

WELSH GOVERNMENT

Examination Hearing Statement

Bridgend Local Development Plan

**Hearing Session 9:
Social & Community Facilities and
Infrastructure**

08th January 2013

SESSION 9 – Social & Community Facilities and Infrastructure

Infrastructure

Qn1a. Does the Council’s response resolve the Welsh Government concerns or is further clarification or any amendment to the Plan still needed?

The Welsh Government note that the Council are currently undertaking work to examine how the Community Infrastructure Levy (CIL) could be applied in Bridgend, in conjunction with neighbouring authorities.

The Authority should demonstrate that a sufficient mechanism will be in place to deliver the necessary infrastructure over the remaining plan period.

The Council should clarify if the delivery of infrastructure in the plan would be undermined when S106 obligations from 5 or more developments can no longer be pooled. It is essential that there is no policy vacuum in the plan's ability to deliver the necessary infrastructure.

WG Policy Clarification letter (CL-02-2010) clarifies the implications of the CIL regulations from 06th April 2013 and in particular the limitations on the use of planning obligations (Reg 122 & 123).

Qn1b. Is the Policy sufficiently flexible to address the use of a CIL if the policy itself refers only to planning obligation and agreements?

Paragraph 6.38 of the Deposit Plan states that if a CIL charging schedule were to be adopted then this would supersede Policy SP14 and would be reflected in the amendments made to the LDP.

The WG consider that it is not necessary to amend the policy in this respect. The supporting text gives sufficient clarification that the policy will be amended if/when a charging schedule is adopted. It would not be prudent at this point in time to pre-empt a CIL charge due to the necessity to demonstrate there is a funding gap initially which provides the rationale for a CIL charge (if applicable), supported by the CIL Regulations. The essential point is to ensure that no ‘double charging’ takes place.

Qn1c. Is the wording of Policy SP14 clear or does it require amendment for coherence?

The policy should be worded to ensure that appropriate mitigation can be achieved to deliver development through S106 or CIL. Where infrastructure is sought it should clearly relate to the objectives of the plan and address the key issues.

Qn1d. In the policy as written, what is meant by the term ‘planning loss’ and, if retained, does this require further explanation or definition in the text or glossary?

See 1c.

Qn1e. Is the term 'public realm' widely understood or does it require clarification?

See 1c.

Qn1f. The current SPG15 and SPG16 are not included in the submission documents and should be added as examination documents. Chapter 8 indicates that the replacement SPG will be entitled 'Planning Agreements' and that it will incorporate existing SPG's on Community Facilities and Educational Facilities. How does that relate to the EAW concerns which refer to the coordination or investment by utility companies to support development?

No comment.

Provision of Outdoor Recreation Facilities

Qn2a. Paragraph 6.2.16 refers to quantitative and qualitative information held about open space provision. Is the Plan sufficiently clear about what regard is to be had to existing provision when assessing the needs of new development?

No comment.

Qn2b. Is there any associated conflict with statutory regulations or national policy?

Paragraph 9.2.11 (PPW, v5) states that where substantial new housing is permitted, plans should include policies to make clear that developer's will be expected to provide open space which is reasonably related in scale and location to its development. In addition, Paragraph 9.2.24 (PPW, v5) states that development plans should include clear development management policies to guide the determination of applications, including guidance on open space provision.

The 2010 CIL regulations (Regulation 122) set out in legislation three tests which direct mitigation for development through a S106 must comply with. All other S106 agreements should accord with Circular 13/07. The policy needs to reflect this approach.

However, PPW does not prescribe particular standards of open space provision. Detailed guidance in this respect is set out in TAN 16. Paragraph 2.7 (TAN16) states that locally generated standards should be based on robust evidence derived from the Open Space Assessment. This should include qualitative elements (whether new provision is needed for the area) qualitative component (measuring need) and an accessibility component.

Qn2c. Is the 10% requirement for amenity space a policy requirement and, if so, should it be included in Policy COM11 and with what wording?

From the way paragraph 6.2.17 of the plan is written, it would appear that the '10%' is a requirement. If this is the case it should be included in the policy.

Qn2d. Is the requirement justified on the basis of good design?

No comment.

Qn2e. What is the SPG that is referred to in SD45 and how will identify qualifying sites?

No comment.

Qn2f. Would the discounting of green verges and private green space (e.g. front gardens) undermine the requirement for other recreational open space?

No comment.

Qn2g. When SD45 indicates that the 10% amenity space requirement will be discounted from the 2.4ha/1000 open space standard does that mean that provides for the provision e.g. front gardens and verges would reduce the need for other recreational open space provision or that the provision of functional shared open space would reduce the requirement for amenity space?

No comment.

Qn2h. Should the Plan text be clearer about how the 10% requirement would be met?

No comment.

Viability

Qn2i. Does the Plan make adequate reference to viability for its proposals to be realistic, and if not, what amendment would be necessary for the Plan to be sound?

Viability should be a consideration in determining delivery of the plan. Where funding for related infrastructure is to be sought through planning obligations, the Plan should specify the Council's priorities to inform the provision of infrastructure/mitigation and avoid a scheme development being unviable.

Evidence supporting the plan should demonstrate that broadly what is being sought can be realised and delivered. This will give certainty to developers.

However, it may also be necessary to enable site specific negotiations to take place thereby facilitating resolution of particular issues, although this should not become the 'norm'. The Welsh Government does not consider the approach taken by the council to be at odds with other adopted LDPs. It is for other parties to demonstrate why they consider this approach too onerous, having regard to adopted LDPs.

Effect of Open Space Requirements on Density

Qn2j. How does the Council define the site area for the purposes of Policy COM4 Residential Density and how are on and off site open space and amenity space accounted for?

No comment.

Qn2k. Is any textual amendment to the Plan necessary and, if so, what should that be?

No comment.

Fields in Trust Standards and Allotments Provision

Qn2l. Does the Council's response provide sufficient clarity?

No comment.

Provision of Accessible Natural Green Space

Qn3a. Accessible Natural Green Space is defined in paragraph 6.2.18. Is further explanation needed or can this be left to the SPG?

No comment.

Qn3b. Does the Council's response suitably address the CCW concerns or are textual amendments to the Plan itself still sought and if so, what amendments?

No comment.

Provision of Heath, Well-Being, Community and Other Facilities – Depiction on Proposals Map

Qn4a. Does the use of symbols alone, without defining the extent of a proposed development allocation, adequately define the sites for particular developments or land uses?

See below.

Qn4b. Does it have adequate regard to national policy in Local Development Plans Wales (2005) for Proposals Maps at paragraph 2.2.4?

No. It is noted that some policies such as COM8-12 are defined on the proposals map through the use of symbols. LDP Wales (paragraph 2.2.4) states that policies that have a spatial component in the plan should be defined on the proposals map. The WG consider that the use of symbols does not properly define these allocations or the extent of the site boundaries.

LDP Wales paragraph 2.26 states that all allocated sites in the LDP must be shown on the proposals map and/or related inset maps.

Qn4c. Why are the development sites not more precisely defined?

No comment.

