

Adran Adnoddau Naturiol
Department for Natural Resources



Llywodraeth Cymru
Welsh Government

Mr Peter Morris
Spatial Planning & Built Heritage
Cyngor Sir Powys County Council
The Gwalia,
Ithon Road
Llandrindod Wells
Powys
LD1 6AA.

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

16 July 2015

Dear Peter,

Welsh Government Response to Powys' Local Development Plan 2011 – 2026 Deposit Version

Thank you for your recent correspondence of 5th June including copies of the Deposit Local Development Plan (LDP) and accompanying documentation. We acknowledge the amount of work undertaken by the Local Planning Authority to reach this stage.

We emailed you on 14th May 2015 to provide an update on the local development plan refinement work. This confirmed that the Alternative Site Stage (Regulations 20 and 21 of the Town and Country Planning (Local Development Plan) (Wales) 2005) will be eliminated. The regulations are to come into force by the end of the summer and this will allow you to save time on your timetable. It is imperative that LDP preparation moves forward swiftly as the Planning Act (2015) makes reference to end dates of local development plans, and transitional provisions will be prepared to apply this principle to all development plans in Wales. This will apply to the Powys' Unitary Development Plan (UDP) which expires in 2016.

Under the LDP system responsibility rests with the local planning authority to ensure that a submitted LDP is sound in procedural terms, and enshrines the principles of early community engagement, transparency, consistency, coherence and compatibility to neighbouring authorities. If these principles have not been addressed adequately at the

earliest stages of preparation, then the deposit LDP may be considered unsound and unfit for examination.

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:

Housing Deliverability – further clarification is required on the viability of the housing provision to ensure that it is deliverable.

- 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:

Creating sustainable communities – This heading covers 9 areas:-

1. Spatial Strategy;
2. Housing Provision;
3. Provision for Affordable Housing;
4. Provision for Gypsies and Travellers;
5. Provision for Employment Sites;
6. Renewable Energy;
7. Welsh Language;
8. Natural Environment; and
9. Policy Wording & Constraints Map

- 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. Deliverability;
- II. Waste;
- III. Flooding; and
- IV. Monitoring Framework.

- 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.

- Specific technical issues

We have raised some of these issues with you on previous occasions and we will be meeting you on 10th August to discuss any matters arising from our formal response to your deposit LDP.

Yours sincerely

Mark Newey
Head of Plans Branch
Planning Division
Welsh Government
Annex

Annex to WG letter (16 July 2015) in response to the Powys Deposit LDP

- 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:**

1 Housing Deliverability

The authority has not adequately demonstrated that the level of housing provision in the LDP is viable and deliverable within the plan period. This raises signification questions regarding the delivery of both affordable and market housing, implications for the strategy, key issues and objectives, and the ability of the authority to maintain a 5 year land supply. **The delivery of housing is central to the plan's strategy and therefore goes to the heart of the plan.**

Whilst the Welsh Government supports aspirational authorities who wish to deliver on the key issues and objectives through housing growth, **it is unclear if an assessment of site delivery and the relationship to the trajectory has been undertaken in Powys.**

We note that build rates are required to increase to double the average of the past ten years (+140 units per annum to approximately 650 units between 2020-2022). The authority and the industry are best placed to explain the capacity of the development industry to accommodate this step change. The Welsh Government does not seek to speculate on what this number may be; **all plans must be based on a robust assessment of viability.** The authority has a challenging housing target; therefore it is imperative that annual completion rates are delivered as expected. This is to ensure that a five year supply can be maintained. The low level of completions at the start of the plan period (2011-2013) will significantly increase the annual build requirement of 368 units over the remaining plan period. Raising the annual build requirement will impact on the housing trajectory and the ability of the authority to demonstrate a 5-year housing land supply.

The Council's viability assessment implies that a significant proportion of housing provision is unviable raising questions regarding the deliverability of the plan as a whole. The Assessment (Powys Local Development Plan and Community Infrastructure Levy Viability Assessment October 2014) models 12 residential sites against a range of affordable housing targets (including a zero rate) across different sub-areas of the County. In each price area, the study indicates the sites "are broadly representative of the type of development that is likely to come forward in Powys in the future" (para 9.2, page 89). Whilst the model includes assumptions comparable with others across Wales, it is difficult to ascertain how the assumptions lead to negative land values in the majority of cases. The authority must demonstrate how these negative values affect the deliverability of the housing provision.

Having considered Table 10.5 (CIL viability assessment) the **authority needs to demonstrate that the housing provision included in the plan is deliverable.** The authority should provide further information to give certainty that over 40% of the

housing required can be delivered in the identified timescales. **The authority must demonstrate how the viability findings affect all components of the housing supply.**

The Population and Housing topic paper provides evidence on past windfall rates and completions over the last three years (Table 18). Given the historical completions on small and windfall sites, this appears at odds with the Councils own viability evidence. This requires clarification. In addition, the viability evidence also indicates that brownfield sites are unviable across Powys. The authority must demonstrate how this approach has informed Policy H4 and whether any of the housing provision is located on such sites.

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:

Creating Sustainable communities:

1 Spatial Strategy

The plan's spatial strategy is set out in section 3 of the LDP and in the LDP Spatial Strategy topic paper. As presented the plan does not clearly express its spatial strategy. There is no policy contained in the plan to ensure that the spatial strategy is delivered. The housing commitments/allocations are based on a hierarchy of settlements and the background work provides evidence to justify the authority's approach. A clear spatial strategy policy in the plan would allow for future monitoring and will ensure that the aims of the LDP are delivered. Without a policy and a clear reference to the strategic split between the hierarchical tiers, there is a risk that the location of new development could undermine the spatial strategy.

2 Housing Provision

The housing provision of 5,519 is based on the Welsh Government's 2011 household projections. This figure deviates above the 2011 projections by approximately 1,000 units. It is understood the authority have deviated above the 2011 figure to help meet the affordable housing need identified in the LHMA and to take account of higher past build rates in Powys. Given the concerns raised in Category A in relation to viability and deliverability, the authority need to set out the level of deviation and explain why they have determined to deviate above the 2011 projections. The authority need to explain how the aspiration to exceed the 2001 figures is balanced against deliverability.

There are contradictory statements in background papers. Examples include the following:

- The Population and Housing paper provides some justification on the migration rate, which is set at the 5-year migration rate, but then states that this rate may be too high as the mid-year estimates are indicating a further decline in inward migration. Clarification is required to explain how the conclusion of this paper ties in with the LDP Strategy topic paper (appendix A; point 20) which states that

inward migration of 21 – 30 year olds needs to be higher if the size of the workforce is to be contained and how the migration rates relate to the employment and housing provision.

- In the Housing and Delivery topic paper, the housing trajectory shows a significant increase in the delivery of housing from <300p.a. in 2015 to >600p.a. in 2021. This appears to be based on the site delivery profile, but it is questioned whether it is realistic based on the content of the Population and Housing topic paper. The trajectory should include all components of housing supply including windfall and small sites. The land supply assessment in Table 1 should evidence a 5-year supply up to 2026. Actual completions from 2011-2013 should be illustrated on the trajectory and the LA should confirm completions for 2014 and 2015.
- The Population and Housing topic paper provides information on the size of households, however it remains unclear how the authority has taken this on board. Is the LDP providing the necessary housing as identified in the topic paper of 1 – 2 bedroom households and has the provision taken into account that this rate may change over the plan period if the economy picks up?

3 Affordable housing

Affordable Housing Targets

Notwithstanding that we have raised concerns about the deliverability of sites, the viability testing in Central Powys does acknowledge that sites could bear the policy requirement for 30% affordable housing, yet the authority has adopted a cautious approach and dropped the requirement to the lower rate of 20% to enable a contribution towards infrastructure costs. Such costs should already be factored into the modelling assumptions, so it is not appropriate to drop the target and increase the headroom any further. The Council should explain how this approach aligns with Objective 1 of the LDP to meet affordable housing need.

The viability testing in South West Powys identifies that 11 of the 12 modelled sites are unviable and it is unclear why the authority has adopted a 10% affordable housing target in this area. Whilst the authority may be delivering affordable housing in 'hot-spots' across the South West, it is unreasonable to ask for contributions from all developments when the evidence indicates the majority of sites are unviable. Policy H4 should be more flexible to align with the requirements of paragraph 9.2.19 in PPW by indicating that the authority will negotiate with developers where it is intended to include an element of affordable housing in proposed developments.

Affordable Housing Threshold

Policy H4 requests affordable housing contributions on sites of 5 or more units or 0.25ha and above. The authority should justify this threshold when the 2014 JHLAs indicates that small site completions are viable and have totalled almost 430 units over the past 5-years. There is a misalignment with the viability assessment, which concludes that the majority of small sites are not viable. This appears at odds with the recent completions quoted from the 2014 JHLAs. Notwithstanding the concerns raised above regarding the Viability Assessment (2014), the authority should also explain its position on affordable housing thresholds in the context of the Assessments findings, which indicate that most price areas have viable sites greater than 3 units (Table 12.1).

Local Housing Market Assessment (LHMA)

The 2014 LHMA identifies the need for 2,295 affordable units over the 15-year plan period with the greatest demand for social rented properties. The Viability Assessment (2014) has modelled affordable housing requirements assuming 75% intermediate rent and the authority should explain how the need identified in the LHMA is aligned to the modelling assumptions. In accordance with TAN 2, the plan has included an affordable housing target of 1,044 dwellings and as a percentage of the housing requirement this equates to 19% of affordable units. The authority should explain how this relates to the target of 34% in the LHMA (paragraph 2.54) and whether the definition of 'intermediate sale' properties is compliant with the definition of affordable housing in TAN 2. The TAN also has a strong presumption that affordable housing will be provided on-site, however Criterion 4 of Policy H4 permits either on-site provision or financial contributions. The policy should be amended to align with TAN 2 and provide on-site provision in the first instance.

Mix of Affordable Units

Para 9.2.15 of PPW states that it is desirable that new housing development incorporates a reasonable range, mix and balance of house types and sizes to cater for a range of housing needs and contribute to the development of sustainable communities. Para 8.1 of TAN 2: "Local Housing Market Assessments and the Development Plan", states that it is important that a LPA has an appreciation of the demand for the different dwelling sizes and types of housing (i.e. intermediate and social rented) in relation to the supply so that the LPA can negotiate the appropriate mix on new sites. LDP affordable housing policies should not include the range/type/mix/size of housing as matters could change over the lifespan of the plan and potentially inhibit the delivery.

Policy H7 provides criteria for the development of rural housing in small villages and rural settlements. The size restrictions in Criterion 1-3 are linked to ACG notional space standards, yet the authority has not considered how the policy will apply if ACG standards change over the life of the plan. Furthermore, Criterion 4 removes permitted development rights from affordable units, but the authority have pre-empted the outcome of an Article 4 Directive that would need to be submitted to Welsh ministers for removal of permitted development rights in small villages and rural settlements. It is unclear how the policy would work in practice, or indeed, the intention of the authority. This needs further clarification and explanation on how it aligns with national policy to direct development to sustainable locations.

Exception Sites

Policy H6 states that in exceptional circumstances open market housing may be included to make a proposal viable. However, sites that include a mix of market and affordable housing cannot be classed as 'exception sites' under national policy. TAN 2 explicitly states that such sites are not appropriate for market housing (para. 10.14). The policy clearly states that this policy will apply to "Town and large villages". Further clarification is required to explain why these sites could not come forward as market housing delivering affordable housing in accordance with policy H4.

4 Gypsies and Travellers

The evidence doesn't quantify the need for either permanent or transit sites and when, within the plan period they are needed.

Plan Need

The 2014 Gypsy and Traveller Accommodation Assessment (GTAA) identifies the need for 25 permanent pitches and 4 transit sites up to 2026. Clarity is required on the robustness of these figures using the 2012 survey data in the assessment given (a) the additional need identified in paragraph 21.1 up to 2021, (b) further information gathered in April 2014 and (c) the recommendations in paragraph 23.1.

Welshpool

It is understood that the existing Leighton Arches Site in Welshpool has an immediate need for 1 permanent pitch up to 2016 and this can be accommodated by re-configuring the existing site. However, the authority should clarify that with two households having left the site, less the need for 9 pitches up to 2026; can the existing site in Welshpool accommodate the remaining need for 7 permanent pitches by the end of the plan period? It is essential that the site can deliver the identified need.

Machynlleth

The GTAA identifies an immediate need for 3 transit pitches in Machynlleth by 2016 and that an additional transit pitch is required by 2021. The authority should explain how Policy H13 aligns with the evidence by seeking to allocate a permanent site instead of providing transit provision. Subsequently, it would be useful for the authority to clarify if the site selection process was based on the need for permanent or transit provision; the latter would appear to align with the allocation from its positioning on the trunk road into Machynlleth, but may not necessarily meet the requirements of a permanent pitch identified in Policy H13. Circular 30/2007 and the Housing (Wales) Act, 2014, both identify a duty on local planning authorities to meet evidenced unmet need for residential and transit pitches. The evidenced need for 3 pitches in Machynlleth is currently unmet through the 'area of search' identified on the proposals map. Moreover, the Welsh Government has concerns regarding the deliverability of the site and its compliance with the site selection criteria in Circular 30/2007. The site in Machynlleth would generate additional traffic that would require a new junction into the site before it can be utilised. The authority should explain how the unfunded junction improvements and the possibility of a Compulsory Purchase Order (CPO) on the allocation would deliver the site in time to meet the need by 2016. The authority should ensure the deliverability of the site and that its approach to site selection conforms with Circular 30/2007.

5 Employment

Spatial distribution of employment land

The Welsh Government supports economic growth however, it is crucial that this economic growth meets the authority's objectives.

The authority's evidence identifies that manufacturing is expected to decline and that there are no individual sectors expected to grow (Economy – Employment & Economic Development topic paper 4.5.2). There are significant concerns about the loss from the County of people in their 20s and 30s. The evidence states that a large proportion of the workforce works outside the traditional B-class uses and that self-employed businesses and small start-ups are important for the local economy. It is not clear how the allocated sites or employment policies have been shaped by this evidence. The authority needs to explain how the policy framework and allocations will support small business growth, new start-ups and support an economy more likely to retain young workers. It is not clear how the authority's approach has been influenced by wider regional evidence or the larger than local approach set out in TAN 23.

Employment Provision

The LDP allocates 49 hectares for B1, B2 & B8 uses. The employment land review projects a requirement for 3 – 5 hectares (Economy – Employment & Economic Development topic paper 4.4.2). By making allowances for upgrading the existing employment stock, ensuring choice and a range of sites and a flexibility allowance, the projected requirement is increased to 40-56 hectares.

Some explanation is provided in the background papers (e.g. para 4.6.6 of the LDP Strategy topic paper). However, further clarification is required to justify the scale of provision. In particular, whilst there may be a need to upgrade and/or replace existing employment stock for modern business occupiers, it is unclear how this upgrading/replacing is likely to require an estimated 21 to 29 hectares of land. It is not clear who the future modern business occupiers will be or the likelihood of business relocating to the allocated sites, especially based on the conclusions of the viability study (para. 12.12).

Planning policy supports flexibility and a range and choice of sites and recognises that large historical employment sites can require considerable time to come forward. However, in the absence of likely demand for this scale of provision, it is important the authority further clarifies how these sites have been considered for other potential uses and whether sites could be released for other uses which could support the delivery of other objectives.

The authority should clarify what the implications would be on types of jobs (skills and salaries) and homes if land take were to meet the allocated 49ha over the plan period. Further clarification is necessary to explain how the supporting assessment work, in particular the Welsh Language Impact Assessment (WLIA), has taken account of the scale of employment allocations. Further clarification is required on what kind of jobs the authority is expecting for the allocated sites. Are the required skills available locally, or would this encourage job migration into the area and increase pressure on housing/Welsh language?

Site Selection

TAN 23 requires a sequential approach to site selection for employment sites in rural areas. Further clarification is required on whether a sequential approach was used.

Deliverability

The majority of the allocated employment sites were included in the UDP. The authority's explanation as to why these sites have not come forward (LDP Strategy topic paper; Appendix E) should be expanded to clarify why these sites have remained in the plan. How can the authority be confident these sites will be deliverable and meet employment requirements over the life of the plan? Being candidate sites alone is not enough of a justification to include them in the LDP. More certainty on deliverability and viability is required.

6 Renewable Energy

The presence of a target for renewable energy generation is welcomed (objective 5). The LDP does not give details as to how the planning system will contribute to the achievement of this target.

Policy RE1

Policy RE1 is confusing in nature and should be amended. The authority need to identify the different scales of renewable energy (outlined in PPW) and write appropriate policies

accordingly, as others have done across Wales. Policy RE1 attempts to follow this approach but as drafted is unclear. A Renewable Energy Assessment has been undertaken, however the Deposit Plan fails to take the opportunity to take into account the contribution the area can make towards developing and facilitating renewable and low carbon energy and plan positively for appropriate development. Further consideration needs to be given to how to translate the evidence base into a set of policies which guide appropriate development. For example, can the co-location of developments optimise opportunities for renewable energy? The energy assessment could also be used to form a policy (separate to DM2 (14)) to translate the relevant content of the energy assessment to the plan. The energy assessment could make it clear what is expected and to what scale/ type of development the policies apply.

At the large-scale, 25MW or more, the policy should make reference to the SSAs in TAN 8 and how the authority is dealing with them. It is noted that the authority is not refining the TAN 8 SSAs, and the authority's approach to and reasoning for not refining them should be included in the plan. The LDP should not simply make reference to the outcome of the Mid-Wales conjoined windfarm inquiry. At the very least the authority's position at that Inquiry should be included in the plan. Larger scale developments may have their own criteria which the authority needs to give consideration to and outline and not just defer to national policy.

The reference to LANDMAP and 'incidental' to landscape characteristics is confusing and needs further explanation. Similarly it is not clear what is meant by "All proposals must demonstrate efficiency, effectiveness and economy to minimise individual or cumulative adverse impacts, in particular where located in the open countryside..."? Potentially a draft SPG could outline how these criteria will be applied. Alternatively, they could be redrafted to be made clearer.

Smaller developments will have their own localised issues for which the authority should ideally develop separate criteria-based policies. Or if it is considered they are the same as the larger-scale developments, one appropriately and clearly worded policy.

7 Welsh Language

Compliance with TAN 20

In accordance with TAN 20, the SA of Powys's LDP assessed the impact of the spatial strategy, policies and allocations on the Welsh language and was found to have an overall positive impact. To comply with TAN 20, the findings of the SA on the Welsh language should be included in the reasoned justification to Policy DM2. The SA of the plan assessed the implication of the housing requirement and all the components of housing supply on the Welsh language, which included an allowance for windfall sites.

To align with TAN 20, applications on non-allocated sites should not be subject to a further assessment of impacts on the Welsh language. The authority should explain why Criterion 15 of Policy DM2 is seeking to refuse applications on the basis of the Welsh language when the SA has evidenced a positive impact from all proposed development in the plan. Specifically, Criterion 15 (i) is seeking to refuse housing development in Welsh-speaking strongholds, which does not lead to more than a 5-year housing land supply. On this basis, it is unclear how the requirement for a 5-year supply will be maintained and whether it applies to individual settlements or the plan area. Similarly it is unclear what evidence supports the inclusion of the other two criteria, clarification is required to explain for example what impact a retail development would

have on the Welsh language? The policy approach is contrary to national policy and should be amended accordingly.

Mitigation

Development considered to impact on the Welsh language is required to include mitigation measures in Welsh-speaking strongholds of Powys. The strongholds in the North-West and South-West should have a spatial implication on the proposals map or be appended in the plan. Mitigation measures will be sought through S106 obligations in accordance with Policy DM3, but the authority should clarify how the S106 obligations can be achieved given the limitations of the CIL Regulations and the viability assessment.

8 Natural Environment

The statutory and non-statutory environmental designations in Powys are listed in Criterion 9 of Policy DM1. In accordance with paragraph 5.4.6 of PPW, such policies should, wherever practical, be clearly identified on the proposals map or be capable of being identified from clear criteria in the policy. At present, not all listed designations are illustrated on the proposals map, for example, carbon stores and Wildlife Trust Reserves. Conversely, there are designations on the proposals map that are not listed in Policy DM1. To aid clarity, the Council should consider the use of a constraints map or appendices and confirm if non-statutory designations, such as Special Landscape Areas and SINC's, have been surveyed in Powys as they are not listed in Criterion 9 of Policy DM1. Conversely, there are designations on the proposals map that are not listed in Policy DM1. It should be clear to the users of the plan where designations are and which policies apply.

Policy DM1

In accordance with PPW, the Natural Environment topic paper recognises the importance of conserving native woodland and protecting and planting trees in Powys. It is therefore unclear why a locally-specific conservation policy is omitted from the plan.

9 Policy Wording & Constraints Map

Development management policies DM1 and DM2 are long and confusing. The authority needs to be confident that decision making will not be hindered by the complicated nature of these policies. All development will need to comply with all aspects of these policies. It is questioned how practical this will be and whether future development proposals will be hindered by this approach. The authority should consider amending and separating policies to provide clarity for future decision making.

Some examples are provided below:

DM1 (2) and (3): How do these differ? Criterion 2 refers to provision; criterion 3 refers to employment but goes further to include "sites and buildings in economic use". DM2 (3) is even more confusing by the additional sub-criteria. It is impossible to follow the meaning of the policy as written.

DM 1 (4) iv: this policy could be considered too onerous as it would be impossible to satisfy.

DM1 (9): Paragraph 5.4.1 of PPW states that plans should seek to 'conserve and enhance' their natural heritage, however, the introductory wording to Policy DM1 does

not adopt this positive approach. Moreover, the policy does not comply with the requirements of PPW to include criteria against which a development affecting the different types of designated sites will be assessed. The relative weight attached to statutory and non-statutory designations is also omitted from the policy and subsequently fails to comply with TAN 6. How are the “important carbon stores” identified – it could be argued that any soil could fit under this description.

DM2 (6) Criterion ii: the principle of this criterion, and the overall policy, is welcomed. The second criterion states that “space should be specifically set aside for SuDS...”. This policy may restrict opportunities to combine SuDS and Open Space provision, or to appropriately integrate SuDS into a site’s design. The authority should consider re-wording to make clear that SuDS may not always require a dedicated space on a development site. Paragraphs 4.2.32-34 make this point, but it would be worthwhile also stating it in this section

Flooding policies in DM1 and DM2: The authority’s flooding policies are contained within these two policies. As drafted, these policies do not sufficiently reflect national policy and are confusing. The flooding policies should be re-written to provide a much stronger presumption against development in vulnerable areas; reference to the requirement for detailed technical assessment when dealing with development proposals affected by flooding issues; and that the consideration of development in zone C will be informed by wider considerations than flood consequences alone. The authority should consider whether a stand-alone policy would better reflect the importance of flooding in determining the location of new development and more clearly set out the plan’s approach. A revised policy could include a reference to the need to incorporate flood risk mitigation measures such as Sustainable Drainage Systems (SuDs). The detail currently included at DM2.5 could be set out within the SuDs SPG the LDP refers to, rather than the policy.

Constraints Map

The use of constraints maps have proven useful across Wales to ensure policies are comprehensive. When compared to other adopted plans across Wales, we note the authority does not have a constraints map. This map, for example, could include: appropriate statutory designations outside of their control and non-statutory designations, such as Sites of Interest for Nature Conservation (SINC) and areas vulnerable to flooding. This map could be regularly updated as required by the authority.

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 Deliverability

It is for the authority to demonstrate what other planning obligations/contributions will or will not be covered and how this relates to Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. The Community Infrastructure Viability Assessment has included the detailed components of the viability assessment. The

authority has indicated some prioritisation in its reasoned justification to DM3, however this is not comprehensive and further clarification is required to ensure that no policy vacuum will appear given the pooling of S106 contributions has been limited. This should not be left to an early review of the plan and it is not in the interest of the plan to create a policy void. Further explanation is required to clarify how this issue will be addressed.

The Community Infrastructure Viability Assessment (paragraph 13.29) states that the authority “is in the process of establishing requirement for infrastructure to support new development and the costs of providing this.” It would be useful if this information was available in order to gain further understanding on the deliverability of sites.

II Waste

TAN 21 sets out the Welsh Government’s planning policies in relation to waste. Towards Zero Waste and the Collections, Infrastructure and Markets Sector Plan (CIM Plan) set out the long term framework for waste management in Wales. In order to reflect national policy and ensure it is clear to all plan users how this framework has informed the LDP, the plan should refer to the CIM Plan and explain how waste management facilities and strategies will be developed in accordance with the CIM Plan and in time the findings of the Waste Planning Monitoring Report.

Policy W1 should be amended to include a reference to landfill waste facilities. As drafted W1 says only in building/bulking stations, HWRC and exemption sites for inert waste will be permitted. The supporting text refers to where additional landfill capacity would be found and how unforeseen landfill need would be addressed. The plan should also identify the need for Waste Planning Assessments to be submitted with waste proposals to enable an assessment of the application and explain how a proposal will contribute to meeting the requirements set out in the CIM Plan.

The evidence identifies the potential requirement for HWRC and sites for inert waste over the plan period. The authority should consider the inclusion of a criteria based policy for the identification of new waste sites.

III Flooding

LDP Appendix 1 identifies which sites are affected by flooding issues and how respective sites will be required to address these issues. The authority will need to satisfy themselves that these sites aren’t affected by delivery issues (in terms of both flood mitigation measures and insurance restrictions) and that the latest Development Advice Maps (DAMs) have informed the site selection in the deposit plan (published January 2015). The authority should also explain how sites affected by flooding issues are phased in the housing trajectory and whether there are any impacts on the 5 year supply.

The LDP includes sites within flood risk zone C2 on account of extant planning permissions. It is important that the plan does not affirm these sites as allocations on an on-going basis throughout the plan period. Should existing permissions expire, any fresh applications will need to be reassessed in the light of up-to-date policy and guidance concerning highly vulnerable development and flood risk. The authority should ensure that the wording of policy H2 (3) is strong enough to ensure such developments will be refused in future.

IV Monitoring Framework

The monitoring framework (MF) needs to enable the progress of the plan's implementation to be measured, provide an early alert to avoid non-delivery and provide the basis for consideration of review.

Further consideration should be given to the following areas of the framework:

- The framework should monitor the deliverability of policies, as there is no policy linking to the spatial strategy; the framework is measuring an output with no policy included in the plan.
- The phasing of the development sites, their delivery, relevant triggers and associated action points. This would apply for example to housing, employment, Gypsy and Travellers, renewable energy, affordable housing. The trigger for "distribution of housing growth" for example is weak – the trigger should have definite actions depending on the percentages at each of the hierarchical tiers.
- The monitoring indicator concerning renewable and low carbon energy seems confusing. The sentence "This will help to achieve 100% renewable electricity production and 12% renewable heat production compared to that which is used domestically in the County by the end of the plan period" is confusing. It is also unclear how Buildings Integrated Renewables will be monitored.
- Targets and triggers should be included to ensure that key factors are delivered e.g. planning obligations how does this information relate to the viability assessment (5 contributions can be pooled); this will identify the shortfalls for the authorities. The triggers and actions are weak.
- In the context of LDP manual guidance (section 9.5) the ongoing LDP Process Refinement Exercise should be considered in finalising the MF; see at following link:

<http://gov.wales/topics/planning/policy/guidanceandleaflets/ldp-process-refinement-report/?lang=en>

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.

Specific technical issues:

- Table E1 should include the individual site reference numbers.
- SuDS – For consistency the plans should read Sustainable Drainage Systems
- It is noted that some of the background papers include draft policy wording these differ from the final policy which appears in the plan.
- P42 EA1 lies within the registered area of Plas Machynlleth PGW (Po) 26(POW) which is included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales. The authority should ensure that any proposal meets the criteria set out in policy DM1 (8).
- The Newtown bypass appears to have been mapped correctly although the westerly tie in to the A 489 is not clear on the LDP map.