

WELSH GOVERNMENT

Examination Hearing Statement

**Anglesey and Gwynedd Joint Local
Development Plan**

**Hearing Session 1: Plan Preparation, Vision,
Objectives & Spatial Strategy**

6th September 2016

(Session 1): Questions

3. Has the Plan been prepared in accordance with the necessary procedural requirements?

a. Has the Plan been prepared in accordance with the Delivery Agreement, including the Community Involvement Scheme?

This is a matter for the authorities to answer.

b. Has the Plan been subject to a robust Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulations Assessment/Appropriate Assessment?

This is a matter for the authorities to answer.

c. Has the Plan been informed by a robust consideration of reasonable alternatives?

This is a matter for the authorities to answer.

4. Is the Plan's Vision sufficiently aspirational and locally specific to form the basis for planning to 2026?

See below.

5. Are the Plan's objectives SMART and capable of delivering on the identified Vision?

The vision is a detailed description of how the JLDP area is envisaged to change over the plan period. The vision is aligned with the authority's spatial strategy and communicates the future role of key places and rural communities. The principles of sustainable development are embedded within Planning Policy Wales. The vision appears to address the three pillars of sustainable development, social, economic and environmental. The vision is aligned with the authority's objectives set out in Themes 1-6 which include key outputs. In addition, there is link as to what policies and indicators refer to them. On balance, we consider that the plan as a whole does provide sufficient clarity of strategic purpose.

6. Is the spatial strategy consistent/compatible with:

a. the Wales Spatial Plan (WSP)?

The Ynys Mon area sits wholly within the North West Wales Spatial Plan area while the Gwynedd Plan area falls into two spatial plan areas being North West Wales Spatial Plan Area and the Central Wales Spatial Plan Area.

The Welsh Government considers that in broad terms, the LDP's spatial strategy has sufficient regard to the WSP. The Welsh Government also acknowledges that later initiatives such as the designation the Anglesey Island Enterprise Zone and the Energy Island Programme will need to be considered in addition to the WSP when devising the spatial strategy. The Welsh Government has no concerns in this respect.

The requirement under the Planning and Compulsory Purchase Act 2004 for the LDP to have regard to the Wales Spatial Plan will remain until replaced by the publication of the National Development Framework for Wales.

b. regional plans and strategies?

This is a matter for the local authorities.

c. the plans/strategies of neighbouring authorities?

This is a matter for the local authorities.

d. Does the Plan reflect the strategies and proposals of infrastructure providers?

We note that the Council has produced a Site Deliverability Report (July 2016) that gives some detail in terms of the infrastructure requirements for sites including water and sewerage infrastructure issues. The authorities need to ensure that the all sites are deliverable in the identified timescales, and that the phasing and trajectory reflect these timescales.

7. Is the approach to site selection sufficiently clear and transparent and is it founded on a robust evidence base?

This is a matter for the authorities to answer.

8. Does the Spatial Strategy, including the Settlement Hierarchy, represent an appropriate strategy for delivering growth over the Plan period?

PPW (paragraph 4.6.3) sets out the priorities for rural areas in terms of the social, economic and environmental aspects of rural areas. PPW (section 4.7) sets out the sustainability principles that should be considered when locating new development.

The Council has undertaken a very detailed analysis throughout its evidence base in formulating its approach to the spatial strategy and the settlement hierarchy. The Welsh Government considers the evidence demonstrates a detailed awareness of various factors including demographic factors, Welsh language, housing market areas, affordability, past build rates, development capacity, community facilities, transport, education provision and development constraints within the settlement hierarchy (*except Clusters to some degree*).

The authority needs to justify how the spatial distribution in the lower settlement tiers aligns with national policy and the key issues the plan is seeking to address, with particular reference to sustainable travel patterns and infrastructure provision in lower tier settlements. To be clear, the WG supports local authorities who seek to enhance the sustainability of rural communities; however we have particular concerns in respect of the approach to the identification of some of the 112 Clusters and the development allowance within them (250 units). We elaborate on this matter in question C below.

The authority needs to demonstrate that it has sought to achieve an appropriate balance in rural areas between the need to support and sustain rural communities whilst ensuring development remains focussed in sustainable locations. The authority needs to explain, how the strategy and objectives of the plan are reflected in the scale and location of growth, linked to the LHMA. To be clear, the WG does not object to the spatial strategy, however, we consider that the approach to Clusters would benefit from explanation and justification.

**a. Does the Plan's Spatial Strategy represent a sustainable approach to planning, including in terms of transportation, over the Plan period?
Would the Plan's Strategy deliver the identified Vision and Objectives?**

See above. As previously stated, in broad terms the Welsh Government is supportive of the Spatial Strategy that seeks to focus development in Regional and Services Centres while balancing the need to sustain rural communities. However the Welsh Government requires some clarification in terms of the approach to Clusters which is set out in detail in 8b & 8c below.

PPW (paragraph 4.7.7) states that in rural areas the majority of development should be located in those settlements which have relatively good accessibility by non car modes. **Clusters of smaller settlements**, where a sustainable functional linkage can be demonstrated, should be designated by Local Authorities.

However the approach taken here is that **groups of more than 10 buildings have been defined as a Cluster in its own right**, rather than a Cluster of smaller settlements. There appears to be minimal interrelationship between the clusters in some cases; rather than being functionally linked to a 'higher tier settlement'. This

approach requires clarification and explanation. Some of the clusters appear to be more akin to development in the open countryside and it is difficult to understand why a separate policy is necessary. For example, some Clusters appear to be characteristically very different, some are quite large, yet some are frontage linear development. Some would appear to perpetuate development patterns that the Council itself does not wish to perpetuate such as ribbon development. In addition it is unclear as to why a 2 unit threshold has been applied to all Clusters, when some appear much larger than others? We have included some examples for illustrative purposes at the end of this statement.

While the Welsh Government supports an authority seeking to maximise the delivery of affordable housing, the approach to Clusters and the relationship to the strategy requires further clarification especially as half of them have now been given recent permission for market housing? See QC below for further detail on this matter.

b. How has the Spatial Strategy been informed by the findings of local housing market assessments?

LHMAs: Clarification in respect of spatial distribution in line with need - The authority refers to an annual need of 1,344 affordable dwellings based on the 2013 LHMAs (635 p/a Anglesey, 709 p/ Gwynedd). We note that this includes the backlog (i.e. existing households in need of accommodation) and an analysis of household type and tenure. However, it is unclear what the total need is over the plan period. Is the total need $1344\text{p/a} \times 13 = 17,472$ dwellings? The plan should state the total need over the plan period. We note the LDP will contribute towards meeting the identified need through the provision of 1400 affordable homes over the plan period (PS14). However, clarification is sought as to how the LHMA has informed the scale and location of growth.

It is not clear to what extent the plan has distributed growth in line with the areas of need in the LHMA. This is particularly apparent given the need in Gwynedd is higher, yet the level of housing provision is lower than Anglesey and that of the 2011-based principal household projection. There should be a clear articulation between the provision in the settlement hierarchy and need, illustrating why growth has been identified at specific locations. Linkages to sustainability issues should also be reconciled, i.e. why it is, or is not appropriate to locate affordable housing in less sustainable communities. This is particularly relevant in respect of Clusters and the restrictions on those villages set out in TA15: Local Market Housing. Indeed, the number of dwellings **with occupancy restrictions covered under Clusters and TA15 is in excess of 600 dwellings** (250 in Clusters and 350 windfall and allocation units covered under TA15). The authority will need to explain how this approach is both sustainable and deliverable, and how it aligns with the findings of the LHMAs.

TA15 – Implications on Strategy Delivery - PPW (paragraph 9.2.4) states that it is possible to restrict occupancy of market housing provided that the LPA can justify this by local evidence. However, such policies are open to challenge under Human Rights Legislation. The LPA has set out its justification in Topic Papers 17 and 17a. However, it is not clear from the evidence why the provision of intermediate housing under affordable housing policy would not meet the identified need? There is also some doubt set out in the Councils own evidence about the deliverability of market housing with occupancy restrictions, i.e. would developers build it and issues around mortgage availability. In addition, the LHMA's indicate that the predominant tenure of need is for social rented dwellings. How does this align to what is being proposed under TA15?

The key issue here is to demonstrate that the strategy and settlement hierarchy is in broad alignment to the LHMA and that the strategy is deliverable. For example, some of the more sustainable Local Service Centres are restricted by the approach in TA15? How will this policy approach ensure the strategy will be delivered? Does the authority have a track record in delivering this type of housing? What are the implications for the strategy and the delivery of market and affordable housing if these units do not come forward?

The current LHMA is 3 years old; however, the Council states that updated LHMA's will be published in 2016. What is the status of the studies and are there any implications for the level of need both numerically and spatially?

c. Is the level of growth within the lower tier settlements (villages and clusters) justified?

As previously stated the Welsh Government has some concerns over the approach to Clusters in respect of deliverability, sustainability and the consistency of approach to all Clusters that appear to demonstrate different characteristics in respect of size and location. The Welsh Government considers that the following questions would aid discussion at the session:

- How do Clusters align with LHMA and the level of housing need?
- Do all Clusters have a need for affordable housing?
- Is this approach sustainable, in line with PPW and the key issues the plan is seeking to address?
- Should an LDP plan identify development at 112 locations at this scale? Can development in Clusters be accommodated by the exception site or Countryside policies? Why is a separate policy/settlement tier required?
- Why 2 units per cluster? Especially as some Clusters appear to be much larger than others? Does the authority have a track record of delivering development of this nature in clusters?
- Is development capped at 2 permissions or 2 completions? How will this be monitored/ implemented in practice?

- Are the 250 units (*we note that some now have permission for market housing*) identified within Clusters viable and deliverable for affordable housing at this scale?

d. Does the Spatial Strategy effectively link employment and residential growth?

How are the economic and residential strategies aligned?

We comment in more detail on this matter as part of our Employment hearing statement however on balance, the Welsh Government does not object to the spatial distribution of employment land. The distribution of both housing and employment growth is broadly consistent with the plans strategy to focus development in the Sub-regional, Urban Service and Local Service Centres. For ease of reference, allocation C37: Former site of Shell, Rhosgoch, has been omitted from the table below. We have sought clarification in respect of the reserve site and its status within the hierarchy within our employment statement.

The Spatial Distribution of Housing and Employment Sites

Settlement Hierarchy	Housing (Units)	Percentage	Employment (Hectares)	Percentage
Sub-regional/Urban Service	4,346	Up to 55%	316.37ha	77%
Local Service	1,580	At least 20%	77.8ha	19%
Villages	1,502	No more than 25%	6ha	1%
Clusters	224		-	
Open Countryside	250		10.3ha	3%

e. Does the Strategy maximise the use of previously developed land and adopt the sequential approach to the release of land as set out in Planning Policy Wales?

This is a matter for the local planning authority. National planning policy requires local planning authorities to use previously developed (brownfield) land in preference to greenfield sites, particularly those of high agricultural or ecological value (PPW, paragraph 4.9.1).

f. Is the Plan's Spatial Strategy and policy framework consistent with national policy relating to Flood Risk?

The Welsh Government considers that the LDP policy framework (PS6) should be amended and strengthened to better reflect national planning policy in respect of flood risk, as set out in PPW (section 13.3) and TAN15 'Development and Flood

Risk'. This is particularly pertinent in TAN 15 (paragraph 10.8) which states that sites in Zone C2 should not be allocated for highly vulnerable development; the thrust of national policy is to avoid such areas rather than mitigate and then continue; this should be clearly articulated in Policy PS6. The policy(s) and supporting text should also be amended to align with the requirements of section 13.3 in PPW and reflect the acceptability and justification tests of TAN15.

In addition the LPA should demonstrate that it has complied with national policy and that all the sites/allocations can accommodate the scale of growth proposed and are deliverable within the plan period. With regards to employment sites any changes to include waste uses within these sites should be reassessed with regards to flood risk.

In addition to PS6 there are a number of policies that also address flooding e.g. TWR4, TAI7 and TAI13. Clarification is sought as to whether they are necessary in addition to the main flooding policy. If it is felt these are required the following changes should be made for clarity purposes:

- TAI7, criterion 8 ii references a technical document which may become outdated, reference to this could be in the supporting text. Criterion 8 iii should only apply to those areas where there is a risk of overtopping/breach of tidal defences as the current wording applies the policy to all areas outside of a Coastal Change Management Area.
- TAI13 – should be strengthened to ensure avoidance of highly vulnerable uses in C2 flood zone.

There is a cross reference within policy PS6: Alleviating and adapting to the effects of climate change to Policy PYCFF1, however this policy does not contain any direct references to flood risk, clarity is required.

g. Does the Plan's Spatial Strategy successfully translate national policy in relation to the best and most versatile agricultural Land to the local level?

The potential loss of BMV land could result in the permanent loss of approximately 40 hectares. The majority of the land is included in allocations TRA1, C14 and C15 and the plan has limited evidence to demonstrate that paragraph 4.10 (PPW) has been considered at all in allocating these sites for development. It is not clear how the focused change to policy TRA1 has impacted on the amount of BMV potentially lost and clarification is required on this.

9. Does the Plan's strategy adequately safeguard the interests of the Welsh language?

The Welsh Government made representations to the Focussed Changes, NF15, regarding Policy PS1. The policy needs to be amended accordingly to reflect national policy. Specifically, the policy needs to ensure that windfall assumptions made in the plan to deliver the scale of growth at the desired geographical locations will be delivered. Only those windfalls not factored into the plan should be subject to further scrutiny regarding the planning application stage.

The current policy wording as written also should relate to 'dwellings' not 'people', 'significant' should also be defined and 'attract' deleted.

With regard to the plan's strategy, all sites identified within the plan to deliver on the overall provision of the plan should have been assessed as part of the plan preparation process to ensure there are no adverse impacts on Welsh Language. This should be part of the SA/SEA. It would not be appropriate to then refuse planning applications on sites identified to deliver the plan due to Welsh Language matters. The Local Authority should be able to clarify this position.

10. Is the Plan's Strategy deliverable?

- a. Have all infrastructure requirements been considered to ensure the timely deliverability of allocated sites, including in terms of sewerage capacity?**

We note that the Council has produced a Site Deliverability Report (July 2016) that gives some detail in terms of the infrastructure requirements for sites including water and sewerage infrastructure issues. The authorities need to ensure that the all sites are deliverable in the identified timescales, and that the phasing and trajectory reflect these timescales. In addition, we have concerns regarding the deliverability of 600+ dwellings that are constrained to local need housing. The Council need to explain that the approach is deliverable and will jeopardise the delivery of the strategy.

We make specific comments in respect of the delivery of Wylfa in our statement to Hearing Session 9 where we make comments in respect of the plan needing to be clear what infrastructures is required to deliver the site.

- b. Are the allocated sites based on robust site assessment methodology that takes into account potential constraints?**

This is a matter for the authorities to explain.

- c. Are policies PS2 and ISA1 based on a robust evidence base?**

In broad terms the Welsh Governments has no concerns with the policy approach in this respect.

11. Is the Plan's Strategy sufficiently flexible to respond to changing circumstances?

Our comments in respect of flexibility within the housing provision and the new phasing policy are covered in our housing statement. In addition, the authority needs to explain what the impacts are for the strategy if the local occupancy restrictions impede delivery within lower tier settlements and Clusters.

The Monitoring Framework needs to be sufficiently clear and sensitive to ensure the plan is delivered. A transparent and comprehensive monitoring framework should be integral part of an LDP. Currently, the LDP monitoring framework has shortcomings regarding ranges being too extensive, a lack of trigger points and unspecified actions to redress matters. The Welsh Government is prepared to work with the local authority to improve the monitoring framework which will hopefully aid detailed discussion at the monitoring hearing session.

a. Can the Plan respond effectively to changes in the Wylfa Newydd project?

We make specific comments in respect of the delivery of Wylfa in our Hearing Session 2: House Provision, and Hearing Session 9: Wyfla. In summary the Welsh Government considers that further clarification is required in respect how the level of housing provision relates to Wylfa, and the plan needs to make clear what infrastructure is required to deliver this key site. Clarification is also required in respect of the temporary workers policy and the potential 'legacy' impacts that the policy as worded could have for strategy. The monitoring framework in respect of Wyfla and the relationship to the strategy is critical.

12. Does the Plan provide robust mechanisms for the Monitoring and Implementation of the Plan's Strategy?

See previous comments. The Welsh Government is prepared to work with the local authority to improve the monitoring framework which will hopefully aid detailed discussion at the monitoring hearing session.

13. Any other matters.



