

**BRIDGEND LOCAL DEVELOPMENT PLAN EXAMINATION  
INSPECTOR'S FURTHER QUESTIONS FOR THE COUNCIL**

**To be read in conjunction with Final MAC Schedule**

<b>No:</b>	<b>Plan Reference</b>	<b>Council's Response</b>
FQ1	<p><b>Ch 2 pp15-16 Strategic Site Descriptions</b></p> <p>Changes have been proposed to 3 of the Plan's 4 strategic employment sites.</p> <p>a) Will the Council be proposing MAC changes to the descriptions of these sites?</p> <p>b) There is a typo at para 2.3.93 line 1 ('western eastern').</p>	<p>Ty Draw Farm: See FMAC13 Island Farm: Council is not proposing amendments Brocastle: No change required.</p> <p>See FMAC12</p>
FQ2	<p><b>Ch 2 p17 para. 2.3.100 Vacant employment land and the dwelling figures</b></p> <p>Will the Council be proposing MAC changes to reflect proposed changes to the amount of employment land and the dwelling figures?</p>	<p>See FMAC14</p>
FQ3	<p><b>Ch 3 p22 Policy SP2(2) and paragraph 3.2.2 Design</b></p> <p>What should be the reference numbers for the previously proposed MAC amendments to criterion 2 and paragraph 3.2.2 (Hearing Session 5)?</p>	<p>See FMAC19 and FMAC20</p>
FQ4	<p><b>Ch 3 p26 Policy PLA7 and Proposals Map Amendments</b></p> <p>a) Will the Council be providing MAC reference(s) for the proposals map amendments for PLA7(17) and other sites included in the February 2013 public consultation?</p> <p>b) Although PLA7(24) site is too small to be shown on</p>	<p>See FMAC122 and Annex 8 of Final MAC Schedule</p> <p>See FMAC26</p>

	<p>the Proposals Map can a MAC textual amendment be made to the relevant Annex description to explain that the works will be within the existing highway and not on the adjacent land (as the submitted Proposals Map would suggest)?</p>	
FQ5	<p><b>Ch4 p33 Policy ENV3 and Proposals Map</b></p> <p>Will the Council be providing MAC references for the proposed addition of Alternative Sites to include the deletion of the ENV3 Special Landscape Area designation of the Land at Llangewydd Road, Cefn Glas (AS032)?</p>	<p>See FMAC122 and Annex 8 of Final MAC Schedule</p>
FQ6	<p><b>Ch4 p34 para 4.1.22 SINC</b></p> <p>On the basis that the Council does not wish to include the SINC on the Proposals Map for reasons which were explained during the examination, will the Council propose a MAC with amended wording for the final sentence of paragraph 4.1.22 to explain progress on the SINC review including where the previously adopted SINC can be identified?</p>	<p>See FMAC32</p>
FQ7	<p><b>Ch 4 p36 Policy SP5 Conservation</b></p> <p>What should be the reference number for the previously proposed MAC amendments to Policy SP5 (Hearing Session 5)?</p>	<p>See FMAC35</p>
FQ8	<p><b>Ch 4 p38 para 4.3.1 Aggregates Reserves</b></p> <p>In previous correspondence on proposed MAC 10.2, the Council has suggested that the base date for calculating the 40-year reserve figure in the Plan was 2011. However in the most recent comments the Council has suggested that it was actually based on 2009 figures and that the use of a 2011 base date would</p>	<p>See FMAC36</p>

	<p>result in a different figure. 2009 is used in the LDP as a base date for other purposes such as housing commitments.</p> <p>Is the appropriate solution to amend MAC 10.2 for paragraph 4.3.1 to begin: <i>'In 2009, the aggregate reserves figure was estimated at about 40 years after allowing for the likely sales of high purity limestone for non aggregate use ... etc.'</i></p>	
FQ9	<p><b>Ch 4 p39 Policy ENV11 Mineral Development</b></p> <p>I made a previous comment (IC9) on the proposed MAC 12.8 with regard to whether the amended wording would create a conflict between Criteria (1) 'Pollution of ground and surface waterbodies is avoided' and (2) 'Measures will be taken to reduce and where possible avoid damage or disturbance to the environment to acceptable levels with specific reference to (a) The disturbance of ground or surface waterbodies and their supply and drainage'. Has the Council any suggestions for further clarification of the wording?</p>	See FMAC37
FQ10	<p><b>Ch4 p42 Policy ENV16 Commercial and Industrial Waste</b></p> <p>The policy provides that three types of waste facility will be directed to the Policy SP7 sites. MAC 10.9 would add <i>'Facilities for the recycling of construction and demolition waste'</i> as a fourth facility to be directed to such sites. However on reflection the MAC does not address the relevant representation which was concerned with the suitability of <u>other</u> types of site for such facilities (including quarries and major construction sites). The effect of the change is to make the policy more restrictive which was not the intention.</p> <p>I suggest that MAC 10.9 be</p>	See final MAC Schedule. Former MAC10.9 is not included. Former MAC10.10 is FMAC44.

	<p>withdrawn. MAC 10.10 would clarify that commercial and industrial waste can include construction and demolition waste which would then be covered by the criteria of the second part of Policy ENV16 (which do not preclude waste facilities at other appropriate locations).</p>	
FQ11	<p><b>Ch 5 p45 Policy SP9 Employment and the Economy</b></p> <p>a) Will the Council propose a MAC that sets out the modified site area and total employment land figures for this policy and its supporting text to include all the other relevant proposed changes to individual sites?</p> <p>b) [See separate document comments on Island Farm MAC changes document following consultation process.]</p>	<p>See FMAC51</p> <p>Council is not proposing amendments to Island Farm.</p>
FQ12	<p><b>Ch 5 p48 Policy SP10 Office Development</b></p> <p>The Council has proposed MAC 1.13 and MAC 1.14 changes to the Policy and supporting text to clarify that commercial development includes offices and is subject to the sequential test.</p> <p>Will the Council be proposing further MAC changes to clarify the sequence including eg whether SP9 sites should take priority over REG1 sites for office development?</p>	<p>See FMAC58, FMAC66, FMAC67 and FMAC76.</p>
FQ13	<p><b>Ch 5 p49 Policy REG5 Local Retail and Commercial Development</b></p> <p>This policy includes a text to prevent the loss of retail and commercial floorspace. As worded and with regard to the new definition of commercial development, it would apply to all retail and office floorspace. It appears to overlap with other</p>	

	<p>change of use tests in policies REG6 and REG7.</p> <p>a) Is REG5 intended to apply throughout the County Borough or only <u>outside</u> retail and commercial centres?</p> <p>b) How would Policy REG5 apply to proposals to change from retail to commercial floorspace and vice versa?</p> <p>c) How could an applicant prove that there is <i>'other sufficient provision'</i> locally without a marketing exercise?</p> <p>d) Should there be a requirement that marketing has been undertaken on reasonable terms?</p>	<p>Policy REG5 is intended to apply to local retail and commercial developments which take place outside a retail and commercial centre. Typically this would relate to existing single, standalone shops and businesses or proposals for new retail and commercial floorspace which are justified alongside new residential development.</p> <p>The Council considers that the policy could be amended to state that it only applies to developments outside of these areas and has proposed a MAC (FMAC68) to this end.</p> <p>The Policy is not intended to apply to changes from retail to commercial floorspace (or vice versa) as this is considered to be too restrictive (and to a certain extent is covered by permitted development rights).</p> <p>An applicant could prove that there is other sufficient quantitative provision locally by simply providing data on existing uses within the local area. Evidence of a marketing exercise would assist in this respect in terms of providing information on market demand.</p> <p>The policy as worded is not unreasonable in seeking 'active marketing' over a two year period. However, the justifying text could be expanded to include information on what the Council considers to be 'reasonable'. This is now proposed in FMAC71.</p>
FQ14	<p><b>Ch 5 p50 Policy REG7</b></p> <p>a) Should the policy refer to primary shopping <u>frontages</u> (as defined by Policy REG6) rather than primary shopping <u>areas</u> which are not defined in the Plan?</p> <p>b) Should there be a requirement require that marketing has been undertaken on reasonable terms?</p>	<p>The Council considers that for consistency the term primary shopping frontages should be used throughout the Plan. This will require changes to Policy REG7, paragraph 5.2.14, monitoring chapter and the key of the Proposals Maps. These are now proposed as MACS: FMAC72, FMAC73, FMAC 111 and FMAC122.</p> <p>The policy as worded is not unreasonable in seeking 'active marketing' over a two year period. However, similar to the above a proposed MAC (FMAC74) is suggested to include information on what the Council considers to be 'reasonable'.</p>
FQ15	<p><b>Ch 5 p51 Para 5.2.18 B1 Offices</b></p> <p>Having regard to the new definition of commercial uses to include office uses, and to the PPW sequential</p>	<p>The Council considers that the text of paragraph 5.2.18 does not conform with the policy to encourage B1 uses in town and district centres. It therefore proposes that the text be amended as</p>

	<p>preference to locate offices in town centres, should the references to B1 offices in the final sentence of para 5.2.18 now be modified or deleted?</p>	<p>stated in FMAC75.</p>
FQ16	<p><b>Ch 5 p53 Policies SP11 and REG12 Tourism</b></p> <p>The Policy is generally supportive of appropriate tourism development and refers to 5 general locations where tourism development linked to regeneration initiatives will be promoted.</p> <p>a) Are the listed locations adequately defined either in the text or on the Proposals Map?</p> <p>b) As this involves development in the countryside, should there be a reference to tourism in Policy ENV1 and/or its supporting text?</p>	<p>a) The Council considers that the listed locations in Policy SP11 and REG12 are already adequately defined in the Plan. The settlements referenced in the Policies of Porthcawl, Maesteg, Nantymoel, Blackmill, Blaengarw, Llangeinor and Pontycymmer are listed as specific settlements in Policy PLA1.</p> <p>In addition, Porthcawl and Maesteg and Llynfi Valley are specifically defined as a SRGA on the Proposals Map (See FMAC122).</p> <p>The Llynfi Valley, Ogmere Valley and Garw Valley are also diagrammatically defined on the Strategic Diagram as specific 'sub areas' of the County Borough, albeit not specifically defined on the Proposals Map. The Strategic Diagram also clearly defines the named settlements within these respective areas.</p> <p>Furthermore, notwithstanding that Bryngarw Country Park is part of the Garw Valley, the exact extent of the park is also defined as a historic park and garden under Policy SP5(5) which is shown on the Proposals Map.</p> <p>b) Policy REG12 relating to tourism development in the Countryside requires under criterion 2 that any proposed development is part of an appropriate rural / farm diversification scheme. This reference is already similarly referenced in Policy ENV1, criterion 4 'The implementation of an appropriate farm diversification project'. For consistency the Council could amend the wording of Policy ENV1 criterion 4 to include 'rural' before 'farm' which would encompass any appropriate tourism project. See FMAC30.</p>
FQ17	<p><b>Ch 5 p54 Policy REG13 Protection of Existing Tourist Accommodation</b></p> <p>a) There is a typo in line 1 (serviced).</p> <p>b) For consistency with other policies such as REG5 and REG7, and because marketing is referred to in its supporting text but not in the policy, should Policy</p>	<p>a) See FMAC85.</p> <p>b) Unlike policies REG5 and REG 7, Criteria 3 of Policy REG13 takes account of more than the length of the time the property has been actively marketed.</p> <p>c) The Council considers that the supporting Paragraph 5.3.11 sufficiently outlines all the information that will be taken into account when making a decision. The Council does not believe, in this instance, that a specific time period for marketing would be appropriate given that this</p>

	<p>REG13 include a marketing test?</p> <p>c) In any event, should the reference at paragraph 5.3.11 to 'the length of time the property has been vacant and on the market' be revised to a similar form of marketing test which indicates the minimum amount of time and that the marketing should have been undertaken on reasonable terms?</p>	<p>may be outweighed when considered in conjunction with the physical suitability of the building, occupancy rates etc.</p>
<p>FQ18</p>	<p><b>Ch 6 p58 Policy COM3 Residential Re-Use of a Building or Land</b></p> <p>Policy COM3 allows for the 'Residential Re-Use of a Building or Land' within Policy PLA1 defined settlement boundaries: 'where there is no overriding need to retain the existing use of a building or land for an alternative local land use requirement'.</p> <p>However, whilst there are other specific LDP policies such as REG5 and REG13 which seek to protect buildings or land for their existing use or for another allocated purpose, that COM3 wording would create a wide discretion to refuse permission without clear criteria for establishing why another use would be preferable. This has the potential to create significant uncertainty.</p> <p>Should the policy be revised so that it allowed for residential re-use only where other LDP Policies do not protect the building or land for an alternative existing or proposed use?</p>	<p>The Council did not intend to create uncertainty but to clearly indicate that there was not an automatic presumption in favour of residential development. Consideration needs to be given to any overriding need to retain the building or land for an existing or alternative local land use requirement.</p> <p>The Council agrees to amend Policy COM3 to clearly show that it allowed for residential re-use only where other LDP Policies do not protect the building or land for an existing or alternative use. See FMAC94.</p>
<p>FQ19</p>	<p><b>Ch 6 p59 Policy COM5 Affordable Housing</b></p> <p>PPW Paragraph 9.2.24 provides amongst other things that development plans should '<i>quantify the housing requirement (both market and affordable housing)</i></p>	<p>a) No, this figure is the change in housing tenure required from the current tenure profile to achieve the ideal tenure profile at the end of the plan period (2021).</p> <p>b) Yes, the text should make reference to the Total net annual need of 1,762 affordable dwellings. This is the overall needs figure derived</p>

	<p><i>and set an affordable housing target</i>'. The LDP does not currently include a quantified affordable housing requirement, only a target for supply.</p> <p>Following Hearing Session 3, Action Point 3.1 provided that <i>'The Council is to suggest what the estimate of the total need for affordable housing arising in the whole LDP period might be, with a view to including it in the supporting text to Policy COM5'</i>. In response the Council referred to Table 8.4 of the LHMA Update 2012.</p> <p>a) Is the Council suggesting that the appropriate total affordable housing need figure should be for 2,811 dwellings (the sum of 1,761 intermediate dwellings and 1,050 social rented dwellings), notwithstanding that it has been derived from a different method and assumptions?</p> <p>b) In addition or in the alternative should the LDP text include the annual net need estimate of 1,762 affordable dwellings derived in the LHMA update 2012 from the needs assessment model?</p>	<p>from the LHMA Methodology and the Needs Assessment Model. It represents an updated figure from that quoted in the Deposit LDP which was based on the findings of the 2009 LHMA. See FMAC91.</p>
FQ20	<p><b>Ch 6 p59 Policy COM5 Affordable Housing Viability</b></p> <p>The Affordable Housing Viability Study 2010 (AHVS) recommends a 15% percentage affordable housing target for mixed sites in the Western Settlements and in the Ogmere, Garw and Upper Llynfi Valley areas (the Northern Valleys), notwithstanding that it recognises that in those areas: <i>'the analysis suggests a routine challenge in delivering affordable housing'</i> except in some <i>'hot spot'</i> locations of which however only Pyle and Cornelly are given as examples. Elsewhere in the AHVS</p>	<p>a) No, the Council has no evidence of funding to provide sufficient subsidy to increase the viability of qualifying developments in the western settlements and northern valley areas.</p> <p>b)The Council's Affordable Housing targets are based on the recommendations of the Affordable Housing Viability Study. It is considered inappropriate given the lack of available evidence to the contrary to suggest alternative percentage targets.</p> <p>(c)The Affordable Housing Viability Study suggested that the settlements of Pyle and Cornelly be considered as <i>'hot spot'</i> locations within the Western Settlements. The reasons for this are their proximity to the M4 corridor and to the more routinely viable submarkets of Porthcawl</p>



<p>a key finding is that: <i>'Residual values in the north and in particular in the Ogmore, Garw and Upper Llynfi Valley are low, with we think insignificant potential to deliver affordable housing'</i>.</p> <p>The Report's calculations suggest that (with the possible exception of the hotspots) affordable housing in the above areas would not be viable without subsidy as residual land values would otherwise be negative. With subsidies similar to those that have been available in the past under Acceptable Cost Guidance rules, residual land values would be positive in the western settlements, albeit low. However the AHVS did not assess the effect of such subsidies in the northern valleys.</p> <p>Paragraph 7.54 of the LHMA Update 2012 postdates the AHVS and suggests that the funding previously available to subsidise affordable housing at a typical £35,000 per unit is to be 'massively reduced' and restricted to very few schemes. New Intermediate Rent schemes would be the 'only show in town'. However the AHVS testing assumptions had been based on 75% Social Rent and 25% Shared Ownership (HomeBuy at 70% share) and not on the basis of Intermediate Rents.</p> <p>Paragraph 7.76 of the LHMA update 2012 concluded that Intermediate Rent would need to be set at 70% if it is to draw a large number of households requiring affordable housing. Table 7.16 suggests that a subsidy of only £16,253 would be needed to provide a 3 bedroom intermediate rent unit at a 70% rate. But it is suggested that this subsidy would have to be generated by social landlords reletting former social rent housing at the higher intermediate rents.</p> <p>a) Setting aside the issue of</p>	<p>and Rural. Given this, and the relatively small number of allocated sites in these settlements, the Council does not see the negotiation of affordable housing on a case by case basis as something that will be particularly onerous.</p>
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	<p>increased construction costs that has been raised by the HBF and others, can the Council provide any evidence that sufficient subsidy is likely to be available in the western settlements and northern valleys to make the 15% affordable housing target viable for a majority of qualifying developments?</p> <p>b) If not, is there any other percentage figure at which such viability could be achieved or would it be necessary to reduce the target in these areas to nil to achieve viability?</p> <p>c) As Pyle and Cornelly have been identified as hotspots, would there be a case for retaining the 15% target for those settlements whilst lowering it elsewhere?</p>	
FQ21	<p><b>Ch 6 p 60 Policy COM6 Gypsy &amp; Traveller Sites</b>  In the light of the discussion at Hearing Session 3 the Council has proposed additional monitoring measures as part of the revised Chapter 7 Monitoring Schedule. This would provide firstly amongst other things that the Council is to: <i>'Approve the Bridgend County Borough protocol for the management of unauthorised gypsy and traveller encampments by 2014'</i>. An update of the Gypsy and Traveller Needs Assessment study An assessment would be triggered if the protocol is not approved by 2014.</p> <p>Secondly the Council suggests that there should be: <i>'No increase in the average of 3 unauthorised Gypsy and Traveller Sites recorded by the biannual Gypsy and Traveller Caravan Count and / or the Gypsy and Traveller Protocol'</i>. If there is an increase above 3 unauthorised Gypsy and Traveller counts and/or the protocol for 2</p>	<p>a) The Bridgend County Borough protocol for the management of unauthorised gypsy and traveller encampments will be approved by April 2014 (See FMAC1111).</p> <p>b) The Council would undertake a new Gypsy and Traveller Accommodation Assessment to update the evidence to ascertain the most up to date position in respect of need to allow for the correct size of site to be identified.</p> <p>c) The indicator is 3 sites in one year. As detailed in Paragraph 9.17 of the LHMA 2009, Table 9.1 gives the location of current and recent Gypsy and Traveller sites which was gathered at the time of the fieldwork, the Caravan Count and information from Bridgend County Borough Council. It was not solely taken from the January 2009 Caravan Count as incorrectly indicated in the Table. It should be noted that the January 2009 Caravan Count recorded a nil return for unauthorised sites as detailed in Table 3.2 of the Gypsy and Traveller Accommodation Assessment (SD131).</p> <p>d) The biannual Gypsy and Traveller Caravan Count is viewed as additional information which will support the information gathered by the Gypsy Traveller protocol.</p>

<p>consecutive years. This would trigger an update of the Gypsy and Traveller Needs Assessment study and <i>'if a need is identified'</i> there will be a need to identify a site specific allocation.</p> <p>The following questions arise from the above:</p> <ul style="list-style-type: none"> <li>a) By what date in 2014 is the protocol to be approved?</li> <li>b) The LHMA 2009 incorporating a Gypsy and Traveller Accommodation Assessment has already identified a need for a transit site with 6 pitches so what purpose would another needs assessment serve other than to postpone action to provide a site?</li> <li>c) To what does an 'average of 3 unauthorised Gypsy and Traveller sites' refer? Is it 3 sites at any one time, or eg 3 in a year? Table 9.1 of the LHMA 2009 suggests that there were 5 unauthorised temporary transit sites in January 2009 alone.</li> <li>d) As the biannual Gypsy and Traveller Count is a snapshot, how effective would it be in recording brief temporary stops that occur at different times of the year?</li> <li>e) If the protocol is in operation than would it record every instance of an unauthorised encampment that is reported and is that a more reliable survey method than the biannual count?</li> <li>f) A need has already been identified and the suggested monitoring of unauthorised sites would be sufficient to identify that the need persists therefore shouldn't</li> </ul>	<ul style="list-style-type: none"> <li>e) When the protocol is in operation it would record every instance of an unauthorised encampment that is reported and would be a more reliable survey method than the biannual count.</li> <li>f) Agreed – although as outlined in b) the Council would undertake a new Gypsy and Traveller Accommodation Assessment to update the evidence to ascertain the most up to date position in respect of need to allow for the correct size of site to be identified (See FMAC111).</li> </ul>
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	the trigger be to proceed directly to identify a site within a set timescale?	
FQ22	<p><b>Appendix 3</b></p> <p>Will the Council be providing MAC changes that update all the vacant employment land figures to reflect other plan changes to include the further updating of the MAC 1.5 changes?</p>	See FMAC115 and Annex5.