

**WELSH GOVERNMENT**

**Examination Hearing Statement**

**Vale of Glamorgan  
Local Development Plan Examination**

**Hearing Session 18:**

**Miscellaneous Policy Matters**

**24 March 2016**

## (Session 18): Miscellaneous Policy Matters

### Development Management Policies

#### 3. Does Policy MD1: '*Location of New Development*' represent an appropriate policy relating to the development of unallocated sites?

Policy MD1 'Location of new development' is closely related to policies MD5 'Development in key, service centre and primary settlements', MD6 'Development within minor rural settlements' and MD11 'Affordable Housing in rural areas'. These policies have been subject to a number of action points from earlier hearing sessions and the proposed changes to these policies will have implications for the application of policy MD1. We suggest the following amendments to the policy;

- Criterion 1 reads; 'has no unacceptable impact on the countryside', however, 'countryside' is currently not clearly defined in the plan. Planning Policy Wales (PPW) states that development should be located within and adjoining settlements, with new building in the open countryside, away from existing settlements or areas allocated for development in development plans to be strictly controlled (paragraph 4.7.8).
- How does the Council propose to assess criterion 2? 'Reinforces the role and function of the key settlement of Barry, the service centres settlements, primary settlements and minor rural settlements as key providers of commercial, community and healthcare facilities'. How will the authority ensure that development is directed to the higher tiers of the settlement hierarchy which are most sustainable?
- Criterion 5 and 7 should include the caveat 'if / where appropriate'.
- As highlighted in hearing session 1, it is an action point for policy MD1 to reflect national policy in respect of flood risk and best and most versatile agricultural land quality.

#### 4. Do Policies MD2: '*Place Making*' and MD3: '*Design of Developments*' represent a suitable and appropriate policy framework relating to the design of new developments?

##### **a. Are both policies necessary given considerable degree of overlap? Should they be merged?**

There appears to be considerable overlap between the two policies and for clarity the authority should explain why two policies are required.

##### **b. Should the requirement for energy assessments, as set out in paragraph 7.7 of the reasoned justification to Policy MD2, be included within the Policy wording?**

The authority references Technical Advice Note 22 'Planning for Sustainable Buildings' which was cancelled in July 2014. Planning Policy Wales states "Local

planning authorities should assess strategic sites to identify opportunities to require higher sustainable building standards (including zero carbon) to be required. In bringing forward standards higher than the national minimum, set out in Building Regulations, local planning authorities should ensure that what is proposed is evidence-based and viable.” (paragraph 4.12.5).

**5. Is Policy MD7: ‘*Housing Densities*’ appropriate? Is it sufficiently flexible to allow site by site negotiation where evidence suggests it would be justified?**

The Welsh Government does not have concerns with the policy approach. National policy promotes the resource-efficient use of land and therefore supports higher densities, where appropriate (paragraph 4.4.3). The authority should ensure that the proposed densities are realistic, appropriate for the area and deliverable.

**6. Would Policy MD8: ‘*Environmental Protection*’ provide an appropriate level of protection for the environment?**

The Welsh Government is broadly supportive of policy MD8 – Environmental protection, pending changes in respect of flood risk.

**7. Is Policy MD12: ‘*Conversion and Renovation of Rural Buildings*’ consistent with national policy and does it represent an appropriate policy framework for the consideration of such proposals?**

Yes, the Welsh Government is content that the policy aligns with national policy.

**a. Should the requirement for a marketing exercise (as set out in paragraph 7.60) be clear within the Policy wording?**

If this is a requirement against which a planning application is to be determined then the wording should be contained within the policy text.

**8. Does Policy MD13: ‘*Dwellings in the Countryside*’ represent a sound policy basis for considering residential development within the countryside?**

**a. Should the Policy make reference to general housing in the countryside and rural enterprise dwellings, including a cross reference to national policy?**

What is countryside in the context of the plan is subject to action points from previous sessions. Planning Policy Wales (PPW) states that development should be located within and adjoining settlements, with new building in the open countryside, away from existing settlements or areas allocated for development in development plans to be strictly controlled (paragraph 4.7.8). In essence, the thrust is that there significant development in the countryside should not be permitted, although national policy does allow for some exceptions such (TAN 6 rural development, affordable housing).

Policy MD 13 does not address new residential development for rural enterprise dwellings or live work units, only extensions to existing buildings. PPW section 7.3.3 notes that while initial consideration should be given to adapting existing farm buildings, the provision of a sensitively designed new building on a working farm within existing farm complexes may be appropriate where a conversion opportunity does not exist. TAN 6 section 3.1.4 states that development plans should identify new opportunities for home/ work developments. Policy MD12 would address conversion of existing buildings but MD13 does not address rural enterprise dwelling requirements.

**b. Should the Policy outline the fact that, for the purposes of the LDP, the 'countryside' comprises the area outside of the settlement boundaries defined on the Proposals Map? No specific policy is included on the role of the settlement boundaries.**

The Welsh Government considers that Policy MD13 would benefit from the definition of 'countryside', which national policy identifies as those areas outside of settlement boundaries (see our response to question 3 above). However, As previously stated, what is countryside in the context of the Vale is subject to action points.

### **Community Facilities**

The requirement for new infrastructure is closely related to the amount of new development, both allocated and windfall. This assessment is set out in some detail in the Council's background papers, namely open space, education and community facilities. The Welsh Government considers that in light of discussions at previous hearing sessions, any changes to housing components such as windfall assumptions, could impact on the infrastructure requirements both in the policy framework and supporting background papers. The Council will need to explain the impact, if any, for infrastructure requirements within the plan. This is essential to ensure the evidence base and policy framework is robust.

**9. Is Policy MG7: 'Provision of Community Facilities' based on a robust and credible evidence base? How will such facilities be delivered? Have such requirements been factored in to the overall viability of the proposed allocations?**

We note the authority has undertaken a detailed analysis of community infrastructure in relation to existing and new provision required over the plan period, and we understand that this work has informed the Infrastructure Delivery Plan. The Council has used a variety of best practice guidance to derive standards for community buildings, in terms of both existing levels of provision and that resulting from new planned housing growth. The Welsh Government does not object to the approach.

It will be for the LPA to explain how the evidence has informed the policies in this respect. There has been discussion at previous hearing sessions in respect of the importance of both viability and deliverability in terms of infrastructure requirements. The key point is to ensure that all Infrastructure can be delivered over the plan period

either through S106 and or CIL, whilst ensuring that the viability work has sufficient costs embedded within it allow for infrastructure within the plan to be delivered.

#### **10. Does the Plan do enough to protect existing community facilities?**

Objective 5 of the LDP seeks to maintain, enhance and promote community facilities in the Vale of Glamorgan. We note that policy MD5 (4), MD6 (9), MD12 offers protection in this respect. The authority will need to explain how the policy framework will deliver on this key objective of the plan, and is sufficiently flexibility to deal with unforeseen circumstances. The monitoring framework (PT12) also reflects this key objective.

#### **11. Should 'Burial Land' be included as a 'community facility' as proposed by FC51?**

Welsh Government notes the work undertaken on the Burial Land Study 2013 and the Open Space Background Paper 2013. There is no objection to the inclusion of burial grounds within the definition of community facility within the plan and broadly support the policy framework for community facilities within the plan. The open space paper acknowledges this approach to the provision of burial ground.

#### **Health Facilities**

#### **12. Policy MG8: '*Provision of Health Facilities*' safeguards land for the future development and expansion of Llandough hospital for health related uses. Is this approach appropriate and based on credible evidence?**

This will be for the authority to answer. All allocations should be supported by evidence.

#### **Open space**

PPW section 11.2.2 requires 'the development plan to contain clear policies for the provision, protection and enhancement of tourism, sport, recreation and leisure facilities.'

The Welsh Government considers that the policy framework in respect of open space needs to be amended to reflect the evidence base, and national policy. The Council has undertaken a detailed assessment of open space which is supported. However the conclusions of the study have not been appropriately translated into the policies in the plan. The Welsh Government considers that the Council need an additional policy setting out the standard for open space being sought, including what thresholds the standard would apply to (supported by appropriate references to the Open Space Study). In addition, clarity on the Councils approach to onsite/off site provision is required in the plan; including reference to the approach that will be taken in areas where there is either an under/over provision. The Council would benefit from looking at other adopted plans in this respect.

### **13. Policy MG25: 'Public Open Space Allocations':**

#### **a. Are the Public Open Space Allocations proposed through Policy MG25 appropriate and deliverable?**

The open space provision on allocated sites must be deliverable, linked to evidence. The key point is to ensure that the viability work has sufficient costs embedded within it allow for open space requirements within the plan to be delivered. This is for the local planning authority to explain.

#### **b. Are the proposed allocations based on a robust and credible evidence base?**

This is for the authority to demonstrate.

#### **c. Have the implications on the viability of proposed housing schemes been fully considered?**

This is for the authority to demonstrate.

#### **d. Are the requirements of paragraph 6.149 appropriate and, if so, should they be elevated to Policy wording (or included within criterion 10 of MD3)?**

As previously stated, there is no policy in the plan setting out the Councils standards, or what threshold the standards would apply to. If the evidence demonstrates the need for children's play areas for all housing developments this should be set out in the policy. Clarity is also required with regards to the reference of applying the standard to 'all housing developments'. Does this include sub division or conversions of properties? The threshold/type of development to which open space applies requires clarification, linked to the evidence base. In addition, is it appropriate to ask for open space on all developments given the open space study goes into some detail in terms of areas or surplus and deficit? The Councils approach in this respect should be made clear in the plan. This will improve the clarity of the plan, and ensure it can be implemented as intended.

### **14. Criterion 10 of Policy MD3: 'Design of New Developments' requires public open space to be provided in accordance with Council standards. Should these standards be clearly identified within the Plan?**

Yes. The plan is silent on what standards the Councils require, or what threshold they would apply to.

### **15. Does the Plan adequately protect existing Open Space?**

Section 11.2.2 and 11.2.3 of PPW requires LDPs to contain clear policies for the provision, protection and enhancement of tourism, sport, recreation and leisure facilities. It also requires the protection from development of playing fields and open space that has significant amenity or recreational value to local communities.

On balance, the Welsh Government considers the policy framework Policy MD2, MD5 and MD6 is appropriate.

### **Education Facilities**

**16. Is the Plan's approach to Education appropriate and deliverable and is it supported by a robust and credible evidence base (Policy MG6: 'Provision of Educational Facilities'/ Background Paper SD62: Education Facilities)?**

We note that the Council has undertaken a detailed analysis of Education requirements (SD62) in relation to both existing and new provision over the plan period. This work has been reflected in MG6, MG7 and the Infrastructure and Delivery Statement (SD25).

It will be for the LPA to explain how the evidence has informed the policies in this respect. There has been discussion at previous hearing sessions in respect of the importance of both viability and deliverability in terms of infrastructure requirements. The key point is to ensure that all Infrastructure can be delivered over the plan period either through S106 and or CIL, whilst ensuring that the viability work has sufficient costs embedded within it allow for infrastructure within the plan to be delivered.

### **Tourism and Leisure**

**17. Does the Plan, through Policy SP11: 'Tourism and Leisure' and Policy MD14: 'Tourism and Leisure', provide an appropriate framework for the consideration of proposals for new or enhanced tourism and leisure facilities?**

Objective 9 highlights that tourism is a key issue for the plan. The Welsh Government considers the policy framework as a whole (SP1, SP10, SP11, MG24, MG26, MD1, MD6, MD12 and MD14) is generally positive in terms of retaining, promoting and enhancing tourism opportunities.

**18. Are the allocations proposed through Policy MG26: 'Tourism and Leisure Activities' appropriate and consistent with the overall strategy?**

This is for the authority to respond.

### **Renewable Energy**

**19. Is the Plan's approach to Renewable Energy consistent with national planning policy set out in Chapter 12 of PPW?**

No. National policy states that 'local planning authorities should guide appropriate renewable and low carbon development by undertaking an assessment of the potential of all renewable energy resources and renewable and low carbon energy opportunities within their area and include appropriate policies in development plans' (paragraph 12.9.2).

Whilst the authority has undertaken a Renewable Energy Assessment (SD53) the results of the assessment have not informed the policy for renewable energy or other low carbon technology. All relevant low carbon energy generation mechanisms as identified in the authority's Renewable Energy Assessment (SD53) for local-authority scale (5MW to 25MW) renewable energy schemes or other low carbon technology should be supported by a policy and shown spatially on the proposals map.

**20. Is the Plan's approach to Renewable Energy based on a robust and credible evidence base?**

**a. The areas identified for potential wind energy differ between the Renewable Energy Study (SD52, page 17) and the Renewable Energy Assessment (SD53, page 23)**

In our focussed changes representation, we noted that the areas identified for potential wind energy differed in the Renewable Energy Study (SD52, page 17) and the Renewable Energy Assessment (SD53, page 23) differ and would benefit from clarification by the authority.

**21. Does the Plan set out a sufficiently proactive approach to renewable and low carbon energy generation, as set out in the WG letter to Chief Planning Officers dated 10 December 2015?**

**a. Should the Plan identify a clear target for renewable energy generation?**

National policy states "Local planning authorities should consider the contribution that their area can make towards developing and facilitating renewable and low carbon energy and ensuring that development plan policies enable this contribution to be delivered" (PPW, paragraph 12.8.9). As stated in our representation to the focussed changes, we support the inclusion of a target for renewable energy generation under objective 2 (paragraph 4.6). However, it is unclear whether the target for the authority to meet 20% of its energy needs through renewable energy resources by 2020 relates to renewable energy generation in totality, or renewable electricity generation, excluding renewable heat potential. Further clarity is required why the authority has not counted the identified 15.29 MW of wind power potential capacity towards the overall renewable energy potential (SD53, page 36).

**b. Should the locations identified within the Renewable Energy Assessment as potentially suitable for renewable energy technologies be spatially identified within the Plan?**

Yes. National policy states that 'local planning authorities should guide appropriate renewable and low carbon development by undertaking an assessment of the potential of all renewable energy resources and renewable and low carbon energy opportunities within their area and include appropriate policies in development plans' (paragraph 12.9.2). This is reinforced in the Welsh Government's letter to Chief Planning Officers (10 December 2015) which reads;



*'It is disappointing to note that no LDP in Wales has taken the results of the Renewable Energy Assessment and formulated local policies (including allocations or areas of search) for a local-authority scale (5MW – 25MW) renewable energy schemes or other low carbon technology.*

*The designation of such areas would show leadership at the local level; give certainty to the renewable energy industry in making investment decisions; and, through the LDP consultation process, would give communities a say as to where renewable energy developments should be located. By designating these areas, developments can be guided to the most appropriate locations. This approach has been taken by the Welsh Government for large scale wind energy projects through the Strategy Search Area (SSAs) in TAN 8. I expect LPAs to take the same, proactive approach for all forms of renewable and low carbon energy generation.'*

The authority's Renewable Energy Assessment (2013, SD53) identifies a potential capacity of 15.29 MW of wind energy that could be generated. Table 6 (page 21) identifies two potential wind energy clusters (No. 1 and No. 4) with a potential energy generating capacity of over 5MW. The assessment states 'given the aforementioned aviation constraints and likelihood of wind turbines to be approved, this identified wind energy potential should not be relied upon or form part of the overall renewable energy potential in the resource summary section of the study' (paragraph 4.20). However, map 1 (page 22) shows the wind energy potential clusters to be outside of the mapped aviation constraint. It is therefore unclear as to why it would not be appropriate to map these two potential clusters on the proposals map.

## **22. Does Policy MD19: 'Low Carbon and Renewable Energy Generation' represent a suitable policy framework for determining proposals for the generation of low carbon and renewable energy projects?**

### **a. Should the policy be amended to separate out policy requirements relating to small scale and larger scale energy proposals?**

The following observations have been made in relation to Policy MD 19;

- Should the first bullet point under policy MD 19 read agricultural land value for added clarity?
- Paragraph 7.87 of the reasoned justification refers to aviation safeguarding being a constraint which would need to be overcome. It is suggested that this is included in the policy wording as it could be a reason for refusing an application.
- The use of the following sentence in paragraph 7.87 'within the Vale individual solar farm proposals have generally ranged from 5 to 10 MW' should be based on fact. The inclusion of this sentence should not restrict development proposals from coming forward that are over 10MW.
- The final sentence of paragraph 7.87 states that when assessing 'local-authority wide' scale schemes, the cumulative impact of proposals (when compared with other existing and proposed developments) is likely to be a particularly important consideration.' Whilst the requirement for proposals to

consider the cumulative impact of existing developments is a valid consideration, the impact of valid but undetermined planning applications is not appropriate. This issue was the subject of discussion at Carmarthenshire's LDP hearing session where the Inspector recommended its removal was necessary to ensure there are clear mechanisms for implementation and that the policy is reasonably flexible for deal with changing circumstances.

- Paragraph 7.85 does not refer to the renewable energy schemes over 5MW that were identified in their Renewable Energy Assessment (2013).
- Paragraph 7.89 refers to the requirement for a Landscape Impact Assessment – should this requirement be elevated to the policy wording?

The Developments of National Significant (Specified Criteria and Prescribed Secondary Consents (Wales) Regulations 2016 specify the criteria for which development is of national significance. Part 2, Section 4 defines 'generating stations' as having an installed generating capacity of between 10 and 50 megawatts. Therefore, all applications for renewable energy generation over 10 megawatts will be made to and determined by Welsh Ministers, rather than the local planning authority from 1 March 2016.

#### **Any Other Matters**

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