

Amgylchedd a Datblygu Cynaliadwy
Environment and Sustainable Development



Llywodraeth Cymru
Welsh Government

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Our Ref: qA980858

Your Ref: P/POL/LB/LDP30

Date: 30th March 2012

Dear Rob,

**Vale of Glamorgan Local Development Plan – Deposit LDP:
Welsh Government Representations**

Thank you for your letter of 15th February 2012 including 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. I 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). The Welsh Governments 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 are considered to 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) Minerals.

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) Housing: Spatial Distribution of Growth;
- (ii) Deliverability;
- (iii) Monitoring Framework; and
- (iv) Affordable Housing.

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) Gypsies and Travellers; and
- (ii) Agricultural land quality.

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:

- (i) Housing Supply Background Paper;
- (ii) Policies MD1, MD3, MD4, MD6 and MG5; and
- (iii) Appendix 2.

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.

You should consider how you could maximise the potential of your LDP being considered 'sound' through the examination process. An early meeting is considered important to discuss matters arising from this formal response to your deposit LDP and would encourage you to contact me to arrange a mutually convenient time.

Yours sincerely

Mrs Lydia Haskey
Senior Planning Manager
Planning Division
Welsh Government

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:

Minerals

Safeguarding

It can be seen from the policy, proposals map and background paper that the Vale of Glamorgan have not safeguarded limestone in its entirety and have instead confused it with the policy for identifying areas for future working. It confuses the principle of resources and safeguarding with commercial reserves (areas with potential to be worked in the plan period). Paragraph 8.2 (Minerals Background Paper) explains how the Vale of Glamorgan are targeting resources 'that could be worked without undue detriment to the environment or residential amenity' – this is a clear indication that their safeguarding areas are, in effect, preferred areas for future working. The full extent of the limestone should be safeguarded.

Safeguarding does not indicate an acceptance of mineral working. The policy on safeguarding does not address potential sterilisation of mineral resources from other forms of development, or the potential for pre-extraction if this conflict arose.

Sand and gravel is safeguarded areas appear under 'safeguarded mineral resources'. This does not appear to cover the entire sand and gravel resource known to exist. The full extent should be safeguarded.

Barry Dock Wharf

The stance on not safeguarding the wharf at Barry Dock goes against advice in the Regional Technical Statement. This should be safeguarded.

Dormant Sites

Clarification of the intention to make prohibition orders on long dormant sites to provide certainty would be beneficial.

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:

Bi. – Housing: Spatial Distribution of Growth

It is unclear how the role and function of settlements has been fully reflected in the scale of housing proposed in certain locations. While the scoring matrix focuses on 'functional links' (Sustainable Settlements Appraisal 2011), the services and facilities in many of the minor rural villages themselves are poor. A more realistic assessment of the settlements and their ability to provide for sustainable development having regard to services and facilities is required.

Some allocations in minor rural settlements, for example, 150 units in Wick and 95 units in Ystradowen are particularly large and will disproportionately increase the size of these villages. Paragraphs 5.16 & 5.17 of the written statement acknowledges the need for some

growth in minor rural settlements and states that growth here will help to meet local housing needs and to support existing local services. It is unlikely that development of this scale will only provide for local needs housing. An explanation of whether provision matches need in the appropriate locations should be provided. Other larger settlements with higher levels of services/facilities appear to have limited growth opportunities in relation to their role and function.

Issues have been highlighted in relation to high levels of out commuting to work and peak time congestion (Paragraph 3.20), coupled with limited facilities and poorer public transport infrastructure within rural settlements as influencing locational choice. However, the proposed spatial distribution could potentially encourage reliance on the car. While it is acknowledged that one of the aims of the plan is to support facilities in minor rural villages, it is not clear that the rationale for allocating over 800 units in such areas has been fully evidenced. The current spatial distribution has potential conflicts with Key Objectives 2 and 3 of the Plan.

Further evidence is required to explain why more sustainable service centre settlements (as scored by the local authority) have in some cases lower housing numbers than those in minor rural villages. For example, Cowbridge has only 187 new units where as Wick and Ogmorie by Sea, have over 150 units. In addition, it is not clear why settlements such as St Brides Major and Wenvoe, have scored highly and have no housing allocations. (Sustainable Settlements Appraisal 2011, p14 & Policy MG2).

The rationale for not including settlements boundaries around minor rural villages is not clear and requires further justification. Paragraph 7.34 (and Policy MG7) of the written statement states that it was a deliberate choice not to draw boundaries around these settlements and that development will "generally comprise infilling or limited small scale extensions to the minor rural settlements, in particular where they meet the need for affordable housing". The policy appears to be in direct contrast with the large numbers of allocated units within some of the minor rural villages. Whilst Policy MG7 gives some criteria for future development, it does not restrict numbers and the lack of a settlement boundary in these locations could result in additional housing sites coming forward in the plan period. Development in these locations is likely to be greenfield, with fewer development constraints than brownfield sites.

Bii. – Deliverability

a – Deliverability of Growth

Whilst we do not disagree with the overall level of housing provision in the plan, the deliverability of housing within the plan period requires further explanation. The mix of sites, degree of confidence in their delivery, infrastructure and planning requirements set out in Chapter 8 for the respective land uses is noted (paragraph 8.6, page111). However, the majority of development sites rely on private sector investment and implementation which requires further clarification. The uplift from previous build rates also needs to be justified with a detailed explanation as to how deliverability can be achieved, particularly how the housing trajectory links to the phasing and deliverability of employment land, and vice versa.

The LDP has phased housing delivery over three five year periods, with rates progressively increasing. Brownfield sites are preferred and phased earlier in the plan. Table 6 (Housing Supply Background Paper) is helpful and documents the proposed release of land on housing allocations on a site by site basis. However, it is not clear how the preference of brownfield sites, particularly in the earlier stages of the plan will be managed in terms of the planning application process. How will the plan avoid 'cherry picking' of easier to develop

greenfield sites phased in the later stages of the plan period? The plan needs to be more robust in how it will control the phasing of development.

Attaining the higher build rates will only be feasible if the planned large strategic sites come forward as phased, especially in the earlier years of the plan. These sites account for 33% of site allocations. (2011-16 930 units, 2016-21, 900 units, 2021-26 700 units). If construction is delayed on these sites it is likely to affect the plans ability to deliver the housing requirement.

It is vital that the monitoring framework identifies any significant shortfalls and should be sufficiently robust in order to ensure the strategy is delivered.

b – Deliverability: Employment

Many employment allocations have significant constraints as highlighted in Chapter 8. In several cases these constraints are likely to affect the timing, viability and developable area of the allocations, albeit some sites appear to be at a greater risk than others.

The SEWCUS water resource zone is one of two that covers the Vale of Glamorgan and this has highlighted a potential shortfall in supply from 2020. Whilst water modelling has considered population projections, the added demand arising from employment activities appear to be more difficult to take into account. The substantive nature of the scale of the employment proposed could have a bearing on overall water supply issues.

In addition, there are constraints relating to individual allocations. Further evidence is required to demonstrate that the constraints would not restrict development. Some examples include:

- Atlantic Trading Estate (6.6ha) is located in a C2 flood zone, with sewer upgrades required, a Bronze Age settlement and early medieval barns have been found that could result in the total developable area being reduced.
- The Strategic Site at Aerospace Business Park (88.5ha) has archaeological constraints. Bronze Age burials, along with Roman and medieval settlements have been located on the site. These features may restrict development, and archaeological works may be required before and during construction.
- Llandow Trading Estate (6.8) has constraints relating to carboniferous limestone and its proximity to a land fill site, in addition an archaeological evaluation may be required.

Other listed constraints on some allocations include, ecology, nature conservation, infrastructure provision and buffer zones.

Further clarification is required on how such constraints can be overcome and that they can be dealt with in order to deliver the required development within the plan period. In addition there is a lack of timescales and phasing information for some employment sites and the interrelationship with housing development.

It is vital that the monitoring framework identifies any shortfalls in delivering the level of employment in the plan period, including appropriate triggers that will inform how these issues will be addressed.

c- Deliverability: Policy SP7 (1) MG20 (5) Direct Rail Link to Cardiff Airport / Policy MG13 Strategic Site Adjacent to Cardiff Airport and Port Road

Integral to the Strategy is the provision of a new rail link to Cardiff Airport (a spur from the existing Vale of Glamorgan railway line) The supporting text of SP7 states that this new link will be delivered as part of the initial phase of the development, to enable the delivery of Strategic Site (MG13). The supporting text states that the scheme will be delivered by the private sector in conjunction with the Welsh Government, through a combination of public and private sector funding. This scheme is currently not included within the National or Regional Transport Plan. It is not clear how the new rail link will be funded. Is it anticipated that planning obligations sought from the development of MG13 will fund the scheme? We note that Supplementary Planning Guidance: Planning Obligations will be produced; however there is no indication of the timescales for its production. Further clarification is required in relation to the extent of funding.

The supporting text at Paragraph 5.55 states that the phasing of the proposal is outlined in Policy MG4, however, Policy MG4 relates to the Strategic Site at St Athan. This appears to be a typographical error and should relate to MD4: 'Community Infrastructure and Planning Obligations'? However, there is no phasing information within MD4 and the policy is not specific to the infrastructure required in the plan period.

The delivery of the rail link has implications for the development of Strategic Site MG13. It is anticipated that the employment land to the east and the new rail link will be developed in the first phase. No development will occur on the second phase (to the South of Port Road) until the railway line is operational. What are the implications for the delivery of this site if the rail link is delayed?

Chapter 8 Delivery and Implementation (p117 & 118) offers little clarification in terms of funding, timescales and the delivery of the necessary infrastructure. More clarification is required.

The monitoring indicators in relation to the delivery of the rail link and strategic sites are inadequate. (Please see comments in relation to the monitoring framework)

d – Deliverability: Reserve Sites: Heol Y Felin (345 units) / Land West of Swanbridge Road (650 units)

Chapter 8, p130, notes that Heol y Felin may be subject to flooding and archaeological issues. It should be demonstrated that the site is deliverable in its entirety. Clarification is required in order to determine to what extent the numbers of proposed units (345) are affected by the C2 flood zone and are there implications for reductions in the scale of growth? It must be demonstrated that the site can deliver its objectives.

Chapter 8, p139, notes that Land West of Swanbridge Road has archaeological constraints that may result in part of the site being retained as open space in order to protect archaeological features. What impact will this have on the site capacity? We are aware that agricultural land within reserve site MG2 (25) is potentially subject to a high probability BMV rating. Chapter 8 (p140) states that an 'Agricultural Land Assessment' is a planning requirement. Further clarification is required in order to determine if the appropriate surveys have been undertaken.

Development of this site is, therefore, potentially contrary to Welsh Government policy towards the conservation of BMV agricultural land (PPW 4.9.1). To bring into line with WG

policy will require the ALC of the land to be definitively identified by field survey and, if BMV quality is confirmed its loss should be fully justified in accordance with the procedure as described in PPW 4.9.1. The scale of potential loss of BMV quality agricultural land in this case, amounting to 27 hectares, is significant and is of concern to the national agricultural interest.

In order to ensure that the flexibility allowance within the plan is deliverable, the plan needs to demonstrate that the sites can be appropriately mitigated and can come forward in their entirety.

e – Community Infrastructure Levy (CIL)

We note that the Local Planning Authority intend to adopt a CIL charge in 2014. By virtue of the Community Infrastructure Regulations 2010, after April 2014 the ability to secure infrastructure through planning obligations will be limited. Pooled S106 contributions will no longer be allowed after 06th April 2014 (5 or more).

It is imperative that the Council secure the infrastructure necessary to deliver the development proposed in the Local Development Plan. The Council needs to be in a position where it has the appropriate mechanism in place to secure financial receipts from development in order to meet the identified requirements. A policy vacuum, leading to insufficient financial receipts to deliver the required infrastructure should be avoided. Further explanation should be provided to demonstrate how this situation is not an issue, or, if it is how will it will be resolved.

Biii. - Monitoring Framework

The mechanisms for implementation and monitoring need to be sufficiently clear and also sufficiently sensitive to provide an early alert to non-delivery. An appropriately transparent and comprehensive monitoring framework should be an integral part of an LDP. The LDP monitoring framework (Chapter 9) has some shortcomings regarding ranges, trigger points and unspecified appropriate remedial actions.

The monitoring framework is split into four categories, contextual indications, core output indicators, local indicators, environmental indicators. The rationale for not setting targets for core output indicators has not been explained. Core indicators are essential and include key indicators such as housing completions, land supply and employment. It is difficult to determine what/when would lead to a review of key policies within the plan. Key housing sites, infrastructure, and employment schemes required to deliver the strategy should be individually listed. Appropriate trigger points that would allow sufficient time to consider and introduce alternatives should be included within the monitoring framework.

Strategic policy indicators and targets are every five years; these are not specific enough to warrant action. For example SP3 Residential Development has a target of 7721 dwellings by 2026. It is not clear from the monitoring framework what/when would trigger the release of the reserve sites.

In addition a transport indicator for SP7 is “two schemes by 2016”. It is not clear what these schemes are. The indicator suggests that these could include cycle schemes or major rail infrastructure. Monitoring indicators should be appropriately linked to the key priorities and their phasing within the plan period.

Biv. - Affordable Housing

Policy SP 4 - Affordable Housing Provision (*& Policy MG5 & MD7*)

The Local Housing Market Assessment (LHMA) concludes that affordable housing need for the Vale of Glamorgan is 915 per annum (equating to 4,575 per 5 year period, 13,725 over the plan period). The LDP will contribute towards meeting this identified need through the provision of 2,624 affordable dwellings over the Plan period. 1820 units will be delivered through new allocations and 804 units from windfall and small sites. This equates to 19% of the need identified in the LHMA.

a – Affordable Housing in Rural Areas (MD7) ‘Exception Sites’

Policy MD7 states that affordable housing will be permitted for 10 units or less beyond identified settlement boundaries...”

It is not clear from the policy if these rural exception sites only apply to those settlements that have identified settlement boundaries. It can be seen from the proposals map that settlement boundaries are generally drawn around larger settlements such as Barry and Cowbridge. The wording of the policy appears to exclude rural exception sites in the smaller villages that do not have identified settlement boundaries. Paragraph 5.44 states that policy MD7 will provide a framework which allows the development of “affordable housing in sustainable locations outside the settlement boundaries of the town and villages identified in the settlement hierarchy”. The Sustainable Settlements Paper documents the ‘score’ of each settlement. Many settlements that scored favourably do not have settlement boundaries. The wording of Policy MD7 would exclude them from local needs affordable housing.

b – Affordable Housing Thresholds / Targets (Policy MG5)

We note the following affordable housing targets and thresholds as set out in Policy MG5:

(5 or more dwellings)

- 30% in Barry, Llantwit Major, Rhoose & St Athan
- 35% Cowbridge, Dinas Powys, Llandough, Penarth, Sully, Wenvoe, Minor Rural, Rural Vale

The table contained within Affordable Housing Background Paper (2011) Appendix 1, p13 aids clarity and documents the numbers of affordable housing units on residential allocations. The Affordable Housing Viability Study (2010) uses the 3 Dragons methodology for assessing viability. A range of densities and targets have been tested in relation to notional one hectare sites and case studies on small sites. It is encouraging that the viability work has considered the implications of Code Level 4 and the Community Infrastructure Levy (CIL).

However, the conclusions of the report are not reflected within the policy (MG5). The report recommends (Paragraph 6.30) that the Council adopt a 10 unit threshold in Barry and Penarth, and a nil threshold elsewhere in the Vale of Glamorgan area. This reflects that the brownfield sites in Barry and Penarth are generally more constrained. If a threshold of 5 is considered viable in Barry and Penarth, this combined with a nil threshold elsewhere could enable increased delivery of affordable housing.

In addition, it is not clear if the Council have considered using commuted sums in order to secure affordable housing on sites below 5 units. It is not apparent from the evidence base

that the Council has fully considered this as an option and the reasons for not doing so could be better articulated.

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:

Ci. Gypsy and Traveller Sites

We note that land is allocated at Llangan that meets the identified need of 6 authorised pitches and 15 transit pitches over the plan period.

It is noted that there are some references to English only guidance. Some assurance that Welsh Guidance has been used should be provided.

Cii. Agricultural Land Quality

Further evidence that sites allocated for development do not impact on the best qualities of agricultural land should be provided. It would appear that the reserve site MG2 (25) is high quality agricultural land and this may impact on the deliverability of the site and have a consequential adverse impact on the flexibility allowance within the plan.

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.

(Di.) Housing Supply Background Paper (November 2011): Paragraph 3.13 states that due to current economic conditions, the small site and windfall sites figure has been reduced by 25%. Clarification is required as to why a figure of 25% has been chosen, as opposed to a higher or lower percentage.

(Dii.) Policy MD1 – Location of New Development: The policy wording here could benefit from more clear expression. Does the policy refer to 'sites of important nature conservation value' rather than meaning to refer to sites of 'importance for' nature conservation? The former is a wider catchment of European through to local designations.

(Diii) Policy MD3 – Design in New Development. Criterion 3 refers to 'existing features of biodiversity interest' - these need to be clarified and identified somewhere - a broad indication would be acceptable.

(Div) Policy MD4 –Community Infrastructure & Planning Obligations: In relation to Criterion 7, clarification of what is intended by 'Environmental protection and enhancement such as Nature Conservation' would be helpful.

(Dv) Policy MD6 – Promoting Biodiversity: The third paragraph of the policy needs to be more tightly worded, does this apply to nationally/internationally important sites? The phrase 'priority habitats' needs to be explained and put into context. The SPG 'Biodiversity and Development' should be updated to reflect the policies in the LDP and updated to clearly set out what is expected in an 'Ecological Appraisal' (Para 6.26 refers).

(Dvi) Appendix 2 – Supplementary Planning Guidance (SPG): We note the list of SPG, however there is no indication of timescales for their preparation. In addition the monitoring framework fails to include the preparation of SPG as considerations for targets and triggers, especially in relation to Development Briefs and Masterplans. We note that some information in relation to this is contained with Chapter 8 Delivery and Implementation.

(Dvii) Policy MG5 Affordable Housing- Paragraph 7.22 is somewhat misleading as it seems to suggest that the affordable housing target of 2,624 meets the need identified in the LHMA, whereas it only addresses 19% of the identified need over the plan period. Related to this, paragraph 7.4 of the Affordable Housing Background Paper states that the affordable housing target accounts for 58% of the need identified in the LHMA. Has this has been calculated on the basis of the 5-year figure (4,575) rather than the 15-year figure (13,725)?
