



Ian Robinson
Head of Sustainable Development
Vale of Glamorgan Council
Dock Offices
Subway Road
Barry
CF63 4RT

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Dear Ian,

Vale of Glamorgan Council – Replacement Local Development Plan (LDP) Preferred Strategy Consultation: Welsh Government Response

Thank you for consulting the Welsh Government on the Vale of Glamorgan Council Replacement Local Development Plan (LDP) – Preferred Strategy. It is essential the authority is covered by an up-to-date LDP to give certainty to local communities and businesses and provide a robust basis for decision making.

Without prejudice to the Minister's powers, the Welsh Government is committed to assisting Local Planning Authorities (LPAs) minimise the risk of submitting unsound plans by making comments at the earliest stages of plan preparation. The Welsh Government looks for clear evidence that the plan is in 'general conformity' with Future Wales: The National Development Framework, aligns with Planning Policy Wales (PPW) and the tests of soundness, as set out in the LDP Manual.

National planning policies are set out in Planning Policy Wales (PPW) Edition 12 and seek to deliver high quality, sustainable places through a place-making approach (the LDP should ensure it considers any further iterations of PPW prior to the examination). The implementation of the core policy areas in PPW, such as adopting a sustainable spatial strategy, appropriate housing and economic growth levels, infrastructure delivery and place-making, are articulated in more detail in the LDP Manual (Edition 3). **We expect the core elements of the Manual, in particular Chapter 5 and the 'De-risking Checklist(s)' to be followed. Failure to comply with these key requirements may result in unnecessary delays later in the plan making process.** The development planning system in Wales is evidence-led and demonstrating how a plan is shaped by the evidence is a key requirement of the LDP examination.

After considering the key issues and policies in Future Wales, the Welsh Government is of the opinion that the Preferred Strategy is in general conformity with Future Wales: The National Development Framework. Specific comments are set out in the Statement of General Conformity (Annex 1). **Annex 2 also highlights a range of issues that need to be addressed for the plan to align with PPW and the DPM.** Collectively, our comments highlight a range of issues that need to be addressed for the plan to be considered 'sound' as follows:

Annex 1 – General Conformity with Future Wales

- Regional Collaboration - **Further clarity required**

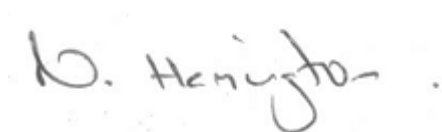
Annex 2 – Core matters that need to be addressed (PPW and the DPM)

- Spatial Strategy and Primary Settlements
- Housing and Economic Growth Levels – Regional Collaboration
- Maximising Affordable Housing Provision
- Delivery & Implementation – General
- Gypsy and Travellers
- Renewable Energy
- Minerals
- Best and Most Versatile Agricultural Land (BMV)
- Welsh Language

I would urge you to seek your own legal advice to ensure you have met all the procedural requirements, including the 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.

My colleagues and I look forward to meeting you and the team to discuss matters arising from this response.

Yours sincerely,



Neil Hemington
Chief Planner Welsh Government

For matters relating to general conformity with Future Wales and planning policy please contact: PlanningPolicy@gov.wales / For matters relating to Local Development Plan procedures and compliance with the Development Plans Manual please contact: mark.newey@gov.wales and candice.coombs001@gov.wales

Annex 1 - Statement of General Conformity

The Welsh Government is of the opinion that the Vale of Glamorgan Council Replacement Local Development Plan (2021-2036) Preferred Strategy is in general conformity with the National Development Framework: Future Wales, as set out in paragraphs 2.16 – 2.18 of the Development Plans Manual (Edition 3).

This conformity statement is based upon the evidence currently available. Welsh Government reserves its formal position until the full suite of policies, proposals and finalised evidence base is available to scrutinise at Deposit Stage. Currently, there is a joint position statement on the relationship between Cardiff and the Vale of Glamorgan (BP20), which considers population growth, migration patterns, housing completions, commuting and transport links between both authorities. Whilst the Welsh Government supports the principle of this work, further evidence is required to demonstrate how regional collaboration has influenced the scale of growth in the Vale of Glamorgan and the relationship to all adjoining authorities, including Bridgend and Rhondda Cynon Taff.

Reasons

Future Wales places emphasis on the development of National Growth Areas in a sustainable manner. Growth areas must be sustainably planned, reduce the need to travel by car, encourage walking and cycling (active travel), maximise public transport usage and incorporate green infrastructure. Growth areas must embed these principles within a wider regional consensus, focussing on the opportunities they bring to promote social and economic benefits across a broader geographical area. The Welsh Government supports sustainable growth in National Growth Areas to respond to the climate change and biodiversity emergencies and make the best use of our resources.

Policy 1 and Policy 33 of Future Wales states that Cardiff, Newport, and the Valleys will be the main focus for growth and investment in the region. **The strategic diagram (p163) also identifies the Vale of Glamorgan within the National Growth Area.** The Vale of Glamorgan Local Development Plan (LDP) requires further evidence to clarify/demonstrate how the wider region, including the adjoining authorities of Bridgend and Rhondda Cynon Taff, has helped to influence and shape growth levels in the replacement plan.

Annex 2 explains our comments in respect of the scale and location of growth. On balance, (and subject to the comments in Annex 2), the Welsh Government considers that the Preferred Strategy, including the scale and distribution of growth, is in general conformity with key policies in Future Wales namely (not exhaustive):

Policy 1: Where will Wales grow

Policy 2: Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 6: Town Centre First

Policy 10: International Connectivity

Policy 12 Regional Connectivity and Policy 36: South-East Metro

Policy 33: National Growth Area – Cardiff, Newport and the Valleys

Regional Collaboration – Further clarity and justification: The Welsh Government supports the joint position statement (BP20) on the relationship between Cardiff and the Vale of Glamorgan on matters including population and migration, housing growth, commuting patterns and transport. The paper concludes/supports a reduction in the housing requirement (from the currently adopted plan). The paper suggests that an up-take of housing delivery on the strategic sites in Cardiff will reduce the number of working age moving into the Vale for new build family housing with both authorities not in direct competition with each other for planned growth. Whilst the Welsh Government does

not object to the principle of this approach, **it is unclear how the wider region, particularly Bridgend and Rhondda Cynon Taff, has been involved in shaping and agreeing the choices made and the consequences of any decisions taken by the Vale for other plans in the region and future Strategic Development Plan (SDP).**

Moving forward to Deposit, further work will be required to understand how the Preferred Strategy has been developed within the wider regional context as **Future Wales brings a new perspective that all LDPs have to embrace on how each plan sits within the region as a whole and the relationship to other LDPs, in essence, a strategic approach to cross boundary relationships in advance of the formal commencement of an SDP.**

Annex 2 – Core matters that need to be addressed (PPW and the DPM)

Spatial Strategy - Location of Growth

The Council has tested 4 spatial options:

- Option 1 – Continuation of the adopted LDP growth strategy
- Option 2 – Dispersed Growth
- Option 3 – Focused Growth
- Option 4 – Sustainable Transport Orientated Growth

The Council has chosen Option 4: Sustainable Transport Orientated Growth for its Preferred Strategy. The strategy seeks to locate most of the new growth in those settlements well served by existing/proposed rail infrastructure along the Vale of Glamorgan/Penarth branch lines. This will encourage and maximise the use of sustainable transport modes in the plans designated Strategic Growth Area (SGA). The SGA encompasses most of the Council's largest and most sustainable settlements and the Council considers that focussing development here will reduce the need to travel and will co-locate housing with employment opportunities, services, and community facilities.

With a significant proportion of the Council's brownfield land already developed/committed, there are limited opportunities for brownfield development moving forward. It is noted that taking into account the existing land bank of 6060 dwellings, to meet the proposed housing requirement the authority needs to allocate around 2,600 units on new sites. As a result, the plan has adopted a predominantly greenfield strategy allocating the majority of new development on five key sites (KS1-5) on well-connected edge of settlement sites, close to existing or proposed rail stations. We note the Council has used TfW data in the candidate sites assessment process to assess sites and their proximity to transport nodes. **The Welsh Government supports the spatial strategy, which accords with Planning Policy Wales (PPW) and is in general conformity with Future Wales.**

Spatial Strategy - Primary Settlements

The Council's settlement hierarchy allocates circa 95% of all housing development (committed and proposed) to settlements in the top three tiers of the hierarchy. The Welsh Government does not object to this approach. However, as a result of the review process the settlements of Culverhouse Cross and Wick have been elevated (from that set out in the adopted plan) from Minor Rural Settlements to Primary Settlements. Both settlements are located outside the Strategic Growth Area and Policy SP2 is clear that in these settlements growth will be limited to the re-use of existing buildings, infill opportunities, small-scale affordable housing, and rural enterprises only. On this basis, **the rationale for identifying Culverhouse Cross and Wick as Primary Settlements is unclear**, especially as these settlements will perform the same function as the lower tier Minor Rural Settlements as set out in Policy SP2. The plan (6.47) makes clear that the Council will not support

growth in Culverhouse Cross and Wick due to their rural location as any growth here would encourage car borne trips, which is contrary to the Preferred Strategy and exasperated by a lack of Key Services (BP5) in the settlements, particularly in Culverhouse Cross. **The Council will need to evidence and justify the position of Culverhouse Cross and Wick as Primary Settlements in the hierarchy to ensure there will be no potential unintended outcomes in the implementation of the plan following adoption.**

The Level of Growth - Homes and Jobs

The Preferred Strategy (Policy SP3) makes provision for 8,679 homes to deliver a housing requirement of 7,890 new homes (526 p/a) over the plan period 2021-2036, of which a minimum of 2,000 homes will be affordable. The flexibility allowance proposed by the Council is 10%. The delivery of new jobs is for up to 5,388 new posts over the plan period.

Homes: The 2018 WG Principal projections are the latest projections for this Preferred Strategy. **Any future population and household projections based on the latest 2021 Census will need to be considered by the Council if they are published before the plan is examined.** The 2018 principal projection would result in a requirement of 430 units p/a or 6,463 units over the plan period (using a 4% vacancy rate). The level of housing growth proposed in the plan is around +2,215 units above the WG 2018 principal projection. The Council considers that this lower level of growth is not appropriate because the projections do not take account of any policy decisions and were prepared in advance of the Covid-19 pandemic with implications for migration patterns and fewer jobs proposed.

The demographic evidence (February 2023, Edge Analytics) tested 12 growth scenarios comprising: demographic-led, dwelling-led, and employment-led scenarios. The preferred housing requirement is based on a 10-year dwelling-led scenario (526 dpa) that would result in a population growth of 9.7% over the plan period with an annual net migration of 1,009 persons. The Council considers that this level of housing growth is deliverable with a large proportion met through existing commitments (51%) and a jobs total (4,875 jobs) that broadly aligns with the level of new jobs forecast in the Employment Land Study (5,338 jobs). Moreover, the scale of growth is considered by the Council to be compatible with Future Wales and the role the authority plays within the wider southeast region. With inward migration to the Vale of Glamorgan from Cardiff expected to slow as the City's strategic sites deliver higher levels of housing and with employment opportunities in the Vale co-located with housing sites, there are further opportunities to reduce the high levels of out-commuting into Cardiff. Overall, this approach is proposed by the Council to deliver a level of growth that is balanced with the emerging Cardiff LDP and wider southeast region. Whilst the Welsh Government supports the joint position statement between the Vale of Glamorgan and Cardiff Council (BP20) **it is our view that further work is essential in respect of regional collaboration to demonstrate this conclusion**, particular the relationship between the Vale of Glamorgan and neighbouring LPAs (see Annex 1).

We note that historic completion rates in the Vale of Glamorgan have fluctuated considerably over recent years. The past 10-year (2011-2021) average completion rate is 526 dwellings p/a. This has been exceeded over the last 5-years (2016-2021) with 780 dwellings constructed p/a. Build rates in recent years are in part attributed to the delivery of the current adopted LDP strategy that has more of a 'rural settlement' focus with multiple sites across many settlements being built out. Replicating this approach going forward would not comply with FW/PPW in terms of sustainable development and transport. On this basis, the Council considers that achieving 526 dwellings p/a in the preferred 10-year dwelling-led scenario is sustainable and deliverable and would provide a level of job growth (5,338 jobs) that is balanced with the housing requirement. **The Welsh Government does not object to the level of housing proposed in the plan but demonstrating delivery of the key housing sites will be essential moving forward to Deposit stage** as required by Planning Policy Wales, Future Wales, and the Development Plan Manual.

Jobs: The Council's 10-year dwelling-led growth option results in a requirement for 4,875 new jobs (325 p/a) over the plan period. This broadly aligns with the projected growth for 5,338 (355 p/a) new jobs in the Employment Land Study (BP12) and as set out in Policy SP13. The Welsh Government notes that the level of employment growth could be higher (up to 13,978 jobs) if the total realistic land supply (177ha) was built out. However, this is a measure of job capacity the land could support and is not a forecast of new jobs with many of the strategic sites not anticipated to be completed until after the plan period post 2036.

The level of employment growth proposed (5,338 jobs) over the plan period is below the target in the currently adopted plan (7,610-10,610 jobs). The lower target is considered by the Council to more accurately reflect the cohort of working aged people in the Vale of Glamorgan and would support a continuation of long-term housing delivery trends that take into account low housing growth post-recession and a shorter period of historically high dwelling completions (2016-2021). On this basis, **the Welsh Government has no significant concerns on the level of job growth proposed in the plan.**

In summary, (and subject to the above clarification), the Welsh Government has no significant concerns with the level of homes and jobs proposed in the plan, which is in general conformity with Future Wales.

Affordable Housing Provision

The 'emerging' LHMA - The Summary Note of the draft Local Housing Market Assessment (LHMA) (BP10A) calculates affordable housing need over the replacement plan period using the 'policy neutral' Welsh Government 2018 Principal Projection and the preferred growth option. The calculation of affordable housing need projected against a 10-year dwelling-led scenario results in a requirement for 7,643 affordable homes over the plan period (510 p/a) with a tenure split of 67% social rent and 33% intermediate. The figures are lower for the policy neutral scenario (totalling an affordable housing need of 7,011 units) when calculated using the latest Welsh Government 2018 principal projections.

The plan (Policy SP8) identifies a target of delivering a minimum of 2,000 affordable homes, which will be revised and updated at Deposit stage. In both models, the housing need is across all 13 Housing Market Areas and is more acute in Barry, Penarth, and Llantwit Major for 1-bed properties. The Welsh Government notes that most of the new housing development (54%) is proposed in the Key Settlement of Barry and Service Centre Settlements, which include Penarth and Llantwit Major.

On this basis, the Welsh Government has no significant concerns regarding the relationship between the emerging LHMA and the Preferred Strategy, however, **as the LHMA is not yet finalised, the WG reserves its position this matter until the final report is published by Deposit stage.**

Affordable Housing Led Sites - To deliver additional affordable housing above which market led housing can provide, the authority proposes (in Policy SP2) to permit small scale affordable housing-led developments that provide a minimum of 50% affordable housing on sites up to 25 dwellings in minor rural settlements and 50 dwellings in primary settlements. **The principle of this approach is supported.** These sites must be in addition to the market housing led requirement and identified in the LDP. This policy approach is justified by the high level of affordable housing need evidence by the LHMA and must be accompanied by additional control over the land by the local planning authority to ensure effective delivery. Evidence should include ownership of the land, a binding legal agreement where the land is in private ownership or a resolution of the council to use compulsory purchase powers. At present the plan and supporting evidence is unclear and sometimes contradictory as to whether these sites will be located within or on the edge of settlement boundaries. In addition, the scale and location of these sites is unclear (the Plan, Table

3, Row F) where no spatial locations or dwelling numbers are attributed to them. How does such an approach comply with the transport oriented spatial strategy?

Affordable housing led sites that have a market element to them must be located within a settlement boundary in order to comply with the requirements in TAN 2. Only 100% affordable housing exception sites can be located outside a settlement boundary where they comply with PPW/TAN and any threshold/policy requirements set in the development plan. **The approach to affordable housing led developments, their scale and location requires clarification and ensure compliance with national policy.**

Employment Land

The Council's Employment Land Study (BP12) identifies a requirement for 67.80ha of employment land, which includes a 5-year buffer. The requirement is based on rolling forward past trends (over 25 years) and is of a sufficient scale to meet the 5,338 jobs forecast. However, Policy SP13 identifies employment land allocations totalling 168ha, which is an increase of around +100ha above the employment land requirement. The sites that make-up this supply are largely major employment allocations that attract significant regional inward investment at Cardiff Airport and Bro Tathan Enterprise Zone and total 139ha (83%) of total provision. On this basis, **the Welsh Government does not object to the over-provision of employment land in the plan** as the Enterprise Zone designation must be identified and the allocations within it (SP13: 1-3) are all subject to developer interest for specialist employment uses.

Delivery and Implementation

In line with key requirements in Planning Policy Wales, the Development Plans Manual (Chapter 5) also contains guidance on the requirements in respect of the delivery and implementation of plans. The Deposit Plan should set out site-specific details for Key Sites that includes general phasing timescales, key infrastructure requirements, placemaking principles (including concept / schematic masterplan frameworks), constraints, and developer requirements, where appropriate. We note that the Preferred Strategy has included emerging master planning/infrastructure work on key sites, and this is considered to be a good start to be built upon moving forward to Deposit.

The phasing, timing, funding, and delivery of Key Sites will be critical to ensure the plan delivers the scale of growth required over the plan period. We note that two of the Key Sites in St Athan (KS4 and KS5) totalling up to 1,150 units are dependent upon the delivery of a new rail station in St Athan to meet the objectives of the strategy and encourage a modal shift to more sustainable forms of public transport. The Council, in conjunction with Transport for Wales, will need to robustly evidence the delivery of the sites and include feasibility work and the funding required to secure the new station in the early phases of developing the key sites. The development sites may also impact on the trunk road network, in particular the M4 J34 and there will need to be a suitable level and form of traffic assessment available at Deposit stage. The Council will also need to demonstrate that these Key Sites and all other housing components are deliverable through a housing trajectory prepared by the Council and Housing Stakeholder Group. Statements of Common Ground for key allocations, especially those that have 'rolled over' from the adopted plan, would be advantageous to demonstrate the sites are deliverable in the timescales set out.

The Deposit plan will also need to be supported by a high-level affordable housing study and site-specific viability appraisals for Key Sites, where appropriate. All viability work and must be prepared in conjunction with the Viability Steering Group and site-specific promoters.

Gypsy and Travellers

The final draft of the Gypsy and Traveller Accommodation Assessment (June 2022) identifies a total need for 11 pitches over the plan period up to 2036, of which 9 pitches are 'immediate' by 2026.

By Deposit stage, the authority must meet its statutory duty and comply with requirements in Planning Policy Wales (4.2.35), Circular 005/2018 (paragraph 35) and the Development Plans Manual (5.80-5.85) to allocate sufficient and deliverable sites in the plan for unmet gypsy and traveller need.

By Deposit stage, the Council will also need to ensure that any sites are supported by a transparent and robust site selection process that aligns with the requirements of Circular 005/2018 and any relevant guidance. The views of the relevant statutory bodies must also be agreed before Deposit stage with no outstanding objections to the delivery of the sites.

Renewable Energy

Future Wales: The National Plan 2040 identifies Barry as a District Heat Network (DHN) Priority Area. The Renewable Energy Assessment (BP15) explores the opportunity for a DHN using waste heat from Barry Biomass, but as there is some uncertainty on the future of the plant, the study concludes there is considerable risk to using the plant as a source waste heat. Opportunities for district heating outside of Barry is considered in the study to be relatively limited.

The study identifies that in the Vale of Glamorgan solar development is more suitable than wind energy because of the flight path of aircraft in the south of the County Borough. However, there are some opportunities for wind sites, but these are likely to be small (<10MW) where aviation risks are lower and there is some grid access. Conversely, there are large expanses of land suitable for solar areas (>10MW) to the West of the County Borough, where there is little existing development. The study identifies 20 large-scale solar areas but recognises that grid constraints may impact the ability of sites to come forward.

The Deposit plan may identify solar and wind areas (where appropriate) above 10MW. In this instance, the plan will need to be clear that large-scale energy developments (>10MW) are classed as Developments of National Significance (DNS) and will be considered by Ministers in accordance with the policies in Future Wales. The plan should also include a criteria-based policy for all renewable energy proposals, particularly wind development, under 10MW.

Minerals

The Regional Technical Statement (RTS 2nd Review) identifies a nil apportionment for land-won sand and gravel provision in the Vale of Glamorgan. The Welsh Government policy clarification letter (dated 11 November 2021) identifies a surplus of 1.68mt of crushed rock. As there is a surplus of crushed rock reserves and a lack of sand and gravel production in the Vale, no specific allocations are required in the replacement plan. However, by Deposit stage, the plan should be supported by a Statement of Sub-Regional Collaboration with adjoining authorities in the Cardiff City sub-region to explain how any shortfall will be met across the region, particularly for crushed rock, of which the Vale has a surplus.

Agricultural Land

The Welsh Government has no objection to the Preferred Strategy in respect of Best and Most Versatile (BMV) agricultural land. However, the following areas of clarification and issues should be considered during the preparation of the Deposit plan:

Candidate Site Assessment Methodology: The methodology is clear on the application of BMV policy, evidence base (predictive map) and current guidance. In the methodology, BMV agricultural land is considered under state 2. Site promoters are encouraged to use the Predictive map and, in line with guidance, commission surveys if BMV is a matter for consideration.

The Land, Nature and Forestry Division disagrees with the 'traffic light' assessment noted in section 8.3.6 where Subgrade 3a agricultural land is noted as 'amber'; 3a should also be in 'Red'. PPW paragraph 3.58 is clear, '*Agricultural land of grades 1, 2 **and 3a** [emphasis added] of the Agricultural Land Classification system (ALC) is the best and most versatile and should be conserved as a finite resource for the future*'.

Renewable Energy Assessment: It is welcome that the Renewable Energy Assessment has considered BMV policy, specifically for solar PV, and use of the Predictive ALC Map. The assessment has only considered non-BMV land (Subgrade 3b, Grade 4 and 5). The assessment would benefit from referencing the clarification provided in the DCPO letter of 1st March 2022 in respect of solar PV and BMV agricultural land for completeness.

Topic paper – BMV Agricultural Land: The authority has produced a specific topic paper on BMV policy application. This is very welcome and has made the assessment of the preferred strategy much clearer. The paper only covers the application of BMV policy in the candidate site assessment process of the LDP. It would benefit the paper to provide some initial introductory commentary on the application of BMV policy in the spatial strategy, evidence base and ISA for completeness. This would demonstrate how the policy has been applied to the entire LDP development. Matters that require further work/clarification are as follows:

- Two of the Key Sites have been identified as containing BMV agricultural land, and ALC surveys have been commissioned to confirm the grading. The Department would be available to validate any ALC surveys undertaken by the authority or site promoters.
- It is noted that a number of existing LDP allocations are being 'rolled forward' as detailed in the plan (Appendix 1). These sites should be reassessed against the Predictive ALC map (2019) and existing surveys, as the desk-based assessment undertaken at the time (2015) pre-dates the introduction of the Predictive ALC map and current guidance on survey requirements.
- WG disagrees with section 5.5 of the topic paper, regarding the 20ha threshold to consult with Welsh Government (TAN6, Annex B2). This would only be the case in respect of Departure cases. For LDP's, TAN6 Annex B1 notes the consultation arrangements for authorities with the Landscape, Nature and Forestry Division.

Welsh Language

The ISA notes that issues relating to the Welsh language is currently not included and states that this will be further explored and addressed in the Deposit plan. **Not including sufficient evidence on the impact of the Preferred Strategy on the Welsh language is a concern.** Assessing the impacts on issues such as the Welsh language, should be fully aligned with the development of the plan early in the process and not at Deposit stage. There are no clear commitments on how the plan will sustain or support the further increase in the number of Welsh speakers within the local planning authority area in line with the Government's aspirations of supporting the increase in the number of Welsh-speakers and the use of the language. It would be of benefit if the Deposit plan could outline and consider the following policy and acts as well as local strategies:

- Welsh Language Measure (2011): especially in line with the authority's Welsh language standards of creating new policies
- Cymraeg 2050: A million Welsh-speakers

We would advise the authority to make contact with the local Welsh Language Initiative ([Menter Iaith y Fro](#)) for further help and support.