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Dear Sara,

Pembrokeshire County Council's Local Development Plan (LDP) Deposit (Regulation 17) Consultation: Welsh Government Representation

Thank you for consulting the Welsh Government regarding the Pembrokeshire County Council's Local Development Plan (LDP) Deposit documents. We acknowledge the preparation of an LDP and the supporting evidence is a significant undertaking and recognise the amount of work your Authority has undertaken to date in moving the plan forward from the Preferred Strategy to the Deposit stage.

The Welsh Government has significant concerns regarding the soundness of the plan relating to Gypsy and Traveller provision. We raised concerns at preferred strategy stage regarding the need for a Gypsy and Traveller Accommodation Assessment (GTAA) to cover the whole plan period to 2033. Whilst we acknowledge this is currently with the Welsh Government's Equality Division awaiting Ministerial approval, **the absence of an allocated site(s) in the plan to meet the anticipated Gypsy and Traveller need does fail to comply with the statutory duty under the Housing (Wales) Act. This is likely to raise significant concerns regarding the 'soundness' of the plan, if you were to submit the plan for examination.**

Addressing the climate emergency and demonstrating delivery of the strategy will be essential. The development plan system in Wales is evidence led and demonstrating how a plan is shaped by the evidence is a key requirement of an LDP examination. **The Authority must ensure there is a robust evidence base to demonstrate delivery of the LDP strategy and components of housing land supply.** The demonstration of delivery and viability of all sites in the LDP is critical, in particular the strategic site allocation at Slade Lane which is integral to the delivery of the strategy and objectives.

Without prejudice to the Welsh Minister's powers to intervene later in the process and to the independent examination, the Welsh Government is committed to helping Local Planning Authorities throughout the LDP process. The Deposit LDP has been considered in accordance with the tests of soundness as set out in PPW and the LDP Manual. **Our representations are separated into three categories which are set out by topic area in some detail in the attached annex.**

Category A: 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:

- **Absence of an approved Gypsy and Traveller's Accommodation Assessment covering the whole plan period up to 2033, and failure to allocate any sites(s) to meet the anticipated Gypsy and Traveller need.**

Category B: 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:

- **Housing and employment growth level**
- **Delivery of key sites**
- **Housing trajectory**
- **Spatial distribution and components of housing supply**
- **Settlement hierarchy and 'hamlets'**
- **Haven Waterway Enterprise Zone Designation**
- **Affordable Housing – Draft LHMA, thresholds and targets**
- **Renewable energy**
- **Best and Most Versatile Agricultural Land**

Category C: 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:

- **Employment safeguarding and provision**
- **Welsh language impacts**
- **Minerals**
- **Flooding**
- **Policy wording**

It is for your Authority to ensure that the LDP is 'sound' and it will be for the Inspector to determine how the examination proceeds if you continue to submit the plan without addressing the concerns we raise, particularly those in Category A. You should consider how you could maximise the potential of your LDP being considered 'sound' through the examination process. Members of my team look forward to meeting with you and your team to discuss the matters arising from this response. If you have any queries in the mean time, then please do not hesitate to make contact.

Yours sincerely,



Mark Newey
Head of Plans Branch
Planning Directorate

Annex to Welsh Government Letter (18 March 2020) in response to Pembrokeshire County Council’s Deposit LDP 2017-2033

Category A	Objections under soundness tests; <u>fundamental issues</u> considered to present a significant degree of risk if not addressed prior to submission.
Category B	Objections under soundness tests; matters where it appears the Deposit Plan has not satisfactorily translated national policy to the local level or there are tensions within the plan.
Category C	Objections under soundness tests; whilst not considered being fundamental to the soundness of the LDP, there is a lack of certainty or clarity on the matters which can be usefully addressed.

Category A – Gypsy and Traveller Accommodate Assessment (GTAA) and Provision

As stated in our representation to your Preferred Strategy consultation (dated 4 February 2019), the failure to identify the level of need and allocate sites in the Deposit Plan to meet the identified need is likely to result in the plan being unable to be found ‘sound’. We acknowledge the 2019 Gypsy and Traveller Accommodation Assessment (GTAA) has been prepared and submitted to the Welsh Government’s Equality Division and is awaiting approval by Welsh Ministers. Notwithstanding this, both the approved 2015 GTAA (up to 2031) and the draft 2019 GTAA (up to 2033) evidenced a **high level of immediate and long term need** for Gypsy and Traveller pitches in Pembrokeshire. It is therefore **disappointing the authority has failed to comply with the duty under the Housing (Wales) Act 2014, (section 103), to identify suitable and deliverable sites to meet the anticipated need. The reliance on a criteria based policy approach does not satisfy this legal duty and continuation of this approach would question if the plan could be found unsound at examination. The authority must comply with the duty under the Housing (Wales) Act.**

Category B – Housing and employment growth level

The plan seeks to deliver a requirement 6,800 homes and 2,200 new jobs over the 16 year plan period, with a housing provision for 7,480 dwellings. The authority commissioned Edge Analytics to consider a range of demographic scenarios based on the Welsh Government’s 2014 based population and household projections (and rebased on the 2016 mid-year estimates) dwelling-led scenarios and an employment-led forecast. The authority should reconsider these scenarios in light of the 2018 based population and household projections and the declaration of the climate emergency.

The plan requirement of 6,800 dwellings (425/annum) is closely aligned with the past five years (443/annum) and 10 years (416/annum) average delivery rates. In Pembrokeshire, natural growth is negative with deaths exceeding births. The main driver of population change is net migration. The plan requirement assumes +807 net migrants/annum which is significantly higher than the 10 year migration scenario of +626 persons/annum and the WG 2014 (rebased) estimate of +386 persons per annum. To comply with PPW (paragraph 4.2.6), the latest 2018 based household projections indicate an average build rate of approximately 106 dwellings/annum, resulting in a total of approximately 1,700 dwellings over the plan period. This is 5,100 dwellings lower than the 2014 based projections, a significant difference. The authority needs to explain why they are proposing growth significantly above the projections, the reliance and continuation of net in-migration and the relationship to economic growth levels. Evidence needs to demonstrate where in-migration

will be derived from, i.e. neighbouring counties, elsewhere in Wales, the UK, or international migration taking into account the likely effect of UK immigration policy.

Category B – Delivery of key sites

The plan needs to demonstrate the key sites can be delivered within the plan period. There are a number of sites which have been ‘rolled forward’ from LDP1. The Annual Monitoring Reports (AMRs) from LDP1 found the authority failed to deliver any housing on strategic scale sites. This raises significant concerns regarding the inclusion of Slade Lane South for 514 units at Haverfordwest. To support the inclusion of this strategic site the LPA needs to provide a Statement of Common Ground demonstrating there is a developer on board and the timing of when units will be delivered on the ground. This has not been evidenced by AMRs to date. The Housing Trajectory (Table B) shows the delivery of 44 units in the period 2020-21. The lack of delivery on the site, or in accordance with the trajectory, will have major implications for the delivery of the strategy, both spatially and numerically. The authority must demonstrate that all sites rolled forward from the previous LDP are deliverable within the timescales indicated in the trajectory.

Category B – Housing trajectory

The inclusion of a housing trajectory graph is a national policy requirement (PPW, paragraph 4.2.10) which is currently omitted from the plan. Guidance on how to prepare a trajectory is contained in the Draft Development Plans Manual (DPM, Edition 3, consultation, June 2019). The Manual states the housing trajectory is made up of three elements; the timing and phasing of all housing supply components; the anticipated timing of completions for all housing components, measured against the housing requirement to demonstrate a sufficient supply; and a trajectory graph illustrating all the components of housing supply. The Deposit plan must contain the trajectory graph.

Category B – Spatial distribution and components of housing supply

The spatial strategy aims to deliver 60% of homes in the urban areas (identified in Tier 1 of the settlement hierarchy), and 40% to the rural settlements. For clarity, and to support delivery of the strategy, the plan should clearly articulate the level of growth being directed to each Tier within the settlement hierarchy. We note the spatial distribution is provided for residential allocations in policy GN14, where 66% of allocations are in urban areas. However, this should be provided for each component of housing supply. The Draft Development Plans Manual (Edition 3) states authorities include Table 16, ‘Summary of spatial distribution of housing’ to demonstrate how all the components of supply (allocations, commitments and windfalls) make up the total plan provision and how they will be spatially distributed. Following the inclusion of this table, Policy GN 15 - small sites target should be deleted. The addition of information on the spatial distribution is important to demonstrate delivery of the strategy, objectives, clarity and ensure effective monitoring.

Category B – Settlement hierarchy and ‘hamlets’

Policy GN12 ‘Infill development in hamlets’ is not in accordance with national policy and should be deleted, along with any consequential amendments (i.e. SP6 reference, GN11 criteria 2, GN16 criteria 3). PPW clearly states that “new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled” (paragraph 3.56). The settlement hierarchy identified in Policy SP5, identifies urban settlements and rural settlements which comprise; a rural

town, service centres, service villages and local villages (including cluster villages). The settlement hierarchy does not refer to hamlets and specific settlements which comprise hamlets are not listed in the plan. Such locations are classified as countryside by PPW.

The authority's Rural Facilities Survey Report provides the findings of a survey of existing services and facilities and concluded those areas considered suitable for one or two additional units are identified as local villages, with the application of settlement boundaries. Those areas not identified as local villages (approx. 60 locations) were considered unsuitable locations due to their lack of services and facilities. Hamlets do not accord with the sustainable placemaking outcomes and policy in PPW and should therefore be deleted.

Category B – Haven Waterway Enterprise Zone

The Haven Waterway Enterprise Zone in Pembrokeshire has been designated by the Welsh Government based on existing and potential new energy sites. The importance of the Enterprise Zone is recognised by the authority as the designation underpins the plan's vision, objectives and Strategic Policy SP12 Port and Energy Related Development. Given its importance the **boundaries of the Enterprise Zone must be shown on the Proposals Map**. The Draft Development Plans Manual (Edition 3) is clear that the boundaries will need to be identified and must fully align with the Welsh Government's designation.

Category B – Affordable housing

Local Housing Market Assessment

The DPM identifies the LHMA as a core piece of evidence that sets out the level and type of housing need in an area. **Only a draft LHMA Area Summary has been submitted as part of the evidence base** and whilst the Housing Market Summary (December 2019) identifies a need for 1,527 affordable homes (102 units per annum) over the plan period, it does not set out the tenure split. **Without knowing the demand for social rent and intermediate housing it is unclear if the 80% social rent and 20% intermediate housing tested in the viability assessment is the correct split.** This could impact on findings in the viability assessment including the plan-wide and site specific affordable housing targets in Policy GN16.

Affordable Housing Targets and Thresholds

The affordable housing checklist in the DPM sets out the information that all LDPs should contain to support the delivery of affordable housing. Taking on board our previous comments on the tenure split, the Council will need to consider how findings in the viability assessment have informed Policy GN16 in the plan:

- The viability assessment identifies that "at least" 10% affordable housing is viable across all sub-market areas in Pembrokeshire. This increases to 15% on large sites of +100 units. Appendix D of the assessment identifies sites of 8-16 units are viable with 12.5% affordable housing. How has this informed the thresholds and targets in Policy GN16? As worded, the policy has no thresholds and a target of 50% affordable housing in Local and Cluster Villages, which is not supported by the evidence. In the higher tier Towns, Service Centres and Service Villages the policy does not set a target but decants this requirement to SPG. This approach is not

appropriate and should be deleted as the target must be grounded in the results of the viability assessment and sustained across the plan.

- The assessment also identifies that higher percentages can be achieved in the south of the County with targets lowered to 5% in the north where house prices are weaker. How has this informed the findings of Policy GN16 and how does it relate to the plan's spatial strategy?
- In Policy SP3, the affordable housing target is set at 2,000 units. Taking on board our comments above, the target should be supported by a table in the reasoned justification setting out the components of the target.
- There is no policy for affordable housing led sites (50%) affordable housing on public land. <https://gov.wales/increasing-supply-affordable-homes-through-planning-july-2019>

Category B – Renewable Energy

The authority has undertaken a Renewable Energy Assessment (REA) but it is unclear how the assessment's findings have influenced the plan, for example the spatial strategy? Policy GN5 'Renewable Energy – target and allocations' sets a target to generate 9 MW per annum. The reasoned justification to Policy GN5 appears to relate the target to past renewable energy capacity consented. The target should clearly relate to the REA and include summary tables regarding the potential for heat and electricity that could be generated from different technologies. Policy GN5 identifies three spatial areas for solar photovoltaic arrays. It is unclear how these spatial areas were identified, or how they relate to the seven areas identified in the authority's Renewable Energy Assessment (REA). The Draft National Development Framework identifies a solar energy priority area within Pembrokeshire and it is unclear how this has been taken into account?

Category B – Best and Most Versatile Agricultural Land

National planning policy is clear that agricultural land of grades 1, 2 and 3a is the best and most versatile and should be conserved as a finite resource. There are a large number of allocations on BMV which would result in the loss of approximately 90 hectares. The authority needs to evidence what weight has been given to BMV in the strategy/decision making process. It is unclear how BMV has been assessed and justified. The Council must be able to robustly justify any loss of BMV land linked to the search sequence in Planning Policy Wales (PPW) and findings in the SA.

Category C – Employment Safeguarding & Provision:

Safeguarding of Employment Sites

Policy SP4 allocates 1,026ha of employment land with 993ha on strategic employment sites (in Policy SP13) and 33ha on local employment sites (in Policy GN7). The two-county economic study identifies that most of the strategic employment sites are key existing sites related to port operations. These **existing sites are not new allocations and should be identified in a safeguarding policy** as set out in Table 22 of the Draft Development Plans Manual (Edition 3).

Employment Provision

Policy SP4 identifies the delivery of 2,200 jobs over the plan period with growth projected in accommodation and food services and health and social services. The Council should clearly **explain the number of jobs in the B Class sector and how this links to the**

range and scale of employment allocations in the plan, as well as the scale of housing growth.

Category C – Welsh Language Impacts

Policy SP17 identifies areas of Welsh language sensitivity where 20% of the population is Welsh speaking. The authority should explain how the scale of housing growth proposed in the plan does not adversely impact on the Welsh Language.

Category C – Minerals

The LDP makes reference to safeguarding a sand and gravel wharf in Pembroke Dock under the provisions of Policy GN 32 (paragraph 5.159). However, this does not appear within Policy GN32 and must also be shown on the proposals map.

It is positive the authority has met the requirements of the RTS 1st Revision for additional sand and gravel allocations to contribute to the regional supply. The authority should ensure the requirements of the latest RTS are satisfied and continue to work with the authorities in the SW region. In accordance with the RTS 2nd Revision which was consulted on last autumn, a Sub-Regional Statement of Collaboration should be prepared before the plan is submitted for examination.

Category C – Flooding

PPW is clear that development should be avoided in areas of flooding (paragraph 6.6.22). The Council has stated that no housing development has been identified in flood zones C1 or C2, but that a small number of other allocations are within C1 and C2 (LDP2, paragraph 5.9). The Council should identify these sites and the mitigation measures agreed by Natural Resource Wales (NRW) to ensure delivery over the plan period, where appropriate.

A stronger policy approach in respect of flooding would be welcomed to ensure the policy requirements of TAN 15 are clearly communicated and complied with, particularly in respect of no highly vulnerable development in zone C2.

Category C – Policy wording

The authority should consider specific wording used in policies to ensure clarity during their application. For example, the use of the terms 'well-related to the settlement boundary' in policies SP7, SP8 and GN6 do not provide clarity on what uses are acceptable, or where. The authority must ensure the policy approach avoids ambiguity and is in accordance with national policy.
