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29 August 2019

Dear James,

Conwy County Borough Council: Replacement Local Development Plan – Preferred Strategy Consultation: Welsh Government Response

Thank you for consulting the Welsh Government on the Conwy County Borough Council Replacement Local Development Plan (LDP) – Preferred Strategy consultation. It is essential the Authority is covered by an up-to-date LDP to give certainty to local communities and investors.

Without prejudice to the Ministers' powers, the Welsh Government is committed to helping Local Planning Authorities (LPAs) minimise the risk of submitting unsound plans by making appropriate comments at the earliest stages of plan preparation. The Welsh Government looks for clear evidence that the tests of soundness (as set out in the 'LDP Manual' Edition 2) are addressed.

Planning Policy Wales (PPW) Edition 10 establishes the key national planning priority to deliver high quality, sustainable places through place-making. PPW also requires a wider, sustainable and problem solving outlook, which focuses on integrating and addressing multiple issues to deliver effective planning outcomes. This means a move away from the traditional approach of considering policy areas in isolation and encourages more placed based policies. The seven well-being goals must also be demonstrated, together with the five ways of working which encourages everyone to think in an integrated and collaborative way about policy making and drawing-out long term trends. The implementation of core policy areas in PPW such as ensuring a sustainable spatial strategy, housing and economic growth levels, infrastructure delivery and place making is further articulated in Edition 3 of the Development Plans Manual (Edition 3) (DPM). The DPM is currently out for consultation and will be published during October 2019. The WG expects the core elements of the Manual, in particular the guidance set out Chapter 5: Preparing an LDP – Core Issues and the 'de risking checklist' to be followed when preparing the evidence base, and to be taken into account in the content and presentation of the plan itself.

The Welsh Government has published the National Development Framework (NDF) for consultation. The NDF is due to be adopted prior to adoption of the Conwy LDP. The Conwy LDP will need to be in general conformity with the NDF when adopted. The Council should assure itself that general conformity can be achieved.

The Council is commended on the breadth and quality of the topic and background papers submitted to inform the Preferred Strategy and the level of detail within the Written Statement. The Council has embraced the front loading approach to development plan preparation which will put the authority in a strong position moving forward towards Deposit. The frontloading approach will ensure more effective engagement and more meaningful comments are possible at this early stage, including the identification of key issues and constraints to be addressed with key stakeholders.

The Strategy directs 90% of development to the Coastal Development Strategy area and 10% to the Rural Development Strategy Area, adopting an approach to locate major generators of travel demand within existing urban areas or in locations which are, or can be easily reached by walking or cycling, or well served by public transport and services. The Welsh Government has no issue with the spatial strategy or the scale and location of homes and jobs proposed.

Demonstrating delivery of the strategy and allocations will be critical and this should be supported by your authority's evidence in the Deposit plan. The work undertaken to date on place making, infrastructure requirements, housing trajectory, initial viability work and strategic site delivery puts the LPA in a good position going forward. Further comments are set out in the annex to this letter with additional guidance contained in the draft LDP Manual (3rd Edition).

The Planning and Compulsory Purchase Act (PCPA) 2004, the tests of soundness and PPW all emphasise the importance of collaborative working between neighbouring authorities to secure the best possible planning outcome for communities. The Council has strong relationships with adjoining authorities, in particular Denbighshire. The plan must demonstrate how these relationships have influenced the strategy, policies, proposals and site allocations. The scale and location of employment growth along the A55 corridor is a specific matter in this respect.

Our representation also includes more detailed issues in the annex to this letter. Collectively, our comments highlight a range of issues that in our opinion need to be addressed if the plan is to be considered 'sound'. We have indicated where evidence of soundness is not immediately clear and where the evidence base should be improved or strengthened going forward. Key areas include:

- Local Housing Market Assessment (LHMA) – clarity and consistency
- Gypsy and Travellers
- Affordable Housing 'Exception Sites'
- Welsh language
- Delivery and implementation
- Renewable energy

We strongly advise that these matters are addressed in order to maximise the potential of your LDP being considered 'sound' at the Deposit stage.

As always, we would urge you to seek your own legal advice to ensure that you have met all the procedural requirements, including Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) as responsibility for these matters rests with your authority. A requirement to undertake a Health Impact Assessment (HIA) arising from the Public Health (Wales) Act 2017, if appropriate, should be carried out to assess the likely effect of the proposed development plan on health, mental well-being and inequality.

The Welsh Government is committed to ensuring a plan-led approach to development in Wales. I trust these representations will assist you in preparing your Deposit plan and ensuring your LDP can be found 'sound' and adopted following independent examination. My colleagues look forward to meeting with you and your team to discuss matters arising from this formal response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Newey', with a long horizontal stroke extending to the right.

Mark Newey
Head of Plans Branch
Planning Directorate

Annex to Welsh Government Letter 29 August 2019 in response to Conwy County Borough Council Replacement LDP – Preferred Strategy

Housing and Job Growth

The LPA has tested a significant range of demographic, delivery and employment-led scenarios to inform the growth strategy. **The ‘Preferred Strategy’ sets out a housing requirement of 4,300 homes (290 p/a) plus 20% flexibility (5,120) and 1,800 jobs (14ha) over the plan period.**

The level of growth proposed is around 2,500 dwellings above the WG 2014-based principal and 10 year migration projection. The Council has concluded that the WG projections would result in ‘too low’ growth levels and would compound negative demographic and economic prospects for the LPA. The level of housing growth proposed in the Preferred Strategy broadly aligns with the past 15 year build rate trend (300 p/a) and is slightly above the past 10 year past build rates (250 p/a). The housing requirement is 2,200 dwellings lower than the current adopted plan required of 6,520 dwellings.

The population, housing and dwelling impacts are calculated by using a reverse iteration methodology which adjusts components of population change (mainly migration levels) amongst the working age population and their dependents to match job growth to population growth levels. Job growth is the main driver of population change. The ‘Policy on’ employment option takes into account the regional economic drivers identified in the North Wales Growth Deal. The strategy aims to support local and regional growth aspirations, and provide the conditions to attract and retain a more balanced population structure (working age and resulting children) in the context of what can realistically be delivered. The preferred growth option also allows for increased affordable housing provision within overall levels of housing growth. **The LPA will need to demonstrate the level of growth can be delivered and issues surrounding the Welsh Language have been robustly taken into account.**

Local Housing Market Assessment – clarity and consistency with the strategy and evidence base

The LHMA (Table 38) concludes there is an annual need of 200 affordable homes per annum required over the plan period (excluding supply). The required tenure split shows a predominate need for social rented homes (85%) to intermediate (15%). However, the conclusion following the table states the LPA ‘does not agree’ and intends to pursue a 50/50 tenure split. **This is a significant deviation from the Council’s own evidence and requires robust justification and explanation.** PPW (paragraph 4.26) states the importance of the LHMA as a fundamental part of the evidence base for plans. The LPA should be seeking to deliver affordable housing, both in scale, type and tenure in line with its own evidence. In addition, the DPM (Edition 3) highlights the importance of ensuring the plans evidence base is internally consistent. In particular the tenure mix from the LHMA forms a core input to the viability work underpinning the plan. It is imperative the assumptions underpinning the viability are consistent with the LHMA to ensure affordable housing targets and percentages are robust. By its nature, the more intermediate housing there is on a scheme, the more viability improves. Do RSLs operating in the area agree on the Councils evidence base in this respect, i.e. moving away from the LHMA conclusions?

The DPM (Table 24) states the LHMA is a core piece of evidence in this respect and “testing and policy formation will need to strike a balance between a) achieving as most affordable housing as one can with b) matching as far as possible/reasonable the latest LHMA findings in regards tenure split. **The LPA is alerted that deviation from the LHMA to this degree is potentially high risk unless this can be robustly justified and explained by the LPA. Affordable housing targets should be based on robust and consistent assumptions to ensure they are viable, appropriate and deliver the type and tenure of homes required.**

Affordable Housing ‘Exception Sites’

The settlement hierarchy and plan policies make multiple references to the promotion of ‘exception sites’ to meet local needs outside of settlement boundaries, providing they include a minimum of 50% affordable housing, on sites up to 20 units. **PPW paragraph 4.2.34 is clear that exception sites are not appropriate for market housing.** In line with Minister’s recent letter where affordable housing allocations of a minimum of 50% are supported, particularly on public land, the Council should consider allocating these sites within the plan and its settlement boundaries to provide certainty and align with national policy requirements.

Gypsy & Travellers Provision

The Council’s GTAA only covers the period 2017-2022. To ensure compliance with legislation and planning policy, **a GTAA must be prepared and agreed by Welsh Ministers in advance of Deposit stage for the whole LDP period (2018-2033) with provision made for appropriate and deliverable site allocations to meet the need identified within the required timescales,** if appropriate. Failure to prepare a GTANA and meet the required need is likely to result in the plan being unable to be found ‘sound’. We would therefore urge the authority to work with Welsh Government-Equalities Division to ensure the evidence is in place by Deposit.

Welsh Language

The Council has undertaken a Welsh Language Impact Assessment (July 2019) of the Preferred Strategy and an initial impact assessment of the five strategic sites (BP42). They acknowledge the importance of the language and the integral role it plays to community life in Conwy, highlighting the need for specific policies and mitigation measures. We note that Strategic Policy 7: Welsh Language states that language sensitive areas will be defined in the Deposit Plan, along with mitigation measures where appropriate. The Deposit plan should:

- Explain how the use of the Welsh language has influenced the scale and location of growth, including housing development and strategic allocations, not impacting negatively on the Welsh language and is realistic and deliverable.
- If appropriate, identify in policy, Welsh language sensitive areas above which a proportion of the population are Welsh speaking and include a requirement for Language Impact Assessments on ‘unanticipated’ windfall sites only.

Delivery & Implementation

The Council has undertaken a significant amount of work in respect of place making, delivery and infrastructure to inform the Preferred Strategy. This puts the LPA in a good position moving forward, namely:

- Clear articulation and justification of the spatial distribution of housing supply and components of the housing provision (private and affordable)
- Housing trajectory
- Strategic sites and delivery infrastructure assessment – including constraints, site requirements and masterplan concept frameworks
- Initial affordable housing viability paper
- Education and transport assessments and requirements

LDP Manual (Edition 3) sets out the key issues that must be addressed (in Chapter 5) and the authority should ensure all relevant aspects are covered in the Deposit plan, with particular attention on the de-risking checklist. **In particular the Deposit plan should:**

- Evidence the delivery of all allocated sites including a detailed articulation of their timing, phasing, costs and infrastructure requirements including the preparation of Statements of Common Ground (SoCG) where necessary, to demonstrate delivery of the plan;
- Prepare a high level viability study to inform affordable housing targets, and site specific viability work for sites which are central to the delivery of the strategy.
- Prepare a detailed housing trajectory supported by an analysis and understanding of lead-in times, the relationship between sites, potential constraints, costs, infrastructure requirements, density and funding streams with robust assumptions on windfalls.
- Ensure any necessary infrastructure requirements can be funded taking into account pooling restrictions on S106 agreements,
- Ensure the plan contains strategic site specific policies, supported by masterplan concept frameworks and infrastructure requirements.
- Prepare an infrastructure plan and include a delivery and infrastructure appendix

Renewable Energy

A large proportion of the authority is within Priority Areas 3 & 15 for Solar and Wind Energy in the draft NDF. On this basis the Authority should ensure that it is in general conformity with the NDF when adopted. The LPA has prepared a Renewable Energy Assessment (REA) in line with the WG Toolkit Methodology which concludes there are no suitable wind or solar Local Search Areas (LSAs). The Council has allocated the SSA within its area, and is proposing to allocate Land at Gofer for a 4MW PV solar array. The Deposit plan should:

- Demonstrate how the REA has been embedded into the candidate site process and explain how renewable energy and low carbon opportunities have informed the scale and location of growth;
- Include in policy and as part of the monitoring framework the contribution of the plan area towards developing and facilitating renewable and low carbon energy, and
- Include in the policy framework opportunities for local renewable and low carbon energy generation schemes.

Flood Risk

The Council should ensure that no highly vulnerable development is allocated in C2 Flood Plain. Development is located in C1, while the principle of development may be appropriate in national policy terms, the key consideration for the LPA will be to demonstrate that allocations (where relevant) are suitable and deliverable in line with any mitigation measures that may be required in order to meet the requirements of national policy. The LPA will need to undertake a sufficiently detailed Flood Consequences Assessment (FCA) and seek advice from the statutory body, NRW prior to Deposit.

Strategic Policy SP24 Biodiversity and para 5.7.7

Strategic Policy SP24 and the strong reflection of PPW 10 is welcomed, however, in order to ensure that the step-wise policy is fully realised and aligns with national policy, the 5 step process should be followed in the Deposit Plan. The Green Infrastructure Assessment will help guide the authority through this process.
