

Jane Davidson AC/AM

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai  
Minister for Environment, Sustainability and Housing

LEIDROLLI YR AELLODAU  
DP 1049 / 07-11  
NATIONAL ASSEMBLY FOR WALES  
ASSEMBLY PARLIAMENT SERVICE  
MEMBERS' LIBRARY



Glywodraeth Cynulliad Cymru  
Welsh Assembly Government

Eich cyf/Your ref 07-076a  
Ein cyf/Our ref JD/05989/07

Gareth Jones AM  
Canoifan Glasdir  
Plas yn Dre  
Ffordd yr Orsaf  
Llanrwst  
Conwy  
L126 0DF

6 January 2008

*Dear Gareth,*

#### Conwy County Borough Council Local Development Plan position

Thank you for your e-mailed letter of 6<sup>th</sup> December concerning Conwy's development plan position requesting a detailed response to Conwy County Borough Council's Minute, attached to your email.

You will appreciate that as the Council has not yet formally approached me on this matter, it would not be appropriate for me to respond to you on these points in the mean time.

However, I can make some general comments about the operation of the planning system and the background position in Conwy which may be of assistance and addresses the points you also raised at the First Minister's questions on 11<sup>th</sup> December.

There is a statutory duty on a local planning authority to prepare a development plan. Conwy made a decision to stop work on the unitary development plan and to move to the new Local Development Plan (LDP) at an early stage in the development of the LDP system. The risk of doing so whilst advice and guidance were still being developed by the Assembly Government was outlined to Conwy officers. However, once the decision was taken by Conwy County Borough Council, Assembly Government officials provided advice to the authority from the start, and extensive guidance, including a comprehensive Manual, was made available in draft, and then final form, very quickly.

The Council entered into a Delivery Agreement with the Assembly Government, which is a statutory commitment, to produce a plan within a set timetable. This has subsequently been revised following a request from the County.

Towards the end of the LDP preparation process the planning authority is required to submit a 'sound' plan for examination by an independent Inspector who assesses whether it meets the established 'soundness' tests. If the plan is not deemed to be 'sound' then it cannot be

adopted, would not carry weight and the plan would have to be reconsidered. Consequently each authority must endeavour to produce a sound plan and for this same reason my planning officials have sought to provide advice and guidance to authorities at all stages, and in Conwy's case, have attended numerous meetings with officers.

In responding to consultation on the preferred strategy stage, Assembly Government officials questioned whether compliance with some of the 'soundness' tests could be demonstrated. However, the decision whether to proceed and risk having an unsound plan, or to revisit some work, was a matter for the Council as the responsible authority. The County Borough Council chose the latter option.

To meet statutory requirements, as well as one of the specific soundness test, the content of all LDPs must have regard to the provisions of the Wales Spatial Plan which you will be aware identifies Conwy as a strategic hub.

To be sound the plan must also have regard to regional strategies and the population/housing apportionment exercise in North Wales, as well as national planning policy contained in Planning Policy Wales. The LDP does not need to repeat national policy unless, in exceptional circumstances and based on clear evidence, a variation can be justified in the pursuit of achieving a sound plan. Local views are an important consideration where they are based on planning considerations and are backed by evidence. However, locally determined planning priorities must fit with the regional and national context.

Until a 'sound' LDP is adopted and in the absence of an up-to-date development plan, day-to-day planning decisions should be made on the basis of national planning policy. This includes, for example, a requirement for a 5-year supply of land available for housing and, in appropriate circumstances, a preference for allocations to be located on previously developed land, as well as recognising the importance of public open space and significant landscapes. Decisions must be justified on planning grounds and any variations from such policies need to be supported by evidence. Where variations to national policy are contemplated for an LDP, then the evidence underpinning this should be available at the start of the LDP process, and could be used to back planning decisions in the interim.

I am not persuaded of the need for further national policy to cover the period before an LDP is adopted. There is no immediate intention for a wholesale review of national planning policy which is clear and well detailed as set out in Planning Policy Wales, although some specific elements are revised from time to time. A comprehensive LDP Manual is available to guide authorities and we arranged officer training on the new system earlier this year with Member training planned for the coming year. Welsh Assembly officials have given full support to planning officers in Conwy.

At Member training events on affordable housing in October, I made it clear to those local planning authorities which do not have an up to date development plan that, where there is a demonstrable shortage of land for housing, I expect them to consider preparing 'Interim Guidance' to facilitate the release of more land to meet pressing housing needs and to improve the yield of affordable dwellings.

I trust this explanation of the background position will be of assistance. As indicated, I will consider the minute from Conwy County Borough Council when I receive it formally in due course.

Yours,  


**Jane Davidson AM**

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai  
Minister for Environment, Sustainability and Housing

cc Rhodri Morgan, AM, First Minister  
Jocelyn Davies, AM, Deputy Minister for Housing  
Darren Millar, AM.