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Eich cyf : Your ref  
Ein cyf : Our ref APP30-01-013/4  
Dyddiad : Date **16<sup>th</sup> September 2009**

Dear Mr Davies

**Merthyr Tydfil Local Development Plan 2006-2021**  
**Addendum to the Deposit Plan: Statement of Focussed Changes**

Thank you for your letter of 05<sup>th</sup> August.

The matter of whether a plan is considered 'sound' will be for the appointed Planning Inspector to determine. We have considered the proposed Focussed Changes in the light of the representations we made to the deposit plan and in accordance with the consistency and coherence & effectiveness tests (principally in accordance with whether satisfactory regard has been given to national planning policy - test C2).

Accordingly, we have representations with regard to three of the proposed changes as detailed in the attached annex. We have not provided any representation where a Focussed Changes does not address our earlier deposit plan representations and we do not object to the change proposed.

Yours sincerely

Mark Newey  
Joint Head of Plans, Management and Performance  
Planning Division

**(enclosure – annex)**



## **Annex to WAG letter (16<sup>th</sup> September 2009) in response to the Merthyr Tydfil LDP Addendum to the Deposit Plan: Statement of Focussed Changes**

### **Focussed Change i) Minerals**

We note that the proposed change has been supported by the LDP Background Paper: Minerals (which has formed part of the LDP submission documentation package); we consider that the information in that paper does provide important clarification to the plan's minerals policies.

- **Redrawing of the Minerals Safeguarding Areas**

Supported by the information in the Minerals Background Paper, and subject to being accurately transferred onto the Proposals Map, the extent of the safeguarding areas appears now to have satisfactory regard to national planning policy and deals with that part of our original objection.

- **Introduction of mineral buffer strips for aggregates**

We consider that the aggregate buffer strip should not be included by a change to the proposal map of the deposit LDP; and that the proposed amendment to paragraph 5.9.4 of the Deposit LDP (para 2.8 of the Focussed Changes) should refer only to coal buffer strips. It must be clear that the Addendum Minerals Background Paper page 14 is not correct in its reference to Areas of Search for aggregates in the LDP; indeed there should be no reference to Areas of Search for Aggregates in the LDP.

*Reasoning:* Whilst we have no objection to the designation of mineral buffer strips around settlements for **coal** (given that you have clarified what you mean by the term buffer 'strips' even though it isn't contained in national planning policy guidance), we consider that it is not acceptable to have buffer 'strips' around settlements for **aggregates**. (We would note that the inclusion of this proposed focussed change did not relate to any representation made by the Assembly Government to the Deposit LDP).

The Minerals Background Paper (its addendum page 14) states, under a bullet point entitled '*areas where minerals should not be worked*', that the buffer strips are identified to '*provide environmental protection to existing settlements and to guide the minerals industry to where mineral working is more likely to be acceptable*' .... '*applications to work identified mineral resources within the aggregate and coal buffer strips should therefore be considered as areas of search where it is more likely that some sites will be appropriate for mineral extraction, depending on economic and / or environmental circumstances*'.

To, in effect, identify Areas of Search for aggregates in this way does not accord with paragraph 14 of MPPW. The Regional Technical Statement shows that there is an adequate landbank for aggregates in Merthyr Tydfil over the plan period, and no need to make provision in the LDP. The identification of Areas of Search conflicts with this, and with Assembly Government policy to move away from the overlarge landbanks that do pertain in much of Wales.

In addition, Areas of Search would be in conflict with lines 3 & 4 of the policy TB8: Mineral Proposals (page 85 of the Deposit LDP) which states that, '*..Proposals for mineral extraction and associated development will normally only be allowed where they are included within active mineral sites as shown on the LDP proposals Map...*'.

- **Appendix 1 – Proposals Map**

The Proposals Map key includes notations for mineral 'buffer strips' and for 'permitted reserves at active / inactive quarries' without providing LDP policy references.

## **Focussed Change ii) Affordable housing**

We have considered the revised policy on Affordable Housing (AS22) (former policy TB4) and the related Background Paper in relation to our previous comments on the deposit plan. We have also had regard to the information provided in the LDP Consultation Report (representation number 073/01/TB4 on page 355).

Affordable housing provision continues to be a priority Ministerial concern and the Assembly Government is keen to maximise the level of provision. Rather than the broad-brush deposit policy, the focussed change proposes a reduced target from 997 to 370 affordable units with an area-specific focus for the plan's identified growth areas based upon new evidence relating to the 4 sub-market areas.

The updated LHMA (2009), the additional work on viability assessment and the availability of the new LDP Background Paper on Affordable Housing (which has formed part of the LDP submission documentation package) will greatly assist discussions at the examination. However, there remains a lack of clarity as outlined below.

We consider that 'the focussed change together with the Background Paper fail to provide clear information on the level of housing need identified by the LHMA (updated 2009). Whilst para 3.3 of the Background Paper implies that the percentages provided are identified in the LHMA, the drafting of this paragraph lacks clarity of meaning. It appears to indicate that overall 17% of the dwelling units allocated by the LDP are required to be affordable housing in order to meet the need identified in the LHMA, but this is not clear. Paras 7.3 to 7.9 provide some further explanation by way of reference to the units allocated to certain of the identified growth areas, but again there is no clear information on the level of need which the policy seeks to address. The revised policy (AS22) then seeks to provide, overall, less than 10% of the LDP housing allocation as affordable housing as a result of the viability assessments for each growth area; this compared to the 17% which para 3.3 appears to indicate is required. Given this, there is no indication that either the bringing forward of additional sites or a review of the threshold (20 units) has been considered. Furthermore, the policy wording fails to include the threshold.

It therefore continues to be impossible to make a clear assessment of how the affordable housing policy (now AS22) addresses the need identified in the LHMA, and also which are the areas of greatest need.

The affordable housing target in the policy is predicated on 2009 viability assessments and takes no account of possible future changes in the market. Whilst the Background Paper advises that this would be subject to review (paras 4.3, 4.6, 4.9) and does show that testing based on a 10% increase in house prices has been conducted; the policy itself is silent. The policy therefore does not appear to be sufficiently flexible to deliver the appropriate amount of affordable housing over the plan period.

## **Focussed Change vii) Addition of Policy BW18 Contaminated Land**

The presence of contaminated land has implications for deliverability of development on brownfield sites. The proposed new policy is largely a repeat of national planning policy contained in PPW. There is a slight difference, however, in the requirement for remedial measures to be completed before development commences. This would necessitate the discharge of planning conditions requiring remediation measures before the rest of the

development can commence. This is not explicit in national policy; therefore, this policy is arguably more robust than national policy and would benefit from being tested at examination.

The LPA should ideally be in a position to demonstrate what preliminary investigations and what evidence have been used in informing the development of the plan strategy and concluding the need for the policy. We note that more information is provided in the Council's recommended policy justification which is provided in the LDP Consultation Report (e.g. at representation number 069/04/WS/CE4 on page 323); it should be clear how the information referred to in paragraph 3.18.3 of that suggested reasoned justification would be available to assist developers.

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