

Bridgend Local Development Plan

2006-2021



Bridgend Local Development Plan

Sustainability Appraisal / Strategic Environmental Assessment / Habitats Regulations Assessment

Change Log

June 2011

**Development Planning
Regeneration and Development
Communities Directorate
Bridgend County Borough Council
Angel Street, Bridgend
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1. Introduction

- 1.1 An officers working copy of the deposit Bridgend Local Development Plan (LDP) was given to the Council's sustainability consultants, Baker Associates, in November 2011. They were requested to undertake an initial sustainability appraisal and habitats regulations assessment of the plan so that any recommendation for change could be incorporated before the plan was issued for consultation.
- 1.2 This document highlights the comments which were received and the subsequent changes that were made to the LDP as a result.

2. Sustainability Appraisal of Initial Draft

- 2.1 An initial draft Sustainability Appraisal was received in December 2010. The report concluded:

The policies show quite a comprehensive coverage of sustainable development issues and should help avoid many adverse impacts of implementing the quantity of development promoted through the LDP.

However, there are a few additional matters identified in the SA that could be included in the LDP. These additional issues are:

- *Targets for low carbon energy and district heating and power on all or specific development sites*
- *More detail and guidance on the design and layout of new development, generic policy criteria for the whole County Borough and for specific development sites*
- *Policy guidance on density to ensure the best use of land and to encourage more sustainable travel*
- *Greater coverage of biodiversity protection in the policies*
- *Developing a green infrastructure plan for multi-functional green spaces in the County Borough*
- *Prioritising pedestrians on all development sites*
- *Additional information on the strategic and large mixed use development sites, to include information on delivery and clarity on the land use types allocated. Up-to-date design or development briefs should be prepared for each site. These briefs should cover sustainable development and construction, including low carbon energy provision on-site.*

- 2.2 Many of the issues raised were the subject of 'work in progress' by officers or intended to be the subject of Supplementary Planning Guidance (SPG). However for completeness, the following changes were made to the LDP to reflect the above issues.

Low Carbon Energy

- 2.3 Reference to low carbon energy requirements was included in **Policy PLA4: Climate Change**. **Policy ENV17: Renewable Energy and Low / Zero Carbon Technology** which was formulated as a result of the emerging Renewable Energy Assessment which was being formulated around that time. This policy requires examination of major development schemes for renewable energy potential. An Energy Opportunities Plan is to be developed as SPG to inform site-specific investigations.

Design and Layout of Development

- 2.4 The criteria of policy **SP2: Sustainable Place Making** were reviewed by the Council's Conservation and Design team to ensure they were fit-for-purpose. It was considered unnecessary to repeat these criteria in a specific design policy; Policy SP2 and national guidance, along with additional updated Supplementary Planning Guidance (SPG) would suffice. The title of the policy was amended to include 'Design' and reference to Design and Access statements was included in the supporting text. Design guidance on specific sites would be included in site specific development briefs / masterplans.

Policy Guidance on Density

- 2.5 **Policy SP2: Design and Sustainable Place Making** was amended to refer to development "being of a density which maximises the development potential of the land whilst respecting that of existing surrounding development" In addition, a new policy, now **Policy COM4: Residential Density** has been included in the Plan. This sets a minimum level of density for housing developments across the County Borough.

Biodiversity and Green Infrastructure

- 2.6 The natural environment policies were reviewed and the supporting text was amended to include accurate information towards the protection of biodiversity on designated sites and other areas. Whilst the comment on 'greater coverage of biodiversity' is noted the Plan must be careful, in the interests of succinctness, to not repeat the requirements of the need to conserve biodiversity, particularly when it is referenced in the over-arching SP2 policy and is outlined in detail in the natural environment chapter. A Green Infrastructure Plan is proposed as part of Supplementary Planning Guidance for the LDP.

Prioritising Pedestrians

- 2.7 The transportation policies of the plan already promote the use of walking and cycling. **Policy SP2: Design and Sustainable Place Making** was also amended to require good walking, cycling, public transport

and road connections within and outside the site to ensure efficient access. The prioritisation given to pedestrians will vary on site-by-site basis; it is therefore considered that such issues should be contained within site specific development briefs / master plans which can outline measures in detail, within the context of the LDP policy framework.

Development Site Information

2.8 **Section 9** of the LDP: **Delivery and Implementation** and **Appendix 1** give additional information on development sites, and include information on delivery and the land use types allocated. Up-to-date design or development briefs will be prepared for sites and are indicated accordingly in the Plan.

Other Changes

2.9 Other changes included:

- A table is included in the justifying text of **Policy SP1** to outline the spatial distribution of new housing and employment development.
- Strengthened criteria in **Policy PLA4** and additional justifying text on the impacts of flooding
- Strengthened policy on local retailing, **Policy REG5** to include small-scale facilities to serve development sites and surrounding communities (particularly in the Valleys Gateway area).

2.10 Many of the comments in the SA relate to the implementation of the policies upon adoption. These are noted and will be taken into account at that stage to ensure that the decisions which the Council take on individual development proposals are sustainable.

Sustainability Appraisal of Final Draft

2.11 A copy of the final draft LDP (incorporating the above changes amongst others) was sent to Baker Associates in March 2011. A final SA report was received in April 2011. The report makes key recommendations in the text of the report and policy recommendations in Appendix 4.

2.12 The Council's response to these recommendations is given below. These have resulted in further changes to the document which are included in the final deposit version of the LDP.

SA Recommendations

Porthcawl Employment Growth

- 2.13 The SA report highlights the fact that employment growth in Porthcawl in terms of allocated employment land is not in keeping with its population growth; which would not promote sustainable movements.
- 2.14 The Council have acknowledged the imbalance in the Plan. However it is likely that the majority of employment in the town will continue to be provided through planned growth in the commercial, leisure and tourism sectors. The strategic employment site at Ty Draw Farm, North Cornelly and Village Farm Industrial Estate, Pyle will provide B1, B2 and B8 opportunities to serve Porthcawl as a 'linked settlement' and hub recognised in the Wales Spatial Plan.

Over Supply of Housing and Employment Land

- 2.15 The SA states that the over provision of sites for both housing and employment land may lead to unsustainable growth patterns in different areas with the best sites being 'cherry-picked' for development.
- 2.16 The Council shares the concerns of the SA report. However it is established best practice to provide more sites than is required to introduce an element of flexibility in the plan to ensure it is deliverable. The SA itself recognises this in paragraph 7.23.

Energy Opportunities Plan Delivery Priority

- 2.17 The SA refers to the Energy Opportunities Plan mentioned in the Plan and states it should be prioritised in order that the benefits of its production in increasing energy delivered from renewable sources is increased.
- 2.18 The Council agrees with the SA and the production of the Energy Opportunities Plan will be a priority and is referred to in the monitoring framework.

Greater Coverage of Biodiversity Protection in Policies:

- 2.19 The SA recommends that greater coverage is given to biodiversity protection within individual policies in the Plan.
- 2.20 It is recommended best practice for LDPs not to repeat criteria within policies. The Council consider that the policies in section 4 of the Plan adequately cover biodiversity protection which apply to all developments.

Green Infrastructure Plan Delivery Priority

- 2.21 The SA refers to the Green Infrastructure Plan and states it should be prioritised in order that its benefits can be realised.
- 2.22 The Council agrees with the SA and the production of the Green Infrastructure Plan will be a priority and is referred to in the SPG section of the LDP.

Prioritising Pedestrians on all Development Sites

- 2.23 The SA states that policy criteria should prioritise pedestrians on development sites.
- 2.24 The Council consider that the wording of Policy SP2 and SP3 adequately address this issue.

Additional Information on Strategic and Large Mixed Use Sites

- 2.25 The SA states that it would be useful to have additional development information relating to the strategic and large mixed use sites allocated in the Plan.
- 2.26 The Council considers that sufficient information is given in the plan (through specific policy designations) to detail the site requirements of the large and strategic sites. Information is also included at Section 9 on Delivery and Implementation and Appendix 1. Where appropriate, these are supplemented by site specific development briefs / master plans where available. This information will be continually updated as work progresses on various site specific development briefs / masterplans.

Additional Key SA Policy Change Recommendations

- 2.27 The following additional policy-specific recommendations were made:

Policy	Recommended Change	Council Response
PLA3	Include criteria to stipulate development requirements of site:	The Council considers this would make the policy too lengthy: sufficient information is given in the plan (through specific policy designations) to detail the site requirements of the large and strategic sites. Information is also included at Section 9 on Delivery and Implementation and Appendix 1. Where appropriate, these are supplemented by site specific development briefs / master

Policy	Recommended Change	Council Response
		plans where available. This information will be continually updated as work progresses.
PLA4	Specific reference to Heat Islands and the use of natural landscaping should be included in the policy	The Council agrees and has amended Policy PLA4: Climate Change and Peak Oil to reflect the use of the natural landscaping and cooling techniques.
PLA9:	Transfer from text that re-routed Public Rights Of Way should be of similar or improved quality.	The Council agrees and has amended Policy PLA9: Public Rights of Way to include reference to this issue.
SP4:	Refer to wider environmental issues	The Council agrees and has amended Policy SP4: Natural Environment to include reference to wider environmental issues.
ENV6	Refer to environmental assets rather than resources	The Council agrees and has amended Policy ENV6 accordingly.
ENV7	The policy should refer to habitat protection as well as human health impacts.	The Council agrees and has amended Policy ENV7 accordingly.
SP5	Include reference to Archaeological resources	The policy already included this requirement so no change was required.
SP6	Refer to marine dredging issues	This issue is not a specific one which the LDP can address. However it is referred to in the minerals background paper.
ENV14	The size of inert waste developments should be limited in the policy.	The inclusion of the words 'locally generated' limits the size of inert waste generation and the distance it would travel; no change required.
ENV15	Sites should deal with operational waste as well as construction waste.	The policy already included this requirement so no change was required.
ENV17	Add reference to Low / Zero Carbon Technologies into supporting paragraphs.	The Council agrees and has amended the supporting text of Policy ENV17 accordingly.
COM3	Policy should refer to the fact that it applies to urban areas only.	The Council agrees and has amended Policy COM3 to include this reference.
COM4	Higher minimum densities for residential development could be included.	The Council considers that using a higher density of development, even around transport hubs may not be appropriate in all

Policy	Recommended Change	Council Response
		circumstances. Therefore it prefers an approach which sets a reasonable medium-density amount with justification required to lower the density and market-drivers to determine higher densities.

- 2.28 The Sustainability Appraisal was factually updated in June 2011 to take into account the change to the draft deposit LDP which was made at the meeting of Bridgend County Borough Council at its meeting on the 1st June 2011. This change involved the deletion of a mixed use site. However, Baker Associates advised that this would not affect the overall findings of the assessment and so only policy numbers were altered to reflect the change.

3. Habitats Regulations Assessment

- 3.1 An initial draft Habitats Regulations Assessment was received in January 2011. The report concluded:

This stage of the Habitats Regulations Assessment (HRA) of the Deposit Bridgend Local Development Plan (LDP) concludes that the plan will have no significant impacts on Natura 2000 sites, alone or in-combination.

However, there is the caveat that new development must mitigate against potential adverse impacts that could adversely effect the three identified Special Areas of Conservation (SAC).

*Recommendations for mitigation of potential impacts on **Blackmill Woodlands** SAC are:*

- *a reduction in car travel needs to be achieved in the County Borough, especially on the A4061, through implementation of the LDP and other plans and strategies*
- *new industrial development near the site should be assessed for potential to have an adverse effect on air quality that may adversely impact on the SAC*
- *development at the bike hub needs to include measures to ensure increased visitor numbers will not harm the SAC*
- *implementation of the LDP must not adversely impact on the execution of Core Management Plan actions.*

Recommendations for mitigation of potential impacts on **Kenfig** SAC are:

- *make sure water is used efficiently in all new development as part of implementing policies on sustainable construction*

- *make sure there is capacity in waste water treatment facilities prior to occupation of any new development*
- *avoid waste water runoff from hardstanding onto the SAC site, for instance through use of sustainable drainage systems*
- *individual development proposals may need to be screened and assessed for their potential harm, in particular new or extended minerals workings*
- *new industrial development in proximity to the two parts of the SAC should be assessed for their potential cumulative effects on air quality*
- *a reduction in car travel needs to be achieved in the County Borough through implementation of the LDP and other plans and strategies*
- *implementation of the LDP must not adversely impact on the execution of Core Management Plan actions*
- *new and extended leisure developments need to be assessed for their potential to increase recreational pressure in sensitive parts of the SAC and therefore compatibility with location*
- *ensure advice from the Environment Agency is followed in making decisions on the suitability of new development, including as part of their consents licensing procedures.*

*Recommendations for mitigation of potential impacts on **Cefn Cribwr** SAC are:*

- *make sure water is used efficiently in all new development as part of implementing policies on sustainable construction*
- *make sure there is capacity in waste water treatment facilities prior to occupation of any new development*
- *avoid waste water runoff from hardstanding onto the SAC site, for instance through use of sustainable drainage systems*
- *individual development proposals may need to be screened and assessed for their potential harm, in particular new or extended minerals workings*
- *implementation of the LDP must not adversely impact on the execution of Core Management Plan actions*
- *ensure advice from the Environment Agency is followed in making decisions on the suitability of new development, including as part of their consents licensing procedures.*

In addition, the LDP should set out in policy and supporting text the overriding importance that should be given to the protection of Natura 2000 sites. These sites must be protected from harmful impacts of development (alone or in-combination) that would prevent the sites' conservation objectives being met. Only in exceptional circumstances will development be permitted where significantly harmful impacts are identified.

The plan should make clear that passing through LDP screening does not exempt development proposals undergoing project specific HRA, if required.

Changes Made to the LDP as a Result of the Draft HRA Report

- 3.2 The following changes were made to the LDP following receipt of the draft HRA report:
- **Policy PLA4: Climate Change** amended to include reference to the efficient use of water and biodiversity adaptation
 - Additional wording in **Policy SP4: Conservation and Enhancement of the Natural Environment** to reflect the importance of protecting the integrity of the SAC directly and indirectly. Reference in the text is also included to state the requirement to undertake a Habitats Regulation Assessment where necessary.
- 3.3 Many of the comments in the HRA report relate to the implementation of the policies upon adoption or design criteria contained in **Policy SP2: Design and Sustainable Place Making**. These are noted and will be taken into account at that stage to ensure that the decisions which the Council take on individual development proposals do not have an adverse impact on Natura 2000 sites, guided by the submission of individual HRA where necessary.

Habitats Regulations Assessment of Final Draft

- 3.4 A copy of the final draft LDP (incorporating the above changes amongst others) was sent to Baker Associates in March 2011. A final HRA report was received in April 2011. The report makes key recommendations in the text of the report and policy recommendations in Appendices 5 and 6.
- 3.5 The Council's response to these recommendations is given below. These have resulted in further changes to the document which are included in the final deposit version of the LDP.

Air and Water Quality Monitoring

- 3.6 The HRA report recommends that air and water quality are monitored to ensure impacts on designated sites are assessed.
- 3.7 The Council understands that air and water quality is monitored by the Environment Agency Wales; therefore this data does not specifically need monitoring in the LDP. However, data supplied can be included in the Annual Monitoring Report.

Natura 2000 Network, SPA and Ramsar sites

- 3.8 The HRA recommends that the LDP acknowledges that other Natura 2000 network sites (including SPAs and Ramsar sites) are given the same protection as SACs but the LDP doesn't mention them presently.
- 3.9 The Council acknowledges the present inconsistencies in the policy wording. There are no SPA or Ramsar sites currently in the County Borough. However, in order to 'future-proof' the LDP it is considered good practice to include reference to these sites in case they are designated in the future. **Policy SP4** has been amended accordingly.

Site Specific HRA

- 3.10 The HRA recommends in several places that the need for site specific HRA should be included in the Plan.
- 3.11 The justifying text already included this requirement so no change was required.

Additional Key HRA Policy Change Recommendations

- 3.12 The following additional policy-specific recommendations were made:

Policy	Recommended Change	Council Response
PLA1	That spatial growth within individual settlements is included in the plan.	This information is included under Policy SP1 for SRGA areas; no further change is required.
SP4	Policy should refer to the direct and indirect impacts of development.	The policy already included this requirement so no change was required.
ENV6	That the linkages between SACs should be protected. For example the Cefn Cribwr designation covers 4 separate areas.	The Council considers that these issues are adequately covered in the policies as drafted; no further change is required.
ENV11	The policy should be reworded to avoid impact on SACs not just reduce it.	The Council agrees that the policy as worded does not adequately protect the sites. However, as this is covered elsewhere it will remove the reference to SACs and SSSIs from Policy ENV11 .
ENV12	That reference should be given to Natura 2000 sites (including SPA or Ramsar sites) in this policy.	The Council acknowledges the present inconsistencies in the policy wording. There are no SPA or Ramsar sites currently in

Policy	Recommended Change	Council Response
		the County Borough. However, in order to 'future-proof' the LDP it is considered good practice to include reference to these sites in case they are allocated in the future. Policy ENV12 has been amended accordingly.
ENV16	Greater emphasis should be given to biodiversity protection in this policy.	It is recommended best practice for LDPs not to repeat criteria within policies. The Council consider that the policies in section 4 of the Plan adequately cover biodiversity protection which apply to all developments.
REG12	Nature conservation interests should be included in this policy.	The policy already included this requirement so no change was required.

3.13 The Habitats Regulations Assessment was factually updated in June 2011 to take into account the change to the draft deposit LDP which was made at the meeting of Bridgend County Borough Council at its meeting on the 1st June 2011. This change involved the deletion of a mixed use site. However, Baker Associates advised that this would not affect the overall findings of the assessment and so only policy numbers were altered to reflect the change.