

Powys LDP Adoption Statement, April 2018

Powys
Local Development Plan

Adoption Statement

April 17th 2018



**Planning and Compulsory Purchase Act 2004,
The Environmental Assessment of Plans and Programmes (Wales) Regulations
2004 (Regulation 16),
The Town and Country Planning (Local Development Plan) (Wales) Regulations
2005 (as Amended) (Regulation 25)**

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Introduction

In accordance with the requirements of Regulation 25(2) of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended) and Regulation 16 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004, the Authority is required to prepare an Adoption Statement and fulfil certain adoption requirements for the Powys Local Development Plan.

Part 1 of this statement addresses the requirements of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended). Part 2 fulfils the requirements of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004.

Part 1: Powys Local Development Plan Statement of Adoption

1.1 The Powys Local Development Plan (LDP) was adopted by Powys County Council (the Council) on

17th April 2018.

1.2 The LDP became operative as the development plan for the Powys Local Planning Authority area immediately upon its adoption, and replaces the Powys Unitary Development Plan (UDP) (Adopted in 2010).

1.3 The Powys LDP is the development plan for the county of Powys (excluding the area covered by the Brecon Beacons National Park). It sets out key policies and land use allocations to shape the future of the plan area and guide development until 2026.

1.4 The independent Examination in Public of the Powys LDP began on submission of the LDP to the National Assembly for Wales in February 2016. Public Hearing Sessions started on March 28th 2017 and concluded on January 10th 2018. The Inspector's Report, which is a binding document, was submitted to the Council on 15th March 2018.

1.5 Copies of:

- the adopted LDP;
- the Inspector's Report;
- the Environmental Report containing the Strategic Environmental Assessment (SEA) of the LDP;
- the Sustainability Appraisal (SA) Report;
- the Habitats Regulations Assessment (HRA) Report; and
- the Adoption Statement

are available for inspection free of charge at the following Council Offices during normal office hours from Monday to Friday:

- County Hall, Llandrindod Wells, Powys;
 - The Gwalia, Llandrindod Wells, Powys;
 - Neuadd Brycheiniog, Brecon, Powys; and
 - Neuadd Maldwyn, Welshpool, Powys.
- The adopted LDP, Inspector's Report and Adoption Statement can also be viewed at all libraries across the County.

1.6 The opening times of these offices are found on the following website; <http://www.powys.gov.uk/en/customer-services/customer-service-points-council-offices/> Electronic versions of these documents can also be found on the Council's LDP website.

1.7 A person aggrieved by the LDP who desires to question its validity on the ground that it is not within the powers conferred by Part 6 of the Planning and Compulsory Purchase Act 2004 or that any requirement of that Act or any regulation made under it has not been complied with in relation to the adoption of the LDP, may, within six weeks from the Plan's adoption date (17th April 2018), make an application to the High Court under Section 113 of the 2004 Act.

1.8 Paper copies of the LDP can be purchased from the Council following the close of the 6-week period during which parties may challenge the legal validity of the LDP, provided no such challenge is made. Please see the Further Information section at the end of this document for contact details.

Part 2: Powys Local Development Plan Compliance with Regulation 16 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004

Overview

2.1 This section of the Adoption Statement describes the way in which the Council has taken environmental and sustainability considerations, and the views of consultees, into account in the adopted Powys LDP and fulfils the plan and programme adoption requirements of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the SEA Directive) and the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (the SEA Regulations).

Strategic Environmental Assessment

2.2 In preparing LDPs, local planning authorities in Wales must address the requirements of the SEA Directive. The SEA Directive has been incorporated into Welsh law by virtue of the SEA Regulations. The legislation requires that plans and programmes are assessed in terms of their effects on the environment and aims... : *"...to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development ..."* (Article 1 of the SEA Directive).

2.3 SEA is a systematic process designed to evaluate the predicted social, economic and environmental effects of plans and programmes such as LDPs. Where negative effects are predicted, the SEA aims to identify means to avoid or mitigate such effects; where positive effects are identified, the assessment seeks to enhance such effects. In this context, SEA has been undertaken throughout the development of the Powys LDP with each main stage of the Plan's preparation having been accompanied by an Environmental Report, prepared to meet the reporting requirements of the SEA Directive and SEA Regulations, in order to integrate environmental and sustainability considerations into the development of the Plan. The SEA work undertaken in support of the LDP is available to view via the Council's LDP website.

2.4 This section of the Adoption Statement represents the conclusion of the SEA process and fulfils the plan and programme adoption requirements of the SEA Directive and SEA Regulations.

Habitats Regulations Assessment

2.5 The LDP was also subject to a Habitats Regulations Assessment (HRA) which was carried out alongside the SEA and SA. The HRA assessed the impacts of the Plan in combination with the effects of other plans and projects on European designated nature conservation sites. The findings of the HRA were fed into, and informed, both the SEA and SA and the LDP itself (in terms of the potential effects of the LDP on biodiversity). The HRA also accompanied the Deposit LDP and adopted Plan and is reported separately. See Question B in table below.

Adoption Requirements

2.6 Regulation 16 of the SEA Regulations requires that, when an LDP is adopted, a statement is made available to accompany the LDP as soon as possible after adoption. The statement is required to contain the following information:

- How environmental considerations have been integrated into the LDP;
- How the Environmental Reports have been taken into account;
- How opinions expressed in response to the consultations on the Environmental Reports have been taken into account;
- How the results of any transboundary consultations have been taken into account;
- The reasons for choosing the LDP as adopted, in light of the other reasonable alternatives dealt with;
- The measures that are to be taken to monitor the significant environmental effects of the implementation of the LDP.

2.7 The table below addresses these requirements and details where associated information can be found. It should be noted that a substantial amount of information relating to these matters is contained within existing documents such as the Environmental Reports prepared in support of the LDP, Consultation Report and the Inspector’s Report. In accordance with paragraph 8.4.2.3 of the Local Development Plan Manual (Ed. 2, August 2015), rather than duplicate this material, appropriate cross references are made to relevant documents within this statement which are identified using their document reference number shown in **parentheses and bold text**.

Information Required	Response and where the information can be found
A. The Plan as adopted	The adopted Powys LDP Written Statement and Maps documents can be viewed from the Council’s LDP Adoption Webpage.
B. How environmental considerations have been	Environmental and wider sustainability considerations have been integral to the key decisions made in respect of the policies and proposals of the Powys LDP. The integration of these

integrated into the Powys LDP	<p>considerations into the plan making process has principally been achieved through:</p> <ul style="list-style-type: none">• the development of a comprehensive evidence base;• continuous engagement with key stakeholders and the public on the emerging LDP and related environmental and sustainability matters;• the consideration of national planning policy and the objectives of other plans and programmes; and• ongoing assessment including SEA, SA and HRA. <p>These assessments, plus other evidence of how environmental considerations have been integrated into the LDP, can be found under the following headings:</p> <p><u>1. Stages of the Powys LDP;</u></p> <p>Candidate Site Process & Assessment Methodology (2015). (EB22)</p> <p>LDP Preferred Strategy March (2012). (LDP01)</p> <p>Powys Local Development Plan, 2011-2026, Deposit Draft 2015. (LDP06 & LDP07)</p> <p>Schedule of Proposed Focussed Changes – Addendum to the Deposit LDP (Jan 2016). (LDP18)</p> <p>Schedule of Proposed Further Focussed Changes – Addendum to the Deposit LDP (October 2016). (LDP37)</p> <p>Schedule of Matters Arising Changes - Written Statement (September 2017). (ED083b)</p> <p>Adopted LDP – available from the Council's LDP Adoption Webpage.</p> <p><u>2. Sustainability Appraisal (SA)</u></p> <p>The LDP has been subject to SA at every stage of its preparation. The Final Sustainability Appraisal documents are available from the Council's LDP Adoption Webpage.</p> <p><u>3. Strategic Environmental Assessment (SEA);</u></p> <p>The LDP has been subject to SEA at every stage of its preparation. The Final Strategic Environmental Assessment documents are available from the Council's LDP Adoption Webpage.</p> <p><u>4. Habitats Regulations Assessment;</u></p> <p>The LDP has been subject to HRA at every stage of its preparation. The Final Habitats Regulations Assessment documents are available from the Council's LDP Adoption Webpage.</p>
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	<p>In accordance with national legislation, planning policy and guidance, the delivery of sustainable development underpins the LDP. This is expressed in the LDP vision:</p> <p><i>“Powys is a county of considerable variety extending from the South Wales Valleys to the Berwyn Mountains in the north, and from the Cambrian Mountains in the west to the English border in the east.</i></p> <p><i>As the ‘green heart of Wales’, Powys will be a place of vibrant and resilient communities providing sustainable development and economic opportunities set in a healthy, safe environment, whilst celebrating, protecting, enhancing and sustainably managing its natural resources, native wildlife and habitats, heritage, outstanding landscapes and distinctive characteristics.</i></p> <p><i>Powys’ towns and larger villages will be vibrant and accessible service centres. They will be the focus for integrating housing, economic and service development to meet their own needs and those of their surrounding communities.</i></p> <p><i>Powys’ rural areas will be a working countryside of sustainable communities supported by a thriving and diverse rural economy of small businesses.”</i></p> <p>The promotion of sustainable development is also encapsulated within the 16 LDP objectives.</p> <p>The policies and proposals of the LDP seek to deliver the vision and objectives and in this context, they address environmental and wider sustainability issues. In this regard, the October 2016 Environmental Report states that: <i>“the majority of the SEA objectives will experience positive effects as a result of the implementation of the policies contained in the Plan.”</i></p>
<p>C. How the Environmental Report has been taken into account</p>	<p>The development of the LDP has been highly iterative. SEA has played an integral role in this iterative process with each plan development stage having been accompanied by an Environmental Report in order to help inform emerging policy and proposals and fully integrate environmental and sustainability considerations into decision making.</p> <p>At every stage of the LDP process the conclusions of the Environmental Reports have been taken into account to either reinforce and support the content or prompt a change in the content to improve the Plan’s environmental performance, as appropriate. A detailed overview of the evolution of the LDP is provided in Section 2 of the October 2016 Environmental Report that accompanied the Deposit Draft LDP (incorporating Focussed Changes and Further Focussed Changes). The key plan preparation stages are summarised below;</p>

Pre-Deposit (Preferred Strategy) LDP (March 2012)

The Environmental Report helped to determine the Preferred Strategy for the LDP through the assessment of housing growth options and five different spatial options. The results of these assessments can be seen in Appendix 6a of the Environmental Report of the Deposit Draft, June 2015. **(LDP09)**

Initial Deposit Draft LDP (July 2014)

The 2014 Environmental Report contained an assessment of the environmental effects of the following Plan components:

- LDP objectives;
- Preferred housing and employment growth options;
- The preferred spatial option and reasonable alternatives;
- LDP policies.

Deposit Draft LDP (June 2015)

The 2015 Environmental Report contained an assessment of the environmental effects of the following Plan components:

- LDP objectives;
- Preferred housing and employment growth options (including reasonable alternatives);
- The preferred spatial option (including reasonable alternatives);
- LDP policies; and
- Site allocations (including reasonable alternatives).

The 2015 Environmental Report **(LDP09)** found that *“the majority of the SEA Objectives will experience positive effects as a result of the implementation of policies contained in the Plan. Positive impacts are identified for the SEA Objectives that relate to population and human health (meeting future needs, community safety, and human health/healthy living), soil (contamination), air (quality), climatic factors (flood risk and greenhouse gas emissions), material assets, cultural heritage (the historic environment and Welsh language and culture) and geodiversity.*

Minor negative impacts are expected in respect of the SEA Objectives that relate to biodiversity (designated sites and habitats and species), population and human health (nuisance and risk to human health), soil (protection of important soil), water (quality and quantity) and landscape. Cumulative minor negative impacts identified in the assessment are a reflection of a combination of policies which would enable development of allocated sites (i.e. policies H1, E1 and E3), and policies which would enable development that has the potential to impact on a designated site (i.e. Policies TD3 and M1).

No uncertain, neutral or major negative impacts are expected against any of the SEA Objectives.

With regard to minor negative effects against some of the SEA Objectives, it is concluded that these will be comprehensively mitigated by the suite of Development Management policies

contained in the Deposit Draft LDP and which were assessed as having a major positive impact against all the SEA Objectives.

With regard to the cumulative minor negative impacts identified relative to the housing and employment policies, Policy DM1 mitigates against any adverse effects against the natural environment, including designated sites and habitats, soil, water, and landscape associated with all development. Further, Policy DM2(10) addresses amenity and nuisance. Therefore, when considering the plan policy approach (in combination) it is considered that the minor negative impacts against the identified SEA Objectives resulting from the proposed housing and employment policies will be adequately addressed through the suite of Development Management policies and no further mitigation is required.”

Deposit Draft LDP Incorporating Focussed Changes (January 2016) and Further Focussed Changes (October 2016)

Following consultation on the Deposit Draft LDP, the County Council made Focussed Changes to the Plan. These changes comprised:

- the inclusion of a strategic policy section to clarify the Plan’s strategy;
- the redrafting of the development management section;
- an amended dwelling requirement, affordable housing target, and housing provision figure, based on a consideration of the representations, and further evidence;
- an amended employment land requirement, based on a further assessment of sites;
- revisions to various policies and reasoned justifications; and
- housing site allocation changes, in particular in the Ystradgynlais area.

The Deposit Draft LDP incorporating these changes were subject to assessment with the findings presented in the January 2016 Environmental Report.

Following an Exploratory Meeting held on 10th May 2016, the appointed Planning Inspector wrote to the County Council on 25th May 2016 outlining her decision to suspend the Examination for a period of six months in order to enable the authority to prepare additional evidence. Having undertaken the additional work, the County Council consulted on Further Focussed Changes to the LDP. The main changes included:

- revision of the Strategy section to provide greater clarity and to include additional and distinct strategic policies;
- the re-drafting of the development management section;
- an amended housing provision figure and affordable housing target;

- inclusion of Local Search Areas for wind and solar PV schemes (based on a Renewable Energy Assessment, August 2016);
- incorporation of site allocations into relevant policies;
- revisions to various policies and reasoned justifications;
- inclusion of new policies including the safeguarding of the Newtown by-pass route;
- deletion of policies relating to the historic environment; and
- amendments to site allocations with regard to densities and introduction of previously committed sites (Housing Land Bank).

The Deposit Draft LDP incorporating the Focussed Changes and Further Focussed Changes outlined above was also subject to assessment with the findings presented in the October 2016 Environmental Report. **(LDP40)**

The assessment of the LDP at these stages considered the same aspects of the LDP as the 2015 Environmental Report and arrived at the same overall conclusions. **(LDP09)**

SEA of revised Policy RE1 (May 2017)

The October 2016 Update of the Powys Renewable Energy Assessment was reviewed in spring of 2017. This review led to a revision of the Renewable Energy Policy RE1. The changes to Policy RE1 were subject to a SEA, the conclusions of which were published in Appendix 2 of the Renewable Energy Position Statement (May 2017) **(ED061)**. This assessment considered that the proposed amendments to that Policy did not materially affect the conclusions of the previous SEA (October 2016).

Composite Version incorporating Matters Arising Changes (September 2017)

Following consultation on the Further Focussed Changes, a series of Hearing Sessions took place over a 17 week period commencing on 28th March 2017. The Council subsequently consulted on a number of proposed changes that emerged as a result of matters arising during the Hearing Sessions; these changes were set out in the Powys Local Development Plan Schedule of Matters Arising Changes (MACs) (September 2017) and reflected in the LDP Composite Version incorporating Matters Arising Changes (September 2017). A total of 204 MACs were proposed; the main changes included:

- revisions to policy wording and/or supporting text;
- the deletion and/or merging of policies;
- the inclusion of new policies; and
- changes to proposed site allocations.

An addendum to the October 2016 Environmental Report was prepared. This contained an assessment of the likely significant effects of the MACs in order to update the October 2016 SEA Environmental Report as appropriate and to ensure that all the likely significant effects of the LDP had been identified, described

	<p>and evaluated. This assessment confirmed that the conclusions of the October 2016 Environmental Report remained valid and no additional likely significant negative effects were identified. Available from. (ED083f)</p> <p>March 2018 Inspector’s Report; Following the conclusion of the Hearing Sessions, the appointed Inspector published her report on the examination into the LDP. Appendix B to the Inspector’s Report included additional Inspector’s MACs (IMACs) to ensure that the plan is sound. A further addendum to the October 2016 Environmental Report was subsequently prepared and this contained an assessment of the likely significant effects of the IMACs in order to update the 2016 SEA Environmental Report and to ensure that all the likely significance effects of the final, adopted LDP had been identified, described and evaluated. This assessment confirmed that the conclusions of the October 2016 Environmental Report remained valid and no additional likely significant negative effects were identified. (The 2018 Assessment of the IMACs is available from the Council’s LDP Adoption webpage)</p> <p>As highlighted above, SEA has been undertaken iteratively alongside the development of the LDP and has helped to shape the strategic direction of the Plan. In particular, the findings of the SEA of the emerging LDP and reasonable alternatives have informed the Council’s decisions in respect of:</p> <ul style="list-style-type: none"> • the quantum of growth to be accommodated in the County over the plan period; • the overall distribution of that growth across the County (the spatial strategy); • the sites to be allocated in the LDP to deliver the overall quantum of growth based on the preferred spatial strategy. <p>Through the SEA, a number of recommendations have also been made to prevent, reduce and as far as possible offset, any adverse environmental effects identified. Table 6.9 to the October 2016 Environmental Report presents a summary of the recommendations arising from the SEA together with how they have been reflected in the LDP. No additional mitigation measures were identified following the subsequent assessments of MACs.</p>
<p>D. How opinions expressed and results of public consultation have been taken into account</p>	<p>The preparation of the Powys LDP followed the process of public engagement and consultation that was outlined in the Delivery Agreement which also incorporated the Community Involvement Scheme (LDP05)</p> <p>A Consultation Report (ED092) has been produced which describes all of the engagement activities and the comments received. In accordance with the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended), this Report summarises for each stage of the LDP’s preparation and its informing appraisals and assessments;</p> <ul style="list-style-type: none"> • The steps taken to publicise consultation.

	<ul style="list-style-type: none"> • Who has been involved and engaged. • The total number of representations received from the consultation and a breakdown of these (comments, supporting representations, objections, not duly made representations). (NB this also includes all opinions expressed concerning the SEA and other Assessments undertaken) • A summary of the main issues raised in those engagements, consultations and representations. • The recommendations as to how the Council considers the main issues should be addressed in the LDP. • The recommendations as to how the Council considers each of the individual representations received should be addressed in the LDP (attached as appendices). • Any deviation from the Community Involvement Scheme, including a justification. <p>Following consultation on the scope of the SEA in July 2011, Environmental Reports have been prepared and published for consultation at each key LDP stage, as follows:</p> <ul style="list-style-type: none"> • Pre-Deposit (Preferred Strategy) LDP (March 2012); • Initial Deposit Draft LDP (July 2014); • 2015 Deposit Draft LDP (June 2015); • Focussed Changes to the Deposit Draft LDP (January 2016); • Deposit Draft LDP (Incorporating Focussed Changes and Further Focussed Changes) (October 2016); • Composite Version incorporating Matters Arising Changes (September 2017). <p>The Consultation Report and Appendix 5 of the October 2016 Environmental Report also detail all of the opinions expressed concerning the SEA Scoping Report and subsequent Environmental Reports prepared in respect of each stage of the plan preparation process.</p>
<p>E. How the results of any transboundary consultations have been taken into account</p>	<p>The SEA has not found that the Powys LDP is likely to have significant effects on the environment of another EU Member State. As such, no transboundary consultation was entered into under Regulation 14 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004.</p>
<p>F. The reasons for choosing the Powys LDP as adopted, in the light of the other reasonable alternatives considered</p>	<p>The SEA process has informed the Council's decisions in respect of:</p> <ul style="list-style-type: none"> • the quantum of growth to be accommodated in the County over the plan period; • the overall distribution of that growth across the County (the spatial strategy); • the sites to be allocated in the LDP to deliver the overall quantum of growth based on the preferred spatial strategy.

Section 2 of the October 2016 Environmental Report details the evolution of the LDP. This sets out the options that were considered at the Pre-Deposit (Preferred Strategy) LDP, Initial Deposit Draft LDP and Deposit Draft LDP stages together with the reasons why some options were not taken forward. Section 6 of the report explicitly outlines the reasons for the selection of preferred options and for the rejection of reasonable alternatives in respect of housing growth, employment land, the distribution of development and site allocations. **(LDP40)**

Housing Growth

A range of housing growth options have been considered in preparing the LDP and assessed through the SEA process. The LDP target (a housing provision of 5,596 dwellings (revised downwards to 5,588 dwellings by the Inspector (see IMAC2 in Appendix B to the Inspector's Report))) to deliver a requirement of 4,500 dwellings) is based on the most recent evidence base and data available and is considered by the Council to be appropriate, up to date, viable and deliverable. The flexibility allowance of 24% will also help to ensure that an adequate supply of land is provided over the plan period to meet housing needs and to demonstrate a 5 year housing land supply. Whilst representing a lower provision figure than that proposed in the Focussed Changes to the Deposit Draft LDP (6,129 dwellings), it reflects the most recent evidence and local data on housing supply, demand and deliverability and would support the delivery of the LDP strategy.

Employment Land

A range of employment land options have been considered in preparing the LDP and assessed through the SEA process. This has demonstrated that a larger employment growth option, if appropriately managed in its spatial distribution and mitigation of likely environmental impacts, presents the best opportunity to balance environmental and socio-economic effects. The LDP target of 45ha therefore represents a reasonably balanced approach between the options considered, albeit requiring careful targeting of development (spatially and by type) to avoid locally specific adverse effects. There are deliverable sites capable of providing this quantum of growth and this will support county-wide and regional regeneration strategies and Council objectives to promote sustainable growth in appropriate locations across Powys.

Distribution of Development

The assessment of the spatial options considered during the preparation of the LDP has indicated that those options which have a settlement hierarchy component are likely to have more positive effects, particularly in respect of reinforcing existing strengths and helping to limit settlement decline. Equally, however, mitigation could well be required to address negative effects which could arise such as local biodiversity impacts. Consequently, the LDP spatial strategy (distributing allocations between towns and large villages) is considered to be a reasonable one, albeit with the likely

	<p>need for close attention to the mitigation of specific effects in certain areas.</p> <p>Site Allocations Appendix 3c to the October 2016 Environmental Report presents the findings of the site assessments on a settlement-by-settlement basis, providing the reasons for the selection of the preferred site allocations and rejection of alternatives.</p>
<p>G. The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan</p>	<p>The Powys LDP Annual Monitoring Report (AMR) will include the monitoring of significant effects of implementing the Plan, as required under the SEA Regulations. The results of monitoring these longer term effects upon wider environmental matters and resources will identify any unforeseen effects of the implementation of the LDP at an early stage and will enable appropriate remedial action to be taken.</p> <p>The AMR will include the monitoring framework developed as part of the SEA process and which is set out in Appendix 4 to the September 2017 Environmental Report Addendum. (ED083f)</p>

Further Information

If you have any queries or would like further information about the LDP please contact the Council via the following methods;

- By Email; ldp@powys.gov.uk
- By Post; the Planning Policy Team, Powys County Council, Llandrindod Wells, LD1 6AA,
- By Phone; 01597 826000