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Eich cyf : Your ref
Ein cyf : Our ref APP030-01-019/3
Dyddiad : Date **25th March 2009**

Dear Ms Davies

**Rhondda Cynon Taf Local Development Plan 2006-2021
– Deposit Plan Consultation**

Thank you for your letter of 3rd February enclosing copies of the deposit LDP and supporting documentation, and for the subsequent letter of 11th February.

We recognise your achievement in being one of the first local planning authorities to advertise a deposit LDP. We also appreciate the extensive technical work undertaken with regard to the evidence base for the deposit LDP.

The matter of whether a plan is considered ‘sound’ will be for the appointed Planning Inspector to determine. We have considered the Deposit LDP in accordance with the consistency and coherence & effectiveness tests, and principally in accordance with whether satisfactory regard has been given to national planning policy (test C2). Our representations are separated into 4 categories which are supported with more detail in the attached annex.

- A. Objection under soundness tests C2, CE2: Fundamental issues that we consider present a significant degree of risk and that may have implications for the plan’s strategy: - **no issues**
- B. Objections under soundness tests C2, CE1, CE2: 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:
 - i. **Affordable Housing**
 - ii. **Minerals safeguarding and operations**



- iii. **Wales Spatial Plan Strategic Opportunity Areas**
- iv. **Climate Change**
- v. **Water supply and waste water infrastructure**
- vi. **Land contamination (and reclamation)**
- vii. **Waste Planning**
- viii. **Renewable Energy**
- ix. **Special Landscape Areas**
- x. **Gypsy Travellers**

- C. In relation to soundness tests CE2, CE3, CE4: Matters where we consider there to be a lack of certainty or clarity which, whilst not considered to be fundamental to the soundness of the LDP, we consider we can usefully draw to your attention to enable you to consider how they might be better demonstrated, that:
- i. the strategy and policies are **deliverable**,
 - ii. the plan is **flexible** to enable it to deal with changing circumstances,
 - iii. the mechanisms for **implementation** and **monitoring** are sufficiently clear.
- D. Matters relating to clarity of the plan generally which we consider may be of assistance to your authority and to the Inspector in considering suitable changes.

We have raised these issues with you on previous occasions. It is for your authority to ensure that the LDP is sound when submitted for examination and it will be for the Inspector to determine how the examination proceeds once submitted.

We advise you to consider how you could maximise the potential of your LDP being considered 'sound' through the examination process. If you would like to **meet at an early date** to discuss any matters arising from our formal response to your deposit LDP, please contact me.

Yours sincerely

Mark Newey
Joint Head of Plans, Management and Performance
Welsh Assembly Government

annex

A. Objection under soundness tests C2, CE2: Fundamental issues that we consider present a significant degree of risk and that may have implications for the plan's strategy: – no issues.

B. Objections under soundness tests C2, CE1, CE2: 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:

i. **Affordable Housing**

Policies CS5, NSA11, SSA12 Affordable Housing

'Planning Policy Wales' (as amended by *Ministerial interim Planning Policy Statement 01/2006 Housing*) requires local planning authorities to make appropriate provision for affordable housing (paragraph 9.1.2). Increased provision of affordable housing is a key policy goal for the Assembly Government (as expressed in section 5.1 of '*One Wales – a progressive agenda for the government of Wales*', June 2007) and delivery of affordable housing is recognised in the deposit LDP as an essential element in the delivery of the core strategy (paras 4.25 & 4.27).

In accordance with national planning policy, the LDP provides an affordable housing target, thresholds for affordable housing contributions and site specific targets, however there is inadequate clarification on how these have been arrived at and how realistic they are:

- **Need:** Core Policy CS 5 sets a target of 3,000 affordable homes to be provided through the planning system over the plan period to 2021. The Council's Local Housing Market Assessment (LHMA) indicates that 4,350 affordable homes are needed over the period 2006-11. No information is provided for the need over the plan period (nor on the availability of Social Housing Grant for RSLs which has been identified as the means to provide the remainder of the requirement) and it is therefore difficult to assess whether the target is realistic.

- **Deliverability:** Para 448 (**Policy CS 5**) states that 604 affordable homes will be provided in the Northern Strategic Area (NSA) and the remaining 2,396 in the Southern Strategic Area (SSA), to be delivered by the application of a "tariff" to all sites over 5 units allocated by the LDP. However, it is not clear that Para 178 and 107 **Policies NSA 11 and SSA 12** will deliver these targets. Both Policies rely on a combination of on-site provision (on sites of 30 or more units) and the use of commuted sums (from sites of more than 5 but less than 30 units) for the re-use / rehabilitation of existing empty properties. No information is provided either on the strategy for bringing the empty properties back into use or on the sites for 30+ units to enable an assessment to be made of the Policies' ability to deliver the affordable housing target.

In addition, it is not clear why the affordable housing quotas of 25% in the NSA and 40% in the SSA have been chosen and whether they are realistic.

ii. **Minerals safeguarding and operations**

Where coal operations would not be acceptable - Omission

The LDP has not met the requirements of 'Minerals Planning Policy Wales' (MPPW) paragraph 15 which says that mineral planning authorities must provide guidance in the development plan to indicate where it is likely such operations would be unacceptable.

The Coal Mineral Technical Advice Note (MTAN2) sets out the process to be followed and says that the areas must be shown on the proposals map (para 27). There is room for local discretion, but the supporting evidence needs to be provided.

Minerals safeguarding

Core Strategy & Strategic Sites: Minerals safeguarding for the plan period is provided for at policy AW 14 (also at core policy CS10). Minerals safeguarding (and risks from shallow coal workings) should have been included in the factors considered when determining the plan's strategy. As examples, Fernhill Colliery, the Phurnacite plant, land at Robertstown and land south of Hirwaun are all on coal resources that should be safeguarded. It is unclear how this has influenced the selection of sites. National policy requires that if the proposed development site is in an area of primary or secondary coal resources, justification will be required to show that the resource is unlikely to have the potential for opencast extraction, or that the coal can be recovered in advance of the development, or that there are no suitable alternative locations for the development (para 39 of MTAN2: Coal,2009).

Whilst core policy CS10(3) encourages extraction of the mineral in advance of development, it is important that the policies for Strategic Sites within an area of primary or secondary coal resources in the Northern and Southern Strategy Areas should include coal resources as a constraint, as has been done for policy NSA8 Land South of Hirwaun (para 6.41, 2nd bullet; – N.B. this should refer to coal resources rather than reserves).

Policy CS 10 Minerals

- **Para 4.81** – the justification for the policy combines safeguarding and extraction, and fails to be suitably clear about its intentions. It appears to balance safeguarding against the potential impacts of extraction on residential occupiers etc. These issues are matters for consideration only if proposals to extract come forwards, and not in deciding the areas for safeguarding. It also refers to safeguarding nationally important mineral resources but omits regionally and locally important minerals resources which should also be safeguarded.

For clarity the paragraph should be amended, for example, to: “*This policy safeguards nationally, regionally and locally important mineral resources. It will balance appropriate extraction against the potential impact of such development on*”.

- **Policy CS10(1)** seeks to maintain a 20-year landbank of **aggregate** reserves. We note that there is no clarification on how this is derived. This level exceeds minimum levels in national policy. (Para 49 of MTAN 1: Aggregates (2004) seeks a minimum 10-year landbank of crushed rock and a minimum 7-year landbank for sand and gravel to be maintained during the entire plan period.) Para 45 of MTAN1 says that development plans should include an assessment of the current landbank and state how many years of mineral extraction the landbank will provide; whilst there is some evidence in the LDP Minerals Topic Paper, April 2008 at pages 13-14, it has not been taken forward into the Deposit LDP. (Policy SSA 26 – Preferred Area of Known Mineral Resource should be considered in these calculations.)

- **Policy CS10(2)** includes considerations to be taken into account in safeguarding mineral resources (i.e. environmental, planning and transportation). No justification is provided for these considerations; they should not be taken into account in determining the safeguarding area and should be deleted; the exception being environmental considerations in relation to coal safeguarding.

- **Policy CS10(3)** refers to “proven” resources. This is a higher test than national planning policy and needs to be justified; otherwise the word “proven” should be deleted.

Minerals buffer zones for dormant mineral sites - Omission

To accord with the requirements of 'Minerals Planning Policy Wales' paragraph 40 and MTAN1: Aggregates paragraphs 70-71, buffer zones should be defined around all mineral sites including dormant (inactive sites) and the LDP should set out a strategy for the future use of all dormant mineral sites as specified in paragraph 19 of MPPW. Paragraph 5.82 refers to dormant quarries, but it is not clear whether buffer zones have been defined.

iii. Wales Spatial Plan Strategic Opportunity Areas

Although the draft deposit makes a number of references to the Wales Spatial Plan, and to the Strategic Opportunity Areas (some of which fall partly within RCT), the statements are made at a strategic, overarching policy level and do not appear to have been carried through into delivery. In particular, policies SSA 3 (page 95) and Appendix 1 D Major Highway Schemes (page 131) do not mention improving the public transport links from the Llantrisant/Talbot Green area towards North West Cardiff, even though these two locations make up one of the Strategic Opportunity Areas (Wales Spatial Plan Update 2008, para 19.13). The context of RCT and SOAs in relation to the City Region Network is not articulated.

iv. Climate Change

- Adaptation to climate change: Development and flood risk

Strategic sites: The rational for developing large scale sites in the floodplain needs to be robust and open to scrutiny, particularly given the acceptance of a high level of growth. It is noted that highly vulnerable development is largely avoided in the floodplain in the northern strategy area and this is supported, however, this is not the case in the south where two strategic sites (SSA7 & SSA9) are subject to risk. It is not clear what attempt has been made to justify the exception to national policy. Further, any justification would need to be supported by flood consequences assessment appropriate to enable confidence that the sites can come forward in an acceptable manner, including securing any necessary mitigation.

- Policy CS11 Climate Change – section B) Adaptation to climate change, criterion 1: This is on face-value weaker than national planning policy contained in TAN15: Development and Flood Risk, 2004. TAN15 establishes two primary tests to be applied in the floodplain at sections 6 & 7 of the TAN (i.e. that highly vulnerable development should not be permitted in C2 and that the location of development in C1 should be justified, and flood consequences should be assessed). This criterion is considered contrary to national planning policy as it is not sufficient to just require technical assessment of risk. **Policy AW2 Sustainable Locations**, criterion 5, uses only the first of the two primary policy tests in TAN15 and applies it to all areas of the floodplain. This is considered contrary to national planning policy.

- Employment land allocations in the floodplain - It would be useful to clarify the strategy for securing mitigation measures, particularly to ensure flooding does not increase elsewhere as a result of cumulative development of floodplain, and whether this can be achieved by relying on individual businesses securing their own protection.

- Climate Change and Sustainable Construction

Policy CS11 Climate Change & Policy AW5 New Development - No robust and credible evidence base has been provided to justify the sustainability standards and carbon reduction targets set.

v. Water supply and waste water infrastructure

It is not clear what evidence is available in regard to the capacity of water supply and waste water infrastructure. That discussions have taken place with service providers is noted but whether capacity exists or whether any necessary improvements are required, and consequently what the impacts of providing this will be on delivery, will need to be demonstrated.

vi. Land contamination (and reclamation)

There does not appear to be a robust strategy, based on an understanding of the nature of the risks, for delivery of sites subject to reclamation and land contamination constraints. Land reclamation is needed for a number of the strategic sites, whilst Abercwmboi is recognised as being contaminated and in a flood risk area (para 6.30).

vii. Waste Planning

Two areas are identified which could take regional facilities and it is assumed local facilities and this is supported. Although a large amount of employment land is available the LDP should clarify which B2 and B8 locations are appropriate for waste and whether they could accommodate a range of facility types of different sizes so as to contribute to an overall adequate network of facilities. It is noted that specific locations for a network of Civic Amenity (recycling centres) is provided for and this is supported.

viii. Renewable Energy

Policy AW13 Large Wind Farm Development

- Criterion 1 is overly prescriptive. The targets in TAN 8: Planning for Renewable Energy 2005 are indicative, not absolute, and therefore developers should not have to demonstrate a need to meet an indicative generating capacity.
- Criterion 3 is considered unnecessary. TAN 8 already considers the wind resource in the SSAs and this should also have been considered as part of the refinement exercise.
- Criterion 6 is considered to be too prescriptive. The development of large scale windfarms may inevitably lead to the loss of some accessibility but this needs to be considered against other factors and there may be mitigation aspects or indeed other benefits to arise from the development.

Policy AW12 Renewable Energy

- **Small wind turbine developments (paragraph 5.70)** - The process by which the small wind turbine developments are identified needs clarification. This does not appear to have any cross reference to the definition of small scale windfarm development in TAN 8: Planning for Renewable Energy 2005 (which considers >5MW to be small scale).

ix. Special Landscape Areas

Policy AW2 Sustainable Locations (part 8) appears to imply that development will not be supported in Special Landscape Areas (SLAs). This is not consistent with national planning policy as set out in paragraph 5.3.11 of Planning Policy Wales 2002, which states that non-statutory designations such as SLAs should not unduly restrict development. Furthermore, policy AW2 does not appear to be consistent with policies NSA25 and SSA23, which imply that development is acceptable in SLAs subject to specified criteria. Policy AW2 should

therefore be modified to address these issues.

x. Gypsy Travellers

Whilst **Policy SSA 27 Land at Beddau Caravan Park** does identify one specific site allocation in accordance with MIPPS 01/2006 Housing (para 9.2.20) and WAG Circular 30/2007 (para.17), an additional criteria based policy is also needed in order to meet future or unexpected demand with criteria reflecting the guidance in the circular (para.25 of the circular) (For example, G/Ts may want to establish their own 'private' site; there are also transit sites and a possible issue about provision for the north of the Council area.) Para 6.190 refers to a Draft Gypsy and Travellers Study (2007), but this has not been made available as part of the evidence base; it is not clear, for example, as to what level of need there is, and how suitable the site is to meet that need.

C. In relation to soundness tests CE2, CE3, CE4: Matters where we consider there to be a lack of certainty or clarity which, whilst not considered to be fundamental to the soundness of the LDP, we consider we can usefully draw to your attention to enable you to consider how they might be better demonstrated, that:

- the strategy and policies are **deliverable**,
- the plan is **flexible** to enable it to deal with changing circumstances,
- the mechanisms for **implementation** and **monitoring** are sufficiently clear.

LDPs must be supported by an appropriate evidence base; the deposit plan does refer to various LDP Topic Papers and other documentation. At present the Topic Papers made available are generally dated April 2008 and do not support the deposit plan policies (e.g. para4.18 of the deposit LDP refers to infrastructure requirements for sites detailed in the LDP Infrastructure Topic Paper – they are not). In addition the Topic Papers aren't sufficiently robust in providing a rigorous evidence base to support the policy choices made. (The evidence base on the web-site was not made available until well into the deposit period and the CD provided on request failed to provide the appropriate documentation.)

The deposit plan claims that the policy framework is flexible (para 4.23) but no detail is provided in support of this statement. The 8 strategic sites include very specific figures for employment and housing provision (core policy CS3, para 4.37; core policy CS4) which could prove to be overly restrictive and inflexible.

The plan would benefit from a more explicit demonstration of how and when development will be realised over its lifetime; greater clarity on timing (including on priorities), on linkages to infrastructure and on funding sources, albeit at a strategic scale. This would assist clarity and certainty.

Whilst the monitoring framework (chapter 7) provides a number of targets and indicators in relation to plan objectives and core policies it should provide guidance on implementation and on triggers for review. In addition, greater clarity in relation to the individual strategic sites should be provided in the monitoring framework; some information is provided at various places in the deposit plan such as 5.17 (on infrastructure) and the individual policies for these sites, but more detail is required and incorporation into the monitoring framework would be appropriate.

D. Matters relating to clarity of the plan generally which we consider may be of assistance to your authority and to the Inspector in considering suitable changes.

Vision

Owing to the lack of a distinct heading, it is somewhat unclear as to what the LDP Vision actually is.

Relationships to Neighbouring Areas

- Housing Growth

14850 new dwellings in the plan period will require a 50% increase in past build rates (core policy CS4 & para 4.40); para 4.43 says that this accords with the South East Wales authorities housing apportionment. It is not clear how viable the delivery of this level of housing is and its relationship to constraints and to the Cardiff City Region.

- Employment Land Forecasts

Cumulative impact: it is not clear what discussion has been had between neighbouring local planning authorities concerning the implications of emerging LDP growth strategies and the resulting over-provision of employment land. Allocations are likely to be over generous and will add to the cumulative overstatement across the WSP area.

- Policy anomalies

Policy anomalies exist between emerging neighbouring LDPs and it is not clear what discussion has been had between neighboring local planning authorities and what the implications are. For example, there are inconsistent local designations e.g. Special Landscape Areas - local designations for special landscape areas are proposed in RCT whereas neighbouring Merthyr does not include any in its published deposit LDP.

Historic Built Environment

Cadw considers that for clarity, the word 'historic' needs to be added to 'built heritage' / 'built environment' at the 3rd bullet of para 3.3, and in the wording of policies CS1, CS2 and AW7.

Policy AW6 Design and Placemaking

Design statements will become a mandatory requirement in 2009 and will therefore not require policy in the LDP unless there is distinctive local policy.

Para 1.47 MTAN2: Coal (2009) should be added to the list of national policy and advice.

Para 1.19 - the references to the Wales Spatial Plan are out of date, and should be revised to acknowledge the adoption of the Wales Spatial Plan Update 2008 which occurred in July 2008.

Para 4.12 (page 27) the correct Wales Spatial Plan terminology is key settlements rather than hub settlements.

Para 6.106 appears to be mis-placed. It is not clear what is being safeguarded and therefore what the justification is for a buffer zone of 200m.
