



**Adroddiad i Powys County
Council**

**Report to Powys County
Council**

gan Nicola Gulley MA MRTPI

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Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 64

**REPORT ON THE EXAMINATION INTO THE
POWYS LOCAL DEVELOPMENT PLAN
2011 - 2026**

Plan submitted for examination on 11 February 2016
Examination hearings held between 28 March 2017 and 10 January 2018

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Abbreviations used in this report

AQMA	Air Quality Management Area
BBNPA	Brecon Beacons National Park Authority
BCIS	Building Cost Information Service
CAS	Common Allocation Scheme
CIMSP	Collections, Infrastructure and Markets Sector Plan
CIS	Community Involvement Scheme
CPRW	Campaign for the Protection of Rural Wales
DA	Delivery Agreement
DAM	Development Advice Maps
DRF	Dwelling Requirement Figure
ED	Examination Document
EVS	Economic Viability Study
FC	Focussed Changes
FFC	Further Focussed Changes
GLVIA	Guidelines for Landscape and Visual Impact Assessment
GTAA	Gypsy and Travellers Accommodation Assessment
HER	Historic Environment Record
HLS	Housing Land Supply
HRA	Habitats Regulations Assessment
IMAC	Inspector’s Matters Arising Change
JHLAS	Joint Housing Land Availability Study
LGZ	Local Growth Zone
LDP	Local Development Plan
LHMA	Local Housing Market Assessment
LNR	Local Nature Reserve
LSA	Local Search Area
LSS	Renewable Energy Assessment: Landscape Sensitivity Study for Solar Farm Development
MAC	Matters Arising Change
NRW	Natural Resources Wales
PENA	Powys Economic Needs Assessment
PPW	Planning Policy Wales
REA	Renewable and Low Carbon Energy Assessment
RIA	Retail Impact Assessment
RIG	Regionally Important Geodiversity Site
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SD	Submitted Documents
SEA	Strategic Environmental Assessment
SFCA	Strategic Flood Consequences Assessment
SINC	Site of Interest for Nature Conservation
SSA	Strategic Search Area

SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage System
SWRAWP RTS	South Wales Regional Aggregates Working Party Regional Technical Statement
Sqm	Square Metres
TAN	Technical Advice Note
WBFG Act	Well-Being of Future Generations Act
WG	Welsh Government
WLIA	Welsh Language Impact Assessment
WTR	Wildlife Trust Reserve
WSP	Wales Spatial Plan

Non-Technical Summary

This report concludes that, subject to the recommended Matters Arising Changes (MACs) set out in Appendix A and B, the Powys Local Development Plan (LDP) provides an appropriate basis for the planning of the County up to 2026. The Council has sufficient evidence to support the strategy and has shown that it has a realistic prospect of being delivered.

A number of changes are needed to meet legal and statutory requirements and to ensure that the Plan is sound. These do not alter the thrust of the Council’s overall strategy and do not undermine the Assessments and Appraisals carried out by the Council. The main changes are summarised as:

- The restructuring of the explanatory text to ensure that the strategy arising from the key issues, vision and objectives is coherently expressed;
- An increase in the amount of new affordable housing to be built over the Plan period;
- The provision of a policy framework for strategic resources and assets, biodiversity and the landscape that is clear, coherent and consistent with national policy
- Clarification of where new housing development can take place within the County;
- The deletion of the housing allocation at Llangynog Glebe, Llangynog in order to ensure compliance with the requirements of national policy in respect of flood risk;
- Expounding on the approach to be taken to assessing proposals for alternative uses on employment sites;
- Establishing measures for considering proposals in relation to home working and farm diversification;
- The revision of Policy RE1 to ensure that the Plan provides a clear, consistent and cohesive framework for the generation of renewable and low carbon energy from a range of sources;
- The provision of a comprehensive policy framework for the management of waste and minerals related developments; and
- The establishment of a clear, cohesive and realistic monitoring framework.

Almost all of the recommended changes have been put forward by the Council in response to matters discussed during the examination. With the recommended changes the Plan satisfies the requirements of section 64(5) of the 2004 Act and meets the tests of soundness in Chapter 2 of PPW.

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Appendix A: Schedule of Matters Arising Changes (MAC) proposed by the Council

Appendix B: Schedule of Inspector’s Proposed Matters Arising Changes (IMAC)

1 Introduction

- 1.1. Under the terms of Section 64(5) of the Planning & Compulsory Purchase Act 2004 (the 2004 Act), the purpose of the independent examination of a Local Development Plan is to determine:
 - a) whether it satisfies the requirements of sections 62 and 63 of the 2004 Act and of regulations under section 77, and
 - b) whether it is sound.
- 1.2. This report contains the assessment of the Powys Local Development Plan (2011 -2026) (from here referred to as “the LDP” or “the Plan”) in terms of the above matters, along with recommendations and the reasons for them, as required by section 64(7) of the 2004 Act.
- 1.3. The submitted LDP has been prepared pursuant to the 2004 Act and the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended) (‘the LDP Regs’). I have considered it against the tests of soundness set out in section 2.7 of Planning Policy Wales (PPW):
 1. Does the plan fit? (i.e. is it clear that the LDP is consistent with other plans?);
 2. Is the plan appropriate? (i.e. is the plan appropriate for the area in the light of the evidence?);
 3. Will the plan deliver? (i.e. is it likely to be effective?)
- 1.4. The starting point for the examination is that the Local Planning Authority (LPA) has submitted what it considers to be a sound plan, together with the evidence base that supports its position.
- 1.5. Since the purpose of the examination is to determine whether the Plan is sound I recommend changes in this report only where there is a clear need to amend the Plan in the light of the legal requirements and/or the tests of soundness. These binding changes are numbered in **bold type** and are set out in Appendices A and B of this report, where they are highlighted. I am satisfied that these changes are in line with the substance of the overall Plan and its policies, and do not undermine the Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and participatory processes that have been undertaken.
- 1.6. All duly made representations and the matters raised at the examination Hearings have been considered. Given the focus of the examination on soundness matters raised by individual representations are referred to only where it is considered that they raise substantive issues concerning the Plan’s soundness. Plan changes sought by any representor are the subject of a recommended change only where I have found, on the basis of the evidence, that such a change is required to make the Plan sound.
- 1.7. A number of representors have proposed alternative sites to those allocated in the Plan, most notably for housing development. What is required of the Council is that it produces a strategy, policies and allocations that are sound. There are likely to be a number of ways that the Council could meet the needs of its community, each of which may be valid. Some may consider that the

allocations in the Plan do not present the best solution, but my remit is only to recommend changes where required to make the Plan sound. It is not my remit to seek to make a sound plan better. My conclusions as to the submitted Plan’s soundness and the changes proposed by the Council in response to matters arising have thus guided how far I have needed to consider in detail other candidate sites for allocation. For this reason no specific reference is made to the majority of proposed alternative sites in this report.

Post-Deposit Changes OR Changes arising during the course of the examination

- 1.8. Prior to submission of the LDP for examination the Council considered the representations received and decided to make a number of Focussed Changes to the deposit Plan. These changes were duly advertised and the responses taken into account. Further amendments were considered necessary as a result of the Focussed Changes consultation and the discussions at the Exploratory Meeting held in May 2016; Further Focussed Changes were duly advertised. At the Pre-Hearing Meeting the Council confirmed that the Plan it wishes to be examined is the Deposit LDP as modified by the Focussed Changes and Further Focussed Changes in October 2016. Since the Focussed Changes¹ and Further Focussed Changes² have been consulted on and the SEA and SA have been revisited where necessary, they are accepted as part of the submitted LDP. The deposit Plan as modified by the Focussed Changes and Further Focussed Changes has therefore formed the starting point for the examination of the Plan’s soundness.
- 1.9. Throughout the examination the Council maintained a schedule of Action Points (AP) which included changes the Council suggested in response to matters raised during the examination. Many of these have become matters arising changes to the Plan (**MACs**). They do not alter the thrust and strategy of the Plan. These MACs were subject to a formal 6 week public consultation between 19th September and 30th October 2017 and the SA, SEA and Habitats Regulations Assessment (HRA) were also reassessed as part of this process. I have taken the MAC consultation responses into account in writing my report. This version of the MACs has formed the basis of the MACs set out in Appendix A to this report. In addition to the MACs contained in Appendix A the Council has published a number of minor changes which have been presented in order to refine the submitted version of the Plan, mainly in response to comments received during public consultation. The Council has confirmed that the minor changes it has presented do not undermine the participatory processes that have been undertaken nor do they raise issues in relation to the SA, SEA or HRA. The MACs which are highlighted in bold in Appendix A and B form the basis of my recommendations and are therefore binding changes which are necessary to ensure the soundness of the Plan. I am satisfied that no parties will be prejudiced by the MACs and that they will have no material impact on the findings of the Plan’s SA, SEA and HRA or the overall strategy or policy thrust within the Plan.
- 1.10. The MACs that are not highlighted are not required to make the Plan sound but have been put forward by the Council in order to improve clarity and precision. Accordingly these MACs are not the subject of a binding recommendation,

¹ SD: LDP18

² SD: LDP37

although I understand that the Council may wish to include them. These MACs are only referred to in this report where they aid understanding of the matters being discussed. MACs relating to minor editing and typographical errors are not referred to in this report. The Council may make consequential amendments arising from the MACs.

- 1.11. Appendix B sets out the binding Inspector proposed Matters Arising Changes (**IMAC**). These are not changes proposed by the Council, but changes I have imposed in order to ensure that the Plan is sound. The changes do not undermine the SA, SEA and HRA processes undertaken and neither do they compromise the Plan’s strategy.
- 1.12. A number of changes to national policy / guidance were made during the examination: Planning Policy Wales, (Edition 9, November 2016) was published during the early stages of the examination, together with updated Technical Advice Notes³ (TAN). The changes in relation to PPW and TAN 4 were discussed at the Hearings and are referred to under the relevant sections of the report. Consequently, some changes to the Plan have been proposed by the Council. Subject to these recommended changes, I am satisfied that the LDP accords with national policy. These changes are included in the appendices.

2 Preparation Requirements

- 2.1. The legal and regulatory preparation requirements are set out in the 2004 Act and the LDP Regulations. Section 2 of PPW and section 8.2 of Welsh Government’s Local Development Plan Manual (Edition 2, August 2015) (The LDP Manual) provide guidance as to these requirements.
- 2.2. The LDP has been prepared in accordance with the Delivery Agreement⁴ (as revised by agreement with the Welsh Government) (DA) and the Community Involvement Scheme (CIS) as demonstrated in the Consultation Report. However, significant concerns have been expressed that the changes to Policy RE1 proposed by the Council as part of the FFC process failed to adhere to the requirements of the DA and the CIS because the proposed amendments were more than minor in nature and introduced at a late stage in the plan making process. Although I understand the criticisms that have been made, I am satisfied that the approach taken by the Council to amending the Plan in light of changing circumstances accord with the provisions of the LDP Manual⁵, and that the requirements of the DA and CIS, in terms of the public consultation exercise, have been met.
- 2.3. All proposed changes made to the deposit Plan, as outlined in the above Introduction, have been advertised and consulted on. The Plan thus complies with the requirements of the LDP Regulations in this respect, including in relation to consultation, advertisement and the publication and availability of prescribed documents.

³ TAN 4 – Retail and Commercial Development (2016) and TAN 20 – Planning and the Welsh Language (2017)

⁴ SD: LDP05

⁵ SD: WPP71

- 2.4. The Plan has been subject to separate SA⁶ and SEA⁷ processes. Further changes put forward by the Council as part of the examination process have likewise been tested where necessary for any impacts they have upon the SA and SEA⁸. I am satisfied that the SA/SEA process undertaken is robust and satisfies procedural and legal requirements.
- 2.5. In accordance with the Habitats Directive⁹ a HRA of the Plan has been undertaken, and reviewed as necessary in the light of changes put forward during the examination¹⁰. I am satisfied that the results of the HRA Screening demonstrate that an Appropriate Assessment is not required. It can therefore be concluded that no significant effects upon the integrity of the European sites¹¹ within the plan area or in adjacent areas are likely to occur (either alone or in combination with other plans or projects) as a result of implementing the Plan.
- 2.6. The Public Sector Equality Duty requires the Council to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between different communities. The Council has undertaken and publicised an Equality Impact Assessment¹² of the LDP to ensure that such issues have been taken into account throughout the Plan preparation process. I am satisfied that this process ensures that the LDP promotes equality and diversity and does not adversely affect or discriminate against any people who are protected under the Equality Act 2010.
- 2.7. The Planning (Wales) Act 2015 sets out a series of legislative changes to deliver reform of the planning system in Wales to ensure that it is fair, resilient and enables development. Moreover, the Well-Being of Future Generations (Wales) Act 2015 (WCFG Act) sets out a duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle. The WG confirmed that as the Plan was submitted prior to April 2016, it does not have to directly correlate with the well-being goals identified in the WCFG Act¹³. However, I have had regard to the updated legislative framework and considered the ways of working set out at section 5 of the WCFG Act. The Council has also demonstrated that the Plan aligns with the identified well-being goals¹⁴. Indeed the Plan, as modified, will contribute towards improving the economic, social, environmental and cultural well-being of Wales and, in this respect, I am satisfied that it complies with the overarching principle of the WCFG Act.
- 2.8. Edition 9 of PPW was issued during the early stages of the examination, with paragraph 2.1.5 stating that LDPs should have at least 10 years of the plan period remaining upon adoption. In this case, the Plan would run until 2026. It has taken a number of years to get the Plan to submission, with further delays necessitated to rectify deficiencies in the submitted LDP. Bearing in mind the

⁶ SD: LDP08; LDP19; and LDP38
⁷ SD: LDP09; LDP21; and LDP40
⁸ SD and ED: LDP19; LDP21; LDP38; LDP40; ED083d; and ED083f
⁹ European Union Habitats Directive (92/43/EEC)
¹⁰ SD and ED: LDP20; LDP39; and ED083e
¹¹ As defined in PPW Edition 9, paragraph 2.4.6
¹² SD: LDP14
¹³ ED: ED020
¹⁴ ED: ED021

urgent need for an up to date development plan to facilitate and guide growth within the area, it makes no sense, in my view, to find the Plan unsound on the basis that the remaining period falls short of that requirement.

Conclusion

2.9. Accordingly, the legal and regulatory preparation requirements have been satisfied.

3 The Plan Strategy

Vision and Objectives

3.1. Powys is located in the heart of Wales, stretching from the edge of the South Wales Coalfield along the eastern boundary with England to the mountains of North Wales. The County is characterised by a proliferation of settlements set in an attractive and diverse rural landscape.

3.2. The LDP, subject to the minor amendments proposed by **MAC 3, 4, 5, 6 and 7**, provides a clear and succinct description of the plan area, the main social, economic and environmental characteristics of Powys and the national, regional and local policy framework that will influence the development of the County over the plan period.

3.3. A series of key issues and considerations which need to be addressed by the LDP have been identified in Chapter 2: *The LDP’s Context*. The key issues include the need to: expand the economic base of the County by providing land and premises capable of attracting inward investment; replace/refurbish aging industrial stock; promote sustainable travel; support the resilience and renaissance of town centres; encourage tourism; manage the needs of an aging population and attract and retain young people; ensure that sufficient housing is built to meet local needs; enable the provision of affordable housing particularly in rural areas; protect the natural, historic and built environment; retain recreational and community facilities; address the effects of climate changes; and support the Welsh language and culture¹⁵.

3.4. The LDP Vision, which has been developed through a combination of community engagement and evidence gathering, encapsulates these key issues and provides a clear, locally distinct and aspirational picture of the place Powys is intended to be at the end of the Plan period.

3.5. In order to achieve this vision, the LDP sets out 16 objectives which are ordered under the following five themes: Planning for Growth in Sustainable Places; Supporting the Powys Economy; Supporting Infrastructure and Services; Guardianship of Natural, Built and Historic Assets; and Supporting Healthy Communities. Subject to **MAC 11, 12, 13, 14 and 15**, I am satisfied that the objectives address the key issues and considerations that have been identified, expand on the Plan’s vision and provide a clear context for the LDP Strategy.

¹⁵ Submitted LDP, Chapter 2.4 Key Issues and Considerations

LDP Strategy

3.6. A range of different strategy options were considered as part of the Preferred Strategy¹⁶ process and refined through subsequent iterations of the Plan¹⁷. The overarching strategy for the LDP comprises two distinct elements: a growth strategy which seeks to meet the defined need for future housing, both private market and affordable, employment and retail related development in Powys; and a spatial strategy which seeks to distribute development in a proportionate and sustainable manner throughout the County. This approach is explained concisely in the strategy statement and shown on the Key Diagram which, subject to **MAC 8** and **16**, clearly illustrates the distribution of development throughout Powys and the transportation linkages between individual settlements and the wider region.

Growth Strategy

3.7. The growth component of the strategy, as amended by **MAC17** and **18**, although not expressed in great detail, outlines a modest but nevertheless aspirational approach which seeks to meet the defined need and deliver the vision and objectives of the Plan. The growth strategy is expressed through Strategic Policies SP1 (Housing Growth), SP2 (Employment Growth), SP3 (Affordable Housing Target) and SP4 (Retail Growth) which collectively provide a framework for the delivery of: 4,500 new dwellings; 952 new affordable homes; 45 hectares of land for employment purposes; and 1000 square metres of new retail floorspace. The level of growth identified in the Plan is based on the findings of evidence produced specifically to inform the development of the Plan¹⁸ and is consistent with the approach advocated in PPW¹⁹.

Spatial Strategy

3.8. The spatial components of the strategy, as amended by **MAC10** and **19**, are expressed under Strategic Policies SP5, SP6 and SP7 which define the settlement hierarchy, distribute growth and seek to safeguard strategic resources and assets.

3.9. The Settlement Hierarchy identifies those settlements which are considered to be sustainable and therefore capable of accommodating growth over the Plan period. Five categories of settlement have been established, based on the assessment set out in the amended ‘LDP Strategy’ Topic Paper²⁰. These include: the Towns; Larger Villages; Small Villages; Rural Settlements; and the Open Countryside, which has been expanded by **MAC 20, 22, 31** and **34**, to include the Undeveloped Coast.

3.10. The Settlement Hierarchy was defined following an assessment of the main socio-economic characteristics of each settlement and refined through the SA, SEA and consultation process. The assessment process considered a range of factors including the existing and estimated population of each settlement, the availability of retail and commercial services, community and educational facilities, centres of employment and public transport. The settlements were then ranked with those with the largest population and greatest number of facilities at the top of the hierarchy. Some adjustments were made in order to: ensure consistency with the approach to

¹⁶ SD: LDP01, Section 6.2

¹⁷ SD: LDP03 and LDP06

¹⁸ SD: EB11; EB12; EB13; EB15: and EB42d

¹⁹ PPW, paragraphs 2.2.1 and 2.2.2

²⁰ SD: EB30

the definition of settlements in the Brecon Beacons National Park (BBNP) LDP area; take into account geographical factors; and have regard to the availability of land suitable for development within the settlement²¹.

3.11. Provision for new housing, employment and retail development is distributed on a pro-rata basis across the County depending on the settlement’s: position in the hierarchy; existing population / size; and services / facilities²². The apportionment process focuses new development in settlements in the top two tiers of the hierarchy and in doing so ensures that the highest levels of growth occur in the most sustainable locations.

3.12. The approach set out in the ‘LDP Strategy’ Topic Paper provides a comprehensive and robust piece of evidence on which to base the categorisation of settlements and distribute growth across the plan period.

3.13. The ‘Towns’ which have the largest populations and the highest number of services, are correctly at the top of the hierarchy. As a consequence, more than 45% of the Plan’s allocated housing and employment growth, which amounts to a minimum of 2,548 new dwellings and 24.01 hectares of employment land, will be constructed in these settlements over the period up to 2026. This approach aligns with the Wales Spatial Plan (WSP) which identifies Newtown as a ‘Primary Key Settlement’ and the remainder of the ‘Towns’ as ‘Key Settlements’.

3.14. The second tier contains forty-three ‘Large Villages’ which between them are intended to accommodate a minimum of 1,126 new houses and 7.78 hectares of new employment land over the plan period. These settlements have populations of between 200 and 600 and between 4 and 9 main facilities. Although more limited in terms of size and facilities than ‘Towns’ the ‘Large Villages’ still offer a good range of facilities and act as important service centres for their own and surrounding communities. It is therefore appropriate that these settlements have been identified as capable of accommodating further growth.

3.15. Forty-five settlements are identified as being ‘Small Villages’ and are in the third tier of the hierarchy. These settlements have populations of less than 300 people and offer a limited range of facilities which in many cases do not include shops, post offices or schools. In view of the small scale of these settlements the Plan does not specifically allocate land but, correctly, provides a policy framework which seeks to restrict new open market housing to infill development and new employment related development to that which complies with PPW.

3.16. The lowest two tiers of the hierarchy are ‘Rural Settlements’ and ‘Open Countryside including Undeveloped Coast’. ‘Rural Settlements’ have not been named but are, subject to **MAC 21** and **32**, defined as being: a historically recognised settlement; containing at least 10 closely grouped dwellings; and excludes farmhouses, rural conversions or dwellings subject to affordable housing or rural enterprise dwelling occupancy conditions. The Plan restricts new housing development in the two lower tiers to that necessary to meet affordable housing for local needs or to accommodate rural enterprise workers, and employment related development to those uses which accord with PPW. The notable exceptions to this are the allocation of land at the existing/committed employment sites at Buttington Quarry and Offa’s

²¹ SD: EB30, Appendix B

²² SD: EB14; EB15; EB30; and EB44

Dyke Business Park for B1, B2 and B8 purposes which are intended to support the rural economy. The approach to development in ‘Rural Settlements’ and ‘Open Countryside including Undeveloped Coast’ recognises the important role that small hamlets and isolated buildings can play in supporting sustainable rural communities and promoting rural enterprise.

3.17. A number of representations to the submitted Plan question the categorisation of the settlements of Llanigon, Berriew with Refail, Norton, Llandyssil and Rhosgoch in the hierarchy. I have reviewed these settlements and, on the basis of the evidence presented, am content that they have been correctly categorised.

Safeguarding Strategic Resources and Assets

3.18. An intrinsic element of the spatial strategy is the provision of a policy framework intended to protect strategically important resources and assets within Powys from unacceptable impacts of development. The strategy, as amended by **MAC 23**, identifies a range of strategic resources and assets including: land designated at European and National level for environmental protection; the historic environment; recreational assets; the landscape; Ministry of Defence (MoD) Sennybridge - Training Area; Mineral Resource Areas; and Strategic Infrastructure Routes. The strategic resources and assets identified in the Plan are supported by the findings of a range of evidence base documents²³ including ‘LANDMAP’, the ‘Powys Built Heritage Strategy’, ‘Historic Environment’, ‘Leisure and Recreation’, ‘Natural Heritage’, ‘Ministry of Defence Estates – Sennybridge Training Area’, ‘Utilities and Infrastructure’, ‘Pollution and Flood Risk’, ‘Transport’ and ‘Minerals’ Topic Papers. These documents provide a comprehensive overview of the factors that are fundamental to the social, economic and environmental fabric of the County and therefore need, at a strategic level, to be protected from any unacceptable impact.

Proposals Map

3.19. Powys is the largest County in Wales, so it is not surprising that preparing a proposals map for the Plan area as a whole at a scale that can be easily read is a challenge. In order to ensure the area is mapped appropriately the Council has elected to prepare a separate A3 document which contains 18 no. large scale plans covering the whole of the Plan area and 60 no. inset maps showing individual settlements. Although the inset maps have a title block the Council has helpfully suggested amending the plans to include the names of all the settlements shown. This is an approach which I consider would greatly improve the clarity of the inset maps.

Welsh Language

3.20. The Planning (Wales) Act makes it mandatory for all LPAs to consider the effect of their LDP on the Welsh language and the WCFG Act sets the goal of achieving a Wales with a vibrant culture and thriving Welsh language. The policy framework set nationally requires all LPAs to include within the reasoned justification to their development plans a statement on how they have taken into account the needs and interests of the Welsh language. In this instance, this is achieved by the inclusion of Policy DM14 which is supported by evidence presented in the ‘Welsh Language Impact

²³ SD: EB06; EB10; EB26; EB31; EB32; EB33; EB34; EB38; EB27 and EB39

Assessment of the Communities in the Upper Swansea Valley’ and the ‘Welsh Language and Culture Topic Paper’²⁴.

3.21. The 2011 Census shows an overall decline of 2.5% in the proportion of people able to speak Welsh in Powys. At community council level the picture is broadly similar with only 20 of the 101 council areas showing an increase in Welsh Speakers between 2001 and 2011. Policy DM14, as amended by **MAC 60**, identifies towns and large villages within these areas where more than 25% of the population speak Welsh as being Welsh Speaking Strongholds. In these areas development proposals for 10 or more dwellings are required to submit language action plans setting out measures to protect, promote and enhance Welsh language and culture. This approach is supported by Policy H2, as amended by **MAC 96**, which indicates that a phasing plan may be appropriate for large development located within Welsh Speaking Strongholds.

3.22. During the course of the relevant hearing session, concern was expressed that the development of less than 10 dwellings in small villages located within the 20 community council areas would have an adverse impact individually or cumulatively on the Welsh language and culture in these settlements. In order to address these concerns, MAC 61, amends the reasoned justification of Policy DM14 to allow the Council to require the provision of language impact assessments for schemes of less than 10 dwellings in small villages. In addition, to ensure the implementation of the policy MAC 61 amends the reasoned justification of the policy and the proposals map to define the 20 community council areas and small villages in which more than 25% of the residents speak Welsh.

3.23. Concern has been expressed that the requirements of MAC 61 are not supported by evidence, would promote confusion about the geographical application of the policy and uncertainty about the scale of development to which requirements for the provision of a Welsh Language Impact Assessment (WLIA) apply.

3.24. Proposals for new housing development in small villages are considered in accordance with the requirements of Policy H1, as amended by MAC 91. The policy restricts proposals for new open market housing to infill development up to a maximum of two dwellings and affordable homes up to a maximum of five dwellings. No evidence has been presented to demonstrate that development of this scale would have an adverse impact either individually or cumulatively on the Welsh language or culture of those villages. Moreover, whilst I note that Policy H1 would allow a greater number of affordable houses to be constructed in small villages, I consider that the construction of dwellings to meet local needs would have a positive rather than a negative impact on the linguistic and cultural identities of these communities. As such, I do not consider that the amendment proposed by MAC 61, in respect of development in small villages, is necessary in order to ensure the soundness of the Plan.

3.25. With regard to the geographical application of the Policy DM14, I consider that the amendments to paragraph 4.2.61 and the proposals map would be in conflict with the requirements of the policy and promote uncertainty about its’ application. As such, I do not consider that MAC 61, as it applies to paragraphs 4.2.61 and 4.2.66 and MAC M1, M2, M3, M4, M5, M6, M7, M8, M15, M17, M18, M22, M23, M28, M32, M33, M35, M38, M39, M40, M48, M49, M53, M56, M57, M58, M59, M60, M61, M63 and M65, as they relate to Welsh Speaking Strongholds, are necessary.

²⁴ SD:EB20; and EB41

3.26. In addition, in October 2017 the Welsh Government issued TAN 20 – Planning and the Welsh Language. Whilst the requirements of the LDP are largely consistent with TAN 20 there are a number of areas principally in relation to the responsibility for preparing a WLIA and the nature and contents of the assessment that will necessitate changes to Policy DM14.

In light of the above I propose through **IMAC 1** to further revise Policy DM14 and to amend paragraphs 4.2.66 and 4.2.68 to provide clarity about the application of the policy and to ensure that it complies with the requirements of national policy.
Supplementary Planning Guidance

3.27. The submitted Plan sets out a programme for the production of a range of Supplementary Planning Guidance (SPG). The SPG will cover topics such as Landscapes, Open space, Affordable Housing, Biodiversity, Archaeology, Planning Obligations, Land Drainage, Conservation Areas, Heritage Assets of Special Local Interest, Renewable Energy, Historic Environment, and Residential Design Guidance and will be prepared over a 6 to 24 month period following adoption of the Plan. Priority will be afforded to the production of SPG in relation to the most pressing policy. **MAC 133** proposes an amendment to the timescale for the production of SPG in respect of Biodiversity and Renewable Energy.

Conclusions

3.28. Subject to the recommended changes, I conclude that the vision, objectives and overall development strategy are consistent with national planning policy and the WSP and otherwise soundly based.

4 Housing Provision and Distribution

Housing Provision

4.1. PPW²⁵ is clear that the latest WG local authority level Household Projections for Wales should form an important part of the Plan’s evidence base. However, household projections only provide estimates of the future numbers of households that would be required should past trends continue or if assumptions about household characteristics and composition are realised. Indeed, such projections do not take into account local or national policy considerations and assumptions relating to matters such as migration and household formation rates which can significantly influence the outcomes. In this regard, it is for the Council to consider whether the various elements of WG projections are appropriate for their local area and, if not, undertake a modelling exercise which can be clearly evidenced to justify a departure.

4.2. The Plan’s Dwelling Requirement Figure (DRF) contained in Strategic Policy SP1 is derived from the 2011-based Principal Household Projections which, subject to a reduction to allow for BBNP and converted to dwellings, identifies a need for 4087 over the plan period. When tested locally the Council determined that there were a number of demographic and ‘Powys factors’ that suggested that a higher DRF of 4,500 would be more appropriate²⁶.

²⁵ PPW, Paragraph 9.2.2

²⁶ SD: EB35

4.3. The DRF was derived using the 5 year migration trend contained in the principal projections. The Council acknowledges that this approach is at variance with the advice contained in the (then) Minister for Housing and Regeneration’s letter of 2014²⁷ which advocated the use of a 10 year migration variant. But contends that the use of the longer variant is not supported by the migration trend contained in the Mid-Year Estimates for 2014 and 2015 and would result in a DRF of 5,863, a figure that would require house building rates in Powys to increase to a level not previously experienced in the County²⁸.

4.4. The defined DRF was derived using a vacancy rate for dwellings of 8%. Whilst a certain level of vacancy is normal and necessary to allow the housing market to work efficiently, the figure of 8% significantly exceeds that typically used in many other LDPs in Wales. The Council explained²⁹ that the vacancy figure was based on data in the 2011 Census and is attributable to: an ageing population; and to the high number of second homes in the County. The Council through its Empty Homes Strategy is seeking to reduce the number of vacant properties however, although it has had some success, progress is slow and unlikely to significantly alter the level of vacancy during the plan period. I am therefore satisfied that the inclusion of an 8% vacancy rate is justified³⁰.

4.5. A number of other ‘Powys factors’ have also influenced the definition of the DRF including the requirements of Council strategic objectives which seek to improve the supply of housing in communities and promote economic activity³¹. Whilst the evidence contained in the ‘Dwelling Requirement Figure’ Topic Paper isn’t explicit about how these factors have shaped the DRF numerically, the need to deliver these aspirational objectives has, correctly, informed the decision to increase the DRF to above the level derived from the principal projections.

4.6. The 2014 – based Household Principal Projections were issued by WG shortly before the LDP hearing sessions commenced. The projections indicate that household growth in Powys has slowed and is likely to be significantly lower than that shown in the 2011- based projections. The Council has reviewed the projections and has decided not to amend the DRF because it considers that the scale of new housing development contained in the LDP is realistic, reflective of its aspiration to see economic growth and will assist in the delivery of affordable housing³². An explanation of the 2014 – based projections and the Council’s decision not to amend the Plan is contained in MAC 24.

4.7. I am content that the approach taken to the definition of the DRF has been undertaken in a considered manner, has had regard to both demographic and Powys specific evidence and as a consequence, is robust.

Housing Land Supply

4.8. In order to meet the DRF the Plan through Strategic Policy SP1 identifies a Housing Land Supply (HLS) of 5,596 new dwellings. The HLS is made up of:

²⁷ Letter from the Minister for Housing and Regeneration to all local authorities dated 10 April 2014
²⁸ SD: EB35
²⁹ Council’s Statement for Hearing Session 3 – Housing Provision & Distribution
³⁰ SD: ED048 and HS3 AP2
³¹ SD: EB35
³² ED: ED046

- 2992 dwellings on allocated sites which are considered to be free from abnormal technical or physical constraints;
- 622 dwellings on sites that had been constructed between 1st April 2011 and 31st March 2015;
- 162 dwellings ‘under construction’ on sites on 31st March 2015;
- 610 dwellings on sites which had an extant planning permission on 31st March 2015; and
- 1210 dwellings on large and small windfall sites.

4.9. The ‘Housing Provision 1- Commitments’ Topic Paper³³ explains that there were a total of 1017 dwellings on sites with extant planning permission on the 31st March 2015 and that, in order to ensure the figure included in the HLS was realistic, the number of dwellings was reduced by 40% to allow for the non-delivery of sites. The non-delivery rate of 40% was derived following analysis of the take up rate of sites allocated in the Powys Unitary Development Plan (UDP), which indicated that 62% of allocations were developed during the plan period. Although concerns were raised that the assessment didn’t take into account all of the available sites, I am content that the analysis is robust, based on agreed evidence of delivery contained in the Joint Housing Land Availability Study (JHLAS) and, as a consequence, provides an effective mechanism for ensuring that the quantum of dwellings identified on committed sites contained in the HLS is both realistic and deliverable.

4.10. Details of both the allocated and committed sites contained within the HLS are listed in Policy H1 (A). Representatives of the housing industry expressed concern that the policy did not clearly differentiate between allocated and committed sites or provide clarity about the number of dwellings to be constructed on individual allocated sites. This is rectified by **MAC 94** which also deletes the reference to the UDP in a number of the site names and replaces them with a geographical description.

4.11. In order to ensure the requirements of the LDP Manual³⁴ are met, Policy H1 (A) identifies 14 no. ‘Housing Land Bank Sites’. These are, for the purpose of the Plan, sites which had an extant planning permission on 31st March 2015 but are in settlements that are not identified in the LDP strategy as being suitable for large scale development. Concerns were raised that the inclusion of these sites within the policy would be inconsistent with the strategy and promote uncertainty about the implementation of the Plan. As a consequence, **MAC 94, 95** and **136**, delete these sites from Policy H1 (A) and include a definition of ‘Housing Land Bank Sites’ in the Plan’s Glossary. An approach which I am content will adequately address these concerns and complies with the requirements of national planning guidance.

4.12. The windfall element of the supply provides for 1,210 dwellings to be constructed on unallocated sites during the Plan period. This comprises 883 dwellings on small sites and 327 dwellings on large sites and equates to an annual delivery rate of 110 dwellings per annum. These figures are based on data for the period 2006 – 2015 which has been adjusted to take account of the Plan’s strategy. The data indicates that 1114 dwellings were constructed on windfall sites during this period, which equates to 124 dwellings per annum, of which 74% were on sites of less than 5 dwellings³⁵. Although the validity of the analysis was acknowledged, some concerns

³³ SD: EB42a

³⁴ LDP Manual, paragraph 2.4.1

³⁵ SD: EB42c

were expressed by representatives of the housebuilding industry that implementation of the LDP Strategy was likely to result in a reduction in the number of small sites being developed. Whilst I note these concerns, I am satisfied that the use of trend data for a 9 year period which has been adjusted to have regard to the emerging strategy provides a clear and robust evidence base which supports the windfall figure contained in the Plan.

4.13. Inherent in the HLS figure is the provision of a contingency allowance of 24%, which equates to 1,096 dwellings. The allowance is intended to ensure that there is a 5 year supply of housing over the plan period and that the vision and objectives of the Plan are achieved. The ‘Housing Provision 4- Overview’ Topic Paper³⁶ explains that a contingency of the order contained in the LDP is necessary in order to address problems associated with the Powys housing market including the predominance of small local builders, the availability of development finance and slow delivery rates on sites. Whilst the scale of the contingency significantly exceeds that typically found in LDPs in Wales, I am content that, based on the evidence presented, the approach represents a realistic and well considered way of maintaining the delivery of housing over the plan period.

Distribution of Overall Housing Provision

4.14. The housing growth identified in the Plan will be distributed in accordance with Strategic Policies SP5 and SP6. The growth within each level of the settlement hierarchy will be as follows:

Settlement Type	Towns	Large Villages	Small Villages	Rural / Open Countryside
% Distribution of Housing (Minimum)	50%	25%	10%	15%

4.15. As the above table illustrates towns and large villages will be the primary focus of new housing development with 50% or 2,548 dwellings in towns and 25% or 1,126 dwellings in large villages. Provision within these settlements will, primarily, be based on a combination of committed and allocated sites.

4.16. The framework for the development of private market housing on unallocated sites within towns, large villages and small villages is provided by Policy H1. The policy requires that development in towns and large villages is focussed within the defined boundary for the settlement. The Council’s statement³⁷ explains that the development boundaries are based on those contained in the UDP and have been refined to take account of new development, extant planning permissions and allocations in the emerging LDP.

4.17. On the basis of the evidence provided, I am content that the approach taken to the definition of development boundaries is logical, would ensure the efficient use of land, promote cohesive development patterns for the towns and large villages in the

³⁶ SD: EB42d,

³⁷ Council’s Statement for Hearing Session 3 – Housing Provision & Distribution

Plan area and allow for future windfall development to take place in appropriate locations.

Policy H1, as submitted, limits the development of new market housing in small villages to infill development of up to 2 dwellings or where there is a village action plan, up to 5 dwellings. **MAC 21, 33, 91 and 92** are necessary to provide a proper definition of an infill plot, remove the reference to village plans and to explain how the policy applies to settlements across the hierarchy.

Housing Delivery

4.18. In order to meet the housing requirement of 4,500 dwellings contained in Strategic Policy SP1, 300 dwellings per annum will need to be constructed in Powys throughout the Plan period. Evidence contained in the Joint Housing Land Availability Studies³⁸ suggests that, although delivery fell below the required level between 2011 and 2014, build rates of 300 dwellings per annum were achieved in 2015 and 2016. The most recent housing trajectory³⁹, which has been amended to take account of the backlog in provision, provides an overview of the scale, composition and timing of new housing development in Powys over the Plan period. The data is not intended to be prescriptive but provides an estimate of housing delivery based on best available information. That accepted, the trajectory indicates that a five year supply of housing land will be available throughout the plan period and provides a useful basis from which to monitor progress (**MAC 93**).

4.19. My primary concern with the proposed housing provision has been in respect of the delay in construction taking place on a number of committed sites and that the effect of this might threaten the delivery of the housing requirement. An additional housing session⁴⁰ was held and the written and oral evidence presented by the Council allayed many of these concerns. I was particularly concerned about the development of sites at: P08 HC1 - The Old Skin Warehouse, Brecon Road and P08 HC2 Hay Road Garage in Builth Wells, on which construction had commenced a number of years ago, but had yet to be fully completed; P48 HC6 - land to the rear of the Pentecostal Church, Newtown, which is being used as an overflow car park to serve the Church; and land at P20 HC1 - Sarn Meadows, Guilsfield which is located in a C2 Flood Zone and requires the implementation of flood mitigation works as part of the development.

4.20. The Council considers that delays experienced in the delivery of these sites have been caused, primarily, by land ownership and /or market constraints and are likely to be short term. No evidence has been presented to suggest that this assertion is incorrect. On the basis of the oral and written evidence presented at the hearing session, I am content that none of the committed sites have any significant physical constraints which would prevent their development and that with continued improvement in the Powys housing market the sites will be constructed largely as forecast⁴¹.

³⁸ SD: EB04; EB05: and EB05a

³⁹ ED: ED049 and EB29

⁴⁰ Hearing Session 17 – Other housing Sites, held on the 9th May 2017

⁴¹ ED: ED049

Conclusion

4.21. The provision and distribution of housing land set out in the LDP is realistic and appropriate and founded on a robust and credible evidence base. It will achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy. Subject to the MACs, the policies are clear, reasonable and appropriate.

5 Allocated Sites

5.1. The Council invited the submission of candidate sites for development for a twelve week period between February and May 2011. The invitation resulted in the submission of 1174 sites, the majority of which were proposed for residential development, with others being promoted for employment / commercial uses and as open space⁴².

5.2. In addition to the submitted candidate sites the Council also assessed land in its ownership and undeveloped UDP allocations. The sites were categorised into: ‘small and policy approach sites’ of less than 0.25 hectares which did not require a specific LDP allocation; and larger ‘non-strategic sites’ which would require an allocation. The non-strategic sites were then subject to a five stage assessment process. The assessment considered: the development potential of the sites; whether the site met the Plan’s vision / objectives and spatial strategy; if it met the SA⁴³ and SEA⁴⁴ requirements and those of other relevant appraisal processes⁴⁵; feedback from stakeholders and community representatives / organisations; and analysed the deliverability of the site in the Plan period⁴⁶. All the sites which were deemed suitable following the assessment were allocated⁴⁷.

5.3. Taking everything into account this was a thorough, methodical and consistent exercise. The evidence based, site specific approach has resulted in the identification of realistic and achievable allocations.

5.4. Approximately 40% of the housing sites are committed sites with a valid planning permission for residential development; some of these have been completed and others are under construction. As the committed sites will make a significant contribution to the County’s housing requirement and the five year housing land supply, it is appropriate that they are identified in the Plan.

5.5. The results of the assessments provide the evidence base for the allocated sites. The scale of development on each allocated site has been estimated having regard to the size of the site, the presence of constraints, the character of the surrounding area and the application of the average density figures for residential, employment and retail development⁴⁸. The analysis of the deliverability of each of the allocated sites demonstrates that the allocations are: in marketable areas; available for development within the Plan period; not subject to significant constraints from

⁴² ED and SD: EB22 and LDP02

⁴³ SD: LDP08

⁴⁴ SD: LDP09

⁴⁵ SD: EB19

⁴⁶ SD: EB22

⁴⁷ SD: LDP04

⁴⁸ SD: EB42b, EB11; EB12; EB14; and EB15

matters such as biodiversity, flooding, ground contamination or the availability of infrastructure; and that their development would be economically viable. On the basis of the evidence presented and discussions at the hearing sessions, I am satisfied that the analysis of the deliverability of individual sites has been undertaken in a rigorous and comprehensive manner and that the allocated sites are, largely, free from significant constraint.

5.6. Appendix 1 of the LDP contains a detailed schedule that provides information about the individual site characteristics and development requirements of the allocated sites. The schedule does not however, provide any indication of when the development of individual sites would take place. The omission of this information, in my view, would create uncertainty particularly for the local community, promoters of the sites and infrastructure providers. In order to ameliorate the situation, the Council is proposing to amend the schedule, through **MAC 132**, to include details of the anticipated delivery period. This approach will provide greater certainty and assist in the delivery of allocated sites in Powys.

P26 HA1 - Land West of Bryncoch, Llanbrynmair

5.7. The Land West of Bryncoch is a 0.7 hectare site located on the southern edge of the village of Llanbrynmair, which is a settlement defined by Policy DM14 as being a Welsh speaking stronghold. The site is allocated for the construction of 19 dwellings, which when considered in conjunction with the adjacent committed development, would result in the construction of 24 new dwellings in the settlement over the Plan period. The scale of the proposed allocation has given rise to concerns that the development would have an unacceptable impact on Welsh language and culture in the village.

5.8. The settlement of Llanbrynmair is defined by Strategic Policy SP5 as a Large Village and has a population of approximately 220 which is served by a range of facilities including a community hall, shop and school⁴⁹. The settlement has experienced a relatively low level of growth over the last 10 years with only 5 new dwellings being constructed in the village between 2007 and 2017⁵⁰. In my opinion the size of the proposed allocation would not result in a form of development that would be disproportionate to the scale of the settlement or, with the application of Policy DM14 which seeks to secure measures that would protect, promote and enhance the Welsh language, one that would have an adverse impact on the linguistic or cultural identity of the village. As a consequence, I consider the proposed allocation to be sound.

P34 HA1 - Llangynog Glebe, Llangynog

5.9. The allocated site comprises 0.3 hectares of greenfield land located in a central position in the village of Llangynog. The site, which is allocated for the construction of 8 dwellings, will be accessed via a new road leading directly from the B4391, with pedestrian and access for emergency vehicles afforded from the existing narrow, single track highway to the north of the site. (**MAC M35**).

5.10. The allocated site and approximately two thirds of the proposed access road are located within Flood Zone A and are therefore considered to be at little or no risk of

⁴⁹ SD: EB30

⁵⁰ HS9 AP1

fluvial flooding. The remainder of the access road, which forms the junction with the B4391, is however, located in a C2 Flood Zone and therefore is in an area without significant flood defence infrastructure and likely to be subject to flooding⁵¹.

5.11. In support of the allocation the site owner⁵² commissioned a scoping study to look at the potential for the site to flood and the potential impact the construction of a new access road would have on the risk of land to the south of the site flooding. The findings of the study indicate that: in an extreme weather event the junction of the new access road and the B4391 would be subject to fluvial flooding from the overtopping of the nearby Afon Eirth and Afon Tanat; to alleviate this problem the new access road could be raised above ground level; but, the elevation of the access road would be likely to result in an increased flood risk to the land and properties to the south of the allocated site. The study makes a number of recommendations including; that the access road should not be raised above ground level but should be allowed to flood during an extreme event; the creation of a pedestrian evacuation and emergency vehicle route in the north of the site; and the production of a flood warning and evacuation plan⁵³.

5.12. TAN 15 categorises residential development, including site specific transportation infrastructure, as being highly vulnerable development. Paragraph 6.2 of the advice note makes clear that highly vulnerable development should not be located within a designated C2 Flood Zone. Although I note that only a small part of the allocation is within the C2 Flood Zone, the area of land subject to the constraint is critical to the delivery of the site, there are no appropriate flood mitigation measures and no alternative access arrangements are available. As a consequence, I propose, through **IMAC 2**, to delete P34 HA1 - Llangynog Glebe, Llangynog and make consequential changes to Policies SP1, H1 (A) and Appendix 1. In light of this, I don’t consider that the change proposed by MAC M35 is necessary and therefore recommend that the settlement boundary remains unchanged.

P52 HA1 – Land at Tir Gaia, Rhayader and P52 HA2 - Land off East Street, Rhayader

5.13. The site at Tir Gaia comprises 3.5 hectares of land allocated for the construction of 70 dwellings, whilst the site at East Street is some 0.6 hectares and allocated for 16 dwellings. The location of these sites is away from the town centre, their topography and the planning history of the Tir Gaia site, have given rise to concerns that the sites will not be suitable for new housing development, particularly if they include the provision of older person’s accommodation.

5.14. The allocated sites are located on the eastern side of the settlement some 350 metres away from the town centre. Whilst parts of the Tir Gaia site are steep and may not be an appropriate location for older person’s accommodation, this is a matter that could, through the application of amended Policy DM15 (6), (7) and (8), be satisfactorily addressed in the layout and design of the future scheme. With regard to the planning history of the Tir Gaia site, although I note that planning permission has been granted for housing at the site on a number of occasions in the past, no substantive evidence has been presented which demonstrates that it cannot or will not be delivered during the Plan period.

⁵¹ TAN 15 Development and Flood Risk, figure 1

⁵² The Representative Body of the Church in Wales

⁵³ SD: ED057

5.15. As such, I consider that the allocated sites are accessible, relatively unconstrained and, because they are located within the central housing sub-market area, are likely to be delivered in the timescale anticipated in the trajectory.

P51 MUA1 - Former Kaye Foundry Site, Presteigne

5.16. This is a brownfield site of some 2.4 hectares, located within the centre of the Town of Presteigne. The site is allocated for a mixed use development comprising 0.4 hectares / 1,000 square metres (net) of new retail floorspace and 60 dwellings.

5.17. The Development Advice Maps (DAM)⁵⁴ indicate that the allocated site is located, in part, in a C2 Flood Zone. The flood constraint occupies approximately 6% of the site and is restricted to a small area along the northern and eastern boundary of the site. As I indicated earlier, TAN 15 makes clear that highly vulnerable development, such as housing, should not be located within a designated C2 Flood Zone but that less vulnerable developments, such as retail, may be acceptable. The site was assessed as part of the Strategic Flood Consequences Assessment – Stage 2 (2013) which concluded that, subject to less vulnerable uses being located in the C2 Flood Zone, the risk of flooding was manageable⁵⁵. In light of this I am satisfied that flood risk at the site can be managed and mitigated effectively.

5.18. The site was formerly used as a foundry. The potential for contamination is recognised in Appendix 1 of the Plan, which requires a comprehensive survey of the site to investigate and record levels of contamination and to provide detailed proposals for remediation works. No evidence has been presented to demonstrate that the site cannot be satisfactorily remediated. I am therefore content that the approach suggested is appropriate and complies with the requirements of PPW.

5.19. The retail element of the allocation proposes the construction of 800 sqm of new convenience and 200 sqm of new comparison goods floorspace. Concern has been expressed that the provision of new retail floorspace on the allocated site would have an adverse effect on the viability and vitality of the town centre.

5.20. Although I note these concerns, the evidence, which is discussed in Section 7 of my report, demonstrates that there is a requirement for a small food store to meet the needs of the local residents. This together with the location of the proposed allocation, on the edge of the town centre, and the potential for pedestrian linkages with the centre to be included in the layout of the development in accordance with Policy DM15 (1), will ensure that the proposed new store will be accessible and will enhance the retail provision in the settlement.

5.21. As such, I consider that the allocated site is relatively unconstrained, within close proximity to existing residential and retail development and likely to be delivered in the timescale anticipated in the Plan.

⁵⁴ ED:090

⁵⁵ SD: EB19, Table 6.1

Conclusions

5.22. Relevant alternatives have been considered and the identification of the allocated sites is based on a robust and rational site selection process. The sites are likely to be deliverable within the plan period and will make an appropriate contribution towards achieving the growth strategy of the Plan.

6 Affordable Housing and Gypsy and Traveller Provision

Affordable Housing Need

6.1. The national planning policy requires the LDP to set a target for providing affordable homes on the basis of a Local Housing Market Assessment (LHMA) taking into account the availability of finance and realistic developer contributions. The Powys LHMA was published in 2010 and updated in 2014 to take account of the changes in national policy / guidance and new data from the 2011 Census⁵⁶. The approach taken in the LHMA is consistent with the methodology promoted at national level and, as such, provides a robust basis for the assessment of affordable housing need.

6.2. The findings of the LHMA indicate that: there is a need for 153 new affordable homes per annum, which equates to 1530 dwellings over the remainder of the Plan period; and that the predominant housing need in Powys is for 1 and 2 bedroom social rented accommodation⁵⁷. In order to provide certainty about future requirements, **MAC 27** correctly amends the reasoned justification of Strategic Policy SP3 to include an explanation of the findings of the LHMA in respect of housing need.

Affordable Housing Viability and Deliverability

6.3. The Local Development Plan and Community Infrastructure Levy Viability Assessment (2014)⁵⁸ was updated by the Economic Viability of Providing Affordable Housing Across Powys Study (EVS) in 2016⁵⁹. The EVS therefore provides the evidence base for the LDP’s approach to securing affordable housing. The study employs the development appraisal model and, utilising a variety of assumptions⁶⁰, tests a range of sites located within the four sub-market areas of Severn Valley, Central, North and South West Powys, in order to determine the contribution new residential schemes can make to the supply of affordable housing in the County⁶¹.

6.4. The development appraisal contains a range of factors including construction costs, land values, developer profit, S106 contributions which have been adjusted to reflect the development characteristics of Powys. The EVS includes an average land value of £300,000 per hectare for greenfield and brownfield sites of more than 1 hectare and £30,000 for a plot of approximately 0.1 hectares. These figures are based on an assessment of current market conditions, which includes the requirement for

⁵⁶ SD: EB07 and EB08

⁵⁷ SD: EB08

⁵⁸ SD: EB13a

⁵⁹ SD: EB13b

⁶⁰ SD: EB13b, paragraph 2013 – 2.20

⁶¹ SD: EB13b, section 2

affordable housing, and are considered to be sufficient to incentivise owners to release land⁶².

6.5. The build costs identified in the EVS are based on the data provided by the Building Costs Information Service (BCIS) and have been adjusted for Powys⁶³. In addition, the EVS contains an allowance of £3075 per dwelling and £875 per flatted dwelling for fire sprinkler systems and between 12.5% and 17.5% for external works and contingencies⁶⁴. Concerns were expressed by representatives of the housebuilding industry that the EVS made no provision for abnormal costs. However, I am content that, in instances where abnormal costs occur, they can be off-set, to some extent, by the allowance for external works and contingencies and by the variation in build costs over the Plan period.

6.6. The results of the EVS indicate that in the sub-market areas, on sites of 5 dwellings or above, there is sufficient headroom to support affordable housing contributions of: between 30 and 35% in the Central area; 20% in the Severn Valley; and 10% in North Powys. The study found that although there were pockets of viability, there was insufficient headroom to support an affordable housing contribution in South West Powys⁶⁵.

6.7. I am content that the EVS has been prepared in accordance with the requirements of national planning policy and provides a robust and comprehensive basis on which to determine the Plan’s affordable housing thresholds and targets.

Affordable Housing Provision

6.8. Strategic Policy SP3 contains an indicative requirement of 949 new affordable dwellings which would be provided over the plan period. Following a re-calculation, **MAC 26** and **28** amend the provision figure in Strategic Policy SP3 to 952 new affordable dwellings and provide clarity about how the requirement will be delivered. Based on the housing requirements in Strategic Policy SP1 approximately 425 dwellings will be constructed on committed sites whilst the remainder, some 527 dwellings, will be delivered through a combination of development on allocated and windfall sites. The committed sites figure includes an allowance for the delivery of affordable homes from landbank sites permitted in accordance with the UDP⁶⁶. Although the location of landbank sites may be contrary to the Plan’s Spatial Strategy and planning permission may not be renewed if it lapses, I am mindful that all the sites identified in the Plan had planning permissions at the time of the examination and therefore warrant inclusion in the provision figure.

6.9. Policy H4 sets out the affordable housing requirement for new residential developments of 5 or more dwellings or on sites of 0.25 or above, in each of the defined housing sub-market areas⁶⁷ in the county. The policy requires the provision of: 30% affordable housing on qualifying sites in Central Powys; 20% on sites in the Severn Valley; 10 % on sites in North Powys. Sites in South West Powys will make no contribution towards the provision of affordable housing. Policy H4 as modified by **MAC97** recognises that, where it can be demonstrated that site viability would not

62 SD: EB13b, paragraph 4.25

63 SD: EB13b, paragraph 4.2

64 SD: EB13b, paragraph 4.7, 4.10 – 4.11

65 SD: EB13b, paragraphs 5.1 – 5.6

66 SD: EB21

67 SD: EB13a

support the provision of the affordable housing requirement in its entirety, a reduced contribution would be supported. The policy also contains criteria which seek to keep target contributions under review, manage commuted sums and control the size and tenure of affordable homes. Although useful guidance, the Council acknowledges that these matters are largely administrative and through **MAC 97** proposes to delete criterion 2 (part), 4 and 5 and make appropriate amendments to the reasoned justification of Policies H4 and SP3.

6.10. Concern was expressed that the requirements of Policy H4 should be amended to align more clearly with the findings of the EVS. Specifically: the affordable housing requirement for Central Powys should be increased to 35%; and the threshold for seeking contributions should be reduced to 4 dwellings⁶⁸. Whilst I note that the EVS indicates that a contribution of 35% in Central Powys could be achieved, I am mindful that setting targets at the upper limit of viability, particularly where there are uncertain market conditions, might be counter-productive and frustrate the delivery of much needed new housing in the County. In terms of thresholds, new evidence presented in response to Hearing Session 4 Action Point 8 demonstrates that a reduction in the threshold proposed would have a significant adverse impact on the viability of sites in all of the sub-market areas⁶⁹.

6.11. In addition, in order to provide certainty about the application of Policy H4, the Plan and Appendix 4a will be amended to include a list of the relevant community council areas to accompany a geographical definition of the four sub-market areas (**MAC 135**). The amendments allow for certainty in the interpretation and application of the spatial requirements of Policy H4.

6.12. In general, I am content that the approach contained in Policies SP3 and H4, subject to the MACs, are sufficiently flexible to adapt to changing economic circumstances, whilst remaining robust enough to secure affordable housing.

Rural Exceptions

6.13. To maximise provision, Policies H5 and H7 permit the development of rural exception sites in Powys. Policy H5 provides a framework for the development of sites which form a logical extension to towns, large villages and small villages for affordable housing by Registered Social Landlords and/or the Strategic Housing Authority. Policy H7 allows the development of single affordable dwellings to meet the needs of the local community on sites that form a logical extension to small villages and rural settlements. In order to avoid unnecessary duplication and ensure consistency within the Plan, **MAC 98, 99, 100, 101 and 102** combine the requirements of policies H5 and H7 into a single policy to ensure brevity and to accord with the requirements of national planning policy.

Affordable Housing Occupancy

6.14. Policy H8 provides a framework which seeks to manage the future occupancy of affordable housing. The provisions of Policy H8 are drawn from the Council’s Common Allocations Scheme (CAS)⁷⁰. Whilst the approach accords with the requirements of

⁶⁸ Welsh Government’s Statement for Hearing Session 4 – Affordable Housing, Gypsy and Traveller and Specialist Housing Provision

⁶⁹ SD: ED56

⁷⁰ Submitted LDP para 4.6.31

TAN 2⁷¹ it duplicates other policy requirements that are beyond the scope and control of the LDP and, as such, promotes the potential for conflict should the CAS be revised in the future. To ameliorate the situation, **MAC 29, 103 and 136**, delete Policy H8 and amend the reasoned justification of Strategic Policy SP3 and the Glossary to include a definition of local need. I am satisfied that this approach would mean that the LDP is flexible enough to adapt to changing circumstance whilst ensuring that the requirements of national planning guidance are met.

Provision for Gypsies and Travellers

Gypsy and Travellers Accommodation Need

6.15. PPW requires⁷² that local authorities assess the accommodation needs of Gypsy and Traveller families, and include policies for the provision of Gypsy and Traveller sites in their development plans.

6.16. Powys has a well-established Gypsy and Traveller population with a site for 10 permanent pitches located at Leighton Arches in Welshpool and provision for 100 transit pitches at Ysgiog (RWAS) in Builth Wells. In addition provision for Gypsy and Travellers accommodated in southern Powys has been made at Kings Meadow, Brecon, in the BBNP⁷³.

6.17. In 2015, the Council commissioned a Gypsy and Traveller Accommodation Assessment (GTAA) to inform the preparation of the Powys LDP and to meet the requirements of the Housing (Wales) Act 2014. The GTAA looked at provision within the Powys and Brecon Beacons LDP areas. The study’s methodology includes the collection and assessment of qualitative evidence, obtained from structured interviews with representatives of the Gypsy and Traveller communities and quantitative evidence taken from the 2011 Census, site occupancy and supply data⁷⁴. The findings of the GTAA indicate that, within the Powys LDP area, there is a need for 7 additional pitches, 5 pitches to meet the need for accommodation in the first 5 years of the LDP period and 2 pitches to meet the projected need for the remainder of the Plan period. No need was identified for the provision of additional transit sites or for accommodation for Travelling Showpeople⁷⁵. The approach taken to determining the need for new accommodation is based on clear and robust evidence which, I am satisfied, has been prepared in a manner that is consistent with the requirements of national planning policy and the Housing (Wales) Act 2014.

Gypsy and Travellers Provision

6.18. Policy H13 seeks to manage the provision of Gypsy and Traveller Sites and Caravans. **MAC 104, 105, 106 and 107** divide Policy H13 into two policies, one to provide a framework for the allocation of sites and the other for the assessment of proposals for new Gypsy and Traveller accommodation on non-allocated sites. This is an approach which I consider would greatly improve the clarity and implementation of the Plan.

⁷¹ TAN 2- Affordable Housing (2006), paragraph 12.7,

⁷² PPW, paragraph 9.2.21

⁷³ SD: EB03, Table 3

⁷⁴ SD: EB03b, Sections 3 and 4

⁷⁵ SD: EB03b, paragraphs 1.15 and 1.16

6.19. The proposed site allocation policy identifies a need for 7 permanent pitches to be provided on two sites, one adjacent to the Cemetery, Newtown Road, Machynlleth and the other at Leighton Arches, Welshpool, over the Plan period.

Cemetery, Newtown Road, Machynlleth

6.20. The development of land adjacent to the Cemetery, Newtown Road, Machynlleth, would provide 5 permanent pitches. At the time of submission the site is identified on the TAN 15 DAM as being within a C2 flood risk zone. Access to the site would be afforded directly from the A489 trunk road. At the time of the hearing session, an application for the construction of a Gypsy and Traveller site and associated access improvements had been submitted but remained underdetermined pending the resolution of an objection from Natural Resources Wales (NRW) in relation to flooding, and a holding direction issued by the WG in respect of highways.

6.21. The Council’s hearing statement⁷⁶ explained that in order to resolve the objections: a flood consequences assessment for the site and a request to amend the DAM map, to remove the part of the site on which pitches would be constructed from the flood zone, had been submitted to NRW; and a Departure from Standards application had been submitted to WG in respect of the proposed access to the A489. Further evidence, presented in respect of Hearing Session 4 Action Point 1 and Action Point 3, demonstrated that the request to amend the DAM map was successful and that the site was now, largely, outside the defined flood risk zone (**MAC 107**). In addition, the Departure from Standards application was approved by WG and the holding direction withdrawn. As a consequence planning permission for the site was granted on 1st August 2017.

Leighton Arches, Welshpool

6.22. The development of land adjacent to Leighton Arches, Welshpool, which will provide 2 permanent pitches, is located next to an established Gypsy and Traveller site. Planning Permission for the development of the allocated use was granted by the Council in February 2017.

6.23. I am therefore content that both the sites are capable of being developed for their allocated use within the Plan period.

Proposals on non-allocated sites

6.24. A new policy for the assessment of proposals for new Gypsy and Traveller accommodation on non-allocated sites, introduced by **MAC 104** will ensure that proposals are located close to a range of community services; and control the construction of ancillary buildings within approved sites. The policy’s reasoned justification makes clear that detailed aspects of the proposals in relation to design, security and landscaping will also be assessed in accordance with other policies in the Plan. The criteria contained in the policy accord with the requirements of Welsh Government Circular 30/2007 – Planning for Gypsy and Traveller Caravan Sites and therefore provide a sound basis for assessing planning applications.

⁷⁶ Council’s Statement for Hearing Session 4 – Affordable Housing, Gypsy and Traveller and Specialist Housing Provision

Conclusion

6.25. Overall I am satisfied that the approach to the provision of affordable housing in the Plan, subject to the MACs, is supported by robust and credible evidence. Whilst the level of provision sought by the Plan will not meet all of the need identified in the LHMA, I am content that the target contained in Strategic Policy SP3 is realistic and that the inclusion of measures such as a low site threshold, different targets for sub market areas and a rural exceptions policy will maximise the opportunities for delivery.

6.26. In addition, I am satisfied that, subject to the MACs, the Plan provides a sound and robust framework for the provision of Gypsy and Traveller accommodation which complies with national planning policies and meets the legislative requirements of the Housing (Wales) Act 2014.

7 Economy – Employment, Retail and Tourism

Employment Land Provision

7.1. A key issue for the LDP is the development of an employment strategy that supports a diverse, robust and vibrant economy whilst being sustainable and responsive to change⁷⁷. The primary evidence for the employment strategy is contained in the Powys Employment Needs Assessment (PENA)⁷⁸ and the Employment Land Site Allocations – Approach for the Sequential Testing and Determining of Sites Position Paper (2016)⁷⁹. The PENA which was originally produced in 2012 provides: an assessment of the socio-economic conditions in Powys; an overview of the property market; and analysis of supply and demand factors in the employment land and premises market. The document was reviewed in early 2015 to take account of changes in the national and local economy and 2011 Census data and again in late 2015 to take account of new national policy guidance and the increasing levels of economic activity in Powys. These documents resulted in the publication of an Addendum to the PENA in 2015⁸⁰ and the Powys Employment Needs Assessment Position Statement in 2016⁸¹.

7.2. The findings of the PENA, as amended⁸² indicate that: there are 4 employment sub-market areas in Powys those of Machynlleth, Severn Valley, North, Central and Ystradgynlais. The primary driver for future provision of employment land and buildings is anticipated to be the need to replace and upgrade the supply of existing premises in order to address the issue of dilapidation and to deliver the type and quality of accommodation required for modern business occupiers. There are concerns about the economic viability of developing new employment sites in the County and, as a consequence, there is a need to find new mechanisms to fund site delivery. In order to address these issues the assessment recommends the allocation of between 40 and 56 hectares of land for class B1, B2 and B8 uses⁸³ in locations, such as local

⁷⁷ SD: EB24

⁷⁸ SD: EB11

⁷⁹ SD: EB44

⁸⁰ SD: EB12

⁸¹ SD: EB12a

⁸² SD: EB12 and EB12a

⁸³ SD: EB11, Technical Report 3

growth zones (LGZ), which are likely to maximise the potential for public and private sector investment⁸⁴. The approach taken in the PENA is consistent with the methodology promoted at national level and, as such, provides a robust basis from which to identify employment land requirements.

7.3. Strategic Policy SP2 provides a framework for the provision of new employment development and seeks to maximise the opportunities for delivery presented by Local Growth Zones (LGZs) and other regeneration initiatives in the County. The policy allocates 45 hectares of land for employment purposes, of which 39 hectares are allocated for Class B1, B2 and B8 use only and 6 hectares as part of two mixed use schemes. The strategic policy is supported by policies E1 and E3 which allocate land for new employment development and Policy E2, as amended by MAC 78 which provides a clear and consistent mechanism for assessing proposals for employment related development on unallocated sites of up to 0.5 hectares in urban and rural areas.

Employment Land Allocations

7.4. The Employment Land Site Allocations – Approach for the Sequential Testing and Determining of Sites Position Statement (2016)⁸⁵ explains that the allocated employment sites were identified through the candidate site assessment and PENA process. In addition to the site assessment process I described in section 5.2 of this report, potential employment allocations were also assessed to ensure that they met the sequential test set out in TAN 23⁸⁶. The nature of the assessment process means that each of the allocated employment sites are: deliverable during the Plan period; free from significant constraint; located within one of the towns and large villages identified in the settlement hierarchy; and sequentially preferable⁸⁷. In addition, many of the allocated employment sites are also located in LGZ or in areas where other regeneration initiatives are being implemented, which will assist with the delivery of sites.

7.5. Policies E1 and E3 provide the framework for the delivery of new sites for Class B1 and / or B2 and B8 uses. Between them the policies allocate 17 sites which, depending on their nature and potential future use, are categorised as being either: prestige sites which are of regional importance and capable of accommodating medium to large scale development; high quality sites able to accommodate small to medium development of regional importance; local sites primarily intended to meet local needs; and mixed use sites (MAC 75). In addition to traditional employment uses, sites which are considered to be suitable to accommodate new waste facilities have been identified within Policies E1 and E4 (**MAC 76 and 81**). Both policies have also, correctly, been amended by **MAC 77, 79 and 80**, to clarify that proposals for alternative uses on allocated employment sites would be restricted to those uses that complement and / or enhance the proposed use or viability of the sites. Appropriate amendments have been made to the proposals maps by **MMAC 20, 21, 25, 27, 29, 33, 36, 43, 45, 46, 47, 50, 51, 52, 55, 58, 61 and 62**.

7.6. I am satisfied that the evidence base demonstrates that the site allocations contained in Policies E1 and E4 have been subject to a rigorous assessment process,

⁸⁴ SD: EB12a, Section 8

⁸⁵ SD: EB44

⁸⁶ TAN 23: Economic Development (2014)

⁸⁷ SD: EB44

are realistic, capable of delivering the economic objectives of the LDP and comply with the requirements of national policy.

Employment Policy Framework

7.7. In order to provide an appropriate framework for the management of existing employment sites, **MAC 81, 82** and **73** substantially revise Policy DM17 to: provide criteria for the assessment of proposals for alternative uses on existing employment sites; and to include a new policy listing those sites on which the existing employment uses are to be safeguarded. This approach will provide greater clarity about the future use of existing and allocated employment sites, will ensure the supply of land and premises through-out the Plan period and complies with the requirements of national policy.

7.8. **MAC 84, 85, 86** and **87** introduce new policies in respect of farm diversification and homeworking. The policies are necessary to provide a framework which ensures that new development does not have an adverse impact on existing land uses, highway safety, visual and residential amenity.

7.9. The framework for the redevelopment of the site of Bronllys Hospital site as a Health and Wellbeing Park is provided by Policy E4. In order to provide greater clarity about the intended redevelopment of the site, **MAC 83**, amends the reasoned justification of the policy to explain that the existing employment areas of the site will be retained and proposals for non-employment related development will be resisted. In addition, the Proposals Map will be amended to identify the geographical area that will be subject to the requirements of the policy (**MAC M16** and **19**). The inclusion of the proposed amendments will provide greater certainty about the future use of the site and is therefore recommended.

Retail

7.10. The Powys Retail Study (2012)⁸⁸ (The Study) defines the retail hierarchy in Powys and provides a quantitative and qualitative assessment of the provision of convenience and comparison goods in the County. The Study was updated in 2015⁸⁹ in order to take account of the 2011 Census data and provided revised actual and forecast expenditure figures. The findings of the Study suggest a three tier retail hierarchy comprising area, district and local retail centres. It concludes that there is no significant need for new comparison goods floorspace in the County but identifies a need for new convenience goods floorspace in the Presteigne area. Additional evidence provided by the Council confirmed that the quantum of new floorspace required to meet identified retail need is approximately 1,782 sqm (gross), of which 1,212 sqm (gross) is required for convenience goods and the remainder for comparison goods⁹⁰. The Study suggests that in order to meet qualitative and quantitative need, the requirement for new convenience goods floorspace could be met by the allocation of a single site in Presteigne. In terms of comparison floorspace, the Study found there were varying levels of need for new comparison goods floorspace throughout Powys, but that any additional requirements could be accommodated within vacant premises in the centres as defined in the retail hierarchy.

⁸⁸ SD: EB14

⁸⁹ SD: EB15

⁹⁰ SD: ED005

7.11. Although new household projections⁹¹ were issued in March 2017, the Council has chosen not to revise the Plan in light of this statistical information, but has decided, for the reasons outlined in MAC 24, to plan for Powys on the basis of the 2011 – based figures. An approach which I support. As a consequence, I am content that the approach taken in the Retail Study⁹² is consistent with the requirements of national planning policy and provides a robust basis from which to identify and meet retail need within Powys.

7.12. Strategic Policy SP4 sets out the Council’s approach to retailing over the plan period. **MAC 30** amends the Strategic Policy to make clear that provision is made for 1,000 sqm (net) of new retail floorspace, of which 800 sqm (net) will be for convenience goods and 200 sqm (net) floorspace for comparison goods. Further that any additional need for new comparison goods floorspace over the plan period would be accommodated in existing vacant retail premises. The proposed changes significantly improve the clarity and application of the strategic policy, and, as a consequence are endorsed.

7.13. Policy R1, as amended by **MAC 108** and **109**, sets out the retail hierarchy of the centres, with the ‘Area Retail Centres’ of Llandrindod Wells, Llanidloes, Machynlleth, Newtown and Welshpool at the top, followed by the ‘District Retail Centres’ of Builth Wells, Knighton, Presteigne, Rhayader and Ystradgynlais, and the ‘Local Retail Centres’ of Llanfair Caereinion, Llanfyllin, Llanwrtyd Wells and Montgomery. The categorisation and definition of the centres is based on the evidence contained in the Retail Study⁹³. Within each of these settlements a ‘town centre’ boundary has been defined. The amended policy makes clear that proposals for new development within the defined retail centres which are of a scale and design appropriate to the settlement will be supported. The retail centres and their constituent town centres are delineated on the Proposals Map - Inset Plans. However, to ensure certainty, **MAC 138** introduces a set of large scale maps illustrating the primary and secondary frontages in the Plan appendix. Subject to the changes proposed I am satisfied that the definition of the retail hierarchy has been based on robust evidence and is consistent with the requirements of national policy.

7.14. In order to meet the requirements of Strategic Policy SP4, Policy R1 (A) allocates land at the Former Kaye Foundry, Presteigne for the development of 1000 sqm (net) of new retail floorspace (**MAC 110** and **111**). The quantum and location of the retail development allocated under Policy R1 (A) is supported by evidence contained in the Retail Study Addendum⁹⁴ (2015). The findings of the study make clear that there is a qualitative deficiency in terms of the provision of convenience goods in Presteigne which is likely to result in the leakage of expenditure from the town to the settlement of Knighton. In order to ‘claw back’ the expenditure the Study recommends the allocation of land for a food store within Presteigne. Although I note that objection has been raised to the allocation by local residents who are concerned that the development would have an adverse impact on the existing retail centre, no substantive evidence has been presented that demonstrates that there is no qualitative need for the provision or that it would have an adverse impact on the viability or vitality of the town. Matters in relation to the deliverability and potential

⁹¹ SD: ED037

⁹² SD: EB14 and EB15

⁹³ SD: EB14

⁹⁴ SD: EB15

impact of the site on the retail centre of Presteigne have been addressed in Section 5 of my report.

7.15. Proposals for the management of new development within town centre areas are assessed in accordance with the requirements of Policy R2. In order to improve the clarity of the policy **MAC 112** and **113** explain explicitly the percentage of new non-Class A1 or A3 uses that will be permitted in primary and secondary frontages and the actions required of owners / developers to demonstrate that vacant premises would be suitable for non-retail uses.

7.16. Policy R3 as submitted, seeks to provide a framework for assessing proposals for new retail development outside the defined town centres. This duplicates national policy in PPW⁹⁵ and Policy R3 is deleted by **MAC 114** and **115**.

7.17. The reasoned justification of Policies R2 and R3 outline a requirement for the provision of Retail Impact Assessments (RIA) for all development proposals of 1,000 square metres (gross) or more in town centre areas and 280 square metres (gross) or more in local retail centres and out of town locations. Whilst this approach is broadly supported by the evidence contained in the Retail Study⁹⁶, it duplicates guidance contained in PPW⁹⁷ which allows for RIA to be requested for developments with a floorspace of less than 2,500 square metres (gross) where it is believed that the proposal would have a significant impact on retail centres. In light of this **MAC 114** and **115** delete these requirements and include a statement paragraph that proposals will be determined in accordance with the requirements of national policy.

Tourism

7.18. The Tourism Topic Paper (2015) indicates that during 2012, there were 6.14 million day trips to Powys with an average spend of £36 per trip and between 2009 and 2011 535,000 domestic staying visitors with an average spend of £147 per trip. The sector is therefore a key element of the economy and has the potential to bring significant social and economic benefits to the communities of Powys⁹⁸.

7.19. The framework for the management of tourism development within the submitted LDP is provided by Policies TD1, TD2 and TD3. As submitted the policy framework does not provide an effective mechanism for assessing the impact of new non-tourism related development proposals on existing tourism assets and attractions. This is rectified by **MAC 62** and **63** which amend Policy DM15 and its supporting text to include reference to the impact on new development on existing tourism assets and attractions.

7.20. Policy TD2 seeks to ensure that proposals for alternative uses in existing tourist accommodation are only permitted where it can be proven that the existing use is no longer viable. In order to ensure clarity about the geographical application of the policy and its detailed requirements, **MAC 116** and **117**, amend Policy TD2 to include a reference to the existing tourism accommodation in rural areas and to explain the nature and extent of the evidence required to demonstrate viability.

⁹⁵ PPW, paragraph 10.2.16

⁹⁶ SD: EB14 and EB15

⁹⁷ PPW, paragraph 10.4.4

⁹⁸ SD: EB37, Section 4

7.21. The historic Montgomery Canal is one of the most significant tourism assets in Powys. The Canal, which extends from the Welsh Borders at Llanymynech to Newtown, is, because of its aquatic ecology, designated as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Restoration work on the Canal has been on-going since the 1960’s and although much of the waterway is now of a navigable standard further restoration work is required to bring the dry sections of the route back into use⁹⁹. Policy TD3 provides a framework which supports the further restoration of the Canal and ensures that development proposals do not have an adverse impact on the scientific and conservation designations along the waterway. **MAC 118**, is necessary to recognise the economic benefits of the Canal and explain the scale of the work required to complete the restoration of the waterway or to connect it with the national canal network.

Conclusion

7.22. The overall scale, type and distribution of the allocated employment and retail sites meet the relevant objectives of the LDP in a manner that is sustainable and consistent with the requirements of national policy. Relevant alternatives have been considered and the identification of the allocated sites is based on a robust and rational site selection process. In addition, the policy framework provided in the Plan for employment, retail and tourism development, subject to the MACs, is clear, reasonable and appropriate and complies with the requirements of national planning policy and the WSP.

8 Transport, Infrastructure and Community Facilities

Transport

8.1. PPW¹⁰⁰ requires LDPs to set out a land use / transportation strategy that seeks to reduce the need to travel by private car and promote sustainable modes of travel such as public transport, walking and cycling. The Transport Topic Paper (2016)¹⁰¹ explains that the approach to transportation in the LDP accords with the requirements of the National Transport Strategy¹⁰² and the Mid Wales Joint Local Transport Plan¹⁰³ and comprises a framework which: seeks to promote sustainable travel; safeguards new and existing transport routes; supports appropriate transport infrastructure and traffic management improvements; and manages the impact of new development on the existing transportation network.

8.2. **MAC 88** and **90** replace Policy T1 with a substantially revised policy which, amongst other things, considers proposals for highway improvements in the Mid Wales Joint Local Transport Plan, promotes ‘Active Travel’ and provides a framework for managing the potential impact of new development proposals on the highway network and local environment. The new policy will provide a more comprehensive and detailed framework for the management of travel, traffic and transport infrastructure in Powys.

⁹⁹ SD: EB37

¹⁰⁰ PPW, paragraph 8.6.2

¹⁰¹ SD: EB38, Section 7

¹⁰² SD: WPP16 and WPP16a

¹⁰³ SD: POW01

8.3. Criteria for assessing access arrangements and parking requirements for new development are set out under Policy DM15 (10) and (11). **MAC 62** and **66** correctly amend Policy DM15 (10) to provide a more detailed guidance in relation to the location, design and safety requirements for new development.

8.4. Policies T1 (A) and T2 seek to safeguard transportation routes from inappropriate development. Policy T1 (A) provides a mechanism for assessing development proposals on existing, disused transportation routes. Whilst the policy is flexible enough to allow proposals for alternative uses, it is clear that these would only be acceptable where it can be demonstrated that they would not inhibit the re-use of the infrastructure for future transportation purposes. Policy T2 safeguards the route of the Newtown Bypass, which is delineated on the proposals map. The approach taken in both policies is consistent with the requirements of national planning policy and therefore supported.

Infrastructure

8.5. The approach to securing new and improved social, economic and environmental infrastructure is set out in Policies DM1, DM4, DM5, DM11, DM15 (12) and C1.

8.6. The framework for the consideration of matters in relation to flood risk, flood prevention and land drainage is provided by Policies DM4 and DM5. The policies are based on the findings and recommendations contained in the Strategic Flood Consequences Assessment (SFCA) Stage 1 (2012)¹⁰⁴ and SFCA Stage 2 (2013)¹⁰⁵. **MAC 49, 50, 51** and **52**, correctly, amend the reasoned justification of Policy DM4 to include a definition of term ‘flood plain’ and to delete the provisions of Policy DM5 (2) that do not comply with national policy.

Community Facilities

8.7. The Council’s Community Facilities Topic Paper (Update 2016)¹⁰⁶, acknowledges that these facilities play an intrinsic role in the life of the County’s communities and are crucial for the economic, social and environmental sustainability of Powys. The Topic Paper looks in detail at the level and diversity of the existing provision, which includes; educational facilities; health facilities; leisure centres; libraries; village / community halls; youth centres; cemeteries; and post offices. Policy DM11, as amended by **MAC 58** and **59**, provides a framework for the protection of existing community facilities that recognises the changing socio-economic landscape and seeks to ensure that a flexible approach is taken to the use and re-use of these facilities.

8.8. Policy DM1 provides the mechanism for securing contribution for the provision of new and improved infrastructure necessary to deliver the key policies and proposals in the Plan. This includes the provision of a range of infrastructure including affordable housing, community facilities, educational and health provision, recreation, leisure and open space facilities, ecological and Welsh Language mitigation and transportation improvements. The submitted policy lacks clarity and the inclusion of a general list of items in the policy and the reasoned justification is likely to create confusion. **MAC 39**

¹⁰⁴ SD: EB18

¹⁰⁵ SD: EB19

¹⁰⁶ SD: EB23

and **40** rectify this and provide greater clarity about the application of the policy and the infrastructure necessary to deliver the key policies and proposals in the Plan.

Conclusions

8.9. I conclude that the policies and proposals in respect of Transport, Infrastructure and Community Facilities, as amended by the MACs, are supported by robust and credible evidence and consistent with national policy.

9 Minerals and Waste

Minerals

9.1. National planning policy relating to minerals is set out in Chapter 14 of PPW and is supplemented by Minerals Technical Advice Note 1: Aggregates (2004) (MTAN1) and Minerals Technical Advice Note 2: Coal (2009) (MTAN 2). The South Wales Regional Aggregates Working Party - Regional Technical Statement (SWRAWP RTS) 1st Review (2014)¹⁰⁷ sets out how aggregate demand will be met in the South Wales Region for a 25 year period up to 2036.

9.2. The apportionment figures contained in the RTS 1st Review require Powys to provide 62.75 million tonnes of crushed rock aggregates. The 1st Review indicates that as of the 31st December 2010, the County had 119 million tonnes of permitted crushed rock aggregates reserves¹⁰⁸. Details of the sites on which these reserves are located are contained in Policy M1 (**MAC 125**). The scale of these permitted reserves means that Powys has a land bank for crushed rock aggregates of 47 years. With regard to land-won sand and gravel, the RTS 1st Review for Powys makes clear that there is no requirement for Powys to provide any reserves during the RTS plan period. I am therefore satisfied that the land bank requirements for Powys have been met for the period up to 2036 and that the Plan accords with national planning policy and the RTS 1st Review (2014).

9.3. The framework for protecting worked and unworked mineral resources in Powys is provided by Policies DM7 and DM8. Policy DM7 seeks to safeguard unworked minerals from development which would permanently sterilise the resource. In doing so the policy restricts non-mineral development to areas where mineral extraction would be unviable, environmentally unacceptable, have no community benefits or could be worked prior to construction. Where proposals are acceptable they must either be for temporary uses or householder development. In the same way, Policy DM8 designates mineral working buffer zones within which development will only be permitted where proposals would not constrain or unacceptably affect the operation of sites. In order to improve the clarity and application of Policy DM7, **MAC 53** and **54**, make clear that: it only applies to designated areas of sand and gravel, sandstone, limestone, igneous rocks and surface coal; it does not apply to tertiary coal reserves; and to provide a more succinct definition of householder development. Similarly, in order to avoid unnecessary duplication with Policy DM7, **MAC 55**, **56** and **57** amend Policy DM8 to more accurately reflect the requirements of national planning policy in respect of mineral working buffer zones, land-won sand and gravel and coal.

¹⁰⁷ SD: POW03

¹⁰⁸ SD: EB33

Appropriate amendments have been made to the proposal map by **MMAC 5, 17, 24** and **64**.

9.4. PPW¹⁰⁹ requires LDPs to provide a set of criteria against which proposals for future mineral extractions are to be assessed. Although Policy M2 provides a framework for assessing the need for new sites, it does not provide detailed criteria for assessing the impact of development on the wider environment. In order to ameliorate this situation, **MAC 126** and **127** introduce a new policy in relation to mineral proposals which would ensure that new development would not have an adverse impact on public health, the environment, local amenity or the transportation network. In addition, in order to provide greater clarity in respect of the approach to be taken to the restoration and aftercare of mineral sites **MAC 128** and **129**, introduce a specific policy which would secure the beneficial re-use and enhancement of former mineral sites. I am content that the inclusion of these new policies will ensure that the Plan provides a clear and consistent framework for the management of minerals development in Powys and would accord with national policy.

Waste

9.5. PPW requires LDPs to: secure opportunities to reduce, reuse and recycle waste as part of the design of new development; demonstrate that the requirements of the CIMSP and regional monitoring have been taken into account; and identify suitable sites for the development of sustainable waste facilities.

9.6. The CIMSP sets out the ‘best estimate’ of capacity requirement for the recovery and disposal of residual waste in each of the 4 regions in Wales. Powys forms part of the North Wales and South East Wales regions. The CIMSP outlines a requirement for additional waste management facilities capable of handling between 203,000 and 468,000 tonnes in the North Wales Region and for between 411,000 and 861,000 tonnes within the South East Wales Region by 2025. The ‘best case’ scenario for both regions indicates that, with appropriate management, landfill capacity will last almost indefinitely¹¹⁰.

9.7. The framework for the management of waste within the submitted LDP is provided by Policies DM15 (13) and W1 which seek to ensure a reduction in waste arising and to permit the development of a range of waste management facilities. The policies, as drafted, do not align with the requirements of PPW. **MAC 71, 72, 74, 82, 119, 120, 121** and **122** replace Policy W1 with three new policies which will control: the approach taken to waste management in development to ensure that waste requirements are taken into account in both the construction and design phases of new development; the location of new waste facilities; and the impact of new waste facilities on human health, the highway network and on the natural, built and historic environment. In addition, **MAC 76** and **81**, amend the relevant employment policies to identify the allocated and existing employment sites on which the development of waste related facilities would be acceptable. I note that concern has been expressed about the apparent contradiction between the requirements of Policies E1 and W1 in respect of the development of waste facilities in the open countryside. I do not share this view. I consider that Policy W1, as amended by MAC 119 and 120, makes clear that waste related development would, in principle, be acceptable on all the allocated and existing employment sites identified in the Plan irrespective of their location and

¹⁰⁹ PPW, paragraph 14.7.17

¹¹⁰ SD: WPP54

that only the development on non-allocated sites in the open countryside would need to be assessed in accordance with Policy W1 (1)-(5). The inclusion of these new policies would, in my view, ensure that the Plan provides a clear and consistent framework for the management of waste which would accord with the requirements of national policy.

Conclusion

9.8. All in all I am satisfied that the policies and proposals in relation to both minerals and waste are based on robust and credible evidence and, subject to MACs, are consistent with national policy.

10 Safeguarding Strategic Assets and Resources

10.1. The evidence base for the safeguarding of strategic resources and assets is provided by a number of detailed studies including the Powys LANDMAP Study¹¹¹; Open Space Assessment (2015)¹¹²; the Powys Built Heritage Strategy (2010)¹¹³; Historic Environment Topic Paper (2015)¹¹⁴; The Pollution and Flooding Topic Paper (2015)¹¹⁵; Leisure and Recreation Topic Paper (2015)¹¹⁶; Ministry of Defence Estates – Sennybridge Training Area Topic Paper (2015)¹¹⁷; Minerals (2015)¹¹⁸; and the Natural Heritage Topic Paper (2015)¹¹⁹. The studies and topic papers I have identified are consistent with the requirements of national planning policy and provide a robust and comprehensive basis from which to safeguard strategic assets and resources within Powys.

10.2. Strategic Policy SP7 as modified by **MAC 35**, provides a framework for the safeguarding of: land designated at international, European and /or national level for environmental protection; the historic environment; recreational assets; the landscape; Sennybridge Training Area; mineral resources; and strategic infrastructure routes. The strategic policy is supported by Policies DM2 (A), DM2, DM3, DM15 and MD1 which provide a mechanism for assessing proposals in relation to the natural environment, historic environment, public open space, landscape, design and resources and Sennybridge Training Area. Matters in relation to the safeguarding of minerals resources and strategic infrastructure routes are addressed in Sections 8 and 9 of this report.

Environmental Protection

10.3. The Natural Heritage Topic Paper (2015)¹²⁰ indicates that Powys has a number of sites that have been designated for being of European or national ecological or geomorphological importance. This includes 13 Special Areas of Conservation (SAC), 3 Special Protection Areas (SPA), 222 SSSIs and 7 National Nature Reserves (NNR). At local level there are a number of different site designations within the County

¹¹¹ SD: EB06
¹¹² SD: EB09
¹¹³ SD: EB10
¹¹⁴ SD: EB26
¹¹⁵ SD: EB27
¹¹⁶ SD: EB31
¹¹⁷ SD: EB32
¹¹⁸ SD: EB33
¹¹⁹ SD: EB34
¹²⁰ SD: EB34

including a local nature reserve (LNR), local biodiversity action plan sites (LBAP), Sites of Interest for Nature Conservation (SINCs), Regionally Important Geodiversity sites (RIGs), Road Verge Nature Reserves and local wildlife sites (LWS). Details of the LNR and RIGs in the County are shown on the proposals map. However, no substantive evidence has been presented about the exact nature, number or location of the designated Wildlife Trust Reserves (WTR), SINCs, Road Verge Nature Reserves or LWS.

10.4. Concerns were expressed at the hearing session that Policy DM2 does not: accurately reflect the hierarchy of sites in the County; provide robust criteria on which to base an assessment of development proposals; contain a complete list of all the locally important designated sites; or accord with the requirements of national planning policy in seeking to ensure that new development produces a ‘net gain’ in biodiversity and geodiversity. In addition concern was expressed that no locally important site designations were listed in the Plan or identified on the proposals map.

10.5. To rectify this and in accordance with national policy MAC 41 and 43 amend: the structure of the Policy DM2 to reflect the hierarchy of the designations; outline criteria that need to be addressed by development proposals which will impact on designated sites; reference legislative requirements; expand the definition of locally important designations to include road verge nature reserves, sites of interest for nature conservation and LWS; and to delete the requirement for ‘net gain’.

10.6. With regard to the identification of locally important designated sites in the Plan and on the proposals map, the Council explained that information in relation to SINCs and LWS in Powys is held by the Biological Information Service (BIS) who, because of the sensitive nature of the designations and the ownership of the information, are unable to make details of the location of any of these sites publically available. The Council confirmed that BIS would however, be prepared to provide information to developers about the proximity of WTR, SINCs, Road Verge Nature Reserves and LWS to potential development sites¹²¹.

10.7. The proposed changes to the structure and content of the policy contained in **MAC 41** and **43**, excluding those in relation to locally important designated sites, will improve the clarity and application of Policy DM2 and accord with the requirements of PPW. In terms of identifying the locally important designated sites, I am mindful that no evidence has been presented in respect of these sites and that the LDP Manual¹²² requires that policies which seek to protect and enhance specific areas and have a spatial dimension should be clearly identified in plans and delineated on proposals maps. The purpose of this is to provide clarity and certainty about the application of policies. Whilst I note the willingness of BIS to share the biological information they hold, I nevertheless consider that the absence of a detailed list of locally important designated sites in the Plan and the failure to delineate the boundaries of the designated WTR, SINCs, Road Verge Nature Reserves and LWS on the proposals map would create uncertainty about the implementation of Policy DM2 and would be contrary to the requirements of national policy.

10.8. As a consequence, **IMAC 3**, deletes the reference to WTR, SINCs, Road Verge Nature Reserves and LWS contained in Policy DM2 (3C), as amended by MAC 41.

¹²¹ HS11 AP13

¹²² LDP Manual, Edition 2 (2015), Section 2.4

10.9. Subject to the aforementioned changes, I am content that Policy DM2 provides a clear, consistent and comprehensive framework for managing the impact of new development on the natural environment and is consistent with the requirements of PPW.

Historic Environment

10.10. Strategic Policy SP7, as amended by **MAC 35, 36 and 37**, seeks to safeguard historic environment designations including: Registered Historic Landscapes; Registered Historic Parks and Gardens; Scheduled Ancient Monuments and other archaeological remains; Listed Buildings and their curtilages; Conservation Areas; the setting of these designations; and Historic Assets of Special Local Interest.

10.11. The Historic Environment (Wales) Act 2016¹²³ and PPW¹²⁴ outline a requirement for the compilation, adoption and maintenance of an up-to-date and publically accessible Historic Environment Record (HER), which provides details of all the historic assets in individual local planning authority areas. Guidance in relation to the designation of heritage assets of special local importance is contained in Managing Lists of Historic Assets of Special Local Interest in Wales, which was published by Cadw in May 2017.

10.12. In order to meet these requirements and to clarify the nature and location of the designations listed in Strategic Policy SP7 (2i-vi), **MAC 38 and 137**, create an Appendix to the Plan which will provide a list of the historic environment designations in Powys and signpost relevant information in relation to the HER. In addition, a number of changes are made to Policy DM15 (3) and (4) and its reasoned justification to ensure that the Plan accurately reflects the requirements of national policy (**MAC 62 and 64**).

10.13. The combination of Strategic Policy (2vi) and Policy DM15 (4) seeks to provide a framework for managing the impact of new development on historic assets of special local interest. However, I am mindful that, neither the evidence base, submitted Plan nor the amendments proposed under MAC 35, list the heritage assets in Powys which are to be protected, or clearly signpost where the adopted list of heritage assets can be found. The absence of this information means that the requirements of the Policies SP7 (2vi) and DM15 (4) cannot be implemented. The inclusion of these policies would therefore be contrary to the requirements of national policy. As a consequence, MAC 35, 62, 64 and 137 as they relate to Historic Assets of Local interest are not accepted. In order to ensure conformity with the requirements of national policy **IMAC 4** deletes reference to historic assets of special local interest DM15 (4) and paragraph 4.2.78.

Landscape

10.14. The landscape of Powys varies significantly from the upland areas such as those of the Berwyn Mountains, the Cambrian Mountains and Mynydd Epynt to the lowland of the Wye and Severn Rivers. The LANDMAP data relating to Powys¹²⁵, provides a comprehensive assessment of the landscape character of the County. LANDMAP Powys into aspect areas and describes and evaluates the five spatial

¹²³ The Historic Environment Act (Wales) 2016, Sections 35 and 36

¹²⁴ PPW, Section 6.4

¹²⁵ SD: EB06

datasets that make up the landscape, which include geological, landscape habitat, visual and sensory, cultural and historic aspects, and categorises them as being of outstanding, high, moderate or low value. The overall findings of the LANDMAP indicate that Powys is predominantly of: outstanding and high cultural landscape value; high to moderate habitat and historical landscape value; moderate to high geological, visual and sensory landscape value¹²⁶. Analysis of the findings indicates that whilst there is some variation in the values afforded to each aspect area, when the results for all of the spatial datasets across the Plan area are combined, Powys has a landscape of outstanding to high value. I am content that the approach taken to the assessment of the landscape of Powys is consistent with the methodology promoted at national level and, as such, provides a robust basis from which to formulate policy.

10.15. The policy framework for the landscape protection is provided by a combination of Policies SP7 and DM3.

10.16. Policy DM3, of the submitted LDP, seeks to ensure that proposals for new development in Powys do not unacceptably affect, either individually or cumulatively: the key characteristics of the Powys landscape identified by LANDMAP ; Registered Historic Landscapes; protected landscapes; or the visual amenity enjoyed by users of the landscapes.

10.17. The Council is proposing, through **MAC 35, 46, 47 and 48**, to amend Policy SP7 to include a new criterion relating to the valued characteristics and qualities of the landscape throughout Powys and to substantially amend Policy DM3. The proposed changes to Policy DM3 include: a definition of the geographical area to which the policy would apply; provision of a criteria for assessing and managing the impact of development proposals on protected landscapes, heritage assets and the visual amenity of users of the landscape; an explanation of the requirement for a landscape and visual assessment; and deletion of the reference to the BBNP LDP.

10.18. The revision to Policy DM3 does not specifically identify any special landscape areas. It does however, provide a clear geographical definition of where the policy is to be applied, which in this instance is those parts of the County that lie outside the settlements defined in Strategic Policy SP5. This approach would effectively mean that all development proposals in the open countryside will be assessed to ensure that they do not have an adverse impact on any of the individual components that make up the landscape character of Powys. In my view this would provide a more holistic approach to assessing the impact of development on the landscape and align more closely with the evidence contained in the LANDMAP study. The revisions to Policy DM3 (1) and (2) provide a comprehensive list of those factors that need to be considered and addressed by Developers and Decision Makers when seeking to assess and manage a proposal in the countryside. The proposed amendments to these criteria greatly improve the clarity of the policy.

10.19. I consider that the framework for the management of the landscape provided by Policies SP7 and DM3, subject to the MACs, is based on robust and credible evidence, would provide greater clarity and certainty about the approach to be taken to the assessment of new development and is consistent with the requirements of European and national policy.

¹²⁶ SD: EB34

Coast

10.20. PPW¹²⁷ requires that, where applicable, LDPs provide a framework for the management of development in coastal and estuarial areas. The western boundary of the Plan area is formed, in part, by a short length of the tidal reaches of the Dyfi Estuary. In order to comply with the requirements of PPW, the Council is correctly proposing to expand the definition of open countryside in Strategic Policy SP5 to include the undeveloped coast (**MAC 20, 22** and **31**). The proposed amendment accords with the requirements of national policy and is therefore supported.

Open Space

10.21. The evidence base for open space is contained in the Powys LDP Open Space Assessment (2015)¹²⁸. The assessment provides a detailed overview of the provision of different open space typologies in towns and large villages across the County, identifies areas which are to be protected and makes recommendations for securing the provision of new and improved open space. The information contained in this document provides a comprehensive and robust evidence base from which to effectively manage existing and future recreational assets.

10.22. The policy context for open space provision, as submitted, is provided by Policies DM2 (A), which seeks to protect existing provision and DM15 (9) which provides a mechanism for securing new provision. In order to improve the clarity of the Plan, **MAC 44, 45, 62** and **65** delete Policy DM15 (9) and combine its requirement with Policy DM2 (A) to provide a single, multifunctional policy. In addition **MAC 44**, includes an update to reflect changes to the Fields in Trust Standards.

Air Quality Area

10.23. The Pollution and Flooding Topic Paper¹²⁹ provides contextual information in relation to air quality. The Topic Paper sets out the Council’s approach to the review and assessment of the ambient air quality in Powys and explains the background to the designation of an Air Quality Management Area (AQMA) around New Road in Newtown.

10.24. The planning mechanism for managing air quality in Powys is provided by Policy DM15 (A) which seeks to ensure that new development proposals would not cause or lead to an unacceptable risk to human health or the natural environment. **MAC 70** amends paragraph 4.2.7.AA of the submitted Plan to explain that, following improvements in the ambient air quality, the designation of an AQMA in Newtown had been revoked¹³⁰. **MMAC 44** proposes the deletion of the designation from the proposals map. These changes will ensure clarity and certainty in the application of Policy DM15 (A).

Other Safeguarding Strategic Assets and Resources Matters

10.25. During the course of the hearing sessions the representatives of local environmental groups raised a number of other areas of concern, these related

¹²⁷ PPW, Section 5.7

¹²⁸ SD: EB09

¹²⁹ SD: EB27

¹³⁰ Council’s Hearing Statement Session 11, Appendix 5

principally to agriculture, carbon soils and human health. In terms of agriculture, it was suggested that the Plan should include a specific policy framework for the assessment of intensive livestock units¹³¹. I agree with the Council that proposals can effectively be assessed in accordance with national policy and the framework provided by the Plan’s Development Management policies¹³². However, reference to the NRW guidance in relation to the assessment of ammonia and nitrogen impacts from intensive livestock units would improve the clarity of the Plan (**MAC 42**).

10.26. In terms of carbon soils **MAC 62** and **68**, proposes the addition of a sub criteria to Policy DM15 which seeks to protect soils, especially important carbon sinks such as thick peat deposits, from the adverse effects of development. I am content that this amendment is sufficient to address the matter.

10.27. With regard to human health, the policy framework for managing the impact of new development on the well-being of residents is provided by Policy DM15 (11). The policy seeks to ensure that development proposals do not have an unacceptable impact on the amenity of nearby residents by virtue of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter. Concern was expressed that the focus of the policy on amenity alone was incorrect, and that it should also consider the impact of development on human health. In order to ameliorate the situation it has been suggested that the criterion should be amended to include reference to ‘human health’ and impacts such as low level noise, visual disturbance and airborne particles. In this context however, I am content that the issues identified by the representor are already addressed in the policy and that seeking to provide more precise definitions of matters such as noise and visual disturbance would simply serve to reduce its scope and the flexibility of the policy. As such I do not consider that an amendment to Policy DM15 (11) is necessary in the interests of soundness.

Conclusions

10.28. Having had regard to the evidence presented I am satisfied that the Policy framework contained within the Plan, subject to the MACs, for safeguarding strategic resources and assets is clear, based on robust and credible evidence and consistent with the requirements of European and national policy.

11 Renewable Energy

Renewable and Low Carbon Energy Assessment

11.1. PPW¹³³ requires that LPAs plan positively for all forms of renewable and low carbon energy development. In order to guide appropriate renewable and low carbon energy developments to locations LPAs are required to undertake an assessment of all renewable energy resources and low carbon energy opportunities within their area. Practice guidance in relation to the production of assessments is contained in Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (September 2015)¹³⁴ (the Toolkit).

¹³¹ CPRW Brecon, Radnor and Montgomeryshire Branches Hearing Statement Session 11 and ED69
¹³² HS11 AP16

¹³³ PPW, paragraph 12.9.1 –12.9.2

¹³⁴ SD:WPP50

11.2. The renewable and low carbon energy assessment for Powys (REA) has been subject to a number of iterations. The latest version, which was issued in May 2017, takes account of the most recent changes in the Toolkit and representations received to the submitted Plan. The REA¹³⁵ is supported by the Powys Renewable Energy Assessment: Landscape Sensitivity Study for Solar Farm Development (2017)¹³⁶ (LSS). The combination of these studies provides the evidence base for the Plan.

11.3. The findings of the REA indicate that: by 2026 the predicted annual energy consumption rates for Powys would be 497 GWh of electricity and 1,221 GWh of thermal heat; based on schemes that were operational, under construction or consented in 2016, Powys had a total installed capacity of 336.7 MW of electricity and 74.5 MW of thermal power; taking into account environmental and heritage constraints there was no opportunity for further wind energy development of between 5 and 25 MW; energy from sources such as biomass, hydro, anaerobic digestion and building integrated renewables would only make a limited contribution of energy; minimum heat densities thresholds for district heating systems were not achieved so installed capacity of thermal power would increase only to 81.5 MW by 2026.;the principal source of additional energy generation over the Plan period would be from the development of solar PV arrays of 5 – 50 MW or more; and that harnessing this potential resource, would assist in increasing the County’s installed capacity to 398.4 MW of electricity and 82.4 MW of thermal power by 2026. These findings are supported by the Landscape Study which, in combination with the REA, identifies 20 Local Search Areas for solar PV development in Powys (LSA (Solar)) which combined have a potential installed capacity of 220 MW of electricity and 192,720 MW of electrical heat.

11.4. Data in the REA¹³⁷ in respect of existing and potential renewable electricity and the renewable thermal heat contribution for Powys has been derived from a range of national and local sources, including the UK Government, Ofgem, and Powys County Council. The data takes account of schemes, both ‘stand-alone’ and ‘building integrated’ that were operational, under construction or consented at the time the study was prepared. Although I note the concerns expressed by some representors that the data presented may not fully take account of all of the small scale renewable energy schemes operational in Powys and that this would lead to over provision, I am mindful that the purpose of the data is to provide statistics from which an indicative target and monitoring indicators can be derived and not to inform the development of a definitive target. Based on this, and that the data has been derived from credible sources, I am content that the evidence is robust and provides an appropriate baseline for the Plan.

11.5. Concerns had been raised that the REA had failed to consider land within ALC Grade 3 and 4 when assessing the potential for solar PV development. The Council acknowledged that the REA did not clearly explain the approach taken, and has issued an erratum to the assessment which confirms that the assessment considered all land parcels within ALC grades 3, 4, and 5¹³⁸.

11.6. The REA identifies a number of environmental and heritage constraints and their associated buffer zones (Constraints) in relation to energy generation for wind

¹³⁵ ED:059

¹³⁶ ED:060

¹³⁷ ED059, Chapter 3 and 11

¹³⁸ Hearing Session 15 Action Point 2

and solar PV. These constraints include: statutory ecology, landscape and historic designations; National Parks; woodland and watercourses; major and minor transport infrastructure; Strategic Search Areas and all other existing, consented and proposed wind farms; aviation and radar buffers; and connectivity to the national grid. These constraints have, for the most part, been derived from the Toolkit and / or other national policy documents and are therefore supported. In addition there a number of other Powys specific constraints used in the assessment process. I was advised at the hearing session that these constraints have been included in order to respond to the nature of the technology and the characteristics of the area. Whilst I note the approach is different to that used by other LPAs, I am mindful that the REA is a high level study, the Toolkit provides some flexibility to LPAs, that there is significant overlap between individual constraints. Furthermore the Toolkit makes clear that there is no standard approach to constraints mapping for solar PV development. On this basis, I am satisfied that the application of these constraints is appropriate and accords with the objectives of national policy.

11.7. The LSS is a high level assessment which, using a methodology which is based on the Guidelines for Landscape and Visual Impact Assessment (2013) (GLVIA), considers the impact of the 33 potential LSAs on the landscape. In doing so, the LSS assesses the landscape value as determined through analysis of LANDMAP against the ability of the landscape to accommodate solar PV development (landscape susceptibility) in order to determine the overall landscape sensitivity of the potential LSAs. The Study found that 11 of the potential 33 LSAs would, if developed for solar PV, have significant impact on landscape and cause visual harm and 2 LSAs had limited potential and failed to achieve the 5 MW lower threshold for local authority-wide schemes as identified in PPW. The remaining 20 LSAs, were found to have potential for PV solar development of between 5 and 50MW without having an adverse impact on the landscape of the County. With regard to areas of open access and common land, it is clear from the analysis of each site that these were matters considered and addressed in the assessment¹³⁹. I am content that the methodology used in the LSS was consistent with the guidance promoted at national level and that the evidence contained in the LSS demonstrates that, subject to detailed considerations, the development of the LSAs for solar PV would not have an adverse impact on the landscape or cause visual harm.

11.8. The REA undertook a 9 stage assessment process in order to identify the 20 LSA (Solar). As part of this assessment process consideration was given to the identification and, where necessary, the amalgamation of parcels of least constrained land to form LSAs. The LSAs were then subject to notional build-out and prioritisation exercise to determine the theoretical maximum contribution an area could make to energy generation in Powys. Inherent in this exercise was the recognition that none of the search areas were completely free from constraints and that LSA may not, because of cumulative impacts, be capable of being fully developed. The results of this exercise demonstrate clearly that the 20 LSA (Solar) are, largely free from constraint, capable of accommodating solar PV development and deliverable during the Plan period.

11.9. In light of the above, I consider that the approach taken in both the REA and the LSS is consistent with the methodology promoted at national level and, as such, the documents provide a robust evidence base from which to formulate renewable and low carbon energy policy.

¹³⁹ ED:060

Renewable and Low Carbon Energy Policy Framework

11.10. The Council accepts that policy RE 1, as submitted, requires revision and is proposing through MAC 123, to provide a revised framework for assessing a range of renewable and low carbon energy proposals within the County. Criteria 1, 2 and 3 of the revised policy seek to direct wind and solar development to different locations depending on the generating capacity of the proposals however, the definition of these requirements is imprecise and, as a consequence, likely to promote uncertainty. Criterion 4 repeats the requirements of some of policies contained in the Plan which, in addition to being unnecessary, implies a level of prioritisation between policies. Criterion 6 seeks to limit the operational time of a scheme and outlines a requirement for infrastructure that has not operated for a period of 6 months to be removed. The approach advocated in the criterion fails to have regard to the individual characteristics of the renewable energy development and, to my mind, would be more appropriately addressed at the planning application stage.

11.11. As a consequence, MAC 123 is not accepted and I propose through **IMAC 5** to provide a new policy which will provide a more precise policy framework for assessing proposals for renewable and low carbon energy..

11.12. The reasoned justification of Policy RE1 is amended by **MAC 124**, to ensure clarity by providing: a definition of renewable and low carbon energy; explaining the findings of the REA and LSS; listing the 20 LSA (Solar); provides a summary of the potential renewable electricity and renewable thermal heat contribution over the Plan period; and outlining the requirements for planning applications. Appropriate amendment is made to the proposals map through **MMAC 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 22, 23, 31, 34, 41, 56, 57, 58, 59, 60, 61, 66 and 67**.

11.13. In addition and for the same reason, Policy DM15 (13) and (14), are amended by **MAC 62, 67** and **69**, to require that all development proposals demonstrate a sustainable and efficient use of resources, by including measures in relation to the energy and water conservation, the use of renewable energy, waste reduction, and, where appropriate, improve capacity in utilities and community and/or district heating system.

Conclusions

11.14. Having had regard to the evidence presented I am satisfied that the Policy framework contained within the Plan in respect of renewable and low carbon energy, as amended by the MACs, is supported by robust and credible evidence and consistent with national policy.

12 Plan Monitoring and Review

Plan Monitoring and Review

12.1. Section 5 of the LDP contains a Monitoring Framework which sets out the indicators to be used to monitor delivery of the Plan’s policies and proposals. The Monitoring Framework is set out under the Plan’s themes and objectives and consists of core / local indicators, monitoring targets, trigger points, relevant policies and data sources. The framework identifies a range of colour coded actions which, should the

monitoring process indicate that the Plan is not being delivered in the manner intended, will signal a need for the Council to take remedial action.

12.2. During the course of the Hearing sessions, the Council accepted that: the preamble to the framework needed to be revised to include an explanation of the monitoring process associated with the SEA; a number of the SEA monitoring indicators required updating; objectives 1, 3, 5, 9, 10 and 13 needed to be amended to ensure that they are consistent with the objectives set out in the Plan; and the framework needed to be amended to include a number of new indicators, principally in relation to renewable energy and the guardianship of the natural, built and historic environment. As a consequence **MAC 130** and **131** set out a revised Monitoring Framework.

Conclusions

12.3. I am content that the provisions made for the monitoring and review in the submitted LDP, as amended by the MACs, are consistent with national planning policy and will provide a consistent, robust and sound basis on which to assess the performance of the Plan.

13 Overall Conclusions

13.1. I conclude that, with the binding recommended changes identified in this report and set out in Appendix A and B, the Powys Local Development Plan 2011 - 2026 satisfies the requirements of section 64(5) of the 2004 Act and meets the tests of soundness set out in PPW.

Nicola Gulley
Inspector