61). However, neither the Deposit LDP nor the Topic Paper evidence clarifies whether the strategy itself reflects the safeguarding of the Welsh language and strategic objective SO7 in relation to the scale and distribution/location of development. The principle of how the scale / location of change does not adversely impact on Welsh language should be determined through the plan making process.

- **b. Policy SP18 Welsh Language (p70):** safeguards & promotes interests of the Welsh language and protects against demonstrable harm within "linguistic sensitive areas" as defined at para 5.9.143 (i.e. where language is part of social fabric in that 25% or more speak Welsh). Applicants will be expected to submit a Linguistic Impact Assessment / Statement. More detail is to be provided in SPG that is to be prepared after adoption of the LDP (Appendix 5); (we have made representation in our response in relation to the timing of SPG). This procedure would appear to place an additional burden on development proposals by effectively assessing the impacts on an individual basis when they should have already been assessed through the formulation of the LDP strategy. Clarification on whether this approach is appropriate, the legal basis and the relationship to Equality Impact Assessment would be beneficial. (We would point out that the consultation draft TAN 20 encourages

the use of a Linguistic Impact Assessment as part of the sustainability process for the LDP rather than in relation to individual applications.)

- c. Monitoring and Welsh Language: Given that the SA work should have led to the right locations and scale of development taking account of the Welsh language objective, the need to provide specific monitoring related to the Welsh language is questioned. Irrespective of this point, the monitoring indicators for Policy SP18 'Welsh Language' include planning permissions requiring a Language Impact Assessment and mitigation such as phasing to take account of the Welsh language (page 101); it is not clear how this would be a measure of the plan's success.

Category 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 it might be better demonstrated:

C.i. Minerals - (Category C Objection)

- a. Minerals: Landbank - Hard rock apportionment –

The Deposit plan advises: that the landbank of 73.6yrs (Dec08) exceeds MTAN1 min requirement of 10yrs maintained throughout plan period; that the RTS requires 10.5million tonnes over 15yrs (which with Neath Port Talbot and Swansea totals a requirement of 32.8mt). The LDP should be clear about whether there are agreements in place, or state of progress towards agreements, with regard to hard rock apportionment and sharing of its extensive reserves to the benefit of Swansea, Neath Port Talbot, Brecon Beacons National Park and Pembrokeshire Coast National Park. (LDP paragraphs 6.11.9-11 and Topic Paper 7 paragraph 11.2)

- b. Minerals: Buffer Zones (Policy MPP2 Mineral Buffer Zones p147) includes 2 types of BZs:

- around sites with extant pp (min 200m hard rock & 100m s&g);
- around 'recognised' settlements within surface coal resource (min 500m) Protecting buffer zones around such settlements is not a requirement in national policy; however, there would appear to be no justification for the application of rigid buffer zones within any plan area; we do not consider this concept suitable for mapping. (The use of the term 'buffer zones' in national minerals planning policy relates to permitted and proposed mineral workings.)

- c. Minerals: Policy MPP6 Unconventional Gas Exploration and Extraction (p151) – It is not clear why a specific policy is necessary for this type of development unless it goes beyond national planning policy (Minerals Planning Policy Wales paragraph 64), especially given that there is a criteria policy for mineral proposals (MPP1).

- d. Minerals: Policy MPP5 Inactive Mineral Sites (p150) - The policy MPP5 on Prohibition Orders is drafted as an administrative action but it is part of the strategy on rationalising landbanks and is useful to contain in the plan as text; relocation under para 6.11.8 would be appropriate. The issues associated with the **coal legacy** referred to in para 6.11.33 are an integral part of taking forward development in such areas and it is worth highlighting that certain steps are required to be taken in such areas. However, there are no ideal places to locate such text. Whilst not a buffer zone, the coal legacy is a constraint on development and could be moved to the RJ of Policy MPP2 should Policy MPP5 be relegated to the text.

C.ii. Renewable Energy - Policy RE1 Large Scale Wind Power (p122) - (Category C Objection)

- Criterion a: refers to a requirement to meet the indicative generating capacity within the SAA. Paragraphs 6.7.2 and 5.9.97 of the Deposit LDP refer to TAN8 (2005) identifying the Brechfa Forest

area as suitable for major wind farm development (Strategic Search Area G), and capable of delivering 90 MW of electricity. However, the WG has made it clear, in July 2011 (letter from Minister of Environment and Sustainable Development), that the identified maximum capacity for this SSA as identified by Garrad Hassan is 132MW. In addition, criterion a appears to suggest that a single application should meet the target.

- **Criterion h:** should be amended to delete the latter part as 'valid undetermined applications' are not appropriate considerations.

C.iii. Water and Environmental Capacity - Policy EP1 (p129) - (Category C Objection)

The second paragraph of the policy placing restrictions on development would result in allocations in the plan not being permitted. This would align with the ethos of the Habitats Regulations. It is therefore difficult to comprehend why certain allocations have been made.

Category 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.

- **a. Policy cross reference:** LDP policies should not contain a requirement to satisfy other policies and proposals/provisions of the plan, e.g. TSM1, TSM2, MPP4.

- **b. Lengthy** policies which include much unnecessary **repetition** of other policy matters, e.g. Policy RE1; and policies which don't appear to add anything to general policies elsewhere in the plan, e.g. Policy RE3

- **c. Policy SP4 Strategic Sites** (page45) – for clarity there should be a summary table giving, in particular, site reference numbers and their make-up.

- **d. Policy SP12 Waste Management** (page 61) - criterion b could be altered slightly to more closely reflect the waste hierarchy contained in the rWRD (2008), namely prevention, preparing for re-use, recycling, other recovery (eg energy) and disposal.

- **e. Policy SP14 Protection and Enhancement of the Natural Environment** (page 66) - adds nothing to national policy and simply provides references to other plan policies.

- **f. Policy EP2 Pollution** (page 131) - Criterion a: The intention behind, and application of, criterion a) is unclear. It is unqualified as drafted and suggests that all development will be required to improve air quality and reduce the exposure of the public to pollution. It is laudable that all development should seek to minimise pollution but this criterion seems to be more applicable to an area already subject to poor levels of air quality where improvements are needed, such as an AQMA, rather than being applicable in the wider sense.

- **g. Policy EMP5 Coastal Development** (page 135) – criterion d: this criterion is extremely general and its meaning unclear.

- **h. Text** – the text of the LDP needs to be amended to ensure that the correct tenses are used, e.g. Paras 5.9.18, 6.1.27, 6.2.47. In addition the text should be amended for submission to that which would be appropriate for an adopted plan rather than a plan in preparation.
