

CYNGOR SIR POWYS COUNTY COUNCIL
PORTFOLIO HOLDER DELEGATED DECISION
by
COUNTY COUNCILLOR JAMES EVANS
(PORTFOLIO HOLDER FOR ECONOMIC DEVELOPMENT, HOUSING AND
REGULATORY SERVICES)

Date: 11 November 2019

REPORT AUTHOR: Dr. Adrian Humpage, Senior Planning Officer – Planning Policy

SUBJECT: Council Response to the Draft National Development Framework (NDF)

REPORT FOR: **Decision**

1. Summary

1.1 The Welsh Government have published a Draft National Development Framework (2020-2040) setting out the place that Wales should be by 2040. The National Development Framework (NDF) is a new development plan to manage growth and change over a 20-year period. It sets the overarching development plan framework which all lower tier (i.e. regional and local level) development plans must conform with and build upon.

1.2 The NDF will formally replace the Wales Spatial Plan (WSP) and enjoy a higher planning status as, unlike the WSP, it will be part of the statutory “development plan” (through the Planning (Wales) Act 2015 which amended the Planning and Compulsory Purchase Act 2004). Section 38 (6) of the 2004 Act states that:

“if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

1.3 The Welsh Government are committed to a three tier development plan system as set out below. Decisions must be taken in accordance with the development plan as a whole (i.e. the three tier development plan once it is fully in place):

Level	Plan	Coverage	Content
National	National Development Framework	all Wales	considers issues at the national scale
Regional	Strategic Development Plans	prepared at a regional level covering more than one Local	covers regional or sub-regional scales

		Planning Authority Area (in full or part)	
Local	Local Development Plans	prepared by each individual Local Planning Authority for their Area	considers issues at the local scale

1.4 Wording in the Draft NDF clarifies that the document *“does not seek to identify the exact location for new development, the scale of growth in individual settlements or prescribe precise boundaries of areas where development should not take place. The regional and local tiers are the appropriate level at which to take these decisions, involving communities as they do so”*.

1.5 The finalised National Development Framework is due in September 2020. The Draft has been prepared in compliance with the Well-being of Future Generations (Wales) Act 2015 and the Welsh Government consider that it reflects, aligns and maximises its contribution to the wellbeing goals, objectives and ways of working.

1.6 The consultation was launched for the period 7th August – 1st November 2019 but on 17th October the consultation closing period was extended by two weeks (to Friday 15th November 2019) due to late changes made to the Habitat Regulations Assessment (amendments published 21 August) and the Integrated Sustainability Appraisal (amendments published 28th August).

1.7 The Council response to the Draft NDF must be submitted to the Welsh Government by 15th November 2019. The Portfolio Holder is asked to consider and agree the proposed response (see Appendix 1) for submission by this date.

2. Proposal

2.1 The Council's full proposed response is set out in Appendix 1. The response form is that provided by the Welsh Government. This report seeks the Portfolio Holder's approval of the attached Consultation Response on behalf of Powys County Council.

2.2 Planning Policy notified all County Councillors of the Draft NDF consultation on 23rd August and a number of relevant internal consultees on 12th September. All were encouraged to respond to the content of the Draft NDF.

2.3 In order to collate an overall response for the Council, any individual responses were requested to be submitted to Planning Policy by Friday 4 October (County Councillors were also advised they could submit their own responses direct to Welsh Government if they chose to do so) .

2.4 As a result of the notifications, Planning Policy received two responses. Both of these concerned the Renewable Energy section of the Draft NDF. They were submitted by: 1. The Planning Committee and 2. The Welsh Conservatives Group. These representations have been included in the attached response (Appendix 1).

2.5 Planning Policy Officers held a Team Meeting to discuss the policy response further on 9th October 2019. Additionally, during the course of the consultation further work and discussions took place with e.g. Growing Mid Wales, Planning Officer Society for Wales and the regional planning officers group for Mid and South west Wales (POSW).

2.6 In summary, whilst the Council is pleased to see progress on a National Development Framework for Wales, we express concerns that the Draft NDF is not yet fit to operate as an over-arching development plan for the country. It is considered that the document fails to set a robust, clear, consistent and well-evidenced development framework for Wales. Spatial planning matters have been mixed alongside wider aims and aspirations of the Welsh Government, not all with a land-use basis, leading to confusion. The document has changeable and confusing terminology and also includes potentially misleading headline housing figures.

2.7 The Draft NDF also omits some important policies in respect of the Plans identified challenges/outcomes (e.g. ageing population, Welsh Language, addressing the impacts of renewable schemes beyond wind/solar). Advice on regional planning is also inconsistent. Opportunities to align Regional Policies across the separate regional chapters have been missed. This would have helped for ease of reading/understanding and would simplify the cross-referencing between the approaches across the three identified regions.

2.8 The Council considers that the Draft NDF lacks the land-use planning focus and linkages to Planning Policy Wales expected of a higher tier development plan. The development policies need further work and, in particular, the framework for the Regions should be reviewed. The Council do not consider that being part of the very large and varied region of Mid and South West Wales (MSWW) is suitable forward planning for Powys. The Council propose that a separate region for Mid Wales (i.e. Region 4) is created comprising both the Powys Local Planning Authority area and the Ceredigion Local Planning Authority area. This would streamline the potential for continuing, and developing, regional working across this much smaller geographical area whilst recognising the similarities these Authorities face in terms of opportunities and challenges such as settlement size, geographical footprint, distance from main conurbations, the threat of declining population and a major dependence upon a rural economy.

2.9 Particularly given the extent of land set to be affected in Powys, the Council is concerned that the Spatial Strategy and Policies for large scale (Developments of National Significance) Renewable Energy both in Priority Areas (Policy 10) and outside Priority Areas (Policy 11) are insufficient. The detailed response is in Appendix 1, and identified issues are summarised below:

- The NDF and the underpinning evidence base fails to recognise other important economic sectors and strategic land uses within Powys including tourism and military usage.
- There are inconsistencies with regards the treatment of statutory environmental designations and alignment with other policies within the NDF which propose the safeguarding of as yet undefined green infrastructure.
- Insufficient refinement of the areas to protect dwellings and settlements from loss of amenity for large wind and solar proposals.

- No recognition in the NDF of policy mechanisms to enable the delivery of local ownership of renewable energy schemes.
- Insufficient detail to enable decision-makers to determine whether a development proposal is within or outside a priority area.
- Policies proposed in NDF are inconsistent with regional policies which indicate that renewable energy should be addressed through Strategic Development Plans.
- There has been no detailed landscape sensitivity work undertaken as part of the evidence base to inform the priority areas.
- The NDF policies are divorced from the evidence base and local plan policies.
- Determination of new ancillary and grid infrastructure for DNS proposals is not considered by the NDF and should be inter-related through policy.
- The impacts upon communities is not adequately addressed.
- It is not clear how priority areas for district heating networks have been identified and there is no correlation with the regional growth areas where such networks may be viably delivered.

2.10 The draft Council response has been submitted for comments before being submitted to the Portfolio Holder for consideration and agreement.

3. Background/Summary of the Draft NDF

3.1 The easy read version of the NDF explains the main purpose of the NDF through two chapters on:

1. Where Wales will grow:

- Towns and Cities
- Countryside Communities
- The Three Regions (North Wales, Mid and South West Wales and South East Wales)

2. How we plan and manage growth

- Lasting growth in towns and cities
- Supporting communities in the countryside
- Mobile phone signal
- Clean energy vehicles
- Green spaces
- National Forest
- Clean energy
- Heat Networks

3.2 The easy read version also explains that the government wants “1 million people to speak Welsh by 2050” and that “visitors to Wales make Welsh businesses £6 billion”.

3.3 In response to the identified challenges and opportunities facing Wales (Chapter 2 of the Draft NDF) the framework sets out to achieve 11 Outcomes, recognised as being interrelated and interdependent. The Welsh Government proposes to develop through the NDF (and other development plans) in the next 20 years:

A Wales where people live....

1. and work in connected, inclusive and healthy places

2. in vibrant rural places with access to homes, jobs and services
3. in distinctive regions that tackle health and socio-economic inequality through sustainable growth
4. in places with a thriving Welsh Language
5. and work in towns and cities which are a focus and springboard for sustainable growth
6. in places where prosperity, innovation and culture are promoted
7. in places where travel is sustainable
8. in places with world-class digital infrastructure
9. in places that sustainably manage their natural resources and reduce pollution
10. in places with biodiverse, resilient and connected ecosystems
11. in places which are decarbonised.

3.4 The Draft NDF contains 33 Policies to implement this approach comprising:

- 15 national policies,
- One overarching regional policy,
- Six policies for North Wales,
- Four policies for Mid and South West Wales (but only one policy includes Mid Wales – Policy 24 on Regional Centres),
- Seven policies for South East Wales.

3.5 The 15 proposed National Policies are:

- | | |
|------------|---------------------------------------------------------------------------------|
| Policy 1: | Sustainable Urban Growth |
| Policy 2: | Supporting Urban Centres |
| Policy 3: | Public Investment, Public Buildings and Publicly Owned Land |
| Policy 4: | Supporting Rural Communities |
| Policy 5: | Delivering Affordable Homes |
| Policy 6: | Planning in Mobile Action Zones |
| Policy 7: | Ultra Low Emission Vehicles |
| Policy 8: | Strategic framework for biodiversity enhancement and ecosystem resilience |
| Policy 9: | National forest |
| Policy 10: | Wind and Solar Energy in Priority Areas |
| Policy 11: | Wind and Solar Energy Outside of Priority Areas |
| Policy 12: | Wind and Solar Energy in National Parks and Areas of Outstanding Natural Beauty |
| Policy 13: | Other Renewable Energy Developments |
| Policy 14: | Priority Areas for District Heat Networks |
| Policy 15: | Master planning for District Heat Networks |

3.6 The Regions section of the NDF is set out as follows:

- Policy 16: Strategic Policies for Regional Planning

North Wales

- | | |
|------------|---------------------------------|
| Policy 17: | Wrexham and Deeside |
| Policy 18: | North Wales Coastal Settlements |
| Policy 19: | Green Belts in North Wales |

Policy 20:	Port of Holyhead
Policy 21:	Transport Links to North West England
Policy 22:	North West Wales and Energy

Mid and West Wales

Policy 23:	Swansea Bay and Llanelli
Policy 24:	Regional Centres
Policy 25:	Haven Waterway
Policy 26:	Swansea Bay Metro

South East Wales

Policy 27:	Cardiff
Policy 28:	Newport
Policy 29:	The Heads of the Valleys
Policy 30:	Green Belts in South East Wales
Policy 31:	Growth in sustainable transit orientated settlements
Policy 32:	Cardiff Airport
Policy 33:	Valleys Regional Park

3.4 The Councils main concerns are explained fully in the attached draft response (Appendix 1) and summarised below:

- The NDF outcomes have not been set out as a set of specific or measurable land-use planning objectives. Instead, they comprise a confusing mix of long-term vision, aims and aspirations and they muddle genuine planning outcomes with more general Welsh Government policy/direction of travel.
- This means that the NDF Policies associated with them are, in several cases, poorly connected to the outcomes and/or poorly related to the land-use planning system.
- The NDF should be reviewed and rewritten to deliver a stronger and more realistic spatial planning focus that lower tier plans can readily relate to. It would then serve much more effectively as the highest tier development plan in terms of the legislative context of development plans and properly complement the existing national policy framework of PPW and TANs which in themselves already set a strong framework for lower tier plans.
- Putting the Welsh Government housing need figures into the NDF is regarded as unnecessary. The figures quoted will soon date and fundamentally the evidence behind them is not the same process as that being used at the local tier planning level.
- The NDF needs to be clearer on the approach required to regional planning and explain if a regional planning framework (through SDPs) should cover all of Wales. The Council is of the view that there is no need for a regional level plan for Powys, considering the strengths and challenges, and therefore the strategic planning issues, in Powys are significantly different to those faced by South West Wales. Mid Wales could be recognised as a separate discrete region and regional/sub-regional matters could potentially be addressed by a Joint LDP without the need for a second-tier development plan.
- The choice of two Regional (Growth) Centres in the Powys Local Planning Authority Area, comprising Newtown and Llandrindod Wells, is not well evidenced. Furthermore, there is a strong argument that high level plans should not set these as growth focal points without first undertaking settlement capacity studies to prove that delivery of regional-scale growth is

possible. The purpose of identifying these two towns at this stage is unclear as the Draft NDF offers little concrete meaning to the regional (growth) centres. No figures or proportions of growth are proposed in the NDF meaning this is left to lower tier plans to figure out.

- Beyond cities and large towns (i.e. centres identified for nationally significant growth), it is considered that the development of a settlement hierarchy is better taken by the Local Planning Authority who have a more detailed understanding of how places function in their own local area and where settlement capacity studies have been undertaken to inform realistic growth options.
- In the drive for clean energy the Draft NDF sets out Priority Areas for Renewable Energy. The Priority Areas (giving a Green Light to large scale renewable wind and solar schemes) will have a significant and overriding impact on Powys and must therefore be properly controlled with respect to local communities, the Powys landscape, environment and tourism assets and all other planning matters. The work undertaken to evidence the Renewable Energy Policies of the adopted Powys LDP should not be ignored by the higher tier NDF plan.
- Note that the attached draft response includes the comments of both the Planning Committee and the Welsh Conservative Group. It is considered that the Draft NDF ignores well-evidenced Powys LDP policies and accompanying adopted Supplementary Planning Guidance. The NDF should pay due regard to the impact of lower tier development plans and highlight to developers the need to refer to local level plans and guidance.
- The Council recognises the imperative of decarbonisation and tackling the causes of climate change but the risk of over-development, blight and adverse cumulative impacts falling heavily upon our large and unspoilt rural county must be protected against.

3. Options Considered / Available

3.1 The Council has the option not to submit a response to the Draft NDF. However, as the document will become the highest level of development plan it will impact on the future content and direction of the Council's local (and regional) planning policy work and development plan preparation as well as on planning decisions. It is therefore logical to submit a response in order to ensure that the Council's concerns are heard during this important engagement phase.

4. Preferred Choice and Reasons

4.1 The preferred choice is to approve the response (Appendix 1), including any additional recommendations agreed by the Portfolio Holder in consultation with the Professional Lead, Planning Policy, once this report has been circulated, as a response on behalf of Powys County Council.

5. Impact Assessment

5.1 Is an impact assessment required? No.

6. Corporate Improvement Plan

6.1 This response is in alignment with the current Corporate Improvement Plan.

7. Local Member(s)

7.1 The NDF will be an all Wales development plan and will therefore apply to all areas of Powys including the area of Powys within the Brecon Beacons National Park Planning Authority. It is anticipated that the BBNP LPA will be responding separately to the Draft NDF consultation. This response has not taken National Park issues into account.

8. Other Front Line Services

Does the recommendation impact on other services run by the Council or on behalf of the Council? Yes

Other services will be required to follow the NDF once it is in place. The Development Management service will be responsible for ensuring that planning recommendations and decisions take account of the three-tier development plan framework. Lower tier plans should be in conformity with the NDF, where they are not (due to awaiting updating etc) the newer higher level Plan will carry the most significant weight and should be considered accordingly.

NDF policies on Affordable Housing, Publicly Owned Buildings and Land, Biodiversity Enhancement, Electric Vehicle Charging Infrastructure and Supporting the Rural Economy will have a cross-cutting effects to other service areas in the Council (Housing, Regeneration, Transport, Ecology etc).

9. Communications

Have Communications seen a copy of this report?

Comments have been requested and will follow as appropriate

10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

10.1 Legal - Comments have been requested and will follow as appropriate

10.2 Finance - Comments have been requested and will follow as appropriate

12. Statutory Officers

12.1 The Solicitor to the Council (Monitoring Officer) commented as follows:

Comments have been requested and will follow as appropriate

13. Members' Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If the Portfolio Holder has an interest, he should declare it, complete the relevant notification for and refer the matter to Cabinet for decision.

Recommendation:	Reason for Recommendation:
To approve the Council's response to the Draft NDF in order that it may be submitted to the Welsh Government by the deadline date of 15th November 2019.	To ensure that the views of the Council, as Local Planning Authority, are put forward to the Welsh Government to inform the final NDF.

Relevant Policy (ies):			
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	All
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Person(s) To Implement Decision:	Portfolio Holder
Date By When Decision To Be Implemented:	

Contact Officer:	Peter Morris/Adrian Humpage
Tel:	01597 827773
Email:	peter.morris@powys.gov.uk

Background Papers used to prepare Report:

National Development Framework 2020-2040, Consultation Draft: 7th August -1 November 2019 (Welsh Government, 2019).

Wales 2020 to 2040 (easy read version) – What we need to think about when planning things like houses, buildings and power supplies (Welsh Government, 2019).