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Dear Lynda,

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

Thank you for consulting the Welsh Government on the Blaenau Gwent 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') are addressed.

Planning Policy Wales (PPW) Edition 10 establishes the key national planning priorities as the need 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 encourage 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 the Development Plans Manual (Edition 3) (DPM). 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 adhered to when preparing the plans evidence base, and to be taken account of within the content and presentation of the plan itself. The Welsh Government has published the Draft National Development Framework (NDF) for consultation. The NDF is due to be published prior to your LDP being examined and potentially adopted. **The 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 Welsh Government is broadly supportive of the spatial strategy and level of homes and jobs proposed.

As a replacement plan, it is disappointing that some key background documents on issues including strategic site delivery, a high level viability study, a renewable energy assessment, and an up-to date Gypsy and Traveller Assessment were not completed to inform the Preferred Strategy. A robust evidence base is critical to fully understand the plan. Whilst the consultation states that further work will be undertaken for the Deposit plan, it is difficult to provide meaningful comments on some topic areas at this point in time as the studies have yet to be completed.

Demonstrating delivery of the strategy, strategic sites and 'rolled forward' allocations will be critical and this should be supported by your authority's evidence in the Deposit plan. Further comments are set out in the annex to this letter with additional detailed guidance contained in the DPM.

The Planning and Compulsory Purchase Act (PCPA) 2004, DPM, 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, particularly Monmouthshire and Torfaen. It is pleasing to see there has been joint work undertaken in respect of housing and economic growth options/analysis and the Local Housing Market Assessment. We also note that the Sustainable Settlement Assessment Background Paper is based on a joint methodology created by SEWSPG, adjusted to reflect local context. This work puts the LPA in a strong position moving forward to Deposit in demonstrating how these relationships/issues have influenced the strategy and at later stages the plan policies, proposals and site allocations.

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:

- Delivery and implementation
- Gypsy and Traveller provision
- Renewable energy
- Minerals

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,



Mark Newey
Head of Plans Branch
Planning Directorate

Annex to Welsh Government Letter 20th February 2020 in response to Bleanau Gwent Council's Replacement LDP – Preferred Strategy

Growth Levels: Homes and Jobs

National policy states that LDPs must include a spatial strategy covering the lifetime of the plan which establishes a pattern of development improving social, economic environmental and cultural well-being to deliver sustainable development and the place making approach. The planning system must focus on the delivery of the housing requirement and the related land supply.

The LPA has tested a range of demographic, employment and dwelling led scenarios to inform the plan. The level of housing growth proposed (requirement) is 1,755 homes (117 dpa), plus a 21% flexibility allowance resulting in a provision of 2,115 units. Over the plan period (2018-2033) provision is made of between 3ha-45ha of employment land to deliver up to 3,375 additional jobs, albeit the minimum job target for the plan is 1500, primarily in the tech industry. The level of housing proposed is around 1,470 units above the Welsh Government (WG) 2014-based principal projection and 950 units above the WG 10 year migration variant. The Council has concluded that the WG projections are heavily influenced by recessionary trends and do not form an appropriate basis to base the growth strategy, they are policy neutral and would perpetuate the current trends of population decline and out-migration, especially amongst the economically active, which would not deliver on the range of issues the plan is seeking to address. The level of housing growth (117 dpa) is slightly above the past 10-year build rate (94 dpa) and the 15-year build rate of 99 homes. The housing requirement is a reduction of 1750 units from the adopted LDP of 3,500 homes.

The Council propose to use the PG short term scenario (141 dpa) as the provision (upper aspiration) for the plan; the requirement will be based on a dwelling led scenario (117dpa). This enables an aspirational provision providing a flexibility allowance of 21% to ensure that the housing requirement figure can be met, or if the plan is successful, reducing population decline and increasing the economically active workforce sector, to deliver greater economic and social benefits. This is a positive to planning. The Council note an increased interest from the volume house builders returning to the local market area, but using the PG short term (141 dpa) growth rate as the requirement, would generate issues regarding deliverability and viability now. The proposed requirement is considered deliverable and will ensure a modest population increase of around 2% over the plan period and, while there would still be a decline in the working age population of 420 people over the plan period, the economic aspiration to deliver a minimum of 1500 jobs as set out in the Tech Valleys commitment could be achieved, raising the economic activity rate to the Wales average, reducing commuter flows and providing employment for 3,150 more people at the end of the plan period.

The Welsh Government considers the latest projections have been taken into account by the Council, along with other relevant policy considerations set out in paragraphs 4.2.6 – 4.2.8 (PPW, Edition 10). **The Welsh Government is broadly supportive of the level of homes and jobs proposed to increase prosperity, employment and reduce population decline**, in the context of what is deliverable and achievable in the County Borough (PPW para 4.2.4, 4.2.6).

Spatial Strategy – Scale and Location of Growth

The Council's preferred spatial option (Option 5: Sustainable Economic Growth) seeks to focus the growth based on the sustainable settlement assessment/hierarchy with 45% of development directed to Tier 1 Ebbw Vale, and 50% in other Tier 2 settlements in the Heads of the Valleys Area, maximising the use of brownfield land and ensuring development is located in more viable areas. The settlement hierarchy has been informed by a Settlement Assessment Paper, the methodology of which is detailed, sensitive and weighted towards sustainability criteria, in particular the proximity to and frequency of sustainable transport options, employment opportunities and services and facilities. **The WG is broadly supportive of this approach.**

The Housing Balance Sheet 'Table 7' of the Housing Supply Background Paper explains the components of housing supply, and states that 833 new units will need to be allocated going forward in addition to the land bank (commitments and windfall identified). Policy SP1 highlights strategic mixed use allocations at The Works, Ebbw Vale Northern Corridor and Former Nantyglo Comprehensive School as potential key strategic mixed use sites that in the Council's opinion, are strategy compliant and subject to further

refinement, may be included in the Deposit Plan. The proposed spatial distribution of housing growth by component of supply is clearly articulated in Policy 8: Delivery of Homes and Appendix 6 of the plan. The WG is also supportive of the technical work regarding the assessment of the delivery of land bank (commitments and windfall allowances) within the Housing Supply Background Paper. **The Welsh Government is broadly supportive of the spatial strategy and the scale and location of growth.**

Delivery and Implementation

The delivery of the strategy will be reliant on the authority allocating sites which are viable and deliverable in accordance with the spatial strategy and settlement hierarchy. The draft DPM (Edition 3) sets out the key issues that must be addressed (Chapter 5) and the Council should ensure all relevant aspects are covered in the Deposit plan, with particular attention on the de-risking checklist. To demonstrate site delivery and implementation, **the Deposit plan must be underpinned by viability work, an infrastructure plan and a robust housing trajectory included in the plan appendix.** The Deposit plan must address the following:

- With a focus on developing some large key mixed use sites, the authority must demonstrate sites are financially viable and deliverable over the plan period. Key sites must be supported by evidence including schematic frameworks, information on viability, costs, phasing, timing, key infrastructure requirements, an Infrastructure Plan and evidence of commitment from developers through Statements of Common Ground (SoCG) to demonstrate delivery.
- Evidence the delivery of all other allocated sites, including sites 'rolled forward' from the extant LDP.
- Prepare a high level viability study to inform affordable housing targets and site specific viability work, where appropriate, ensuring consistency with tenure split within the LHMA.
- The plan should clearly articulate the spatial distribution of components of housing provision in line with the tables set out in the DPM (Table 4 and Appendix 2-5) which collectively set out the spatial distribution of housing provision in the plan, the housing trajectory and the timing and phasing of all components of supply by settlement tier.
- Prepare a 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
- The DPM states 10% flexibility is a starting point, with any variation being robustly evidenced. The LPA needs to demonstrate there is sufficient flexibility at key points in the plan period through the trajectory. Statements of Common Ground will assist in clarifying the timing and phasing of all sites. The trajectory should illustrate the degree of flexibility throughout the plan period. The Council's flexibility allowance of 21% is for a specific reason, aligning with the PG Short Term growth scenario (to plan positively and redress social and economic issues) and the non-delivery of sites. It is for this reason that the LPA should maintain this allowance as it is key to the strategy. Any losses numerically should be replaced. For example, is there double counting with the empty homes strategy and the provision in plan (5.47 and 5.48 of the plan). As these homes are 'not net gain' they should be taken into account in the vacancy rate conversion, and not included in the provision as supply. Clarification on this matter is required.
- With pooling restrictions on S106 agreements, the authority should ensure it is able to fund any necessary infrastructure requirements

Gypsy and Traveller Provision

No Gypsy and Traveller Assessment (GTAA) has been submitted as part of the evidence base, albeit the current GTAA covering the period 2016-2021 is available on the Council's website. To ensure compliance with legislation and planning policy, **a GTAA must be prepared and agreed by Welsh Ministers in advance of the Deposit stage for the whole plan period (2018-2033) with provision made for appropriate and deliverable site allocations to meet an identified need within the required timescales**, if appropriate. Failure to prepare a GTAA 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. In addition, the Deposit Plan must include an appropriate criteria based policy to assess proposals for Gypsy and Traveller Sites, in line with the updated Welsh Government Circular 005/2018.

Renewable Energy

A proportion of the authority is within Priority Area 14 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 once it's published. Whilst it is disappointing that the Preferred Strategy is not supported by a Renewable Energy Assessment (REA) the plan is clear that the assessment is currently being prepared in addition to the Blaenau Gwent Energy Prospectus which will identify opportunities for district heating networks. The Deposit plan should:

- Be informed by an REA to provide the areas “significant potential” to contribute to maximising renewable energy production. From the REA, the authority should explain how their renewable energy policy approach has been developed in line with PPW and the Welsh Government’s Toolkit for Planners (2015) taking account of all relevant issues and, where appropriate, making evidence-based decisions where the Toolkit facilitates this approach.
- 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 including the key sites.
- 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 schemes as proposed in Appendix 1 of the plan.

Flooding

The Council should ensure no highly vulnerable development is allocated in C2 Flood Plain. Where development is located in zone C1, while the principle of development may be appropriate in national policy terms (subject to an Flood Consequences assessment, taking climate change into account) the key consideration for the LPA will be to demonstrate that allocations are suitable and deliverable in line with any mitigation measures that may be required to meet the requirements of national policy. The authority should keep abreast of the emerging Welsh Government Technical Advice Note 15 (published in the autumn) with regards to allocations and the policy framework within the plan.

Minerals

As highlighted in the Regional Technical Statement (2nd Revision, consultation version), the authority has an urgent need for new permitted reserves of crushed rock as there is less than the minimum 10 year landbank remaining. The deposit plan must identify suitable sites to meet the landbank requirements set out in the RTS. The authority must also demonstrate they have worked collaboratively with the authorities in the Former Gwent sub-region (Torfaen, Newport and Monmouthshire) and produce a sub-regional statement of collaboration, which must be agreed by the SW RAWP.

Best and Most Versatile Agricultural Land

Planning Policy Wales (Edition 10) is clear that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification (ALC) system is the best and most versatile (BMV) and should be conserved. When considering the site search sequence and development plan policies considerable weight should be given to protecting such land from development early in the process (PPW, paragraph 3.55). The considerations (Section 2.21 of the plan) note the factors taken into account when assessing spatial strategic options for the LDP. This notes clearly the preference to utilise brownfield sites as opposed to greenfield and Best and Most Versatile agricultural land. This is welcomed and has been clearly taken into account in the assessment of the Spatial Strategy options and the selection of the preferred option. The selected preferred option maximises the use of brownfield sites and therefore limits a requirement for development on BMV agricultural land. The Welsh Government has no formal objection on this basis but would make the following observations that require clarification:

SA/SEA Scoping Report – The scoping report notes, under Agricultural Land (p 144), “*Figure 30 above identifies that the majority of agricultural land within Blaenau Gwent is grade 5 with areas to the southern end of the borough being grade 4. Grade 4 and 5 are described as poor quality agricultural land and very poor quality agricultural land. The borough does not have any grade 1, 2 or 3a land, which are the top three grades referred to as ‘Best and Most Versatile’ land and enjoy significant protection from development*”. The WG agrees that the borough does not have BMV agricultural land, however we would question the source of evidence used in the scoping report. The map of ALC grades in the scoping report for Blaenau Gwent (Figure 30) notes the source of the information as “NRW 2016”. It is unclear if the data is based on

the 'Provisional' ALC Map for England & Wales, which was withdrawn from use in Wales in November 2017. To assist LPA's in meeting BMV Policy requirements, the Department has produced the 'Predictive Agricultural Land Classification (ALC) Map for Wales (2017)'. This map is available to view, and can be downloaded by LPA's from <https://lle.gov.wales/home> . The map has been produced to assist LPA's make informed decisions regarding agricultural land quality and application of BMV Policy at an early stage in plan development, and as an evidence base for strategic planning and sustainability appraisal. Where the department holds detailed ALC survey information for a site, this is also shown on the map. The Department has also produced guidance on the use of the Predictive ALC Map at: - <https://beta.gov.wales/sites/default/files/publications/2018-02/agricultural-land-classification-predictive-map-guidance.pdf> . Therefore, the evidence base used in the Scoping report needs to be reviewed to ensure use of best available information through the Predictive ALC Map for Wales.

Affordable Housing

The DPM (Edition 3) sets out the affordable housing policy requirements (in Chapter 5) and must include:

- A policy target for the provision of affordable housing. The affordable housing target in the plan should be derived from all components of supply to ensure it is realistic in its aspiration and for monitoring purposes.
- Indicate how the plan target will be delivered using identified policy approaches that will include site specific targets and thresholds. Challenging policy targets need to be grounded in the viability evidence and applicable to the majority of applications, and
- Include a table clearly identifying the affordable housing components and their spatial distribution in the settlement hierarchy.

Employment – Clarity and presentation in line with DPM and national policy

The Deposit LDP should:

- Clearly list the strategic and local employment allocations in LDP policy including the scale of each employment site (ha) it's proposed Class B use and contribution towards the job growth, as well as an explanation of their spatial distribution and delivery.
- Include in a separate safeguarding policy a list of key existing employment sites to be retained for employment use. As worded, it is unclear if the safeguarded sites are listed in Table 7 as the terminology for safeguarded / allocated employment sites is used interchangeably.
- Include criteria-based policies to assess new employment applications in urban and rural areas and provide support to the rural economy through the expansion of existing businesses, re-use or adaption of existing buildings, self-employment and micro businesses (TAN 6).
- Include a separate policy on farm diversification, if appropriate, and
- Identify the employment sites that are suitable for waste management facilities.
