



Powys County Council
Local Development Plan - 2011 – 2026

**Powys LDP Examination – Council’s Response to Action Points from
Hearing Session 4 – Affordable Housing & Gypsy and Travellers**

Action Point	To be completed by	Officer	Agreed
AP1 - Council to advise the examination in respect of the Newtown Road, Machynlleth site as soon as is possible of: the decision made by Departure from Standards committee (25 April); the outcome of the planning application.	Updated 31.08.17	PM	Agreed

Council Action/Proposed Matters Arising Change

The following update is proposed to be provided in respect of P42 HA5* in Appendix 1 of the LDP as the site now has planning approval:

Full planning permission (P2016/1227) granted in August 2017 for the change of use of land to form a Gypsy and Traveller Site for 5 families. A FCA has been undertaken. The north-eastern extent of the allocation remains within the C2 Flood Risk extent (Development Advice Maps) although this land will not be occupied for residential purposes.

*As the site now has planning permission (granted 1 August 2017) the site reference will be amended from Housing Allocation P42 HA5 to Housing Commitment P42 HC1.

AP2 - Council to sub-divide policy H13 to create an allocations and a development management policy.	12 May 2017 and updated 31.08.17 to reflect permission on P42 HC1 (previously P42 HA5).	PM	Agreed
---	---	----	--------

Council Action/Proposed Matters Arising Change

MAC Ref: X (Leave blank for	Action Point Ref.: HS4/AP2	LDP Section/Policy/Para.: Policy H13
---------------------------------------	--------------------------------------	--

now)

Matters Arising Change:

Subdivision of Policy H13 to create a development management policy and a site allocation policy, plus the re-location of the reasoned justification and its updating.

Policy H13 - Gypsy and Traveller Sites and Caravans [® 34.70](#)

~~To meet a proven, unmet local need development p~~Proposals for permanent or temporary (transient or transit) Gypsy and Travellers sites and caravans, **to meet a proven, unmet local need,** will be permitted where:

- 1. Sites are situated** ~~Located~~ in a sustainable location **which it has** access to educational, community, social, health and other services and facilities.
- 2. The provision of new ancillary buildings associated with the use of the site will only be permitted where it can be demonstrated the need must be for essential purposes** ~~which cannot reasonably be accommodated through the re-use of other existing buildings in the vicinity.~~

~~In accordance with assessed need, the Council:~~

- ~~i. Will deliver 5 pitches at P42 HA4, Newtown Road, Machynlleth for permanent gypsy and traveller accommodation by 2021.~~
- ~~ii. Will identify and deliver a suitable permanent site in Welshpool for 2 pitches by 2026.~~

4.6.39 Proposals for gypsy and traveller sites or accommodation will be supported where they meet the needs of persons defined as Gypsy and Travellers by the Housing (Wales) Act 2014.

4.6.40 Sites should be constructed in accordance with the standards set out for Gypsy and Traveller sites¹ and should also satisfy the criteria of the Development Management Policies to ensure acceptable design, security, landscaping, and screening to limit any adverse visual impact.

Policy H13A - Gypsy and Traveller Site Provision

~~In accordance with assessed need, the Council will deliver for permanent gypsy and traveller accommodation:~~

- ~~1. 5 pitches by 2021 at P42 HA5, Land adjacent cemetery, Newtown Road, Machynlleth.~~
- ~~2. 2 additional pitches by 2026 at P57 HC2, Leighton Arches, Welshpool.~~

In order to meet the defined need for 7 Gypsy and Traveller Pitches, land is allocated at the following locations:

Reference	Site	Pitches
-----------	------	---------

¹ <http://wales.gov.uk/topics/people-and-communities/communitycohesion/publications/goodpractice/?lang=en>

P42 HC1	Land adjacent to the Cemetery, Newtown Road, Machynlleth	5
P57 HC2	Land at Leighton Arches, Welshpool	2

4.6.41 The Gypsy and Traveller Accommodation Needs Assessment 2008 identified a need for 14 pitches in South Powys. A permanent site on the edge of Brecon, within the BBNP, was acquired by the County Council and construction completed in 2014 to meet this need. There is also an existing permanent site in Welshpool. The 2008 Assessment was updated in 2014. The updated Assessment 2014 led to the need being identified for a permanent site in Machynlleth and a site has been allocated as allocation P42 HA4 on the inset map to the Council commenced action to meet this need in accordance with statutory requirements.

4.6.41a The Council undertook a Gypsy and Traveller Accommodation Assessment (GTAA) in 2016 in accordance with the Housing (Wales) Act 2014. This confirmed the need in Machynlleth and identified the need for 5 pitches to be provided by 2021, which is to be met by allocation P42 HA4 HC1 which benefits from planning permission. The north-eastern extent of the allocation remains within the C2 Flood Risk extent (Development Advice Maps) although this land will not be occupied for residential purposes. It also identified a future need in Welshpool for 2 pitches by 2026 which the Council is also committed to meeting will provide at Leighton Arches (P57 HC2). The GTAA acknowledged that a further need for 3 pitches in Brecon, within the BBNP, was being addressed by the Council on the existing public site.

Consequential Proposed MACs

Policy H1A – Housing Sites

Remove P42 HA4 because it is addressed by the recommended Policy H13A above.

Appendix 1 of the LDP

Remove P42 HA4 and add:

- P42 HC1 Land adjacent cemetery, Newtown Road, Machynlleth; and
- P57 HC2 Leighton Arches, Welshpool.

Inset Maps

Remove P42 HA4 and add:

- P42 HC1 Land adjacent cemetery, Newtown Road, Machynlleth; and
- P57 HC2 Leighton Arches, Welshpool.

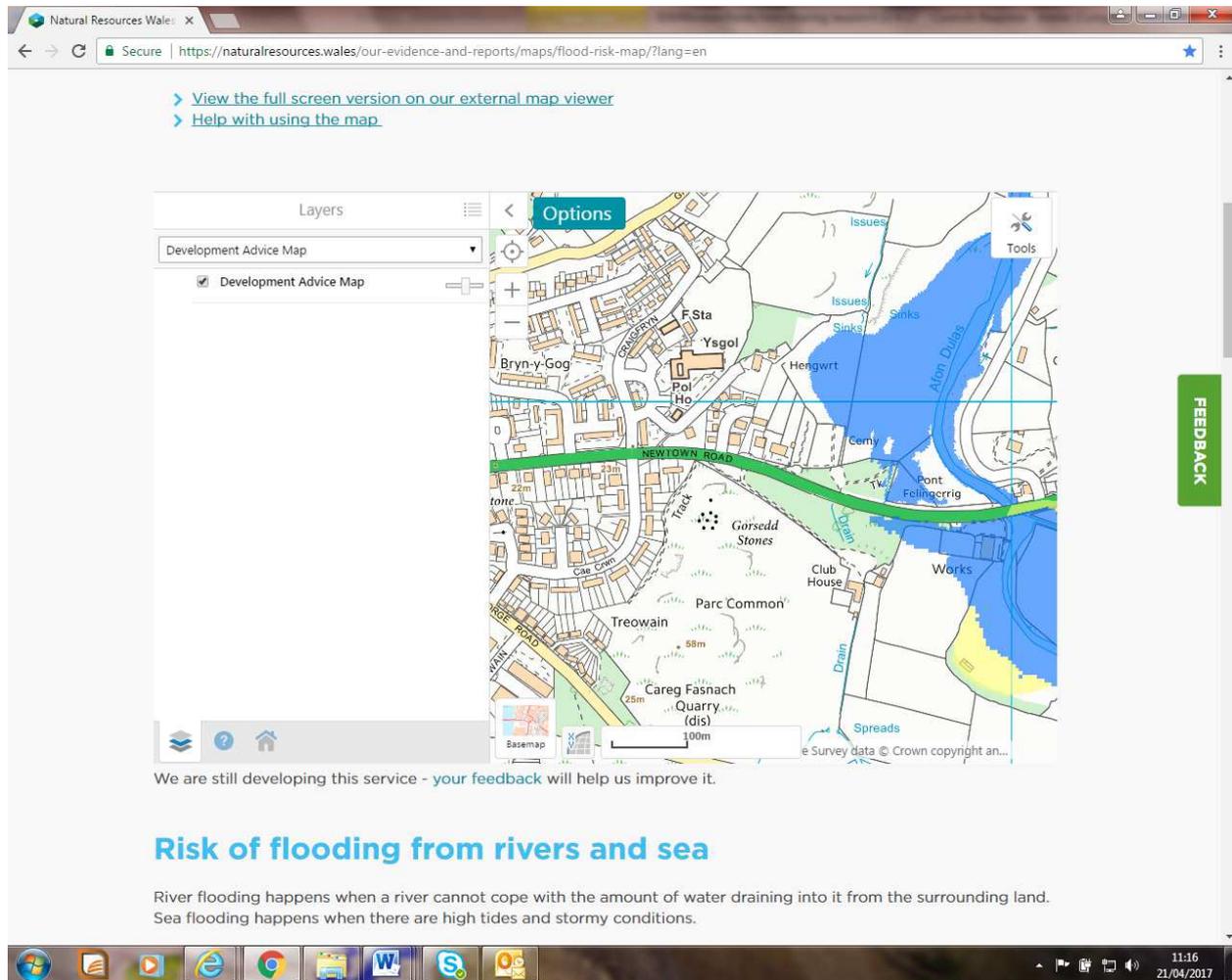
AP3 – Council, in liaison with NRW, to identify and inform examination when the revised DAM Map in respect of Newtown Road, Machynlleth has been published (20 April). The supporting text of Policy H13 to be amended to reflect the presence of flood issue on the allocated site.	12 May 2017	PM	Agreed
---	-------------	----	--------

Council Action/ Proposed Matters Arising Change

Please see screenshot below taken on 21st April 2017 from Natural Resources Wales' website showing the extent of the Development Advice Map in respect of the Gypsy and Traveller site on land adjacent to the Cemetery, Newtown Road, Machynlleth.

The following wording is proposed for inclusion within paragraph 4.4.61a, as AP2 above.

"The north-eastern extent of the allocation remains within the C2 Flood Risk extent (Development Advice Maps) although this land will not be occupied for residential purposes."



AP4 - Examination to be informed of out-come of the WG funding bid of the provision of new Gypsy and Traveller sites.	12 May 2017 Update note added 31.08.17	PM	Agreed
--	--	----	--------

Council Action/ Proposed Matters Arising Change

1. Welshpool, Leighton Arches extension

The funding application made by the County Council to Welsh Government was approved and the Council received a decision by letter dated 10 April 2017.

“Award of Funding in relation to Gypsy and Traveller Capital Grant – 2017/18 Bidding Round – Powys Bid (Leighton Arches)

1. Award of Funding

(a) We are pleased to inform you that your Application has been successful and funding of

up to £288,000 (two hundred and eighty eight thousand) (“the Funding”) is awarded to you for the Purposes (as defined in Condition 4(a)).

(b) The Funding relates to the period 1 April 2017 to 31 March 2018 and must be claimed in full by 1 April 2018 otherwise any unclaimed part of the Funding will cease to be available to you. “

2. Machynlleth, land adjacent to the cemetery

A funding application to Welsh Government to support the development of this site will be made as soon as possible but is dependent upon the planning permission being issued and the conclusion of the common land de-registration and exchange process. Assuming the latter does not necessitate a public inquiry, it is anticipated that the site could be completed by the end of March 2019. If an inquiry is necessary, it is considered that an additional 9-12 months would be required.

Site Update: Planning permission was issued on 1 August 2017.

AP5 – Council to amend paragraph 3.3.17 to outline the authority wide target for affordable housing over the plan period.	12 May 2017	AR	Agreed
--	-------------	----	--------

Council Action/ Proposed Matters Arising Change

The Council is proposing to amend paragraph para. 3.3.17 as a proposed Matters Arising Change, as follows:

3.3.17 An affordable housing target of 949~~952~~ dwellings is set for the LDP. This is 21% of the LDP dwelling requirement and has had regard to the findings of the Local Housing Market Assessment (LHMA). The LHMA identified a need for 153 additional affordable housing units per annum which leads to an authority-wide target for affordable homes of 1,530 dwellings over the remainder of the Plan period. The LDP affordable housing target contributes to meeting the overall need but is based on the dwellings that can be delivered through the planning system. The Updated Viability Assessment of the LDP (August 2016) took into consideration the prevailing economic climate, land values and house prices in Powys, a range of development costs, and all requirements of local and national planning policies. The conclusions of this assessment are reflected in the affordable housing contributions policy H4 and the affordable housing target. Economic factors affecting construction and development viability have also been taken into account in setting the target, but will continue to affect the delivery of housing. The target will therefore be monitored.

NOTE: The Council is reviewing the structure of the LDP to ensure that the reasoned justification for the Strategic Policies appears consistent and logical points within the Plan in response to Action Point 14 from Hearing Session 3. The exact location of this additional text for the reasoned justification to policy SP3 will depend on finalising this section of the Plan for that action point, however it is understood that the reasoned justification for policy SP3 will follow policy SP3.

AP6 - SP3 Policy amendment and the reasoned	12 May 2017	AR/TD	Agreed
--	-------------	-------	--------

justification to set out nature and types of dwellings, size and rural affordable housing.			
--	--	--	--

Council Action/ Proposed Matters Arising Change

The Council is proposing to include reference to the requirement for affordable housing to meet the identified need in terms of size, type and tenure of affordable housing and also to make reference to rural affordable housing, within the reasoned justification to policy SP3, as a proposed Matters Arising Change.

All proposed Matters Arising Changes in relation to policy SP3 and it's reasoned justification are set out within Appendix 1 of this response.

NOTE: The reasoned justification for policy SP3 is currently set out within paras. 3.3.17-3.3.18 of the Composite Plan – LDP42. The Council is reviewing the structure of the LDP to ensure that the reasoned justification for the Strategic Policies appears consistent and logical points within the Plan in response to Action Point 14 from Hearing Session 3. The exact location of this additional text for the reasoned justification to policy SP3 will depend on finalising this section of the Plan for that action point, however it is understood that the reasoned justification for policy SP3 will follow policy SP3.

AP7 - Council to amend Policy SP3 to contain an allocation figure of affordable housing figure is 952 and make consequential amendments to the text of the plan.	12 May 2017	AR	Agreed
---	-------------	----	--------

Council Action/ Proposed Matters Arising Change

The Council is proposing to amend the affordable housing figure contained within policy SP3 from 949 to 952 as a proposed Matters Arising Change, as follows:

Strategic Policy SP3 – Affordable Housing Target

Over the Plan period 2011-2026, the LDP will seek to provide ~~949~~952 affordable dwellings through the following measures:

1. Setting thresholds and targets requiring housing development to contribute to affordable housing provision in accordance with policy H4; and
2. Providing a framework for determining affordable housing exception sites in accordance with Policies H1 and H5.

~~Affordable dwellings will be required in accordance with policy H4 or permitted in accordance with policies H5 and H7.~~

The provision of a Affordable dwellings housing will be controlled to ensure that they dwellings remain affordable and available to those in local need in perpetuity.

The Council also proposes to make the following consequential changes to the following sections of the Composite Plan (LDP42) to reflect the revised affordable housing figure, as a proposed Matters Arising Change, as follows:

Fourth paragraph of the Executive Summary:

Based on evidence of future need identified, the LDP provides, over its 15 year plan period 2011-2026, sufficient land through its policies and proposals to meet the dwelling requirement of 4,500 dwellings, including 949,952 affordable homes. It also provides 45 hectares of employment land and includes policies to meet the needs of the economy.

Extract from para. 3.3.17:

- LDP Affordable Housing target = 949,952 affordable dwellings homes

3.3.17 An affordable housing target of 949,952 dwellings homes is set for the LDP.

Amendment to the figure of affordable homes under point 2 under para. 3.3.18 for accuracy:

3.3.18 It is estimated that this target will be met in the following ways:

1. 186 affordable homes completed from 1/4/2011 to 31/3/2015;
2. 656,659 affordable homes from allocated sites as set out in Appendix 1 and other sites in accordance with policy H4;
3. 107 affordable homes on windfall sites (non-allocated sites), based on an assessment of completions over the period 1/4/2011 to 31/3/2015, and projecting forward for the remainder of the Plan period.

The Council also proposes to make consequential changes to the proposed LDP's Annual Monitoring Framework in section 5 of the Plan. The working draft of the Annual Monitoring Framework presented as Appendix 1 to the Council's Hearing Statement for Hearing Session 1 (ED032.1) is proposed to be updated and presented with the Council's Hearing Statement for Hearing Session 16, and is proposed to include the following change to the monitoring target for monitoring indicator AMR17A of:

To provide 949,952 (average 63 per annum) net additional affordable dwellings homes over the Plan period (2011-2026).

The breakdown of the net additional affordable housing target for the remainder of the Plan period also contained within this monitoring indicator will also be reviewed in line with the amended affordable housing figure.

AP8 – Council to provide examination with info from DVS on viability testing on site thresholds of 4.	12 May 2017	AR	Agreed
--	-------------	----	--------

Council Action/ Proposed Matters Arising Change

The Council submits the results of the viability testing on site capacity thresholds of 4 units carried out by DVS as a separate Examination Document (ED056). The results indicate that developments of less than 5 units would not be sufficiently viable to support any contributions towards affordable housing. The Council, therefore, considers that this evidence supports the site capacity threshold currently proposed in policy H4 of the LDP of 5 units and above.

In view of the results of the viability testing, and taking into account the results of the testing of notional contributions as explained under section 5 of the Affordable Housing Topic Paper (EB21), the Council recommends that the site capacity threshold is retained at 5 units or

above.

AP9 - Council to include list of Community Council areas in Appendix 4 of the plan to accompany the affordable housing zones.	12 May 2017	AR	Agreed
--	-------------	----	--------

Council Action/ Proposed Matters Arising Change

The Council proposes to include the list of Community Council areas (as set out in Appendix 4 of the Council's Hearing Statement for Hearing Session 4 – ED032.4) in Appendix 4a of the Plan, which will accompany and follow the map showing the Affordable Housing Sub-market Areas, as a proposed Matters Arising Change. This is shown in Appendix 5 of this response.

AP10 – Council to amend Policy H4 as set out in Appendix 3 of the Council's statement as follows: i. Red text starting “The above contributions...” to be moved to the RJ. ii. Move Criterion 4 to the RJ. iii. Move criterion 5 to Policy SP3 (as per AP6). iv. Liaise with Welsh Govt & HBF over the wording of the final paragraph and to express it in more neutral terms.	12 May 2017	AR	Agreed
---	-------------	----	--------

Council Action/ Proposed Matters Arising Change

The Council proposes to make amendments to Policy H4 in the Composite Plan (LDP42) to address the points above, as proposed Matter Arising Changes.

In respect of point i. above, the Council proposes to delete this text from the policy wording, however it is considered that the Council's proposal to keep the target contributions under review to reflect changes to viability, affordability and affordable housing need is already reflected within the final two sentences of para. 4.6.13 of the Plan. The insertion of this sentence into the reasoned justification is therefore unnecessary.

In respect of point ii., the Council proposes to move Criterion 4 to para. 4.6.14 of the reasoned justification to policy H4.

In respect of point iii., the Council proposes to delete Criterion 5 from policy H4 and move this to the reasoned justification for policy SP3, as explained in detail under Action Point 6 above.

In respect of point iv. above the Council has liaised with the Welsh Government and the HBF over the wording of the final paragraph of policy H4. The Council firstly emailed the suggested amendment to the wording to Welsh Government and HBF on the 4th of May:

~~Where the proposer submits detailed site specific evidence demonstrating that the required contributions set out above would make the development unviable, the Council will consider reduction or, if necessary, removal of the requirement for affordable housing contributions.~~

The provision of affordable housing will be negotiated on a site-by-site basis taking into

account the evidenced viability of the development. Guidance relating to viability and the circumstances under which contributions may be varied or reviewed is set out in the Affordable Housing SPG.

Welsh Government responded on the 5th of May commenting that the proposed text covers the point made and enables negotiation where appropriate. Also that it aligns with the text proposed through the Vale of Glamorgan’s LDP.

HBF also responded on the 5th of May commenting that the first sentence is similar to the wording in the adopted Newport Plan – ‘specific site targets may vary subject to viability and negotiation’. In terms of the second sentence, HBF commented that the SPG referred to has not yet been drafted and may take some time to be adopted and also the fact that this wording does not give a requirement to comply with as such. HBF therefore suggested that this wording may be better placed in the supporting text at the end of 4.6.17.

In view of these comments, the Council has agreed to place the suggested second sentence within para. 4.6.17 of the reasoned justification to policy H4 instead of within the policy wording itself. HBF has confirmed support for this revised proposal.

The proposed Matters Arising Changes to policy H4 in response to the above points i-ii. and iv. are set out within Appendix 2 of this response. Proposed Matters Arising Changes to the reasoned justification to policy SP3 in response to point iii. are set out under Action Point 6 above.

AP11 – Council to clarify how commuted sums will be managed and utilised.

12 May 2017

AR

Agreed

Council Action/ Proposed Matters Arising Change

The Council will manage and utilise commuted sums to facilitate or provide affordable housing. Housing colleagues are currently developing an “investment strategy” for housing to be agreed by the Council’s Strategic Housing Partnership, and the use of commuted sums will form part of this strategic approach to the use of funds for development of new or newly acquired affordable housing. Further detail is to be provided in the proposed Affordable Housing SPG.

The Council, therefore, proposes to include the following additional text in para. 4.6.14 of the reasoned justification for policy H4, as a proposed Matters Arising Change:

Committed sums will be managed and utilised by the Council in order to ensure that they are spent on facilitating or providing affordable housing to address the evidenced affordable housing need. Further detail as to the management and use of committed sums will be provided in the Affordable Housing SPG.

This proposed change to policy H4 is shown in Appendix 2 of this response.

AP12 - Policy H4 (5) to be amended by the deletion of ‘must’ and its replacement with ‘should’.

12 May 2017

AR

Agreed

Council Action/ Proposed Matters Arising Change

The Council proposes to amend the wording of policy H4 (5) by deleting 'must and replacement with 'should' as a proposed Matters Arising Change, as follows:

5. The affordable housing provided ~~must~~ **should** reflect the need identified locally in terms of its size, type and tenure.

It is also noted that the reasoned justification to policy H4 states that 'the range of unit types and sizes must reflect local housing needs.' (para. 4.6.14 of the Composite Plan – LDP42). This is proposed to be amended to reflect the proposed wording change to criterion 5 above.

Criterion 5 is to be moved to policy SP3 but in a slightly re-worded form (see Action Point 6). The deletion therefore of criterion 5 to Policy H4 is included in Appendix 2 of this response. The associated text within para. 4.6.14 of the reasoned justification is also proposed to be moved to the reasoned justification for policy SP3.

AP13 - Merge Policies H5 and H7.	12 May 2017	AR / TD	Agreed
---	-------------	---------	--------

Council Action/ Proposed Matters Arising Change

The Council proposes to merge Policies H5 and H7. This involves deleting these policies in their current form and replacing them with a revised policy H5. Policy H5, as replaced, is proposed to set out specific policy requirements relating to exception sites.

Details of the proposed Matters Arising Changes involved in the merging of these policies are set out in Appendix 3 to this response. Consequential changes are also proposed to policies SP3 and H4, as set out under Appendices 1 and 2 of this response.

AP14 – Policy H8 affordability housing eligibility to be deleted and relocated in Policy SP3 or its reasoned justification / glossary as appropriate.	12 May 2017	AR/TD	Agreed
--	-------------	-------	--------

Council Action/ Proposed Matters Arising Change

The Council proposes to delete policy H8 from the Plan and, instead, to refer to local need for affordable housing within policy SP3 and its reasoned justification, as proposed Matters Arising Changes. The deletion of policy H8 is shown in Appendix 4 of this response and proposed changes to policy SP3 are set out in Appendix 1 of this response.

The Council also proposes to include the Council's definitions of 'affordable' housing' and 'local need' within the Plan's Glossary as outlined below, as a proposed Matters Arising Change:

[Appendix 5 - Glossary](#)

Definition	Meaning
Affordable housing	Housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. This definition is set out by Welsh Government under para. 5.1 of Technical Advice Note 2.
Local need	<p>A person or persons who:</p> <ul style="list-style-type: none"> o have lived in, volunteered in or studied in the local Community for a period of at least 12 months at the time of application; OR o have previously lived in the local Community for a period of at least 3 consecutive years and wish to live there; OR o have a firm offer of employment in the local Community or be currently employed in the local Community; OR o wishing to provide full time care to a resident in the local Community <p>AND</p> <p>Is/are not able to afford market housing as assessed by the Council.</p> <p>Definition of local Community:</p> <ul style="list-style-type: none"> i. Initially, the community council area together with immediately adjoining community council or parish council areas (including those outside Powys). ii. Secondly, the respective shire. iii. Thirdly, the rest of Powys. iv. Fourthly, adjoining local authority areas. <p>Substantial efforts must be made for at least 3 months and satisfactorily proven prior to the widening of the eligible area in accordance with each step of the cascade set out above.</p>

The Council also proposes a consequential change to a paragraph under the Policy Context - Local policy section of the Plan that refers to the definition of affordable housing need, as this relates to affordable housing eligibility which is the subject of deleted policy H8:

2.3.15 In securing affordable homes, the LDP seeks to ensure that the homes being built are meeting identified needs using the evidence available to inform decision making including the outcomes of the Local Housing Market Assessment. The

affordable housing policies in the LDP correlate to the definition of in housing need as defined through the Common Housing Register and Common Allocations Policy (derived from the LHS).

General note on Action Points (APs):

These will normally be agreed in principal by the Inspector and the LPA, and any other participant as required, at the end of the relevant hearing session. Where possible the AP will specify an agreed timeframe for completion. If it is not possible to determine the timeframe at the time of discussion, the LPA will liaise with the Inspector over this via the Programme Officer. The Planning Inspector will send the suggested form of wording for the APs to the LPA via the Programme Officer as soon as practicable after the end of a hearing session. Once the LPA is satisfied that the contents are accurate, they will be published to the Examination website as soon as possible in the interests of transparency. The LPA will work on the schedule of Matters Arising Changes (MACs) in parallel with the APs and their AP responses, ensuring that MACs are accurately recorded at the earliest possible stage. The Inspector will confirm when she expects to be sent an up to date MAC Schedule; this will normally be in advance of the final hearing session.

List of Appendices

- APPENDIX 1** **Proposed Matters Arising Changes to policy SP3**
- APPENDIX 2** **Proposed Matters Arising Changes to policy H4**
- APPENDIX 3** **Proposed Matters Arising Changes to policies H5 and H7**
- APPENDIX 4** **Proposed Matters Arising Change to policy H8**
- APPENDIX 5** **Proposed Matters Arising Change to Appendix 4A of the Plan**