

1. Part I

1.1 PARAGRAPHS 1.1.2 – 1.1.9

Introduction

Objections

PCO/50880/2163	Bridgend Biodiversity Partnership
PCO/51209/2209	Countryside Council for Wales
PCO/50686/2135	Mr R P Miles

Conditionally Withdrawn

<i>DO/51229/1820</i>	<i>National Assembly for Wales</i>
<i>DO/51229/1821</i>	<i>National Assembly for Wales</i>

Issues

1.1.1 The main issues are:

- Whether or not the Plan adequately reflects national policy on the preparation and content of UDPs;
- Whether or not the Plan should state that the general presumption in favour of development in built up areas or areas allocated for development will not be overridden if there is an overlapping constraint designation eg. A Special Landscape Area or biodiversity constraint.

Conclusions

1.1.2 On the first issue, the National Assembly for Wales (NAW) seeks changes to the wording of paras 1.1.2 and 1.1.5 of the Plan, and additional text to reflect more precisely advice in Unitary Development Plans Wales (Feb 2001) and planning legislation. I consider that the changes to the Plan, as proposed in the PIMS document to paras 1.1.2 and 1.1.5 with new paras 1.1.7 and 1.1.8, would provide the clarification and updating which is sought. The changes would also be consistent with PPWales Chapter 3, on development plans. The objections have been withdrawn on condition that the changes in the PIMS are carried forward into the UDP, as I consider they should be.

1.1.3 On the second issue, counter-objections are made to the addition of PIMS para 1.1.9 on the grounds that the outlined approach would downgrade the status and weaken the protection afforded to some areas of importance for landscape or biodiversity. It is argued that biodiversity and protection of the environment have become more important and featured more in legislation since the existing Local Plan was prepared. The UDP should not seek to preserve an out of date framework by retaining allocations which have environmental constraints.

1.1.4 The Council argues that the need for rational and consistent decision-making requires some continuity between the extant planning framework and the UDP, especially as the adopted Structure and Local Plans are only some 5 and 7 years old. If a site is within an established settlement and/or has an extant planning permission for development, this will influence allocations within the UDP.

1.1.5 In my view, the UDP represents a new chapter in planning and its allocations for new development should be consistent with protecting its most valuable natural assets. This has been the approach, insofar as not all the Local Plan's commitments for housing development have been carried through to the deposit UDP. Sustainable development means that allocations for new development in the UDP should take into account the location and quality of areas which have special value for landscape or biodiversity reasons. Equally, the boundaries of areas of high landscape or biodiversity quality should be carefully re-assessed and reviewed, especially where they impinge on existing built up areas or land to be allocated for development. I consider that the allocations for new development and designations for conservation in the UDP should be broadly consistent at the start of the Plan period.

1.1.6 I agree with the Countryside Council for Wales (CCW) that sites within built-up areas are not always appropriate for development. All urban areas require open space. In addition, national policy for the conservation of landscape and biodiversity requires LPAs to have regard for the **relative significance** of international, national and local designations, and to avoid placing unnecessary constraints on development. Taking account of all these factors, I consider that where specific instances of conflict between development and protection of the environment occur, on allocated or unallocated sites, these are best resolved on their individual merits through the development control process. Para 1.1.8 as proposed in the PIMS would then be applied, and any designations for landscape or biodiversity would be factors for consideration by the decision-maker.

1.1.7 I conclude from the above that PIMS para 1.1.9 over-simplifies a complex set of issues. Obvious land use conflicts should be removed at the Plan preparation stage, as I shall discuss further in Chapter 3. The paragraph as written should be removed as it could prejudice the balanced assessment of some development proposals in sensitive areas.

Recommendation

1.1.8 I recommend that paras 1.1.2 and 1.1.5 of the Plan be modified as proposed in the PIMS.

1.1.9 I recommend that paras 1.1.7 and 1.1.8, as shown in the PIMS, be added.

1.1.10 I recommend that para 1.1.9 in the PIMS should not be included in the Plan.

**1.2 PARAGRAPHS 1.3.1 to 1.3.7
The Area Covered by the UDP**

Objection
Conditionally Withdrawn
DO/51229/1822 National Assembly for Wales

Issue

1.2.1 The main issue is whether or not the Plan makes adequate reference to the regional context and the work of the South East Wales Strategic Planning Group.

Conclusions

1.2.2 The PIMS proposes a change of title and additions to section 1.3 of the Plan to explain that the Council consults and collaborates with neighbouring planning authorities. It also describes the role of Regional Planning Guidance. This should be helpful to prospective Plan users, in my opinion, and in accordance with PPWales para 3.2.1.

Recommendation

1.2.3 I recommend that section 1.3 of the Plan be extended, as proposed in the PIMS, except that the start of the first sentence of para 1.3.8 should be further modified to reflect more recent policy in PPWales:

'Planning Policy Wales (March 2002) encourages ongoing consultation and collaboration'

1.3 POLICY 1 Environment

Objections

DO/51229/1827

National Assembly for Wales

DO/51208/1581

RSPB Cymru

Issue

1.3.1 The main issue is whether or not the policy should be strengthened by (a) replacing the words 'will not be favoured' with either 'will not be permitted' or 'there will be a presumption against'; and (b) taking account of instances where the adverse impact of development manifests itself beyond the boundary of the County Borough.

Conclusions

1.3.2 On the first aspect, the Council argues that it has used the phrase 'will be permitted' wherever appropriate, but where full acceptability is less clear cut, it adopts the phrase 'will be favoured'. It has avoided use of the word 'presumption' because it may not always be understood and implies that loopholes may exist. The approach to wording is amplified and reasoned in the Council's General Proof 1 (CD147). I refer in para 1.5.2 to the general point of whether a distinction should be drawn between development that should be favoured but not necessarily permitted.

1.3.3 However, in the case of this policy, it seems to me that development which would cause danger to or neglect the environment should not be permitted. Development which would result in a diminution of the environment might be permitted if, for example, the harm were limited or other factors outweighed the harm, or offered some mitigation. However, decision-making in planning commonly requires a number of policies to be considered simultaneously and a balancing exercise undertaken. In the interests of clarity and firm definition of planning purpose, I conclude that this policy could usefully be strengthened with the words 'will not be permitted'.

1.3.4 On the second aspect, I have sympathy with the objector's wish that development in the County Borough should not have a deleterious effect on neighbouring areas. However, PPWales para 3.1 is clear that each local planning authority should prepare a

UDP for its area. The PIMS proposes additional text to section 1.3 of the UDP to explain that Bridgend BC is a member of the South East Wales Strategic Planning Group and that, through regional planning, a common set of strategic planning objectives is to be promoted. I consider that ongoing consultation and collaboration with neighbouring authorities rather than changes to this policy should effectively curb the adverse impacts which the objector fears.

Recommendation

1.3.5 I recommend that Policy 1 be modified, so that it ends:

'... whereas development which diminishes, endangers or neglects it, will not be permitted.'

1.4 POLICY 2 Environment

Objections

DO/51227/1764	Harmer Partnership
DO/51208/1582	RSPB Cymru

Issues

1.4.1 The main issues are:

- Whether or not the policy is realistic, given the character of development, notably development on greenfield sites;
- Whether or not the policy should acknowledge the Council's international responsibilities for biodiversity.

Conclusions

1.4.2 On the first issue, the objector argues that protecting, conserving and enhancing aspects of the environment may be incompatible with some types of development. I consider that the policy would carry more force if it were more realistic about the potential conflict between new development and conservation and enhancement of **all** aspects of the physical environment. However, I consider that the objector's proposed amendment could offer an undesirable loophole for poor development. I would prefer a new form of words which recognises the need to protect the integrity of the countryside and existing built environment, and to conserve or enhance the special features. These are highlighted in criteria 3 to 5, and for completeness, the most sensitive areas of landscape should be added.

1.4.3 PPWales para 5.1.3, provides guidance on meeting society's land requirements whilst safeguarding and enhancing the environment. The document advises that, with careful planning and design, not only can the potential for conflict be minimised but new opportunities for sustainable development may be created. The importance of the design process is detailed in section 2.9 of PPWales. In my view, Policy 2 should point out the importance of careful siting, planning and design. I conclude that the policy could usefully be re-worded to make it more realistic.

1.4.4 On the second issue, the Council accepts, and I agree, that the policy should reflect the LPA's international obligations for biodiversity. Criterion 3 should be modified as shown in the PIMS to refer to these obligations.

Recommendation

1.4.5 I recommend that Policy 2 be modified as proposed in the PIMS, and as shown below, to read:

'Development in the County Borough should safeguard the integrity of the countryside and the built environment. Through careful siting, planning and design, it should protect, conserve and enhance:

- 1 international, national, regional and local biodiversity;
- 2 special landscape areas;
- 3 the historic built environment; and
- 4 the coastal zone.'

1.5 POLICY 3 Environment

Objection

DO/51209/1610 Countryside Council for Wales

DO/51208/1583 RSPB Cymru

Conditionally Withdrawn

DO/51229/2093 *National Assembly for Wales*

Issues

1.5.1 The main issues are:

- Whether or not use of the words 'will be favoured' is appropriate;
- Whether or not the policy should explain more fully the implications for energy conservation and water resources, and remediation to beneficial uses.

Conclusions

1.5.2 On the first issue, the Council has used 'will be favoured' in circumstances where compliance with a policy would not in itself be sufficient to grant planning permission, but would count in the proposal's favour if it displayed the characteristics identified (CD147). I consider that Policy 3 describes a number of desirable features which the UDP should identify and encourage in the interests of sustainable development. I note the NAW's position that it would conditionally withdraw its objection to 'favoured', where it would be inadvisable to use the term 'permitted'. I support the approach to differentiating policies which 'permit' development from those which 'favour' it. I consider that 'permitted' would be inappropriate in this policy, as compliance with the criteria may not be sufficient to make a proposal permissible.

1.5.3 The RSPB proposes adding 'providing they do not conflict with other policies of the Plan' after criterion 4. Given the specific meaning attached to 'will be favoured', I conclude that this would be superfluous. In any event, the decision-maker would routinely take account

of other Plan policies, as explained in paras 1.1.7 and 1.1.8 of the UDP (as proposed to be modified by the PIMS). However, both the NAW and the RSPB, both of whom are experienced in reading and interpreting UDPs, have had some difficulty in understanding the Council's use of the word 'favoured'. I consider that it would be advisable to include a very brief explanation on the distinction between policies where development 'will/will not be permitted' and those where it 'will/will not be favoured'. Extracts from paras 7.1 and 7.2 of CD147 could usefully be adapted for inclusion in section 1.2 of the Introduction to the UDP.

1.5.4 On the second issue, the RSPB proposes adding a hierarchy of desirable after-uses in support of criterion 3 so that ones which would be harmful to biodiversity are not permitted. The Countryside Council for Wales objects that the policy is not explicit in respect of energy conservation or water resources. I agree with the Council that these matters would be better considered in relevant Part 2 policies than under this strategic policy.

Recommendation

1.5.5 I recommend that no change be made to Policy 3.

1.5.6 I recommend that the following explanatory text, or similar words, be added to the Introduction to Part 1 of the UDP, as a new para 1.2.2:

'In writing its policies, the LPA has used *will or will not be permitted* wherever appropriate, sometimes subject to a proposal satisfying certain criteria. There are other instances where the full acceptability or otherwise of a development proposal is not clear-cut by reference to one policy alone. In such cases, which require further assessment in respect of other policies of the Plan or material considerations, the LPA has used the words *will be favoured* or *will not be favoured*.'

1.6 POLICY 4 Housing

Objections

DO/51225/1751	Mr P Allport
DO/51212/1717	Mr & Mrs Battrick
DO/51201/1524	Bellway Homes (Estates) Ltd
DO/51214/1722	Davies Bros (Waste) Ltd
DO/51203/1534	House Builders Federation
DO/51210/1883	Mr L Joseph
DO/51210/1680	Mr L Joseph
DO/51216/1729	Mr L Joseph & Mr J J Williams
DO/51213/1719	Mr R H Knight
DO/51215/1725	Mr R P Lewis
DO/51224/1746	Manning Construction & William Bros.
DO/51174/1386	Pencoed College
DO/51226/1756	Mr M Phipps
DO/51220/1734	Mr M A Richards
DO/51228/1816	Mrs C M Roberts
DO/51207/1580	Messrs M J & E D Thomas & Other Land Owners
DO/51186/1421	Vale of Glamorgan Council

DO/51222/1740 Westbury Homes (Holdings) Ltd
DO/51157/1354 Wilcon Homes Limited

Issues

1.6.1 The issues raised by these objections are covered in Chapter 4, Housing Land Requirement.

1.7 POLICY 7 Transportation

Objections

DO/51208/1584 RSPB Cymru
PCO/50686/2136 Mr R P Miles

Conditionally Withdrawn

DO/51209/1611 *Countryside Council for Wales*
DO/51229/2094 *National Assembly for Wales*

Issues

1.7.1 The main issues are:

- Whether or not the policy should use the expression 'will be favoured' and/or say 'providing they do not conflict with other policies in the Plan';
- Whether or not the policy should make reference to avoiding saturation of the existing highway network;
- Whether or not the criteria should include walking and cycling.

Conclusions

1.7.2 The first issue is covered in sections 1.3 and 1.5 above. I consider that the expression 'will be favoured' is appropriate in this policy, and does not need to be embellished with reference to other policies in the Plan. On the second and third issues, Mr Miles argues that the policy should include 'not causing saturation of existing highway network'. I am satisfied that this objection and that of the CCW would be overcome by the PIMS proposed modifications. These provide that the policy would refer to efficient use of the existing highway network, not just the major network, and to promoting and encouraging walking and cycling. I conclude that these changes would give a more comprehensive transportation policy in line with principles of sustainable development.

Recommendation

1.7.3 I recommend that the proposed changes to this policy shown in the PIMS should be made.

Objections

DO/51182/1400	Aldi Stores (Swindon) Limited
DO/51144/1318	Grantchester Plc
DO/51227/1765	Harmer Partnership
DO/51229/1823	National Assembly for Wales
DO/51195/1484	Tesco Stores Limited
PCO/51144/2174	Grantchester Plc
PCO/51195/2148	Tesco Stores Limited

Conditionally Withdrawn

DO/51229/1826 National Assembly for Wales

Issues

1.8.1 I consider that the main issues are:

- Whether or not the policy accords with national planning advice on out of centre retailing;
- Whether or not the policy imposes appropriate tests in respect of retail need, the sequential approach to site selection and the impact on existing centres;
- Whether or not the policy is reasonable in respect of its expectations for accessibility and impact on the highway network.

Conclusions

1.8.2 On the first issue, most of the objectors drew my attention to section 10.2, PG Wales (CD3) and the advice on Retailing & Town Centres. I have taken account of this and Chapter 10 of the more recent PPWales which, in my view, is similar in thrust and content on retailing. On the first issue, Aldi Stores argues that it is clear from national guidance that **out of town** retailing is rarely permissible. The basis for Policy 9 should be 'out of centre' rather than 'out of town' development. I agree with this, and consider that 'out of centre' would provide the appropriate starting point for this strategic policy. Government guidance indicates that preference should be for out of centre sites accessible by a choice of means of transport. In general, this is likely to favour sites within or close to settlements over more remote ones. In addition, the environmental policies of the Plan, prepared in line with the land use strategy, mean that an out of centre site within the confines of a settlement should be preferred for new development purposes to a site in the countryside. In these circumstances, and given that developers should be first directing their search to existing town centres, I see no reason to distinguish between out of centre and out of town sites.

1.8.3 Turning to the second issue, the LPA has proposed a change in the PIMS to delete the fifth criterion and indicate that need should be demonstrated for out of town retailing development. I consider that this change would be desirable to comply with national policy. Some objectors contend that there should be no requirement to demonstrate need or satisfy the ensuing criteria in respect of an existing or allocated retail site. The Council responds that it wishes to guard against retail schemes for a wider range of goods than those identified as meeting a need on the allocated sites. In my opinion, if the Plan is to allocate out of centre sites, the need for them should have been demonstrated in a very robust fashion beforehand. However, I consider that Part 2 of the Plan and the Proposals Map should ensure that proposals

would be permitted only to meet identified need. I consider that this Part 1 policy should not require development on sites allocated for retail development to demonstrate 'need' again.

1.8.4 Objectors contend that there is uncertainty about the position in the sequential hierarchy of existing or allocated out of centre or out of town sites. However, the opening two lines of Policy 9 as shown in the PIMS, coupled with omission of 'and/' would, in my view, clarify this matter and obviate the need for any further references under the criteria.

1.8.5 Objectors also argue that the policy does not make clear where district or local centre sites would fit in the sequential assessment. The LPA has proposed changes to wording in the PIMS and further changes in its written response to Tesco Stores Limited. I consider that the latter provides substantial clarification on this point, though I shall recommend that the reference to 'out of town' sites is removed. Though the test of 'suitability' could be interpreted as inclusive of satisfactory site availability and viability, in its response to Granchester plc the Council puts forward a revision to the criterion on the sequential approach which includes the words 'suitable and available'. In my view, this would add precision to the policy. In addition, the retail chapter in the UDP identifies town centres and district centres, but not local centres. I therefore recommend a reference only to district centres in this policy.

1.8.6 Regarding the impact on existing centres, I agree that the criterion should be expressed as 'found to be acceptable' rather than 'there are no adverse consequences'. My view is that the former would more accurately reflect the aim not to undermine the vitality, viability or attractiveness of existing centres or put at risk town centre strategies. I also accept that use of the word 'committed' in place of 'proposed' retail developments as shown in the PIMS would be more precise. I conclude that the policy could usefully be amended so that it reflects appropriately the need, sequential and impact tests.

1.8.7 On the third issue, objectors argue that it would be unreasonably inflexible to rule out proposals for development which had a slightly adverse effect on the highway network. I shall not recommend that 'unacceptable' is added to the criterion as the objector proposes, since this would conflict with the approach to policy writing outlined in the Council's General Proof 1, CD147. However, this criterion could usefully be re-worded in a similar way to the previous one, to make clear that a traffic assessment should be undertaken and then a judgment made as to whether the impact would be acceptable. Objectors also suggest that allowance should be made for possible improvements in accessibility by public transport. In my experience, developers often offer to support public transport measures when new shopping development is proposed. If this criterion were amended to read 'The proposal would be well served....', this would offer some scope for enhancement to public transport services. To be consistent, the two preceding criteria should also use the conditional tense.

1.8.8 An objection was made that the policy does not adopt a positive stance to mixed use developments in town centres. The PIMS proposes changes to paragraph 7.1.6 of the UDP which in my opinion would satisfy this objection, and on which I comment in Chapter 9. The NAW has conditionally withdrawn its objection. However, objection is also raised to the fact that Part 1 Policies 9, 11 and 12 all refer to a sequential test. I accept the Council's argument that these policies cover diverse and important topics, and consider that it is essential for this strategic retail policy.

Recommendation

1.8.9 Taking account of the PIMS and further proposed changes advanced by the Council, as well as my reasoning above, I recommend that the policy should be amended to read:

'Out of centre retailing will only be permitted where it is located on an existing or allocated retail site, or where all the following criteria have been met:

1. A need for the development has been satisfactorily demonstrated;
2. In sequential order of preference, all town centre, edge of centre, district centre sites, have been thoroughly assessed, and none have been found to be suitable and available;
3. Individually and cumulatively, with other existing or committed retail developments, the potential threat to the vitality, viability and attractiveness of existing centres has been assessed and would be acceptable;
4. The accessibility to the primary road network and the effect on traffic flows has been assessed and would be acceptable;
5. The proposal would be well served in terms of public transport.'

1.9 POLICY 10 Tourism & Leisure

Objections

DO/51209/1612 Countryside Council for Wales
DO/51211/1688 Forest Enterprise
DO/51208/1585 RSPB Cymru

Conditionally Withdrawn

DO/51229/2095 *National Assembly for Wales*

Issues

1.9.1 The main issues are:

- Whether or not the phrase 'will be favoured' should be used;
- Whether or not the second criterion should deal more directly with the environmental impact of tourism development, and whether it should offer more flexibility.

Conclusions

1.9.2 I have covered aspects of the first issue earlier in section 1.5 of this report. I consider that the decision-maker would need to examine a number of Plan policies when assessing proposed tourism developments, so that 'favoured' is more suitable than 'permitted' in this case.

1.9.3 On the second issue, the CCW asks for the final clause referring to the interests of host communities to be deleted, and the RSPB seeks to inset 'environmentally' before 'sustainable' on the grounds that 'sustainable' could be interpreted as economically sustainable. It seems to me that the policy would carry more force if its second criterion was concerned solely with the effect on the environment. However, it would be sensible to avoid the word 'sustainable' in this context as it could be interpreted in many different ways.

1.9.4 I have some sympathy with the Forest Enterprise objection that tourism development may not always conserve the existing environment, though I am not in favour of the proposed amendment to policy wording. In my view, this would lead to an imprecise policy which would cause difficulties for consistent development control. I have also taken account of the Council's point that the Wales Tourist Board has objected to none of the tourism policies in the UDP. Having regard for PPWales Chapter 11, it seems to me that the aim of this strategic policy should be to protect the environment, particularly those elements of the landscape, biodiversity, the coast and historic environment which have special interest. New tourism development should be of high quality, well located and designed, so that it does not damage and where possible enhances the local environment. I conclude that the criterion could usefully be re-worded with these points in mind.

1.9.5 PPWales also makes it clear that new tourism facilities should take account of the social implications as well as environmental and economic factors. In my opinion, this could be achieved in this policy, if a separate criterion were included to cover the impact on the needs and amenities of local communities. This should overcome the alleged ambiguity over 'host communities'.

1.9.6 The RSPB requested that the word 'unnecessary' should be omitted from the policy. This word is not used in Part 1 Policy 10 of the UDP.

Recommendation

1.9.7 I recommend that criterion 2 of the Policy should be modified, and replaced with these criteria:

'2 They protect and conserve areas of the landscape, biodiversity, the coast and historic environment which are of special interest, and are so located and designed that they conserve or enhance the quality of the local environment; and

3 They respect the needs and amenities of local communities.'

1.10 POLICY 11 Tourism & Leisure

Objections

DO/51211/1689	Forest Enterprise
DO/51229/1824	National Assembly for Wales
DO/51208/1884	RSPB Cymru

Issues

1.10.1 The main issues are:

- Whether or not it is realistic to expect all tourism and leisure development to be well served by public transport;
- Whether or not the sequential test should be included, or be the subject of a separate policy on the location of development;

- Whether or not 'providing they do not conflict with other policies of the Plan' should be added to the policy.

Conclusions

1.10.2 On the first issue, the objector argues that some facilities may need to be sited away from regular public transport services, for example at a Forestry Commission visitor centre, or to serve cycling or horse-riding activities. The Council accepts that some leisure and tourism developments may be sited where public transport is not readily available, but argues that it has an obligation to ensure that satisfactory access can be achieved by a choice of modes of transport, including public transport. I agree that the Council should seek to secure new tourism and leisure facilities which are so located that reliance on the private car may be reduced in future. Also, I appreciate that some facilities may need to be sited in remote parts of the County Borough where regular public transport services would not be provided and might appear incongruous. I shall recommend minor re-wording of criterion 3, to emphasise that new development should aim for less reliance on the private car and the provision of a choice of means of transport. This, in my view, would be preferable to the objector's proposed change as it would give greater clarity.

1.10.3 The NAW expresses concern about the repetitive nature of Part 1 Policies 9, 11 and 12, all of which include a sequential test. I agree with the Council that a single generalised policy would not necessarily address the particular needs of each type of development or topic. PPWales, section 10.2 indicates that leisure developments should be directed to town centre sites, and should comply with the need, sequential site search and impact tests. Paragraph 11.1.6 of the document, however, describes rural tourism development as 'an essential element in providing for a healthy, diverse, local and national economy.' I consider that it is difficult to devise a succinct strategic policy which would cover both leisure and rural tourism. Bearing in mind that Policy 10 provides strategic advice on tourism, I shall recommend that Policy 11 refers only to leisure development.

1.10.4 Whether or not this is accepted, there should be consistency between Policies 9 and 11, as much of the national guidance on the sequential approach groups retail and leisure uses together. I shall therefore recommend an amendment to criterion 2 so that the policies would be compatible.

1.10.5 On the third issue, the PIMS proposes new introductory paragraphs, 1.1.7 and 1.1.8, which will make clear that decision-makers will have regard for all relevant policies when assessing a development proposal. I recommend in section 1.1 that this paragraph should be added to the Plan. In view of this, I consider that it would be unnecessary to extend this policy as the objector proposes.

Recommendation

1.10.6 I recommend that the policy should be modified so that it reads:

' LEISURE – Proposals for leisure development, including food and drink uses outside the existing commercial centres, will be permitted where:-

1 The proposed development does not threatendistrict centres;

2 In sequential order of preference, all town centre, edge of centre, district centre, existing out of centre sites, have been assessed, and none have been found to be suitable and available;

3 The proposed development would be well served by a choice of means of transport, and contribute to reduced reliance on travel by private car; and

4 The amenities'

1.11 POLICY 12 Sport & Recreation

Objections

DO/51209/1613	Countryside Council for Wales
DO/51229/1825	National Assembly for Wales
DO/51208/1586	RSPB Cymru

Issues

1.11.1 The main issues are:

- Whether or not the sequential test should be included, or be the subject of a separate policy on the location of development;
- Whether or not 'providing they do not conflict with other policies of the Plan' should be inserted into the policy;
- Whether or not a policy setting out general development principles would provide clearer guidance to developers and Plan users.

Conclusions

1.11.2 The first issue has been raised in relation to earlier policies in this chapter, and I have recommended that the sequential test should be referenced in policies dealing with retailing and leisure. Though some indoor sport and recreational facilities overlap with leisure facilities, I consider that many playing fields, parks and recreational footpaths or cycleways ought not to be subject to the sequential test. In addition, this policy seeks to protect existing facilities and services as well as to encourage new development, and it should be clearer that the sequential test would not be applied to existing facilities. I consider that a separate and general policy on the location of development would not resolve the difficulties inherent in this policy, and that it would be preferable to delete any reference to the sequential test.

1.11.3 On the second issue, it is not necessary, in my opinion, to refer to other Plan policies, since paras 1.1.7 and 1.1.8 as proposed in the PIMS would make clear that each development proposal would be assessed against all relevant policies. On the third issue, because provision for sport and recreation may be diverse in character and in its locational requirements, I consider that it is not feasible to offer a single list of criteria in this strategic policy. However, Chapter 9 of the UDP includes a number of policies which specify development principles for developers and Plan users, and I see no reason to change Policy 12 on the basis of this objection.

Recommendation

1.11.4 I recommend that the policy should be modified as follows:

'Development proposals which contribute to, and/or protect sport and recreational facilities and services will be encouraged. '

1.12 POLICY 13 Social & Community Services

Objection

DO/51208/1587 RSPB Cymru

Issue

1.12.1 The main issue is whether or not 'providing they do not conflict with other policies of the Plan' should be inserted into the policy.

Conclusions

1.12.2 It is not necessary, in my opinion, to refer to other Plan policies in this policy, since paras 1.1.7 and 1.1.8 as proposed in the PIMS would make clear that each proposal would be assessed against all relevant policies.

Recommendation

1.12.3 I recommend that no change should be made to this policy.

1.13 POLICY 14 Minerals

Objections

DO/51209/1614 Countryside Council for Wales
DO/51196/1489 T S Rees Limited

Conditionally Withdrawn

DO/51229/2096 *National Assembly for Wales*

Issues

1.13.1 There are two main issues:

- Whether or not the policy should refer to reducing the demand for and supply of mineral resources;
- Whether or not the policy should aim to provide for a continuation in the County Borough's share of regional production.

Conclusions

1.13.2 On the first issue, the objector argues that seeking to reduce the demand for minerals would be consistent with the prudent use of resources and a sustainable approach to minerals' provision. The Council contends that Policy 15 seeks to reduce the need for primary

aggregates, and encourages the use of alternative materials and recycled products. In my opinion, the UDP must strike a balance between meeting the needs of the construction industry for an adequate supply of materials whilst ensuring that resources are used prudently and without undue harm to the environment. I am satisfied that Policy 14, which acknowledges the regional framework for minerals' production, applied in combination with Policy 15, should deliver the sensible use of resources which the objector desires.

1.13.3 On the second issue, the objector argues against adherence to the continuing share of regional production, since this is calculated on the basis of the average of the last 3 years' production. The objector suggests that this is an inadequate time period to assess long term economic cycles, and may be unduly restrictive if future demand is higher. However, as the Council advises, the approach of basing landbank calculations on the last 3 years' production is well established in MPG6 (1989) and is carried forward into Consultation Draft Minerals TAN (Wales) 'Aggregates', Feb 2002 (CD141). The Council provides some evidence that production levels are likely to remain stable or decrease in the Plan period and are unlikely to fluctuate markedly. This leads me to conclude that the policy as written is satisfactory.

1.13.4 The NAW objects to use of the word 'favoured' in this policy, though the objection is withdrawn provided that 'permitted' would not be appropriate. Having regard for the matters outlined in section 1.5 above, I conclude that 'favoured' is acceptable in this policy.

Recommendation

1.13.5 I recommend that the policy should not be changed.

**1.14 POLICY 15
Minerals**

Objection
DO/51209/1615 Countryside Council for Wales

Issue

1.14.1 The main issue is whether or not the policy should refer to reducing the demand for and supply of mineral resources.

Conclusions

1.14.2 The policy seeks to promote the efficient use of primary aggregates, and the Council explains that this would extend to limiting the use of high quality minerals. In addition, the policy encourages the use of alternative materials such as secondary aggregates from industrial processing and recycling. I conclude that the policy is consistent with reducing the demand for mineral resources and that it is unnecessary to add the words 'reduction in' to this policy, as the objector proposes.

Recommendation

1.14.3 I recommend that the policy should not be changed.

1.15 POLICY 16 Minerals

Objection

DO/51209/1616 Countryside Council for Wales

Issue

1.15.1 The main issue is whether or not the policy should refer to reducing the demand for and supply of mineral resources.

Conclusions

1.15.2 The thrust of this policy is that potentially usable mineral resources should not be sterilised from possible future extraction by permanent development. In my opinion, this is a prudent and sustainable approach to mineral resources.

Recommendation

1.15.3 I recommend that the policy should not be changed.

1.16 POLICY 17 Waste

Objection

DO/51209/1617 Countryside Council for Wales

Conditionally Withdrawn

DO/51229/2097 *National Assembly for Wales*

Issues

1.16.1 The main issues are:

- Whether or not the policy should include targets for the reduction of disposal by landfill and for the proximity principle;
- Whether or not the term 'favoured' should be replaced with 'permitted'.

Conclusions

1.16.2 On the first issue, the objector highlights two principles which are consistent with good planning and sustainable waste disposal/management. The Council argues that waste targets are more appropriately included in the regional waste plan, in line with targets established in European Directives, but the CCW argues that until that plan is available, the UDP should state how the authority's waste management facilities and strategies meet Government and UK targets. Criterion 1 of Policy 17 implies continuing use of landfill for disposal and criterion 2 alludes to more sustainable practices, but there is no reference to the proximity principle. Although the early sections in Chapter 12 of the UDP discuss both the proximity principle and the local situation regarding landfill and recycling, I consider that the Part 1 policy could signal a more dynamic approach to the management and disposal of waste.

1.16.3 Though explicit targets may not currently be available, advice in sections 12.5 and 12.6 of PPWales and in TAN (Wales) 21 (CD113) is that greater emphasis should be given to the reduction, re-use and recovery of waste and less to disposal (including landfill). Waste should be disposed of as near to the source of origin as possible. I conclude that the policy should be re-worded in line with the objection from CCW, and I suggest an amendment below.

1.16.4 On the second issue, I have already dealt with this question of terminology, in section 1.5 above. For this policy, however, I consider that re-wording to meet the CCW's objection offers an opportunity to eliminate the word 'favoured'.

Recommendation

1.16.5 I recommend that the policy be modified as follows:

' Development proposals should contribute towards the provision of a range of waste management and disposal facilities which:

1 meet the objectives of national policy in respect of the proximity principle and the waste hierarchy;

2 meet targets to reduce the amount of waste disposed of by landfill, and increase the amount of waste recovered, composted or recycled.'

1.17 POLICY 18 Unstable Land

Objection

DO/51227/1766 Harmer Partnership

Issue

1.17.1 The main issue is whether or not the policy clearly indicates the role of 'adequate mitigation measures'.

Conclusions

1.17.2 The objector argues that the policy is confusing in that some mitigation measures would be incapable of being completed 'prior to any building development'. I consider that the policy could be interpreted as overly restrictive, since mitigation measures might well require development, but strict interpretation of the policy would preclude them. Though the Council contends that policies in Part 1 must be succinct, it is important that they should also be sensible and readily understood. I consider that changed wording on the lines suggested by the objector would improve the policy, although the words 'and subsequently carried out' would be necessary to achieve implementation.

Recommendation

1.17.3 I recommend that the policy should be modified to read:

'The development of unstable or potentially unstable land, which involves the erection of buildings or structures, will not be permitted unless adequate mitigation measures are first agreed in writing with the local planning authority and subsequently carried out.

1.18 POLICY 19 Energy & Utilities

Objections

DO/51191/1443	British Telecommunications Plc
DO/50865/904	Crown Castle International
DO/51211/1690	Forest Enterprise
DO/51208/1588	RSPB Cymru
PCO/51211/2142	Forest Enterprise

Conditionally Withdrawn

DO/51229/2098 National Assembly for Wales

Issues

1.18.1 The main issues are:

- Whether or not the policy signals a sufficiently positive approach to telecommunications' development and takes enough account of limitations imposed by the nature of the network and technology;
- In respect of exploiting renewable energy sources, whether or not the policy would provide satisfactory protection for nature conservation interests;
- Whether or not the policy should use the term 'favoured'.

Conclusions

1.18.2 On the first issue, Crown Castle International argues that the policy fails to reflect national planning policy, that telecommunications' development should generally be encouraged whilst environmental harm should be minimised. I have taken account of the fact that PPWales and TAN 19, 2002 (CD164) have been published since the end of the consultation period for the deposit UDP. PPWales affirms that local planning authorities should respond positively to telecommunications' development proposals, while upholding well-established policies to protect the countryside, areas of value for natural beauty, landscape or nature conservation, and urban areas of architectural or historic importance. TAN 19 as recently revised indicates that development plans should cater for telecommunications' development by taking account of the strategic requirements of networks, recognising the limitations imposed by the nature of the networks and the technology. However, it also refers to the need to protect the best and most sensitive environments.

1.18.3 I consider that Policy 19, with the small proposed change which is given in the PIMS, is broadly in line with Government policy in that it is positive and 'favours' telecommunications' development. However, I agree with the objectors that it is too detailed for a strategic policy and consider that the three overlapping criteria on protecting sensitive environments contribute to an impression that such development will inevitably face numerous constraints. In particular, I accept that criterion 2 could be applied inflexibly so as to prohibit

any significant new development, and without due regard for the requirements of telecommunications networks. I favour a simplified wording of the policy, and the adoption of appropriate criteria-based policies on these matters only in Part 2.

1.18.4 Some objectors suggest that 'unacceptable' should be added to the first criterion, and the RSPB object that 'unacceptable' in criterion 3 adds a qualification to the policy which could not be adequately defined. The Council proposes a change to criterion 3 in the PIMS to omit the word 'unacceptable'. Though I support the RSPB view and the case made in CD147 to avoid this word in policies, I recommend that the thrust of the criteria should be conveyed more succinctly using different words.

1.18.5 On the second issue, the RSPB argues for some amplification of criterion 1 so that it covers sites, species and areas of nature conservation importance, and an alteration to criterion 3 to take account of aural, as well as visual, functional and physical effects. A possible fourth criterion is put forward to ensure that wind farm design would not be harmful to nature conservation interests. The objector commends the draft policy contained in the deposit Blaenau Gwent UDP. I agree with the Council that these more detailed considerations, which relate to wind farms in particular and their effect on nature conservation, would be better addressed in Part 2 policies than in this strategic policy.

1.18.6 The NAW objects to use of the word 'favoured', although the objection has been conditionally withdrawn where this word cannot appropriately be replaced by 'permitted'. I consider that compliance with this policy may not be sufficient in all cases for planning permission to be granted, and that the word 'favoured' is therefore apt.

Recommendation

1.18.7 I recommend that the changes proposed in the PIMS should not be made.

1.18.8 I recommend that the policy should be changed to read:

'Development for telecommunications, utility services or the exploitation of renewable energy sources will be favoured where it can be demonstrated that any adverse effect on the best and most sensitive environments (in terms of landscape and scenic, architectural and historic, and nature conservation value) would be minimal.'

**1.19 POLICY 20
Energy & Utilities**

Objection
DO/51208/1589 RSPB Cymru

Issue

1.19.1 This is whether or not the word 'appropriate' should be retained in the policy.

Conclusions

1.19.2 The objector claims that use of 'appropriate' adds a qualification to the policy which cannot be defined adequately. The Council acknowledges that it has avoided the use of qualifying words such as 'appropriate' and refers to its General Proof 1, CD147, which outlines

its approach to policy writing. However, it argues for a departure from its own rules here because energy efficiency and water conservation fall to be considered under other legislation than planning.

1.19.3 Section 4 of CD147 advises that LPAs should not include policies which duplicate other legislation and should not include 'wish lists' or statements of intent as policy. These factors count against the inclusion of Part 1 Policy 20 as currently worded. However, section 2.9 of PPWales makes it plain that good design should be encouraged everywhere, and the design process should seek to maximise energy efficiency and minimise the use of non-renewable resources. In my view, the thrust of the UDP policy is consistent with national policy. Bearing in mind the content of sections 7 and 10 of CD147, I consider that some rewording would be desirable in the interests of consistency with other plan policies. I shall have regard for PPWales para 2.9.2 in making my recommendation.

Recommendation

1.19.4 I recommend that the policy be modified to read: 'All development proposals should seek to maximise energy efficiency and water conservation in their layout, design, materials and construction.'

1.20 POLICY 22 Implementation & Resources

Objections

DO/51209/1618	Countryside Council for Wales
DO/51227/1767	Harmer Partnership
DO/51203/1535	House Builders Federation

Issues

1.20.1 These are:

- Whether or not the policy should refer to the potential loss to the environmental resources of Bridgend CB as well as any loss to the community;
- Whether or not it is reasonable to refer to 'indirect' infrastructural requirements;
- Whether or not the reference to planning agreements/obligations is appropriate, bearing in mind advice in Circular 13/97, Planning Obligations.

Conclusions

1.20.2 On the first issue, the Council argues that the policy wording already safeguards the environmental resources of the County Borough. The environmental, social and economic impact of development will be considered in accordance with the principles of sustainable development. I find the first sentence of this policy rather long and complicated, and consider that it would be clearer if it were simplified. The second half of the sentence could helpfully be replaced with one based on the words now put forward by the Council in its response to CCW.

1.20.3 On the second and third issues, I consider that the policy seeks to introduce more detail than is appropriate in a strategic policy by its reference to 'direct and indirect'

infrastructural requirements. These are not explained in the UDP and are likely to differ for particular development proposals. I see no reason to draw attention to 'direct and indirect' requirements at this stage of the Plan. Similarly, planning obligations would be a mechanism for realising this policy, and would be better dealt with in Part 2. Although the National Assembly has not objected to this sentence in the Plan, Circular 13/97 para B16 (CD10) indicates that local plans or Part 2 of a UDP are the place for policies relating to planning obligations.

Recommendation

1.20.4 I recommend that the policy should be modified to read:

'Applications for built development should include material proposals which deal with the fair and reasonable infrastructural requirements of the development. These proposals should also mitigate any adverse environmental, social or economic impact from the intended development.'

1.21 POLICY OMISSION

Objection
DO/51208/1590 RSPB Cymru

Issue

1.21.1 The main issue is whether or not a new policy relating to a sustainable land use pattern should be included in the UDP.

Conclusions

1.21.2 The RSPB argues that a policy stating that development will be located in such a way as to contribute to a sustainable land use pattern should be added. It refers to national guidance which highlights strategic locational policy as the most powerful planning tool to achieve sustainability. Chapter 2 of the UDP begins with a discourse on sustainable development, and describes it as the guiding principle for the Plan. It also refers to the Land Use Strategy, and I am satisfied that the Council has taken full account of locational policies and sustainable development in the opening chapters of the UDP. I consider that many of the Part 1 policies incorporate locational principles which will contribute to sustainable development, such as protecting the countryside, maintaining the existing retail hierarchy, adopting a sequential approach to site selection and favouring sites well served by public transport. I conclude that the proposed new policy would be imprecise and would not add value to the existing Part 1 policies.

Recommendation

1.21.3 I recommend that no modification be made to the Plan.

