



Neath Port Talbot County Borough Council

Local Development Plan 2011 – 2026

Examination Statement

Matter 1: Plan Preparation – Procedural Requirements

(March 2015)



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1 Plan Preparation: Procedural Requirements

1.1 Key Issue

KEY ISSUE: Has the Neath Port Talbot LDP been properly prepared?

1.1.1 The Council considers that this key issue has been satisfactorily addressed as set out in the detailed responses below.

1.1.1 Question 1

Have all the relevant consultation / participation procedures set out in the Community Involvement Scheme (CIS) been carried out?

1.1.1.1 The Council is satisfied that all relevant consultation / participation procedures set out in the CIS have been carried out.

1.1.1.2 The Consultation Report sets out details of the Community Involvement Scheme as established in the Delivery Agreement⁽¹⁾ and outlines the steps taken to publicise and engage with the community at the following stages of Plan preparation:

- Candidate Sites⁽²⁾;
- Issues & Alternatives Participation⁽³⁾;
- Pre-Deposit Participation⁽⁴⁾;
- Pre-Deposit Public Consultation⁽⁵⁾;
- Deposit Participation (Emerging Proposals)⁽⁶⁾;
- Deposit Public Consultation⁽⁷⁾;
- Alternative Sites Public Consultation⁽⁸⁾;
- Schedule of Proposed Focussed Changes Consultation⁽⁹⁾; and

1 Chapter 2 Consultation Report (Volume 1) - Document Ref: SD10.
2 Section 3.1 Consultation Report (Volume 1) - Document Ref: SD10.
3 Section 3.2 Consultation Report (Volume 1) - Document Ref: SD10.
4 Section 3.3 Consultation Report (Volume 1) - Document Ref: SD10.
5 Section 3.4 Consultation Report (Volume 1) - Document Ref: SD10.
6 Section 3.5 Consultation Report (Volume 1) - Document Ref: SD10.
7 Section 3.6 Consultation Report (Volume 1) - Document Ref: SD10.
8 Section 3.7 Consultation Report (Volume 1) - Document Ref: SD10.
9 Section 3.8 Consultation Report (Volume 1) - Document Ref: SD10.

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- Sustainability Appraisal⁽¹⁰⁾.

1.1.1.3 Throughout Plan preparation, the Council has invested significant resources in order that the key principles that underpin community engagement in the LDP process have been achieved. This has ensured that the fullest range of views have been taken into account when forming land use development proposals in the County Borough and has also encouraged a wider commitment towards the Plan preparation process ultimately achieving a greater level of community ownership of the Plan.

1.1.2 Question 2

Have those procedures met the statutory requirements set out in the 2004 Act and associated regulations?

1.1.2.1 The Council is satisfied that the consultation / participation procedures as set out in the Consultation Report have met the statutory requirements of the 2004 Act and associated LDP Regulations.

1.1.3 Question 3

Has the LDP been prepared in accordance with other requirements of the Delivery Agreement?

1.1.3.1 The Council is satisfied that the LDP has been prepared in accordance with all elements of the Delivery Agreement (i.e. the Timetable and CIS).

1.1.3.2 The Delivery Agreement was initially published on 3rd September 2008. With agreement from the Welsh Government, the timetable was subsequently revised in May 2011 and again in July 2013.

1.1.3.3 A full and comprehensive record of Plan preparation, in accordance with the Delivery Agreement, is set out in the Consultation Report (Volumes 1-4).

1.1.4 Question 4

Has the LDP been subject to Sustainability Appraisal (SA) and is there a final report of the findings of the appraisal? Does the SA take air quality and noise into consideration?

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1.1.4.1 The Council confirms that the LDP has been subject to Sustainability Appraisal (SA), incorporating Strategic Environmental Assessment (SEA). The term Sustainability Appraisal (SA) is used throughout for the joint appraisal and should therefore be taken to include SEA. The SA also considered impacts on health, equalities and the Welsh language as part of a comprehensive coordinated appraisal.

1.1.4.2 The Council published and consulted at the following stages of the appraisal process (as an iterative process in parallel with the preparation of the LDP):

- **Stage 1: SA Scoping Report** ⁽¹¹⁾ - the SA Scoping Document established the sustainability baseline of the County Borough, contained a review of other relevant plans and programmes that may influence the SA and LDP, presented the SA Objectives and outlined the proposed methodology for the SA. Following consultation, amendments were made and incorporated into the SA and a revised SA Scoping Report was published in February 2011.
- **Stage 2: SA Interim Report (Pre-Deposit LDP)** ⁽¹²⁾ - the Stage 2: SA Interim Report was published for consultation as part of the package of documents alongside the LDP Pre-Deposit Plan in September 2011. The SA Interim Report contained detailed assessments of the LDP Preferred Strategy, including the options for the level of growth, the Plan's vision, objectives and strategic policies.
- **Stage 3: SA of the Deposit LDP** ⁽¹³⁾ - the Stage 3: SA of the Deposit LDP Report was published for consultation as part of the package of documents alongside the LDP Deposit Plan in August 2013. The SA Report contained detailed assessments of the LDP Strategy, the Plan's vision, objectives, development allocations, the range of overarching, area and topic based policies and also provided a summary of recommendations and mitigation measures.

1.1.4.3 'Stage 3: SA of the Deposit LDP – Main Report' (August 2013) ⁽¹⁴⁾ together with 'Sustainability Appraisal of the Deposit LDP – Appendices' (August 2013) ⁽¹⁵⁾ sets out the final baseline evidence, sustainability issues and assessments. These should be read in conjunction with 'Sustainability Appraisal of the Deposit LDP – Addendum' (September 2014) ⁽¹⁶⁾ and 'Sustainability Appraisal of Proposed Focussed Changes' (September 2014) ⁽¹⁷⁾.

1.1.4.4 In respect of air quality and noise issues, these have been addressed within SA topics 5 [Pollution (Air Quality, Noise and Light)] and 7 [Health and Wellbeing (including poverty / deprivation)]. The effects of proposed strategies, policies and proposals (including allocations) on air quality and noise have been assessed through the application of the following questions:

11 Document Ref: LDP33.
12 Document Ref: LDP34.
13 Document Ref: SD05.
14 Document Ref: SD05.
15 Document Ref: SD06.
16 Document Ref: SD07.
17 Document Ref: SD21.

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- 5A (*Will the proposed strategy / policy / proposal contribute to a reduction in air pollution levels?*)
- 5B (*Will the proposed strategy / policy / proposal maintain quiet areas and reduce noise pollution?*); and
- The possible effects of existing air or noise pollution on human health through the application of question 7B (*Will the proposed strategy / policy / proposal create a clean, safe, high quality physical environment that promotes physical and mental wellbeing for all?*).

1.1.5 Question 5

Is the Health Impact Assessment (HIA), contained within the SA, sufficiently thorough and robust?

1.1.5.1 The likely impacts and effects of the Plan strategies, policies and proposals on public and individual health have been assessed through the application of the SA questions, in particular those relating to SA topic 7 (Health and Wellbeing). The findings specifically relating to health impacts are summarised in the Sustainability Report⁽¹⁸⁾.

1.1.5.2 Each policy and proposal has been assessed in this way and the findings and outcomes have been informed by the SA baseline information and trends. The process has been undertaken in parallel with the SA process as a whole, and has consequently been subject to the same stakeholder involvement and consultation, and iterative approach, influencing the development of the LDP policies and allocations.

1.1.5.3 The Council is satisfied that this approach has resulted in a robust and useful assessment that has had a positive effect in terms of the LDP content and its likely effects on health issues. These impacts and effects will be monitored as part of the SA and LDP monitoring processes and any necessary changes incorporated in future reviews of the Plan.

1.1.6 Question 6

Does the LDP have regard to the Wales Spatial Plan (WSP) and other national policy?

1.1.6.1 The Council is satisfied that the LDP has had regard to, and is in accordance with, the WSP and other national policy.

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1.1.6.2 The Deposit Plan briefly references (1) the provisions of the WSP and the context it sets for Neath Port Talbot, and (2) the range of national strategies and policy statements that provide the framework for the development of policy at the local level⁽¹⁹⁾. Whilst this section briefly outlines the provisions of the WSP and the wider policy context that has influenced the Plan, more detailed information on how this framework has informed the Plan is set out in the series of background Topic Papers⁽²⁰⁾ and SA Scoping Report⁽²¹⁾ which accompany the Plan.

1.1.6.3 Neath Port Talbot sits within the Swansea Bay Waterfront and Western Valleys spatial area alongside Swansea and parts of Carmarthenshire, Bridgend and Brecon Beacons National Park. The Council considers that the Deposit LDP delivers Neath Port Talbot's role in meeting the region's aims, objectives and aspirations in supporting the City and County of Swansea through steering growth towards the identified key settlements of Neath, Port Talbot and Pontardawe and to the supporting communities within the Valleys. This regional settlement hierarchy will ensure compatibility of strategies between Local Planning Authorities within the region.

1.1.6.4 Furthermore, LDP Objectives 7 - 25 are grouped under the themes identified in the WSP namely Building Healthy, Sustainable Communities⁽²²⁾; Promoting a Sustainable Economy; Valuing Our Environment; Achieving Sustainable Accessibility; and Respecting Distinctiveness.

1.1.6.5 The Council considers that the growth and the distribution of that growth, as established in the Development Strategy, is entirely consistent with the updated WSP complementing the regional context.

1.1.6.6 In respect of national policy, due regard has been given to national policy in the development of the LDP Vision, Objectives, Development Strategy and all Policies [i.e. Overarching, Area-Based, Topic Based (Strategic & Detailed)].

1.1.6.7 The Deposit LDP seeks to interpret national guidance making it relevant to the County Borough and seeks to minimise repetition of national guidance, only doing so where it assists in providing clarity in relation to a local issue. The Deposit LDP, together with the background Topic Papers and other relevant evidence, sets out the relationship to national and other policy.

1.1.7 Question 7

Which plans and strategies has the Single Integrated Plan (SIP) replaced? Does the LDP have regard to the SIP by setting out policies and proposals which deliver key components of that strategy? Are there other statutory plans and strategies which the LDP has regard to?

19 Section 1.2 Deposit Local Development Plan (August 2013) - Document Ref: SD04.

20 Chapter 3 Background Topic Papers - Document Ref: SD38-SD52.

21 Document Ref: LDP33.

22 The title of the first theme has been amended by the addition of the word 'healthy' to reflect the importance of tackling poor health in Neath Port Talbot.

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Single Integrated Plan (SIP)

1.1.7.1 The SIP⁽²³⁾ replaced the following four plans / strategies:

- Community Plan (2010-2020);
- Health, Social Care and Wellbeing Strategy (2011-2014);
- Community Safety Plan (2009-2012); and
- Children and Young Peoples' Plan (2011-2014).

1.1.7.2 Setting out the Council's overall vision for Neath Port Talbot, the SIP has five main outcomes to achieve the vision, these broadly include (1) healthier children and young people; (2) safer people in Neath Port Talbot; (3) sustainable communities and environment; (4) strong and prosperous economy leading to reduced poverty; and (5) fulfilling the learning potential of people in Neath Port Talbot.

1.1.7.3 The LDP has been prepared having due regard to the SIP. Accordingly, the Plan references the provisions of the SIP and the context it sets for Neath Port Talbot⁽²⁴⁾. The LDP has had regard to, and is in accordance with, this strategic framework.

1.1.7.4 Whilst the section in the Deposit LDP briefly outlines the provisions of the SIP, more detailed information on how this framework has informed the Plan is set out in the series of background Topic Papers which accompany the Plan⁽²⁵⁾.

1.1.7.5 The Council is satisfied that the Deposit Plan gives a spatial expression of the land-use implications of the SIP. In particular, the LDP Vision complements the Authority's overall vision as set out in the SIP and the key components will be delivered through the LDP Objectives, Development Strategy, Overarching, Area Based and Topic Based policies.

Other Plans & Strategies

1.1.7.6 The Council is satisfied that in preparing the Deposit Plan, due regard has been given to all other relevant Corporate plans and strategies. Accordingly, the broad range of documentation is appropriately referenced in the Plan along with the accompanying series of background Topic Papers. Copies of all relevant Corporate documents were submitted alongside the Deposit Plan in September 2014⁽²⁶⁾. This is also confirmed in the Self Assessment Test Of Soundness (September 2014) {SD31} consistency test C1 on page 4.

23 Document Ref: NPT02.

24 Section 1.2 Deposit Local Development Plan (August 2013) - Document Ref: SD04.

25 Chapter 3 Background Topic Papers - Document Ref: SD38-SD52.

26 Document Ref: NPT01-NPT24.

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1.1.8 Question 8

Has the Authority undertaken a Habitats Regulations Assessment?

1.1.8.1 The Council confirms compliance with the requirement to undertake a Habitats Regulations Assessment (HRA) of the LDP.

1.1.8.2 A HRA has been prepared comprising the full screening of all 'European Sites' that could be affected by LDP proposals, the screening of all LDP proposals for possible effects and a detailed assessment of the issues that could arise from LDP proposals. The HRA was undertaken alongside the preparation of the Deposit Plan and ensured that any necessary changes could be made to the Plan prior to publication.

1.1.8.3 The main HRA report is the 'Habitats Regulations Appraisal of the Deposit LDP – Main Report' (August 2013)⁽²⁷⁾, together with the 'Habitats Regulations Appraisal of the Deposit LDP – Appendices' (August 2013)⁽²⁸⁾. These should be read in conjunction with 'Habitats Regulations Appraisal: Assessment of Proposed Focussed Changes' (September 2014)⁽²⁹⁾.

1.1.9 Question 9

Has the Authority undertaken a self-assessment exercise?

1.1.9.1 The Council confirms that a self-assessment exercise has been undertaken. The 'Self Assessment of Soundness'⁽³⁰⁾ was submitted alongside the Deposit Plan in September 2014.

1.1.9.2 The Council considers that the Deposit LDP, incorporating the limited number of proposed changes⁽³¹⁾, is a sound document. Further explanation or evidence of soundness to address any issues raised during the Examination process can be issued by the Council at the request of the Inspectors.

1.1.10 Question 10

Has regard been had to the resources likely to be available to implement and monitor the Plan?

27 Document Ref: SD08.

28 Document Ref: SD09.

29 Document Ref: SD22.

30 Document Ref: SD31.

31 Inclusive of the changes as set out in the 'Schedule of Proposed Focussed Changes' (September 2014) [Document Ref: SD20] and 'Observations on the Focussed Change Representations' (January 2015) [Document Ref: ED008].

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1.1.10.1 The Council is satisfied that due regard has been given to the resources required to ensure the successful implementation of the Plan.

1.1.10.2 In particular, the Council has carried out an 'Affordable Housing Viability Study' ⁽³²⁾ and consultation with utility providers, health and education authorities have not indicated any insurmountable problems that may hinder the implementation of the Plan. More detailed information in regard to the allocated housing sites is set out in the 'Strategic Housing Site Assessment Report' ⁽³³⁾.

1.1.10.3 The Council has established the scale of infrastructure that currently exists and has identified the level of infrastructure provision that will be both provided and required in future years. Where possible, the Council has identified the organisations responsible for providing the infrastructure, the means (financial and otherwise), by which the necessary infrastructure will be provided and when it is anticipated the provision will be made.

1.1.10.4 The 'Infrastructure Delivery Plan' ⁽³⁴⁾ demonstrates the effective implementation of the LDP through the provision of the necessary infrastructure to enable the successful achievement of the vision and objectives of the Plan.

1.1.10.5 In addition, the Deposit Plan (Table 6.1), supplemented by the 'Implementation Plan' ⁽³⁵⁾ and the 'Phasing & Delivery of New Housing Provision' ⁽³⁶⁾, sets out all the specific proposals for new development included within the LDP and outlines the key stages that will need to be achieved for individual development proposals to be delivered. The document outlines the organisations that will be involved and the potential issues that will need to be addressed to enable successful implementation. Emerging from this is an assessment of when each development proposal is likely to be delivered within the Plan period.

1.1.10.6 In regard to monitoring, the Council acknowledges its importance in the development of evidence-based policy making and of being a key mechanism in developing a full understanding of the extent to which policies and proposals meet their stated objectives. On this basis, the Council confirms that sufficient ongoing resources will be made available to ensure the effective monitoring of the LDP.

1.1.10.7 The Deposit Plan (Table 6.2), supported by the 'Monitoring Framework Supplementary Paper' ⁽³⁷⁾, sets out the framework through which an ongoing assessment will be made of whether the underlying strategy remains sound, the impact of policies at the local and wider level and whether policies and related targets have been met or progress is being made towards meeting them.

32 Document Ref: EB10.

33 Chapter 4 Strategic Housing Site Assessment Report (September 2014) - Document Ref: EB06.

34 Document Ref: EB03.

35 Document Ref: EB23.

36 Document Ref: ED010.

37 Document Ref: EB24.



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