



Mr R Hughes Pickering
Planning Service
Ceredigion County Council
Neuadd Gyngor
Penmorfa
Aberaeron
SA 46 OPA

Your ref: LDP Dep Consult NL 1036
Our ref: APP 030-01-007/2
Date: 16th February 2011

Dear Mr Hughes Pickering,

Ceredigion Local Development Plan – Deposit Version

Thank you for your recent correspondence and copies of the deposit local development plan (LDP) and accompanying documentation.

We recognise your achievement in progressing the LDP to deposit stage in accordance with the revised timetable of your Delivery Agreement (DA) and appreciate the extensive technical and associated 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:

None

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. Gypsy & Travellers** - Incomplete evidence to identify need and, if appropriate, specific site provision.
- ii. Wind energy** - SSA boundary refinement.



- iii. **Housing Distribution** - It remains unclear how the role and function of settlements and population has influenced the level of growth at named locations. There is a need for greater clarity of housing provision at linked settlements to deliver the strategy. The ability to control housing delivery at linked settlements is weak.
 - iv. **Welsh Language** - Welsh Language should form part of the overall assessment when formulating the plan's strategy. Clarification on whether it is appropriate to influence individual proposals, the legal basis and the relationship to Equality Impact Assessment would be beneficial.
- 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
 - iv. the particular policy requirements associated with **European Sites** are properly reflected in the plan
 - v. there is no requirement to show **retail** need within town centres
 - vi. the need for a specific definition/policy regarding the **undeveloped coast** has been considered
 - vii. **minerals safeguarding** is unnecessary within settlement boundaries.
 - viii. the requirements for particular types of **affordable housing** are 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.
- i. **Flood risk** - policy and text clarification.

We have raised some 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 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

- 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:**

None

- 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:**

- i. **Gypsy & Traveller site provision** - in the absence of the proposed study referred to in Topic Paper :Housing (paragraph 3.1.88) there is no indication that advice in Circular 30/2007 (<http://wales.gov.uk/topics/planning/policy/circulars/gypsyscircular/?lang=en>) has been followed to determine whether there is a need for a site(s). If there were to be a need then the appropriate number of site(s)/pitches should be identified in the plan. While policy LU04 indicates permission will be granted where there is evidence of need, the technical work should be completed now, or as soon as possible with any appropriate allocation, if necessary, being made through a Focused Change.
- ii. **Wind energy SSA** – the proposed refinement of the Strategic Search Area (SSA) as identified in TAN 8 Renewable Energy, is significantly at variance with national policy in terms of its physical extent and as such will need to be supported by clear local evidence (Policy LU26). The indicative output targets for SSAs referred to in TAN 8 do not imply a maximum limit for energy generation and should not be used as such in the preparation of LDPs, for example, restricting the physical extent of the refined SSA to align with the TAN 8 output targets.
- iii. **Housing Distribution** – It remains unclear how the role and function of settlements and population influenced the level of growth at named locations. It is acknowledged that Volume 2A 'Settlement Group Statements' provides information regarding service and facilities at the various settlements across the County, further clarity on how the level of growth for different settlements has been influenced by such factors would be beneficial. Whilst we do not disagree with the approach being followed, further clarity is necessary, particularly with other references to the population levels of settlements influencing the scale of proposed growth, primarily at the smaller settlements. There appears to be a large degree of evidence to support the conclusions, albeit the clarity on the key drivers is lacking. For example, paragraph 6.39 of the LDP makes reference to the overall scale of growth in the linked settlements being 'no greater than any expected demographic change'. This implies growth to match zero net migration levels. However, paragraph 6.20 of the plan relates growth to the role and level of service provision, in addition to the existing population level. It is unclear how these two approaches have led to the allocations at settlements, or housing provision for linked settlements. Whilst we do not dispute the principle being followed, further clarity on which approach and the implications that has had, i.e. how it has influenced the scale of growth propose, would be beneficial. In addition, the 50% allocation for Aberystwyth would also benefit from further clarity.

Policy S08 provides information on the allocations. However this does not seem to match Appendix 2 with housing numbers for the service settlements varying between the 2 tables. It is not clear that the level of commitments has been accounted for when formulating the plan, for example, Tregaron is allocated 74 housing provision with an additional 40 units for extra care homes as part of the mixed use community facilities, taking allocations to 104 in total. However, the housing provision for Tregaron appears to be 78. We understand from the plan that column C (Appendix 2, pages 193 – 195, LDP) is less than the total allocation (and commitments) at settlements. The implication is that the plan is providing for more than 6,000 dwellings in total, although this is difficult to quantify. We have two key concerns on this matter.

Firstly, Policy SO6 states that policies and allocations total 6,000 dwellings we conclude is below the provision made in the plan. More critical is ensuring that the plans strategy for new allocations, the 60/30/10 split is supported by the housing provision actually contained in the plan. If all the identified provisions were to come forward would this support the strategy split stated in Policy SO6? We wish to support the strategy proposed in Policy SO6 but seek reassurance this will be the case.

Secondly, the ability to control housing delivery at linked settlements is weak. We have concerns over how the strategy will be delivered thereby ensuring it is the strategy in the plan which is delivered rather than an alternative one. Policy DM01 refers to the 'rate' of growth and that it should be appropriate to the role and function of the settlement. It is unclear as to what this means and how it will be implemented. This is particularly important with the linked settlements as these have no settlement boundaries (which we do not object to). However, the various ways of defining appropriate locations for development at linked settlements, identified numerically, is confusing and would benefit from greater certainty, i.e.- 'relate well' (paragraph 6.42) 'minor separation' 'consolidated built form' 'unacceptable visual separation' (paragraph 7.18). It is essential that the plan is able to control the delivery of growth to ensure it delivers the stated level and distribution of growth. With housing provision set for a group of linked settlements not identified on an individual basis, avoiding the situation where all the total provision could be built at one location, is located at a settlement and phased should be addressed by the plan to inform decision making.

- iv. **Welsh Language** – In preparing the LDP it is appropriate for the local authority to consider the implications of development, both in terms of scale and location, on the Welsh language. We note that the Welsh Language Topic Paper refers to how the Sustainability Appraisal (SA) has assessed the compatibility between the Welsh language and the plans objectives, strategy and hence allocations. Utilising this approach ensures that the development proposals contained in the plan, particularly related to housing, either through specific allocations or growth levels for settlements or linked settlements, confirms the principle of the development across the county. However, the first sentence of Policy DM02 appears to place an additional burden on development proposals by assessing the impacts on an individual basis when they should have already been assessed through the formulation of the strategy, as indicated above. Clarification on whether this approach is appropriate, the legal basis and the relationship to Equality Impact Assessment would be beneficial.

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, that:

i. the strategy and policies are deliverable.

The plan adopts the premise that allocations should be in the best location for overall planning purposes irrespective of limited water infrastructure. However, the implications of infrastructure delivery on the housing provision (and possibly employment allocations) in terms of phasing should be clarified. This could strengthen the authority's phasing policies included at DM01/ LU05 and AMR01/03. For example, it is unclear which of the three sites in Aberaeron the authority anticipates will come forward first? This principle also applies to many other settlements. If reserve sites are to be included in the plan they should be deliverable. Phasing as to when they come forward, if needed, will be critical to deliver the strategy.

The plan proposes several mixed use sites. Volume 2A makes partial reference to the scale of some of the uses on these sites but the anticipated balance of uses should be clear for all proposals.

ii. the plan is flexible to enable it to deal with changing circumstances.

It is unclear how the plan will accommodate appropriate waste facilities on Class B2 employment sites. The breakdown of employment allocations needs to demonstrate that sites of sufficient size and location can accommodate any requirement.

Policy LU01 relates to "Housing Development on Non-allocated sites" (i.e. windfalls), however, the policy and reasoned justification is confusing. Criteria 2 & 3 of Policy LU01 refer only to sites within the service centres, and there does not seem to be the equivalent siting criteria for linked settlements (paragraph 7.8 and SO04 in part refers). The expectation that windfalls will not comprise more than 10% of housing development is not fully reflected in policy LU01, criterion 3 (paragraph 7.9). Additionally, it is not clear if the 10 % housing development, relates to the allocations or requirements, this could make a significant difference to the numbers involved in some settlements. The relationship between the various policies and the types of settlements concerned could be better explained and clarified and the policy wording /criteria should be refined.

Policy LU01 could also impact on the delivery of affordable housing as policy LU03 seeking 20% does not easily translate to sites of less than 5 dwellings.

iii. the mechanisms for implementation and monitoring are sufficiently clear.

The settlement boundary to the north/west of Cardigan appears to be drawn at some distance from existing development without allocation of the enclosed land. Whilst we understand this includes a retail commitment, this would benefit from further clarity. There are several other apparent anomalies in the settlement boundaries and excluded areas which need to be explained.

The monitoring framework would benefit from the inclusion of clearer 'trigger points' indicating when a review would be required. Recent LDPs have had substantive discussion during their examinations on monitoring. The timing of monitoring periods, trigger points, ranges to ensure a simple yet effective monitoring programme would elaborate on the work done to date. It would be beneficial for Ceredigion to reflect on these before submission, not delaying submission, and considering how their plan would benefit from further reflection on this matter. One example could be how the affordable housing policy is monitored to adapt to changing economic circumstances, ensuring the financial viability of sites remains in tact.

It will be important to monitor how housing provision is being brought forward in a phased manner so that it provides a continuing supply throughout the plan period **in each settlement group area**.

iv. the particular policy requirements associated with **European Sites** are properly reflected in the plan.

The LDP (paragraph 8.132) refers to the potential of several sites and settlements having HRA 'significant effect' impacts. It must be clear that after considering mitigation the strategy and plan allocations will not have significant effects that would prejudice the integrity of the resource, otherwise they should not be included in the plan.

The policy difference between European Natura 2000 sites, where the Habitat Regulations apply and other local nature sites is not fully reflected in the plan. The plan seeks to rely on national policy for European sites but the text could be clearer in emphasising the overriding importance of not significantly affecting the integrity of European sites.

v. there is no requirement to show **retail** need within town centres.

PPW (Edition 3, paragraph 10.3.1) indicates that within a town centre there is no need to provide evidence of demand for retail or other uses best located in town centres. The LDP suggests national policy relating to town centres and the sequential test will be used when considering proposals, but Policies LU18-20 (paragraphs 7.114, 7.116 & 6.115) suggest that need will be an issue even for sites within the small town centres defined on the proposals maps. This should be amended to accord with national policy.

v. the need for a specific definition/policy regarding the **undeveloped coast** has been considered.

There are several policies that relate to the coastal area which the text suggests is the area to the west of the coast road, along with a policy for coastal management schemes. However there is no specific definition of or policy for the undeveloped coast (PPW Edition 3, paragraphs 5.6.3, 5.7.2 & 5.7.7) and it has not been made clear how this has been considered when preparing the plan.

vi. minerals safeguarding is unnecessary within settlement boundaries.

Safeguarding inside settlement boundaries is not required by national policy and would not be appropriate to vary locally as it could cause unnecessary confusion.

vii. the requirements for particular types of **affordable housing** are clear.

Policy LU03 sets a threshold of 1 unit for seeking delivery of 20% affordable housing to meet the target of 1100 set in Policy S07. In paragraph 6.92 it states that the target in S07 will be in line with the distribution of AH identified in the LHNA (i.e. Intermediate at 70% market value - 20%; Intermediate at 50% market value - 21%; Social Rented - 59%). However paragraph 6.94 refers to the delivery of these three types of affordable housing in the proportions of 9%, 32% and 59%. Then in paragraph 6.97 the proportions of these types of affordable housing to deliver the 1100 target are referred to as 31%, 20% and 49%. These differences need to be clarified.

The LDP refers to the 2008 update of the Local Housing Needs Assessment (LHNA) as the basis for the policy on affordable housing. However, the Housing Topic paper refers to Ceredigion's 2009 Local Housing Market Assessment (LHMA) and a 2010 update which should contain a more up-to-date assessment of housing need and should therefore be a more appropriate basis for the policy.

Para 6.96 refers to 68 affordable homes having been completed over the period 2007 to 31 March 2010. However, according to the WAG AH Statistical collection 117 affordable homes were completed in Ceredigion over this period. This needs to be clarified.

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.

i. **Flood Risk** – Further clarity is needed to demonstrate how Policy DM 11 (LDP, paragraph 8.104) and Topic paper 'Sustainable Development Climate Change and Flooding' accord with national policy in that vulnerable development (including housing) is not appropriate, in areas identified as C2 floodplain. It is for the Authority to ensure that all allocated sites meet the full set of relevant tests in TAN 15. The allocated site schedules in Volume 2A should be consistent in identifying the amount of the site affected by any TAN 15 designation and the precise implications for development. The LDP web-site refers to the EA maps rather than the TAN 15 DAM maps which are the relevant planning policy constraint.

General Points

Policy SO1 - Some policies appear to be statements of intent rather than policies.

Policy S05 & DM04 - Would benefit from the employment allocations set out with the policy and an overall level of land supply specified.

Policy DM03 – Clarity would be helpful on the relationship of the reference to potential 'pooling' of S106 agreements and the Community Infrastructure Levy (CIL) Regulations and implications arising from 6th April 2014 (section 123). Paragraph 8.34 of the LDP does not appear to relate clearly to the policy.

Policy DM05 – The references to 'essential' and 'desirable' planning obligations in the policy are confusing with no reference to S122 of the CIL Regulations and three tests.

SPG should not include information that should be in the LDP e.g. specifics in relation to local occupancy criteria which is referred to in policy LU03 (4). The plan should contain sufficient detail and clarity to determine applications and not decant responsibility that should be within policy elsewhere.
