

The Vale of Glamorgan Council

Cabinet Meeting: 11th March, 2009

Report of the Director of Environmental and Economic Regeneration

Vale of Glamorgan Local Development Plan (LDP) - Results of the Consultation on the Draft Preferred Strategy and Initial Sustainability Appraisal Report

Purpose of the Report

1. The purpose of this report is to advise Cabinet of the results of the consultation on the Draft Preferred Strategy (DPS) and the Initial Sustainability Appraisal (ISA) Report undertaken in January and February 2008. The report also explains the next stages that will be undertaken as part of the LDP process, given that the Preferred Strategy remains unchanged.

Recommendations

Subject to consideration by Planning Committee and the Economy and Environment Scrutiny Committee:

1. That the Draft Preferred Strategy is endorsed and used as a basis for the preparation of the Deposit Draft Plan.
2. That the responses to the Draft Preferred Strategy representations are endorsed.
3. That the responses to the Initial Sustainability Appraisal Report representations are endorsed.
4. That representors are advised of the availability of the responses to the Draft Preferred Strategy representations are on the Council's web site.

Reasons for the Recommendations

1. To advise Members and to inform future preparation of the LDP.
2. To ensure that the LDP is prepared in accordance with the LDP Delivery Agreement (October 2007) and to satisfy the requirements of the LDP Regulations.
3. To ensure that the LDP is prepared in accordance with the LDP Delivery Agreement (October 2007) and to satisfy the requirements of the SA / SEA Regulations.
4. To advise representors of the Council's responses to the representations.

Background

2. A report was considered by Cabinet on 12th December 2007, where it was resolved that:
 - "(1) the LDP Draft Preferred Strategy and Initial Sustainability Appraisal Report be endorsed for public consultation purposes in Spring 2008.
 - (2) the Director of Environmental and Economic Regeneration and/or Head of Planning and Transportation in consultation with the Cabinet Member for Planning and Transportation be authorised to make minor amendments to the LDP Draft Preferred Strategy and Initial SA Report prior to public consultation if required.
 - (3) following consultation with both the Planning and Scrutiny (Economy and Environment) Committees, a further report be presented to Cabinet later in 2008 on the representations to the LDP Draft Preferred Strategy and Initial Sustainability Appraisal Report.
 - (4) each of the above recommendations be considered by both the Planning Committee and the Scrutiny Committee (Economy and Environment)."

(Council Minute No. C3321 12th December 2007).
3. A report was also due to be considered by the Cabinet on the 3rd December, 2008. However, that report was withdrawn in advance of the meeting. That report can be found at www.valeofglamorgan.gov.uk/LDP.
4. The DPS and ISA Report can be found on the Council's web site via www.valeofglamorgan.gov.uk/LDP. The six-week consultation on the DPS and ISA Report was carried out in accordance with the mechanisms contained in the LDP Delivery Agreement (October 2007). Both consultations commenced at 12 noon on 16th January 2008 and ended at 12 noon on 27th February 2008. Late representations are not duly made in accordance with the LDP Regulations and consequently have not been considered by officers.
5. The Council received 210 representations to the DPS, of which 4 were late. 14 DPS representations were received from specific consultees such as the WAG. With regard to the ISA Report, 31 representations were received in total, of which 1 was late. 6 ISA Report representations were received from specific consultees. Copies of the DPS and ISA Report representations and officer's proposed responses can be found at www.valeofglamorgan.gov.uk/LDP

Relevant Issues and Options

6. Appendix A to this report contains a detailed breakdown of the duly made responses to each question on the DPS comment form. Question 6 sought views on the Council's Draft Preferred Spatial Strategy (option 5 refers). In summary, the DPS seeks to concentrate development opportunities in Barry and the South East Zone. It also refers to St. Athan as a key development opportunity and supports additional development in other sustainable settlements. The majority of representors were in agreement with this Strategy and consequently it is proposed to continue with the existing Strategy in the Deposit Draft Plan. A brief summary of the main issues raised by representors is outlined below.
 - Population Growth and Housing (Page 11 of the DPS Refers)
7. The DPS identified the need for 7500 new dwellings over the LDP period, which equates to 8% of the South East Wales Strategic Planning Group (SEWSPG)

regional housing requirement figure. Concern was raised regarding the SEWSPG apportionment process, particularly in terms of justification and deliverability. The regional apportionment exercise was based on the 2003 population and household projections from the WAG but it is claimed that the 2006 based population projection “trends” should be considered as these are more up to date. A number of objectors claim that the housing requirement figure is too low and does not take full account of the housing impact of the DTA St. Athan proposals and the draft Local Housing Market Assessment (LHMA) findings. Objections were also received in respect of the proposed phasing of housing development during the LDP period (Core Strategic Policy 4 refers) which was considered to be inflexible. In terms of affordable housing, concern was raised over the minimum requirement for 30% affordable housing on sites capable of accommodating 10 or more units (Core Strategic Policy 5 refers) which is based on the results of the draft LHMA. It is understood that the draft LHMA is due to be reported to Cabinet in the Spring. Detailed responses to these issues are provided in the Draft Preferred Strategy representations document. The Council intends to review the population and housing requirement figures in light of WAG population projection trends published in September 2008 and the new household projection trends due out in the Spring. This may result in a higher LDP housing requirement figure, however officers remain confident that the current DPS could still yield more than sufficient housing land for this Plan period and beyond based on an initial examination of potential residential plots which have been promoted as part of the candidate site process. Accordingly, a higher housing requirement would not require a change in Strategy.

- Vision (Page 19 of the DPS refers)
8. The suitability of the Community Strategy vision to guide land use interventions was questioned by some representors. It was also stated that it lacked local distinctiveness and detail. The LDP vision is considered to be appropriate for the Vale given its diverse nature and characteristics. However, clearer links will be shown in the Deposit Draft Plan as to how the vision relates to the objectives and in turn the policies.
- DTA St. Athan (Page 32 of the DPS refers)
9. The role of St. Athan was questioned given that both St. Athan and Barry were classified as key settlements in the key diagram and settlement hierarchy. Clarification was sought on the implications of the DTA St. Athan proposals on the DPS. The Council were also asked to consider developing a specific strategic policy relating to the DTA facility. It was also recommended that information on timescales is included as well as contingency plans in case the proposals are not forthcoming. For the Deposit Draft Plan, more detail will be provided on the DTA and also its implications for the Vale and beyond. The Barry - St. Athan area will also be re-described as a Strategic Opportunity Area in line with the Wales Spatial Plan and Barry will remain a key settlement. The status of Barry compared with St. Athan will be more clearly defined.
- Area Strategy Policy 1: Settlement Hierarchy (page 30 of the DPS refers)
10. Concern was expressed regarding the inclusion of certain villages in the settlement hierarchy and their status e.g. minor, secondary etc. A number of the representations make reference to specific sites in these villages which have been submitted to the Council as candidate sites. The Council has commenced a review of the sustainable settlements appraisal (December 2007) and as a result of representations received there is likely to be some amendments to the scoring and

ranking of settlements. Any proposed development for towns / villages in the settlement hierarchy will be included in the Deposit Draft Plan. A decision on how much development (if any) each settlement will take has yet to be decided and will also be included in the Deposit Draft Plan. These site specific matters are issues that relate to the Deposit Draft stage and not to the Strategy of the LDP which deals with key strategic issues.

- Airport

11. It was recommended that consideration be given to the inclusion of a policy on Cardiff International Airport. The addition of a reference to the Airport Access Road (AAR) in Core Strategic Policy 11 was also suggested. It is proposed that the Deposit Draft Plan will contain more detail on the role of the Airport during the plan period and the AAR will be detailed in Core Strategic Policy 11. The AAR is also being progressed by the WAG and has recently been the subject of consultation, results of which are expected in late spring 2009.

- SA / SEA

12. In terms of the SA/SEA process, Cabinet will recall that Hyder Consulting were appointed as a "critical friend" at the start of the LDP process. However, it should be noted that in August 2008, the Council terminated the contract with Hyder Consulting due to concerns with their work. The Council has subsequently obtained advice from sustainability consultants, Levett-Therivel. They have undertaken a review of Hyder's previous SA work as well as critically examining the Council's responses to the ISA Report representations. This revised work will be available as a background document to the SA Report which will be published as part of the Deposit Draft Plan stage. A brief summary of the main issues raised by respondents to the ISA Report consultation is set out below.

- Llandow Newydd

13. A new settlement proposal in and around the former Llandow airfield (known as Llandow Newydd) has been submitted to the Council as a candidate site. It has been suggested that Llandow Newydd is a strategic site and should therefore have been considered by the Council as a potential strategic spatial option. The Council considers that options 4, 6 and 8 examined the potential for a new settlement which could have included Llandow Newydd. The objectors ISA representation included an SA of a new hybrid option, namely the DPS (option 5) and Llandow Newydd. The Council has referred to this as option 8a. In order to fully consider the representation the Council, has drafted for consideration and inclusion within the Deposit Draft Plan, a revised options appraisal report. The Council has been assisted with this review by consultant Levett-Therivel. Although the document will be finally published as a background document with the Deposit Draft Plan, the current version is available at the following www.valeofglamorgan.gov.uk/LDP. In addition and as part of your officers consideration of this additional strategic option the Council appointed Reading Agricultural Consultants to validate the representor's agricultural land survey undertaken by Kernon Countryside Consultants. The Reading Agricultural Consultants study concludes in summary at paragraph 6.1.1 that "the agricultural land on the application site is classified as entirely subgrade 3b (i.e moderate quality) agricultural land or lower by Kernon Countryside Consultants, but the verification survey conducted by Reading Agricultural Consultants indicates that a significant portion of the site should be classified as subgrade 3a, good quality agricultural land." The reports from Reading Agricultural Consultants and Kernon Countryside Consultants reports are available at the following www.valeofglamorgan.gov.uk/LDP

14. In addition to the above assessments there are a number of other highly relevant factors that officers have considered in coming to a conclusion on the issues of Llandow Newydd. Below, is a brief summary of the main issues that have been considered.
15. Firstly, Planning Policy Wales (2002) advises against proposals for new settlements if sufficient land is available within and adjoining existing settlements. Planning Policy Wales (2002) refers to the need to promote a sustainable settlement strategy and the Draft Preferred Strategy achieves this by concentrating development in and around settlements in the south east zone as well as other sustainable rural settlements.
16. In this regard the future development needs of the Vale can be adequately met through the Draft Preferred Strategy and as a consequence any strategy that includes a new settlement (irrespective of location) could not be supported. The existing Draft Preferred Strategy is based on a robust evidence base which follows the Wales Spatial Plan in supporting Barry, promoting St. Athan and limited, sustainable growth in the rural Vale. As a consequence such a strategy promotes both urban and rural regeneration.
17. In terms of specific issues relating to Llandow Newydd, the promoters claim that the site is predominately brownfield. However, it should be noted that existing businesses and trading estates (that they include in their candidate site) are not within their ownership and do not therefore form part of their proposals, although they do have some element of control over future proposals relating to the trading and business estates. The site is therefore predominately greenfield.
18. The agricultural land quality of the site is considered above, but in short a significant proportion of the site is classed as Grade 3a which falls within the best and most versatile land as classified in Planning Policy Wales (2002) and should be protected save for in exceptional circumstances. No such exceptional circumstances exist in this case.
19. In addition, and also relevant is the fact that without doubt the "new town" proposal is not considered to be a sustainable option. It is sited away from existing services and facilities including public transport, and would serve as a commuter settlement, not only in terms of access to employment but access to a full range of services. The current Llandow Estates perform a very important employment and economic function. Many of the uses at Llandow benefit from a location away from residential properties. Future development of a "new town" development around the existing employment sites would potentially stifle future business growth and result in pressure on existing businesses due to the non conforming nature of many of the businesses given their close proximity to residential properties. Clearly this issue would not arise with future employment related development which in any event is in line with the current adopted plan.
20. Whilst the promoters are proposing a suite of planning gain, the most notable of which is the delivery of the Llysworney By Pass, such a proposal should not and cannot be used to promote what is an unsustainable option. The fact that the promotion of a new settlement at Llandow Newydd is unsustainable would result in the strategy as a whole being unsustainable with the soundness of the plan being called into question.
21. Finally, the WAG have also offered advice to officers on the issue of new settlements and state amongst other things that "new settlements should only be proposed where such development would offer significant environmental, social and economic advantages over the further expansion or regeneration of existing settlements. No

such advantages exist in the case of the Vale, particularly in view of the sustainable nature of the Draft Preferred Strategy clearly demonstrated by the Draft S.A,

- Other ISA Report Issues

22. Other ISA Report representations relate to matters such as the wording of some core strategic policies (e.g. CSP 10 – Built and Natural Environment), conflicts between some LDP and SA objectives, mitigation and monitoring. Officers propose to amend the ISA Report due to be finalised at Deposit Plan Stage to reflect the findings of the revised options appraisal report (referred to in paragraph 11) and make some minor changes to address some of the above concerns. This will be available at the deposit draft plan stage for detailed consideration.

- Next Stages

23. All of the proposed changes to the Draft Preferred Strategy contained within the Council's responses and this report together with any new or emerging issues will inform and feed into the Deposit Draft Plan. There is no requirement to publish a final Preferred Strategy Document, and as a consequence I do not intend to do so. The final strategy as agreed through this report and therefore be contained within the Deposit Draft Plan.

24. A review of the LDP Delivery Agreement (DA) was undertaken in September 2008 and it was noted that the draft preferred strategy stage has taken longer than anticipated (Council Minute C147 17th September 2008) mainly due to a re-assessment of the strategy options appraisal. This work particularly paid close attention to the potential benefits of Llandow Newydd. However, officers can find no justification in light of the above and other evidence to include Llandow Newydd within the Deposit Draft Plan.

25. It is now necessary to apply to the WAG for a further formal amendment to the DA timetable. A separate report on this matter is presented to this Cabinet. This report will clearly outline all of the work that needs to be undertaken by officers before a Deposit Draft Plan can be presented for approval. As part of this report Members will be asked to approve a revised timetable, which will need to be agreed by WAG. It should be noted that the Council is already significantly behind on progressing its LDP. Concerns have been expressed by officials of the WAG that there appears to be no technical or resource reasons for the delay and that it may prove difficult to obtain any further extension to the Delivery Agreement Timetable. In addition another report is also presented to this Cabinet advising of the production of several background papers.

Resource Implications (Financial and Employment)

26. The LDP is being undertaken by officers within the Planning and Transportation Policy group (with specialist consultant assistance as necessary) within existing budgets. The preparation of the Draft Preferred Strategy and Initial Sustainability Appraisal Report are key parts of the LDP process and there is a budget dedicated to the progression of the LDP.

Legal Implications (to Include Human Rights Implications)

27. The Council's statutory duties under the new LDP system are contained in Part 6 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005. This report has been

prepared to advise members and representors of the Council's responses to their representations in accordance with the Approved Delivery Agreement (October 2007).

Crime and Disorder Implications

28. None arising out of this report. In due course, crime and disorder issues will be considered in the preparation of the Deposit Draft Plan.

Equal Opportunities Implications (to include Welsh Language issues)

29. The Council will publish non technical proposals and consult with the public in English and Welsh whenever it is practical to do so, and make provisions for the representations and communication at the Examination Proceedings to be carried out in English and Welsh. However, this may not always be possible, due to the technical nature of some documents.

Corporate/Service Objectives

30. One of the service objectives for Planning and Transportation is "to develop a sustainable land use planning and transport framework for the Vale of Glamorgan." The preparation and adoption of the LDP is key to meeting this objective. The adoption of a LDP for the Vale of Glamorgan is contained as a main service target in the Planning and Transportation Division Service Plan 2008/09 as well as the Planning and Transportation Policy Team Plan 2008/09. The preparation of the LDP is also one of the actions (E8) set out in the Vale of Glamorgan Community Strategy 2003 - 2013.

Policy Framework and Budget

31. This report is a matter for Executive Decision by Cabinet.

Consultation (including Ward Member Consultation)

32. No Ward Members have been consulted on the report, as the matter has implications for the whole Vale. Wherever feasible, consultation on the LDP will be carried out in accordance with the Council's adopted Code of Practice on Written Consultation (August 2002). However, it should be noted that the consultation time frames for the LDP are set out in the relevant national legislation and these must be complied with.

Relevant Scrutiny Committee

33. Economy and Environment.

Background Papers

The Planning and Compulsory Purchase Act 2004
The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005
The Local Development Plan Manual (June 2006)
Local Development Plans Wales (December 2005)
Wales Spatial Plan (1st Review 2007)
The Vale of Glamorgan Local Development Plan Delivery Agreement (October 2007)
Environmental Assessment of Plans and Programmes (Wales) Regulations 2004

The Conservation (Natural Habitats, & c.) Regulations 1994
ODPM / WAG (2005) Practical Guide to the Strategic Environmental Assessment Directive
Vale of Glamorgan LDP Sustainability Appraisal Approved Scoping Report (July 2007)
Vale of Glamorgan LDP Initial Sustainability Appraisal Report (December 2007)
Vale of Glamorgan LDP Draft Preferred Strategy (December 2007)
Vale of Glamorgan Council Sustainable Settlements Appraisal (December 2007)
Hyder Options Appraisal Report (November 2007)
Land at Llandow - Appraisal of Agricultural Issues, Reading Agricultural Consultants (October 2008)
Llandow New Settlement Agricultural Assessment, Kernon Countryside Consultants (October 2006)
Vale of Glamorgan LDP Revised Options Appraisal Report (March 2009)

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