



Ian Llewelyn
Head of Forward Planning
Carmarthenshire County Council
Forward Planning Team
3 Spilman Street
Carmarthen
SA31 1LE

12th April 2023

Dear Ian,

Carmarthenshire County Council's Local Development Plan (LDP) 2nd Deposit (Regulation 17) Consultation: Welsh Government Representation

Thank you for consulting the Welsh Government on the Carmarthenshire County Council Local Development Plan (LDP) 2nd Deposit plan and documents. It is essential the authority is covered by an up-to-date LDP to give certainty to local communities and business.

Without prejudice to the Minister's powers, the Welsh Government is committed to helping Local Planning Authorities (LPAs) minimise the risk of submitting unsound plans by making comments at the earliest stages of plan preparation. The Welsh Government looks for clear evidence that the plan is in general conformity with Future Wales: The National Development Framework and aligns with Planning Policy Wales (PPW), and that the tests of soundness (as set out in the 'LDP Manual') are addressed.

National planning policies are set out in Planning Policy Wales (PPW) Edition 11, which seeks to deliver high quality, sustainable places through a place-making approach. The implementation of the core policy areas in PPW, such as adopting a sustainable spatial strategy, appropriate housing and economic growth levels, infrastructure delivery and place-making, are articulated in more detail in the LDP Manual (Edition 3). We expect the core elements of the Manual, in particular Chapter 5 and the 'De-risking Checklist(s) to be followed. The development planning system in Wales is evidence led and demonstrating how a plan is shaped by the evidence is a key requirement of the LDP examination.

After considering the key issues and policies in Future Wales, the Welsh Government is of the view that the level and spatial distribution of growth is in general conformity with Future Wales: The National Development Framework. However, **the Statement of General Conformity (Annex 1 to this letter) is a 'caveated response'**. Annex 2 of this letter raises fundamental inconsistencies regarding the total housing provision and until these matters have been addressed and their implications understood, it is not possible to give a firm view on matters of general conformity at this time. **Annex 2 of this letter also highlights a range of issues that need to be addressed for the plan to align with PPW and DPM.** Collectively, our comments highlight a range of issues that need to be addressed for the plan to be considered 'sound' as follows:

Annex 1 – General Conformity with Future Wales (Caveated Response)

- Regional Collaboration/Level of growth Further clarity required.

Annex 2 – Core matters that need to be addressed (PPW and the DPM)

Our representations are separated into three categories set out by topic area, with further detail in the attached annex.

Category A: Fundamental issues that are considered to present a significant degree of risk for the LPA if not addressed prior to submission stage and may have implications for the plan's strategy.

None.

Category B: Matters where it appears that the deposit plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan, namely (not exhaustive):

- **Level of Housing Provision**
- **Delivery and Viability**
- **Restriction of new homes to Class C3 only**
- **Gypsy and Traveller Provision**
- **Best and Most Versatile Land (BMV)**

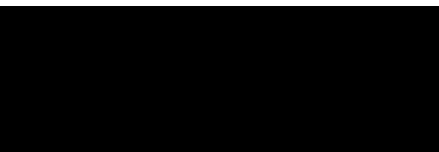
Category C: Whilst not considered to be fundamental to the soundness of the LDP, we consider there to be a lack of certainty or clarity on the following matters:

- **Flooding**
- **Renewable Energy**
- **Minerals**
- **Phosphates**

I would urge you to seek your own legal advice to ensure you have met all the procedural requirements, including the Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA), as responsibility for these matters rests with your authority. A requirement to undertake a Health Impact Assessment (HIA) arising from the Public Health (Wales) Act 2017, if appropriate, should be carried out to assess the likely effect of the proposed development plan on health, mental well-being and inequality.

It is for your Authority to ensure that the LDP is 'sound', and it will be for the Inspector to determine how the examination proceeds if you submit the plan without addressing the concerns we raise. My colleagues and I look forward to meeting you and the team to discuss matters arising from this response.

Yours sincerely



Neil Hemington
Chief Planner
Welsh Government

For matters relating to general conformity with Future Wales and planning policy please contact: [REDACTED] / For matters relating to Local Development Plan procedures and compliance with the Development Plans Manual please contact: [REDACTED] and [REDACTED]

Annex 1 - Statement of General Conformity

The following conformity statement is a 'caveated response'. Until the issues raised in Annex 2 of this letter regarding fundamental inconsistencies with the total housing provision are addressed, and their implications understood, it is not possible to give a firm view on matters of conformity at this time. The following statement is based on what is currently set out in Policy SP4, namely a housing provision of 9,704 homes, a supportive Welsh Language Impact Assessment and the majority of this growth being located in the Tier 1 and Tier 2 settlements. (See Annex 2 for detailed comments)

The Welsh Government is of the opinion that Carmarthenshire's Replacement Local Development Plan (2018-2033) is in general conformity with the National Development Framework: Future Wales, as set out in paragraphs 2.16 – 2.18 of the Development Plans Manual (Edition 3).

Reasons

Scale of growth: Future Wales Policies 1 and 28 identifies Swansea Bay and Llanelli as a National Growth Area, complimented with the identification of Regional Growth Areas at Carmarthen and the Teifi Valley (Policies 1 and 29). Collectively these places should provide the focus for sustainable growth, transport, services, and facilities. In addition, Policies 4 and 5 support appropriate rural housing (especially affordable housing) and economic growth in rural communities, to support the creation of age balanced communities and to help reverse de-population where this has been identified as an issue. The level of homes proposed in the Deposit LDP is 8,822 homes over the plan period, an uplift of 4,450 homes above the 2018 principal projection and 11% above the past five-year build rates. The Council considers that this scenario will provide a positive outlook both demographically and economically allowing flexibility to drive sustainable housing growth. The Council states that this level of growth will assist in the delivery of the Swansea City Deal, the Councils regeneration objectives and ensure the delivery of affordable homes. This degree of aspiration aligns with the County's role within a national and regional growth area. This is supported by 71.21ha of employment land (Policy SP7) to help deliver a minimum of 4,140 new jobs (276 jobs per annum), which will help minimise rural de-population of working aged people and positively support the Welsh Language. Collectively, these approaches support the County as having a key role in the national growth area, aligning with Future Wales.

Distribution of growth: The LDP has undertaken a settlement role and function analysis. The Council's strategy is a hybrid approach that reflects the role and function of settlements, investment, and economic benefits of the City Deal, whilst providing opportunities for sustainable growth in urban and rural areas. Policy SP3: Sustainable Distribution, identifies 6 clusters. Within each cluster is a functionally linked area with 4 settlement tiers comprising Tier 1: Principal Centres, Tier 2: Service Centres, Tier 3: Sustainable Villages and Tier 4: Rural Villages. Over 80% of housing growth and 90% of employment land is located in the more sustainable Tier 1 and Tier 2 settlements. This approach is in line with Future Wales and strikes an appropriate balance of locating growth to more sustainable settlements, while also supporting rural communities.

Policy 19 – Regional Planning and 28 National Growth Area: Future Wales brings a new perspective that all LDPs must embrace, that of how each LDP sits within the region as a whole and the relationship to other LDPs, in essence a strategic approach to planning in advance of the formal

commencement of SDPs. We note that the region has produced the 'Swansea Bay and Llanelli National Growth Area Definition Project Research Report'. Regional collaboration is supported, and the preparation of joint evidence is welcomed. However, further clarification is required to understand how the level of growth proposed is complementary to neighbouring authorities and ensure key investment decisions support the National Growth Area and the wider region. This point is particularly pertinent given the current lack of transparency on the level of housing provision.

Other comments for consideration

The plan itself is largely silent about Future Wales and its influence on the scale and location of growth, and the policies within the plan. This should be made clearer and more explicit. See also specific comments in Annex 2 regarding renewable energy, the consideration of BMV land and Future Wales.

Annex 2 – Core matters that need to be addressed (PPW and the DPM)

Category A	Objections under soundness tests; <u>fundamental issues</u> considered to present a significant degree of risk if not addressed prior to submission.
Category B	Objections under soundness tests; matters where it appears the Deposit Plan has not satisfactorily translated national policy to the local level or there are tensions within the plan.
Category C	Objections under soundness tests; whilst not considered being fundamental to the soundness of the LDP, there is a lack of certainty or clarity on the matters which can be usefully addressed.

Category B – Fundamental inconsistencies within the plans evidence, components of housing supply, compliance with the key sections of PPW and the DPM

The Council has not complied with key sections of the DPM in terms of the clarity, consistency, and presentation of the components of key elements of the housing supply required, including the housing trajectory. It is unclear as to exactly what is the level of housing provision proposed in the plan. The Council need to undertake the necessary work to ascertain the scale of changes required to the policies in the plan, the evidence base and most importantly the overall housing provision. Depending on the outcome of this work, this could have procedural implications in terms of how the plan can be moved forward to examination and may impact negatively on use of the Welsh language. It may be the case that Focussed Changes are required prior to submission.

Base Date Inconsistencies

The DPM (5.62) specifically states that all housing components must have the same base date. This is essential to avoid confusion and issues of consistency. The Council has used a base date of 01st April 2022 for completions/under-construction category and October 2022 for the timing and phasing or large sites. **This approach does not comply with the DPM and as a result there is no accurate picture of housing in the plan, and the supporting evidence.** The Council must either roll back the housing figures and all components of supply to 01st April 2022 or move everything forward to 01st April 2023.

Housing Trajectory

PPW (4.2.10 and 4.2.11) states the housing trajectory must be prepared in accordance with the DPM. The DPM contains detailed guidance on how this should be undertaken and presented in the plan. The trajectory table in the plan and supporting graph (page 340 and 341) do not comply with the requirements of the PPW and the DPM as follows:

- Rows J to T do not comply with new 'AABR approach/formula' set out in the DPM Row L guidance (page 124-127 and Table 21). The Council has used the AAR 'old system' and has included a 5-year land supply calculation. TAN 1 was revoked and the DPM (Edition 3) was published in March 2020. **The Council must amend the trajectory to comply with the latest policy and guidance.**
- Row H – Large windfalls should be removed from the first two years of supply 01st April 2022/23 and 2023/24 (DPM 5.73) – see comments overleaf.
- The trajectory graph should not have a 'straight AAR line' for the reasons stated above. The graph should be amended in line with above comments and DPM Diagram 16.
- Row G – the anticipated completions on large sites with planning permission totals 2,675 units which is significantly different to the supporting tables in Appendix 7 and the Spatial Distribution of Housing Table (page 342 of the plan) which states this is 4,342 units. The figure of 4,342 for the land bank is also included in Tables 14 and 15 of the Housing Topic

Paper. Row K of the housing trajectory adds up to 9,704 units which is correct and consistent with the housing provision figure in Policy SP4. However, this figure is predicated on a housing land bank of 2,675 units. The background paper also states that 1,510 units previously allocated have now gained a permission since the last deposit plan raising serious questions as to the validity of the 2,675 figure. If the 4,342 were to be inserted the provision would be more than 11,000 units. **This significant discrepancy must be explained and justified. The Council must confirm what the landbank figure is.** See our comments on housing provision and Welsh Language below and overleaf.

Large Windfall Allowance

Consistency in terminology/definition - The (DPM 5.62) states that each housing component should be clearly defined, robustly justified and consistent to aid clarity and avoid double counting. The definition of a windfall site is clear within the DPM – Table 18. It states that a windfall site is one that is not allocated or identified as a commitment in the plan. **The way in which windfall sites are described/defined within the Growth and Spatial Distribution Part 1 – Housing Topic Paper is extremely confusing** with completions, landbank and windfall terminology being used in an interchangeable and inconsistent manner. For example, what is meant by anticipated and unanticipated windfall (para 2.28 – 2.30)? **The Council need to confirm that there is no double counting or inconsistencies with the landbank and the large windfall allowance.**

Inconsistencies with the large windfall allowance - The Council concludes (Housing Topic Paper, para 2.32) that *“it is considered that there is no sufficient and compelling evidence within the windfall data to deviate away from using the average large windfall completion rate over a 15 year period. This equates to 87 dwellings per annum”*. The analysis in Table 2.21 is not disputed, and WG does not object to using the 15 year past completion rate for large windfalls which aligns with DPM guidance. However, the actual large windfall allowance applied by the Council in the housing trajectory (Appendix 7 – Row H) and in supporting Housing Paper (Table 14, Table 15) is 112 units per annum. **It is not clear where this figure has come from which is not in line with the Council’s own conclusions. If the windfall rate is adjusted back down to 87 per annum, this would result in a potential reduction of 225 homes from the total housing provision.**

Windfall deduction from first two years of supply – The DPM (Table 18 and para 5.73) state that *“large windfall sites should not be included in the first two years of supply to avoid issues of double counting”*. These definitions apply at a point in time, i.e. the base date of the evidence base, and associated policies, tables and the trajectory in the plan. In this case the base date is 01st April 2022 (caveated by our comments above). This means that the large, anticipated windfall rate should only be applied from 2024 onwards. To align with the DPM, 112 units should be removed from the trajectory in 2022 and 2023 which **would result in a further reduction of 225 homes from the housing provision.**

Total Housing Provision – Inconsistencies

Policy SP4 makes provision for 9,704 homes to deliver a housing requirement of 8,822 homes. This represents a flexibility allowance of 10%. The DPM (5.60) states that the plan should be clear on how the total housing provision (9,704) is spatially distributed. In addition to the comments raised previously, there are several inconsistencies within the plan and its supporting evidence which may have implications of the housing provision:

- See comments relating to Row G of the Councils Housing Trajectory. There is a significant difference of 1,677 homes between the land bank figure included in the trajectory summary table (Row G) to that contained in the supporting tables and the Housing Topic Paper. The Housing Topic Paper Tables 14 and 15 state that sites with planning permission total 4,342 units. This aligns with the detailed supporting tables for the Councils trajectory in Appendix 7. The Plans Spatial Distribution Table also states that this figure is 4,342. **This is a**

significant difference that has not been explained or justified. Where has the trajectory land bank figure of 2,675 come from? Is the landbank 4,342 or 2,675 units?

- The Housing Topic Paper (Appendix) 2 explains the Councils rationale for the allowance of 246 homes in Tier 4. This figure does not appear to be included in the total housing provision. In addition, the Council should explain how the Policy HOM 3 10% cap above existing homes in these settlements will be implemented in practice? Will it be based on permissions or completions? Settlement thresholds/caps have not worked well in other parts of Wales.
- There are mathematical inaccuracies in the Councils Spatial Distribution Table (Appendix 7) see below. The WG calculate the actual plan provision as follows:

Spatial Distribution of Housing Table (Appendix 7 of the LDP)

	Components of Housing Supply	Tier 1	Tier 2	Tier 3	Tier 4	No Tier	Row Totals
A	Total completions (small and large)	1187	622	236	46	6	2097
B	Units under construction	26	37	32			95
C	Units with planning permission	2420	1586	336	0	0	<u>4342</u>
D	New housing allocations	1498	602	382	0	0	2482
E	*Large windfall sites (+5)	514	402.4	317.6	0	0	1234
F	Small windfall sites (-5)	469	367.2	289.8	0	0	1126
G	**Total Housing Provision	6088	3579.6	1561.4	46	6	<u>11,281</u>
H	***Amended Housing Provision	6114	3616.6	1593.4	46 + 246 Tier 4 Allowance	6	11,620 homes (a reduction of 450 windfall sites would equate to <u>11,170</u> unit's provision <i>(Equating to around 27% flexibility allowance - excluding reserve sites)</i>

*Based on our large windfall sites comments, Row E may also need to be reduced by 450 homes.

**Council's Row G is mathematically incorrect in the plan

*** Amended Housing Provision based on adding in 246 homes that the Council will allow in Tier 4 settlements (Appendix 2 – Housing Topic Paper) and a reduction of 450 windfall units.

Policy SG2 – Reserve Sites

The policy states that reserve sites will be released for development if the allocated sites identified under policies HOM 1, EME1 and SH1 fail to deliver. The purpose of a flexibility allowance (PPW 4.2.7 and DPM 5.5.9) is to cater for the under delivery of sites and this should be set at an appropriate level evidenced by the LPA. Identifying reserve sites would not be appropriate and is in effect 'double flexibility'. It also causes confusion for communities on their status. **In addition, the policy is not clear on how many residential units could be delivered on SG2/1, SG2/2, and SG2/4.** If the LPA wish to allocate these sites, then they should a) be included within the overall housing provision and the housing trajectory or b) identify them as PPW regeneration sites (4.2.18)

but only if they comply with the definition. **The LPA must explain the status, rational and quantum of development on these sites and confirm their relationship to the total housing provision.**

Welsh Language

Policy SP8 identifies the entirety of the County as a linguistic sensitive area. We note that the Welsh Language Impact Assessment (WLIA) has concluded that the level of housing growth (8,822 homes, plus 10% flexibility) will not negatively impact on the Welsh Language. Paragraph 63 of the WLIA states that a reduction in the level of flexibility from the Preferred Strategy from 15% to 10% *“together with the effective implementation of Strategic Policy SP3, is more likely to reduce unforeseen distribution of growth on specific locations particularly in communities where the use of the Welsh language is sensitive to change. In our view, Policy WL1 strengthens the Council's ability to ensure that such unanticipated development is screened for adverse impact”*.

The Welsh Government has raised a series of concerns regarding the clarity of housing supply and the identification of reserve sites that collectively may increase the level of housing provision and consequently the level of flexibility in the plan is significantly higher (around 27%) than is set out on Policy SP4. The conclusions of the WLIA are predicated a total housing provision of 9,704 homes. (10% flexibility). **The implication being that a higher level of housing provision may have adverse impacts on the Welsh Language. This is particularly important as the vast majority of the population and housing growth will be accounted for by in migration rather than natural growth of the existing population. The council must provide clarification on these matters and explain the implications for the plan.**

Summary

Our comments highlight a significant number of inconsistencies in the plan, the components of housing supply and the total housing provision that must be addressed by the Council.

The Council has not complied with key sections of the DPM in terms of the clarity, consistency, and presentation of the components housing supply required including the housing trajectory. When taken collectively these matters may have considerable implications for the plan going forward in terms of soundness and may have procedural implications for how the plan moves forward to examination. **It may be that focussed changes will be required to address these matters.**

If it is confirmed by the LPA that 9,704 is correct, it should be adjusted for the required windfall deductions resulting in a shortfall of 450 homes, a potential significant reduction in flexibility to 5%. If the housing provision is over 11,170 homes (or higher depending on reserve site clarification) as also evidenced by the LPA, then this has implications for key policies in the plan, increasing the level of flexibility in excess of 27%. A flexibility allowance of 27% does not provide sufficient certainty and is significantly higher than the 10-15% chosen by the Council in its evidence base. The WLIA also alludes to a lower flexibility percentage creating more certainty on the impacts for the language across the County.

Category B - Growth Levels: Homes and Jobs

Housing Requirement - The 2018 WG Principal projections are the latest projections for this Deposit Plan. For Carmarthenshire it means that it has an ageing population where natural change is negative, with deaths exceeding births and UK net migration becoming the main driver of population change. **Any future population and household projections based on the latest 2021 Census will need to be considered by the Council if they are published before the plan is adopted.**

The Council has tested 7 scenarios, both demographic and economic led within the Housing and Economic Growth Report prepared by Turley. The Council has also included two past build rate scenarios from the five-year period 2016-2021 (527 p/a) and 14-year period (501 p/a) for comparison purposes.

The Deposit Plan housing requirement of 8,822 homes (588p/a) is based on the 'Ten-year trend-based projection scenario' which re-bases the WG principal projection to the 2020 Mid-Year Estimates and increases the length of the migration trend period to ten years 2010-2020. On balance, the Council considers that this scenario will provide a positive outlook both demographically and economically allowing flexibility to drive sustainable housing growth. The Council states that this level of growth will assist in the delivery of the Swansea City Deal, the Councils regeneration objectives and ensure the delivery of affordable homes. The total requirement is 11% (527pa) and 17% (501pa) above the historical five and fourteen-year build rates respectively.

The housing requirement of 8822 homes is a reduction of around 6,375 homes compared to the current adopted plan (15,197 homes). The housing requirement is 4,450 homes above the 2018 principal projection. The Council has concluded that all three variants of the 2018 WG projections are not appropriate and would adversely impact upon the Councils strategic ambitions from both an economic and social perspective with the principal projection being significantly lower (-42%) lower than historic build rates. However, it should be explicitly acknowledged by the Council that high levels of growth through in migration may not be consistent with policy SP8.

Job Target - The Council has tested various job led/economic growth scenarios within the Turley Report. The technical work has also considered what level of job growth is possible based on the level of net-migration/labour force retention in the scenarios tested. The WG principal projection would equate to 201 jobs per annum. The Council has concluded that all WG variant projections would result in negative demographic trends and would not allow a sufficient labour force to retain younger people. In comparison to recent trends the Council has had strong positive job growth of between 357 and 431 net additional jobs per annum in recent years, above the WG projections.

The Turley Report suggests that around 350 jobs per annum is realistically possible, however this would require an annual dwelling requirement of around 620-660 homes per annum. In addition, an investment led scenario of 674 jobs per annum would result in a dwelling requirement of 896 homes per annum.

The Councils 'Ten-year trend-based projection scenario' will deliver a minimum of 276 jobs per annum (4,140 over the plan period). This is considered an appropriate balance between aspiration, attracting young people and helping to deliver on the County's economic aspirations and role within the Swansea Bay City Deal and role of the County Borough in the Future Wales National and Regional Growth Area. (See comments on spatial strategy)

Summary - The Turley report identifies that to realise the full economic growth potential of the Country Borough would result in significant housing levels that would be unsustainable. The chosen growth scenario seeks to maximise economic growth, but in consideration with key factors such as Welsh Language, sustainability, and deliverability. **On balance the Welsh Government does not have significant concerns with the housing requirement and the level of jobs proposed (subject to the clarifications in this Annex).**

Category B Spatial Strategy and Distribution

Future Wales Policies 1 and 28 identify Swansea Bay and Llanelli as a National Growth Area, complimented with the identification of a Regional Growth Area at Carmarthen (Policies 1 and 29). Collectively these places should provide the focus for sustainable growth, transport, services, and

facilities. In addition, Policies 4 and 5 support appropriate rural housing (especially affordable housing) and economic growth in rural communities, to support the creation of age balanced communities and to help reverse de-population where this has been identified as an issue.

The Authority has tested 6 spatial options to identify how future growth will be distributed across the plan area. The Council's preferred option is a hybrid approach that builds on Strategic Option 4: Community Led amended to reflect the role and function of settlements, reflects investment and economic benefits of the City Deal, whilst providing opportunities for sustainable growth in urban and rural areas (LDP, paragraph 8.20).

Policy SP3: Sustainable Distribution, identifies 6 clusters. Within each cluster is a functionally linked area with 4 settlement tiers comprising Tier 1: Principal Centres, Tier 2: Service Centres, Tier 3: Sustainable Villages and Tier 4: Rural Villages. The plan allocates 71.21ha of employment land (Policy SP1) to help deliver a minimum of 4,140 new jobs (276 jobs per annum) with the majority of employment land (90%) allocated in Tier 1 settlements. Over 80% of homes are located in Tier 1 and Tier 2 settlements.

The Welsh Government does not object to the principal of this approach, providing that the majority of development is directed to sustainable locations in the County and the impacts on Welsh language have been fully considered (see our specific comments). In particular the Council must address our comments in relating to the total housing provision and explain how this may impact on the spatial distribution of housing across the Clusters and Settlement Tiers and neighbouring authorities.

Category B Delivery and Viability

We note that the plan is supported by a high-level viability study prepared by Burrows-Hutchinson Ltd. Section 6.4 of the Report states that further work is needed to establish site-specific affordable housing percentages for key sites (including existing allocations) and that this work will be done during this consultation. The report notes that further work is needed with stakeholders in order meet the delivery and viability requirements of PPW and the DPM. This work should already have been undertaken. If this 'further work' results in changes to the affordable housing targets or introduction of new targets for sites through new or amended policies in the plan, **then these changes (supported by new evidence) would be significant, and it is imperative that all parties are able to comment on them. Such a change(s) would be focussed changes.**

Category B Dwellinghouses used as sole or main residences

It is noted that Carmarthenshire County Council has introduced a council tax premium for second homes based on evidence of their impact on local housing markets and may introduce controls over the future use of existing dwellinghouses, currently used as sole or main residences, (C3) as second homes (C5) and sort term holiday lets. (C6) (Policy VE2 paragraph 11.2.47). To ensure that all new housing is retained as a sole or main residence the LDP should include a policy stating in areas where a council tax premium is charged in respect of second homes, or, controls over the uses of existing sole or main residences as second homes (C5) and sort term holiday lets (C6) have been introduced, a planning condition will be imposed restricting use of the new dwelling house to a sole or main residence.

Category B Gypsy and Traveller Provision

The 2019 Gypsy and Traveller Assessment states that the current immediate unmet need (by 2024) is 23 pitches with further need for an additional 8 pitches by 2033. In addition, there is a need for 4 additional Travelling Show People pitches by 2023.

Policy SP10 allocates two sites for residential need. It is unclear how many pitches are allocated on each site, or the timescales for delivery. **It is unclear whether the Council has met the need for Gypsy and Travellers over the plan period.** The Council must comply with PPW (4.2.3) and Circular 005/2018 (paras 35 and 36) and the presentational requirements within the DPM para 5.80 – 5.82 and Table 23). In addition, the DPM (5.83-5.85) explains the importance of allocating suitable and deliverable sites. The site assessment background paper explains that the proposed allocation at Penyfan has potential issues relating to land assembly and ownership, viability and flooding issues relating to the potential access. There is also a lack of information in relation to the delivery and suitability within the evidence base regarding the proposed allocation at Penybryn. **All sites need to be demonstrated to be deliverable with no outstanding objections from the relevant statutory body(s) in order to be suitable and deliverable.**

Category B Best and Most Versatile (BMV) Agricultural Land: (TAN 6 Annex B1, Future Wales: the National Plan 2040 Policy 9 and PPW 3.58 & 3.59)

ISA Report: BMV agricultural land policy is partially considered under ISA Objective 7 – Soils. It is unclear what weight BMV carries in Objective 7, how the policy has been addressed in the ISA or the evidence used for the appraisal. **There is no evidence to demonstrate how BMV policy has been considered within the spatial strategy assessment, site selection process or how the choices made in the plan impact the BMV resource.**

In “Table 24 – Summary of Secondary, Cumulative and Synergistic effects of all policies and site allocations in the plan” it is stated for ISA – Soil: *“Whilst promoting the regeneration of contaminated land, the cumulative losses of finite quality soil resources from development occurring on greenfield sites (and those rates highly through the ALC in addition to a few instances of peatlands) will be widespread. Nevertheless, the distribution settlement framework ensures negative impacts are not concentrated within a given area and is more likely to lead to the utilisation of dispersed brownfield fields throughout the County.” (Emphasis added).* **It is not clear what the BMV or peatland resource is and how it will be affected by the plan.**

ISA Appendix B – Baseline Information: It is noted on P41 that *“According to the Agricultural Land Classification (ALC) data available, there is no Grade 1 land and limited Grade 2 present within Carmarthenshire. A patchwork of Grade 3 land is situated towards the south and southeast of the county following the Tywi river valley, stretching from Llandovery in the east, through Llangadog, Llandeilo and Carmarthen. Most land in Carmarthenshire is classified as Grade 4 land, with a small proportion of Grade 5 land situated towards the northeast of the County. View the Predictive Agricultural Land Classification Map 2 for further details.” (Emphasis added).* While the Predictive ALC Map (v2) is referenced it is not clear how it has been used. **The statement does not provide details of the BMV resource present in the authority and the baseline information used has not split ALC grade 3 to 3a and 3b (BMV and non-BMV) which suggests out of date information may have been used.**

Spatial Options: It is not clear how BMV agricultural land policy has been considered, what weight is given to BMV in the assessment process, or the evidence used in the appraisal of the spatial options and selection of the Preferred Strategy. The Welsh Government expects clear evidence demonstrating how BMV policy was considered for each option and in the determination of the preferred option.

Site Assessment Methodology (SAM): The Welsh Government welcomes the consideration of high carbon soil in Q20 (4.35) and BMV agricultural land (Grades 1, 2 and 3a) in Q21 (4.36). Again, **it is not clear how much weight these considerations carry in the site assessment methodology and how the relevant policies are addressed** (for BMV in demonstrating ‘considerable weight’ given to protecting BMV; if the site is BMV, evidence of ‘overriding need’ for the site to be developed and application of the sequential test approach). BMV is not considered until Stage 2b of the process as part of ISA7. As previously noted, the policy needs to be

considered early in the search sequence of the plans development. It is not clear how consideration of high carbon soil and BMV agricultural land in the SAM relates to the 'Site Assessment Table' - again what weight do these carry in the assessment? In terms of the 'Sustainability Criteria' used, in respect of BMV agricultural land and high carbon soils the Welsh Government disagrees that impacts to these natural national resources can be 'mitigated' as both are finite resources.

The Site Assessment Table notes a potential of up to 70ha of BMV will be taken forward as allocated sites. Therefore, it is **clear that the proposed plan will lead to a loss of BMV agricultural land with no justification of overriding need provided and no assessment on the scale of the loss and how the plan is policy compliant with PPW (paragraphs 3.58 and 3.59) and Future Wales: the National Plan 2040 (Policy 9). No evidence is provided of any Agricultural Land Classification (ALC) field survey work for proposed sites that include Predicted BMV land.** This is essential to confirm the grades present on sites and inform BMV policy application.

In summary, the Welsh Government expects BMV policy to be taken into account at the earliest point in the process and throughout plan preparation. We also expect that BMV policy application is sufficiently evidenced and justified in the plan, sustainability appraisal, spatial strategy and site selection process. It is expected that plans clearly demonstrate the evidence used, the weight given to BMV land and how BMV policy has been applied in the spatial strategy and site selection process. It is **advised that BMV policy application is covered in the plan through a specific topic paper** demonstrating how the policy has been considered, evidenced and delivered. We would advise the Council to contact our colleagues in Land, Nature and Forestry Division in relation to all comments made on BMV land.

Category C – Flooding

In accordance with the Ministerial letter (dated 15 December 2021), the Council has undertaken a new Stage 1 Strategic Flood Consequences Assessment (SFCA) with all planning authorities in the South West region. The SFCA has been prepared in line with requirements in the updated TAN 15: Development, Flooding and Coastal Erosion, formally published later this year. The SFCA identifies broad areas across Carmarthenshire at flood risk and recommends that some authorities in the region progress to a more site-specific Stage 2 and Stage 3 assessment. The Council **must ensure that if additional SFCAs are undertaken they have regard to the new TAN 15.**

Building on the Stage 1 SFCA, the Council has considered flood risk on individual sites allocated in the Deposit plan in line with the Flood Maps for Planning (FMfP), which is the starting point for considering flood risk in the new TAN 15. The Welsh Government supports the principle of this approach and notes that many of the 'amber' and 'red' allocations identified as being at risk of flooding have either been built-out, are under construction or have been removed from the plan. However, some of the allocations, fall within Flood Zones 2 and 3. The Council must ensure **that no highly vulnerable development is allocated in Flood Zone 3** and that sites in TAN 15 Defended Zones have been fully assessed against all forms of flood risk with resistance measures in place. This will be a matter for the NRW to comment on. **There should be no outstanding objection from NRW on any of the proposed allocations.**

Category C - Renewable Energy

The boundary of Pre-Assessed Area 8 for Wind Energy as identified in Future Wales: The National Plan 2040 (NDF) falls largely within the authority area. The authority has prepared a Renewable Energy Assessment (REA) using the Welsh Government Toolkit Methodology, which has concluded that there are no wind Local Search Areas (LSAs) and three LSAs for Solar PV Farms. The authority will need to:

- Identify in Policy CCH1 the three LSAs for solar and the contribution from each area.

- Each of the LSAs has an installed capacity figure above 10MW, which is the threshold for Developments of National Significance (DNS) determined by Welsh Ministers. Policy CCH1 and its reasoned justification should be amended to explain that large scale energy developments (of 10MW+) are determined by Policy 18 in Future Wales: the National Plan 2040 and that these developments are acceptable within or outside the boundaries of the Local Search Areas. This will help to explain the development plan hierarchy and add clarity.
- As all applications for DNS will be considered by Policy 18 in Future Wales: the National Plan 2040, it is not appropriate for policies in the Local Development Plan to prejudice the ability of large scale wind developments to come forward in the Pre-Assessed Areas. As such, the requirement in Policy CCH1 for development in the Pre-Assessed Areas to meet additional criteria as set out in the policy itself (criteria a-c) should be deleted.
- Policy CCH1 and Policy CCH2: - it is unclear how the plans policies for renewable energy projects and search areas (Policies CCH1 and CCH2) consider BMV policy and high carbon soils (e.g. Peatlands). This needs to be considered and evidenced together with all other allocations in terms of impacts on the BMV resource over the plan period and how PPW (paragraphs 3.58 and 3.59) is applied.

Category C – Minerals

Carmarthenshire is within the Swansea City Sub-Region of the South Wales RAWP area along with Swansea and Neath Port Talbot. The Regional Technical Statement 2 (RTS2) identifies an apportionment figure of 0.058 million tonnes of sand and gravel and 27.556 million tonnes of crushed rock. When comparing these figures with the existing landbank, there is a surplus of permitted reserves and as such, no requirement to identify allocations in the plan. However, the authority should:

- List in Policy MR2 all sites with extant planning permission for mineral workings and their associated buffer zones. This will add clarity to the plan and align with the requirements in PPW to outline the expectations of the authority in respect of existing and operational mineral sites (5.14.13).
- Appendix 4 of the plan identifies several inactive and dormant mineral sites. The authority should explain the likelihood of these sites being reactivated and worked within the plan period.
- We note that a Statement of Sub-regional Collaboration (SSRC) has been produced in the Swansea City Sub-Region and another is being prepared in West Wales with Carmarthenshire working with the adjoining sub-region to help satisfy the requirements of RTS2 in respect of sand and gravel provision. Both SSRC's should be included as part of the evidence base when the plan is submitted for examination.

Category C – Phosphates

In January 2021, Natural Resources Wales (NRW) published evidence that showed over 60% of riverine Special Areas of Conservation (SAC) waterbodies failed against phosphorus standards. As a result of these failings, NRW issued planning advice to avoid further deterioration in environmental capacity where new developments have the potential to affect phosphorus sensitive riverine SACs and achieve 'nutrient neutrality'.

The advice from NRW relates to riverine SACs whose drainage catchments extend into Carmarthenshire, namely the Afon Teifi, Afon Tywi, Afon Cleddau, River Wye and River Usk. Of these five waterbodies, only two are affected by the proposed housing allocations in the plan draining to either the Afon Teifi or Afon Tywi.

The Council has sought to reduce the number of housing allocations in the Afon Tywi to six sites (102 units) and fifteen sites (189 units) in the Afon Teifi. The impact of these reductions has reduced phosphorous levels by 43% and 49% respectively in each of the waterbodies. This reduction, coupled with amendments to Policy CCH4 and the availability of land for potential wetland creation to promote the natural uptake of phosphates in Carmarthenshire, have all been screened as part of the Councils Habitats Regulations Assessment (February 2023) and concluded that the plan will have no adverse effect on the integrity of European sites. The delivery of allocated sites and implementation of long-term mitigation measures is for the statutory bodies of NRW and Welsh Water (WW) to comment in more detail.
