



Llywodraeth Cymru
Welsh Government

Department for Natural Resources
Adran Adnoddau Naturiol

Nia Davies
Yr Uned Polisi Cynllunio ar y Cyd
Gwynedd a Môn
Neuadd y Dref
Bangor
Gwynedd
LL57 1DT

Ein cyf:
Eich cyf:

13 Ebrill 2016

Annwyl Nia,

Cynllun Datblygu Lleol ar y cyd Gwynedd ac Ynys Môn – Ymgynghori ar Gofrestr y Newidiadau â Ffocws

Diolch ichi am eich llythyr dyddiedig 23 Chwefror 2016 at Lywodraeth Cymru am ymgynghoriad Cynghorau Gwynedd ac Ynys Môn ar eu Cofrestr o Newidiadau â Ffocws

Mater i'r Arolygydd Cynllunio a benodwyd fydd penderfynu a yw cynllun yn un "cadarn" ai peidio. Mae'r Newidiadau â Ffocws sy'n cael eu cynnig wedi cael eu hystyried yng ngoleuni'r sylwadau a wnaed ar y Cynllun Adnau ar 31 Mawrth 2015 ac yn unol â'r profion cadernid.

Mae'r **Atodiad** amgaeedig yn ymateb manwl a yw'r Gofrestr o Newidiadau â Ffocws yn mynd i'r afael â'r materion a godwyd yn ein sylwadau ar y Cynllun Adnau, yn ogystal â'r newidiadau hynny nad oeddent yn rhan o'r Cynllun Adnau. Yn ogystal, rydym yn credu **nad yw'r newidiadau â ffocws** yn mynd i'r afael â nifer o faterion pwysig a godwyd yn ein sylwadau ar y Cynllun Adnau. Mae'r atodiad hwn yn nodi pa rai o'n gwrthwynebiadau sy'n sefyll o hyd, a pham.

Hoffwn dynnu'ch sylw yn benodol at:

- **Gwarchod a chyflenwi tir ar gyfer defnydd cyflogaeth**
- **Isadeiledd a'r datblygiadau sy'n gysylltiedig â phrosiect Wylfa**
- **Tai: yn benodol, cyfraddau lleoedd gwag; tafluniad darparu; a datblygiadau gam wrth gam**
- **Darparu ar gyfer Sipsiwn a Theithwyr – addasrwydd ac ymarferoldeb i gwrdd â'r angen**
- **Ynni Adnewyddadwy – nid yw'n cynrychioli polisi cenedlaethol**

Yn ogystal, mae gennym ragor o sylwadau lle gwelwn fod angen mwy o eglurder yng ngoleuni polisi cenedlaethol a/neu am fod diffyg sail tystiolaeth.

- Tai fforddiadwy – cyfraniad o ymrwmiadau a dyraniadau
- Asesiad o'r Dirwedd
- Y Gymraeg – cydymffurfio â pholisi cenedlaethol
- Fframwaith monitro

Credir y gallai fod yn bosibl esbonio a mynd i'r afael â'r materion uchod fel rhan o'r gwrandawriadau neu fel Newidiadau o Faterion sy'n Codi (MACs) os bydd yr arolygydd yn teimlo bod angen hynny.

Yn gywir,

Mark Newey
Pennaeth y Gangen Cynlluniau
Cyfarwyddiaeth Gynllunio

Atodiad

Rhif y Newid	Sylw Llywodraeth Cymru
Darparu a Rhannu Cyflogaeth	
NF46 NF47	<p><u>Polisi CYF1: Gwarchod a Dynodi Tir ar gyfer Defnydd Cyflogaeth</u></p> <p>Mae Llywodraeth Cymru'n cefnogi egwyddorion NF46 ac NF47 sy'n dangos faint o dir cyflogaeth a geir ar safleoedd sydd wedi'u gwarchod ac wedi'u dynodi ar gyfer Cyflogaeth ym Mholisi PS10 a Pholisi CYF1. Mae'r awdurdodau wedi nodi bod angen arnynt 180ha o dir cyflogaeth; bodlonir 60ha o'r angen hwnnw trwy ddynodiadau newydd a'r 120ha sy'n weddill ar safleoedd sydd wedi'u gwarchod. Dylai awdurdodau esbonio a gafodd y safleoedd sydd wedi'u gwarchod a restrir ym Mholisi CYF1 eu dynodi i ddiwallu angen blaenorol ac esbonio hefyd effaith eu darparu yng nghyfnod y cynllun cyfredol.</p> <p>Gyda 280ha o leoedd gwag ar safleoedd cyflogaeth wedi'u gwarchod ym Mholisi CYF1, nid yw'n glir pam nad oes modd i'r safleoedd a warchodir ddiwallu'r 180ha sydd ei angen. Dylai'r awdurdodau esbonio a yw'r safleoedd a warchodir yn addas i ddiwallu'r angen sydd wedi'i nodi a sut y bydd eu datblygu'n gyson â'r strategaeth ofodol. Mae'n hanfodol darparu safleoedd cyflogaeth, hynny i wireddu amcanion y cynlluniau o ran twf economaidd.</p> <p>Ym Mholisi CYF1 (fel y'i newidiwyd gan NF47), mae 340ha o leoedd gwag ar safleoedd cyflogaeth sydd wedi'u gwarchod a'u dynodi. Trwy dynnu o'r ffigur hwnnw y 180ha o dir cyflogaeth sydd ei angen, mae'r cynllun yn darparu 160ha yn fwy o dir cyflogaeth nag sydd ei angen. Dylai'r awdurdodau esbonio pam na chaiff yr orddarpariaeth fawr hon effaith negyddol ar werth tir na drysu'r farchnad gan beryglu dyheadau am dwf.</p> <p>Mae Polisi CYF1 wedi clustnodi 230ha o 'safleoedd cyflogaeth rhanbarthol strategol'. Nid yw'n glir a fydd y gystadleuaeth o ddefnydd ynni tebyg yn cael effaith ar y gallu i ddarparu'r safle a dylai'r awdurdodau esbonio sut y bydd modd darparu'r holl 'gynlluniau cyflogaeth rhanbarthol strategol' yng nghyfnod y cynllun.</p> <p>Er mwyn adlewyrchu statws Ynys Môn fel Ardal Fenter, mae Llywodraeth Cymru'n cefnogi'r pwyslais trymach ar dwf economaidd a chynyddu tir cyflogaeth ar yr ynys. Mae NF47 yn newid Polisi CYF1 i nodi safleoedd cyflogaeth fesul ardal strategol ar Ynys Môn, gyda thros 190ha mewn Canolfannau Gwasanaethau Trefol ond dim mewn pentrefi. Dylai'r awdurdodau esbonio'r agwedd anghymesur at dir cyflogaeth yn Ynys Môn a sut y mae'n gyson ag amcanion y strategaeth a'r cynllun gofodol i gynyddu cyfleoedd gwaith ar gyfer cartrefi newydd yn y Pentrefi. Byddai'n ddefnyddiol gweld sut mae'r agwedd ddilynol yn TAN 23 wedi dylanwadu ar ba safleoedd a ddewiswyd, yn enwedig ar Ynys Môn.</p>
Cyflenwi a Gweithredu	
NF17 NF18	<p><u>Polisi PS2: Isadeiledd a Chyfraniadau gan Ddatblygwyr</u></p> <p>Mae Llywodraeth Cymru'n croesawu proses adran 106 a CIL yn NF17 ac NF18, ond mae ei phryderon ynghylch cyflenwi a hyfywra dyraniadau'r cynllun yn parhau. Er bod Papur Testun 13 Isadeiledd Cymunedol yn rhoi cyd-destun defnyddiol i'r gofyn am isadeiledd, ceir diffyg tystiolaeth pa isadeiledd sydd ei angen fesul safle, y costau, y mecanweithiau ariannu, y cyrff darparu a'r amserlen</p>

	<p>weithredu. Oherwydd y diffyg tystiolaeth, dylai'r cynghorau esbonio sut y bwriedir cyflenwi'r safleoedd sydd wedi'u dyrannu a sut na chaiff hyn effaith andwyol ar hyfywdra safleoedd tai a'u datblygiad cam wrth gam.</p> <p>I gael yr isadeiledd sydd ei angen, dylai'r Cyngor fod yn siŵr na amherid ar ei allu i ddarparu safleoedd a'r prif isadeiledd heb dâl CIL a heb y gallu i 'grynhoi' cytundebau adran 106 yn y dyfodol (dros y 5% fesul eitem o isadeiledd).</p>
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NF45 NF24	<p><u>Polisi PS9: Datblygiadau sy'n Gysylltiedig â Phrosiect Wylfa Newydd</u></p> <p>Mae Paragraff 7.3.19 fel y'i newidiwyd gan NF45, yn tanlinellu'r cyfleoedd gwaith mawr yn Wylfa Newydd a'r cyfleoedd yn eu sgil ym Mharc Gwyddoniaeth Menai trwy brosiectau isadeiledd a busnesau newydd cysylltiedig. Dylai'r awdurdodau nodi cyfanswm y swyddi sydd yn yr arfaeth dros gyfnod y cynllun ac esbonio sut y mae hyn yn alinio â nifer y tai newydd a gyflenwir ac a ddatblygir gam gam wrth gam. Mae cysylltiad annatod rhwng darparu safleoedd y cynllun a'u hamseriad â'r penderfyniad i fuddsoddi yn Wylfa. Byddai'n ddefnyddiol pe bai'r awdurdodau yn esbonio'r effaith ar nifer swyddi a'r effaith ar y tai a ddarperir pe na bai'r cynnig i ddatblygu Wylfa Newydd yn digwydd dros gyfnod y cynllun.</p> <p>Gan nad oes gofynion sy'n benodol i'r safle o ran isadeiledd yn Wylfa Newydd ac oherwydd y penderfyniad i ddileu cynlluniau trafndiaeth cysylltiedig yn NF24 a'r diffyg tystiolaeth ynghylch costau ac amserlenni, nid yw'n glir a ddaw Wylfa i fod. Dylai'r Cynghorau nodi'r isadeiledd sydd ei angen i gefnogi Wylfa Newydd a rhoi sicrwydd y caiff y cynllun ei ariannu a'i ddarparu dros gyfnod y cynllun.</p>
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Y strategaeth aneddeleodd

NF28	<p><u>Polisi PS5: Datblygu Cynaliadwy</u></p> <p>Mae gwrthwynebiad Llywodraeth Cymru yn parhau i Bolisi PS5 fel y mae wedi'i eirio yn NF28, ar gyfer Canolfannau a Phentrefi mwy 'hunan-gynhaliol'. Dylai'r awdurdodau esbonio sut y mae hyn yn effeithio ar ddatblygiad y Canolfannau a pham na fyddai'n fwy priodol yn y Pentrefi llai cynaliadwy.</p>
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Tai

NF13	<p>Mae'r newid â ffocws a gynigir yn cynnwys cyfeiriad at y gyfradd trosi llefydd gwag o deuluoedd i anheddau. Fodd bynnag, nid yw'n glir o dystiolaeth y Cynghorau eu hunain beth yw'r gyfradd llefydd gwag. Er enghraifft, dywed papur Edge Analytics mai 12.2% yw'r gyfradd llefydd gwag yng Ngwynedd a 10.5% ym Môn. Fodd bynnag, y cyfraddau trosi a ddefnyddiwyd yn DC.017/DC.018 yw 16.5% ac 11.9%. Byddai'r cynllun yn gliriach pe bai'n nodi'r gyfradd llefydd gwag, gan gynnwys esbonio pam mae'r gyfradd yn briodol ar gyfer amgylchiadau lleol.</p>
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NF59	<p>Mae'r newid â ffocws a gynigir yn dangos y cysylltiad rhwng y cynllun a'r tafluniad tai newydd. (Tafluniad Tai, PT.033, Chwefror 2015). Mae Llywodraeth Cymru'n cefnogi'r gwaith ychwanegol sy'n cael ei wneud gan y Cyngor i ddangos maint y cyflenwad 5 mlynedd o'r arolygiad ymlaen. Fodd bynnag, yn ôl Llywodraeth Cymru, mae beiau ar y tafluniad. Nid yw'n glir o'r tafluniad beth yw perthynas holl elfennau'r cyflenwad dros gyfnod y cynllun â'i gilydd a'u perthynas â chynnal cyflenwad pum mlynedd. Mae Atodiad 2 ond yn eu crynhoi mewn un golofn. Nid yw'n glir chwaith beth fydd effaith yr hyblygrwydd a ganiateir ar y tafluniad. Nid yw'n glir a yw 10% yn ddigon i ddelio â phroblemau fel tangyflenwi ar bwyntiau tyngedfennol ar y tafluniad. Mater i'r Awdurdod Cynllunio Lleol i'w ddangos yw hyn. Mae'r tafluniad yn dangos y bu tangyflenwi ym mlynnyddoedd cynnar y cynllun ac y</p>
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Nia Davies
Yr Uned Polisi Cynllunio ar y Cyd
Gwynedd a Mon
Neuadd y Dref
Bangor
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LL57 1DT

Our ref:
Your ref:

13th April 2016

Dear Nia,

Gwynedd and Ynys Mon's joint Local Development Plan – Consultation on the Schedule of Focussed Changes

Thank you for your letter of 23rd February 2016 notifying the Welsh Government of Gwynedd and Ynys Mon's Council's Schedule of Proposed Focussed Changes consultation.

The matter of whether a plan is considered 'sound' will be for the appointed Planning Inspector to determine. The proposed Focussed Changes have been considered in the light of the representations made to the Deposit Plan on 31 March 2015 and in accordance with the tests of soundness.

The attached **Annex** provides a detailed response on whether the Schedule of Proposed Focussed Changes meets the matters raised in our deposit representations, in addition to those changes that were not part of the Deposit Plan. Further to the above, we consider **the focussed changes are silent** in respect of a number of key issues that were raised within our deposit representation. The annex sets out where and why our objections are still maintained.

I wish to draw your attention specifically to:

- **Safeguarding and allocating land for employment purposes**
- **Infrastructure and Wylfa project associated development**
- **Housing: specifically vacancy rates; delivery trajectory; and phasing**
- **Gypsy and Traveller Provision – suitability and deliverability to meet need**
- **Renewable Energy – does not transcribe national policy**

In addition, we have further representations where the approach requires clarification in light of national policy and/or limited supporting evidence base.

- Affordable housing – contribution from commitments and allocations
- Landscape assessment
- Welsh Language – conformity with national policy
- Monitoring framework

It is considered that it may be possible for the above matters to be addressed and explained as part of the hearing sessions or as Matters Arising Changes (MACs) if deemed necessary by the Inspector.

Yours sincerely,

Mark Newey
Head of Plans Branch
Planning Directorate

Annex

FC No.	Welsh Government Comment
Employment Provision and Distribution	
NF46 NF47	<p data-bbox="293 318 1422 356"><u>Policy CYF1: Safeguarding and Allocating Land and Units for Employment Use</u></p> <p data-bbox="293 394 1461 647">The WG supports the principle of NF46 and NF47, which clarifies the employment land totals on safeguarded and allocated employment sites in Policy PS10 and Policy CYF1. The authorities have an identified need for 180ha of employment land; of which 60ha will be met on new allocations and the remaining 120ha on safeguarded sites. The authorities should clarify if the safeguarded sites listed in Policy CYF1 were designated to meet a previous need and the implication on delivery in the current plan period.</p> <p data-bbox="293 685 1418 940">With a vacancy rate on safeguarded employment sites totalling 280ha in Policy CFY1, it is unclear why the plan need of 180ha has not been met on the safeguarded sites. The authorities should explain the suitability of safeguarded sites to accommodate identified need and how their development will accord with the spatial strategy. It is imperative sites that employment sites can be delivered to meet the plans objective for economic growth.</p> <p data-bbox="293 978 1477 1196">In Policy CYF1 (as amended by NF47), the vacant land area on safeguarded and allocated employment sites total 340ha. By deducting the identified need for 180ha, the plan has an over-provision of 160ha of employment land. The authorities should explain how this substantial over-provision will not have negative implications for land values nor confuse the market and jeopardise growth aspirations.</p> <p data-bbox="293 1234 1481 1382">Several 'strategic regional employment sites' totalling 230ha are identified for development in Policy CFY1. It is unclear if competition from similar energy related uses will impact on site delivery and the authorities should explain how all 'strategic regional employment sites' can be delivered in the plan period.</p> <p data-bbox="293 1420 1485 1749">To reflect the status of Anglesey being designated an Enterprise Zone, the WG is supportive of the greater emphasis for economic growth and higher employment land totals on the island. NF47 amends Policy CFY1 to identify employment sites by strategy area in Anglesey, with over 190ha in Urban Service Centres but none in the Villages. The authorities should explain the disproportionate approach to employment land in Anglesey and how it aligns with the spatial strategy and plan objective to maximise job opportunities for new homes in the Villages. It would be useful to understand how the sequential approach in TAN 23 has influenced site selection, particularly in Anglesey.</p>
Delivery and Implementation	
NF17 NF18	<p data-bbox="293 1823 1075 1861"><u>Policy PS2: Infrastructure and Developer Contributions</u></p> <p data-bbox="293 1899 1477 2121">The WG welcomes the clarity on the S106 and CIL process in NF17 and NF18, but maintains its concern on the delivery and viability of plan allocations. Whilst Topic Paper 13 Community Infrastructure provides a useful context on infrastructure requirements, there is a lack of evidence on site-by-site infrastructure requirements, costing's, funding mechanisms, delivery bodies and timescales for implementation. The Councils should explain in the absence of</p>

	<p>this evidence, how allocated sites will be delivered and how this will not adversely impact on viability and the phasing of housing sites.</p> <p>To secure the necessary infrastructure, the Council should be certain that without a CIL charge in place and an inability to ‘pool’ future S106 agreements (beyond 5 per specific infrastructure item), the delivery of sites and key infrastructure will not be inhibited.</p>
<p>NF45 NF24</p>	<p><u>Policy PS9: Wylfa Newydd Project Associated Development</u></p> <p>Paragraph 7.3.19 as amended by NF45, highlights the significant employment opportunities at Wylfa Newydd, Menai Science Park and the spin-off opportunities from associated infrastructure projects and new businesses. The authorities should clarify the total number of jobs proposed over the plan period and explain how this aligns to the delivery and phasing of new housing allocations. The timing and delivery of sites in the plan is inextricably linked to the decision to invest in Wylfa. It would be useful for the authorities to explain the impact on job numbers and the effect on housing delivery if the proposal at Wylfa Newydd did not come forward over the plan period.</p> <p>In the absence of site-specific infrastructure requirements at Wylfa Newydd, the deletion of associated transport schemes in NF24 and a lack of evidence on costings and timescales, the delivery at Wylfa is unclear. The Councils should identify the infrastructure requirements to support Wylfa Newydd and provide reassurance on its funding and delivery during the plan period.</p>
Settlement Strategy	
<p>NF28</p>	<p><u>Policy PS5: Sustainable Development</u></p> <p>The WG maintains its objection to Policy PS5 as currently worded by NF28, which seeks “greater self-containment” in the Centres and Villages. The authorities should clarify how this approach impacts on development in the Centres and why it isn’t more appropriate in the less sustainable Villages.</p>
Housing	
<p>NF13</p>	<p>The proposed focussed change includes a reference to the household to dwelling conversion vacancy rate. However, it is not clear from the Councils own evidence what the vacancy rate is. For example, the Edge Analytics papers states that vacancy rates for Gwynedd & Anglesey are 12.2% and 10.5% respectively. However, the conversion rates utilised in the DC.017/DC.018 are 16.5% and 11.9%? It would aid the clarity of the plan if the vacancy rate was stated in the plan, including an explanation as to why the rate is appropriate for local circumstances.</p>
<p>NF59</p>	<p>The proposed focussed change introduces a link from the plan to a new housing trajectory. (Housing Trajectory, PT.033, February 2015). The Welsh Government supports the additional work undertaken by the Council which numerically demonstrates a 5 year supply from examination. However, the Welsh Government considers that the trajectory has some short-comings. It is unclear from the trajectory, the interrelationship of all the components of supply over the plan period and their relationship to maintaining a five year supply. Appendix 2 only summarises them in one column. It is also unclear as to how the flexibility allowance relates to the trajectory. It is unclear whether the 10% is sufficient, to deal with issues of under delivery at key ‘pinch points’ in the trajectory. This will be a matter for the LPA to demonstrate.</p>

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ENERGY WORKING FOR BRITAIN

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12th April 2016

FAO Nia Haf Davies

DCRM Ref. No: HNP-S2-RI-LET-00031

Unique Number: HNP9060N

By e-mail: planningpolicy@gwynedd.gov.uk

Dear Nia

ANGLESEY AND GWYNEDD JOINT LOCAL DEVELOPMENT PLAN 2011-2026
HORIZON NUCLEAR POWER WYLFA LIMITED REPRESENTATIONS ON FOCUSED CHANGES
(FEBRUARY 2016)

Horizon Nuclear Power Wylfa Limited ("Horizon") welcomes the opportunity to comment on the Isle of Anglesey County Council and Gwynedd Council ("Councils") Joint Local Development Plan ("JLDP") Focussed Changes (February 2016) and to continue dialogue with the Councils as part of the latest JLDP consultation.

The publication of the Focussed Changes follows earlier consultation on the Deposit Draft JLDP in March 2015 where Horizon made representations that included a number of important and fundamental proposed changes to the JLDP. Horizon is also aware that the Councils have submitted the JLDP to the Welsh Government and Planning Inspectorate for Public Examination.

As you know, Wylfa Newydd and the associated development represents a multi-billion pound investment and it will not only provide secure low carbon electricity for many decades, but will create significant long term employment opportunities and economic benefits for Anglesey, Gwynedd and North Wales.

We are therefore fully invested in the future of Anglesey and is committed to continued working with the Councils to ensure that the JLDP provides an appropriate balance to recognition and support for the Wylfa Newydd with the communities' needs.

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We are pleased that a number of our proposed changes to the Deposit JLDP have been incorporated into the 'Focussed Changes' which serves to strengthen support in the JLDP for the Wylfa Newydd. However, we are concerned that a number of our fundamental proposed changes to the Deposit Draft JLDP have not been supported.

Our primary concern is the absence of a clear suite of Wylfa Newydd specific policies, which has not been addressed by the Focussed Changes. It is currently for the reader to wade through a significant number of policies to 'pick out' and appropriately balance those elements that are appropriate for assessing development at Wylfa Newydd. This significantly affects the ability of the policies to be easily interpreted, particularly by members of the public, and so undermines their effectiveness.

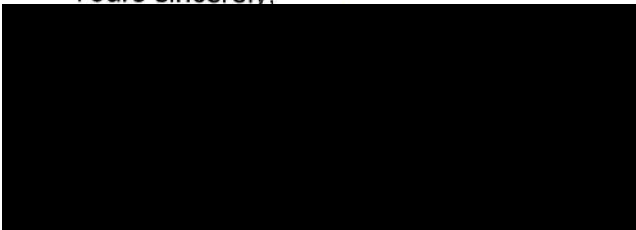
Accordingly, please find enclosed the following in support of our representations:

1. A summary note explaining the nature of Horizon's further representations; and
2. A schedule setting out additional specific representations as a result of the Focussed Changes. Horizon has agreed with the Councils that given the format of the 'Focussed Changes', its representations can be provided in tabular form for ease of reference against Horizon's representations on the Deposit Draft JLDP.

We would also like to confirm our desire to appear at the hearing sessions relevant to the representations set out in our enclosed responses.

We would stress again that these concerns are raised in a constructive manner and with a continued desire to work alongside your Councils to successfully advance the Wylfa Newydd. With this in mind, we would welcome an early opportunity to meet to discuss the contents of our latest representations with you and your officers.

Yours sincerely,



Kieran Somers
Head of Planning

Enc.

Signed Focussed Changes Representation Form 12.04.16

Horizon Focussed Changes Summary Notes 11.04.16



JLDP Additional Specific Representations Final V4 12.04.16

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**Cynllun Datblygu Lleol ar y Cyd Adnau Ynys Môn a Gwynedd 2011-2026
FFURFLEN SYLWADAU NEWIDIADAU Â FFOCWS/
Anglesey and Gwynedd Deposit Joint Local Development Plan 2011-2026
FOCUSED CHANGES COMMENTS FORM**

25/2/16.

Yn dilyn ymgynghoriad ar y Cynllun Datblygu Lleol ar y Cyd ar Adnau, mae Cyngorhau Gwynedd a Môn yn cynnig rhai 'Newidiadau â Ffocws.' Hoffem glywed eich barn ar y rhain.

Dylid defnyddio'r ffurflen hon ar gyfer yr holl sylwadau (h.y. sylwadau neu wrthwynebiadau). Mae fersiynau Uniongyrchol Ar-lein/Electronic a nodiadau cyfarwyddyd ar gael ar www.gwynedd.llyw.cymru/cdll neu www.anglesey.gov.uk/cdll. Os ydych yn cyflwyno copi ar bapur, dylech atodi tudalennau ychwanegol lle bod angen. Dylech lenwi ffurflenni ar wahân ar gyfer pob sylw yr hoffech ei wneud.

Sylwer bod RHAID i sylwadau fod yn ymwneud â'r Newidiadau â Ffocws yn unig, ac nid i agweddau eraill ar y Cynllun Datblygu Lleol ar y Cyd ar Adnau. Ni fydd sylwadau eraill yn derbyn sylw.

Mae'n rhaid derbyn eich sylwadau ddim hwyrach na 4.30yh ar yr 13 Ebrill 2016. NI FYDD SYLWADAU A DDERBYNNIR WEDI'R DYDDIAD YMA YN CAEL EU HYSTYRIED

Dychwelwch y ffurflenni at: **Uned Polisi Cynllunio ar y Cyd, Swyddfa Cyngor Dinas Bangor, Ffordd Gwynedd, Bangor, Gwynedd, LL57 1DT neu polisicynllunio@gwynedd.gov.uk**

Diogelu Data - Mae gan y ffurflen hon ddwy ran: Rhan A (Manylion Personol) a Rhan B (Eich sylw). Sylwer mai Rhan B yn unig fydd ar gael i'r cyhoedd a chaiff ei hanfon at yr Arolygiaeth Gynllunio.

Mae'n bosib derbyn ffurflenni sylwadau ychwanegol gan yr Uned Polisi Cynllunio ar y Cyd drwy ffonio 01286 685003 neu gellir eu llawr lwytho o wefan y Cyngor yn: www.gwynedd.llyw.cymru/cdll neu

Following consultation on the Deposit Joint Local Development Plan (LDP), Anglesey and Gwynedd Councils are proposing some 'Focussed Changes'. We would like your views on these.

This form should be used for all representations (i.e. comments or objections). Direct Online/Electronic versions and guidance notes are available at www.gwynedd.llyw.cymru/ldp or www.anglesey.gov.uk/ldp. If you are submitting a paper copy, attach additional sheets as necessary. **Separate forms should be completed for each comment that you wish to make.**

Please note that representations MUST relate only to the Focussed Changes, and not to other aspects of the Deposit Joint Local Development Plan. Other representations will be disregarded.

Your representations must be received by no later than 4.30pm on the 13 April 2016. REPRESENTATIONS RECEIVED AFTER THIS TIME WILL NOT BE CONSIDERED



Please return forms to: **Joint Planning Policy Unit, Bangor City Council Offices, Ffordd Gwynedd, Bangor, Gwynedd, LL57 1DT or planningpolicy@gwynedd.gov.uk**

Data Protection - This form has two parts: Part A (Personal details) and Part B (Your representation). Please note that only Part B will be made publicly available and will be forwarded to the Planning Inspectorate.

Additional representation forms can be obtained from the Joint Planning Policy Unit on 01286 685003 or may be downloaded from the Council's web site at: www.gwynedd.llyw.cymru/ldp or

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		<p>Defnydd swyddfa yn unig/ <i>Office use only</i></p> <p>Rhif Cyn./Rep No.:</p> <p>Derbyniwyd/Received:</p> <p>Cydnabod/Acknowledged</p>
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Cynllun Datblygu Lleol ar y Cyd Adnau Ynys Môn a Gwynedd 2011-2026
FFURFLEN SYLWADAU NEWIDIADAU Â FFOCWS/
Anglesey and Gwynedd Deposit Joint Local Development Plan 2011-2026
FOCUSSED CHANGES COMMENTS FORM
25/2/16.

RHAN B: Eich Sylwadau a Newidiadau a Awgrymir PART B: Your Comments and Suggested Changes	
Eich enw/Sefydliad: Your name/Organisation:	Horizon Nuclear Power Wylfa Limited

1. Ar ba Newid â Ffocws yr ydych chi'n gwneud sylwadau? (Cofiwch defnyddio un ffurflen ar gyfer pob cynrychiolaeth)

1. Which Focussed Change are you commenting on? (Remember to use one form for each representation)

Rhif y Newid â Ffocws (NF) Focussed Change Number (NF)	All	Cefnogi/ Support	<input type="checkbox"/>	Gwrthwynebu/ Object	<input type="checkbox"/>
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2. Cyn i chi esbonio eich sylwadau'n fanwl, byddai'n dda gwybod os ydych yn credu fod y Cynllun yn gadarn a'i pheidio, o ganlyniad i'r Newidiadau â Ffocws, neu a ydych o'r farn bod rhannau ohono neu bob rhan ohono ddim yn gadarn a bod angen ei newid.

I gael rhagor o wybodaeth am gadernid a gofynion gweithdrefnol, gweler y nodiadau cyfarwyddyd. Os ydych yn ansicr, gadewch y rhan yma yn wag.

2. Before you set out your comments in detail, it would be helpful to know whether you think that, as a result of the Focussed Changes, the Plan is sound or that all or parts of it are unsound.

For more information on soundness and procedural requirements, see the guidance notes. If you are unsure, leave this section blank.

Cadarn/Sound	<input type="checkbox"/>	Dim yn gadarn ac dylid ei newid/Unsound and should be changed	<input checked="" type="checkbox"/>
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3. Rhowch fanylion eich sylwadau ar y Newid â Ffocws yn y blwch nesaf.

Esboniwch pam rydych yn gwrthwynebu neu'n cefnogi'r Newid â Ffocws a nodir a pha newidiadau sydd eu hangen i'r Newid â Ffocws i wneud y Cynllun yn gadarn. Dylech gynnwys yr holl wybodaeth, tystiolaeth a gwybodaeth ategol sy'n angenrheidiol i gefnogi eich sylw. Bydd hyn yn helpu'r Awdurdod a'r Arolygydd i ddeall y materion y byddwch yn eu codi. Ni fyddwch yn gallu cyflwyno rhagor o wybodaeth i'r Archwiliad

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dim ond os bydd yr Arolygydd yn eich gwahodd i wneud hynny.

3. Please provide details of your representation on the Focussed Change in the next box.

Explain why you object to or support the identified Focussed Change and outline what changes are needed to the Focussed Change to make the Plan sound. Include all the information, evidence and supporting information necessary to support your representation. This will help the Authority and the Inspector to understand the issues you raise. You will only be able to submit further information to the Examination if the Inspector invites you to do so.

Please refer to the attached schedule of "Additional Specific Representations to Focussed Changes"

Defnyddiwch dudalennau ychwanegol os bydd angen.
Nodwch faint o dudalennau ychwanegol rydych wedi'u defnyddio.....
*Please use additional sheet if necessary.
Please state how many additional sheets have been used.....*

4. Os yw eich sylw yn 3 yn fwy na 100 o eiriau, darparwch grynodeb os gwelwch yn dda (dim mwy na 100 o eiriau).

4. If your response to 3 above exceeds 100 words, please provide a summary (no more than 100 words).

Please refer to the attached schedule of "Additional Specific Representations to Focussed Changes"

5. A ydych am i'ch sylwadau gael eu hystyried fel 'sylwadau ysgrifenedig' neu a hoffech siarad mewn sesiwn gwrandawriad yn yr Archwiliad Cyhoeddus? (Ticiwch un o'r isod)

Ar y cam hwn, gallwch wneud sylwadau'n ysgrifenedig yn unig (gelwir y rhain yn 'sylwadau ysgrifenedig'). Fodd bynnag, gall pawb sydd am newid y Cynllun ymddangos gerbron yr Arolygydd a siarad mewn 'sesiwn gwrandawriad' yn ystod yr Archwiliad Cyhoeddus. Ond dylech gofio y bydd yr Arolygydd yn rhoi'r un pwysau ar eich sylwadau ysgrifenedig ar y ffurflen hon â'r rheiny a wneir ar lafar mewn sesiwn gwrandawriad. Sylwer, bydd yr Arolygydd yn dewis y weithdrefn fwyaf priodol er mwyn darparu ar gyfer y rhai sydd eisiau rhoi tystiolaeth lafar.

5. Do you want your comments to be considered by 'written representations' or do you want to speak at a hearing session of the Public Examination? (Please tick one of the following)

At this stage, you can only make comments in writing (these are called 'written representations'). However, everyone that wants to change the Plan can appear before and speak to the Inspector at a 'hearing session' during the Public Examination. But you should bear in mind that your written comments on this form will be given the same weight by the Inspector as those made verbally at a hearing session. Please note that the Inspector will determine the most appropriate procedure for accommodating those who want to provide oral evidence.

Nid wyf am siarad mewn sesiwn gwrandawriad ac rwyf yn fodlon i'm sylwadau

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ysgrifenedig gael eu hystyried gan yr Arolygydd. <i>I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector.</i>	
Hoffwn siarad mewn sesiwn gwrandawriad. <i>I want to speak at a hearing session.</i>	<input checked="" type="checkbox"/>

<p>6. Os hoffech siarad, cadarnhewch pam rydych yn ystyried ei bod hi'n angenrheidiol i chi siarad yn y Gwrandawriad.</p> <p><i>6. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing.</i></p>
<p>Please refer to the attached schedule of "Additional Specific Representations to Focussed Changes". In particular, the JDLP needs to provide sufficiently clear policies to support and provide the necessary control for significant elements of the Wylfa Newydd Project.</p>

<p>7. Os ydych am siarad, byddai'n ddefnyddiol pe gallech nodi ym mha iaith hoffech chi gael eich clywed? (Ticiwch un o'r isod)</p> <p><i>6. If you wish to speak, it would be helpful if you could indicate in which language you would like to be heard. (Please tick one of the following boxes)</i></p>	
Hoffwn i gael fy nghlywed yn Gymraeg <i>I wish to be heard in Welsh</i>	<input type="checkbox"/>
Hoffwn i gael fy nghlywed yn Saesneg <i>I wish to be heard in English</i>	<input checked="" type="checkbox"/>

DIOLCH AM EICH SYLWADAU AM Y NEWIDIADAU Â FFOCWS/ THANK YOU FOR YOUR COMMENTS ON THE FOCUSED CHANGES

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Nodiadau cyfarwyddyd	Guidance notes
<p>Bydd Cynllun Datblygu Lleol Gwynedd a Môn ar y Cyd yn cael ei archwilio gan Arolygydd annibynnol a benodir gan Lywodraeth Cymru. Gwaith yr Arolygydd yw ystyried a yw'r Cynllun yn bodloni gofynion gweithdrefnol ac a yw'n gadarn.</p> <p>Gellir ystyried 'Cadarn' yn y cyd-destun hwn o fewn ei ystyr arferol o 'dangos barnu da' a 'gellir ymddiried ynddo'. Y cwestiynau neu'r 'profion' y bydd yr Arolygydd yn eu hystyried wrth benderfynu a yw'r Cynllun yn gadarn yw:</p> <ol style="list-style-type: none"> 1. A yw'r cynllun yn ffitio? (h.y. a yw'n gyson â chynlluniau eraill?) 2. A yw'r cynllun yn briodol? (h.y. a yw'n briodol ar gyfer yr ardal yng ngoleuni'r dystiolaeth?) 3. A fydd y cynllun yn cyflawni? (h.y. a yw'n debygol o fod yn effeithiol?) <p>Darperir rhagor o wybodaeth am y profion cadernid a'r gofynion gweithdrefnol yn Arweiniad Gweithdrefnol ar Archwiliadau Cynllun Datblygu Lleol yr Arolygiaeth Gynllunio.</p> <p>Wedi ymgynghori ar fersiwn adneuo'r Cynllun Datblygu Lleol, mae Cyngorau Gwynedd a Môn yn gwneud nifer gyfyngedig o Newidiadau â Ffocws er mwyn gwneud y Cynllun yn gadarn cyn iddo gael ei archwilio. Ymgynghorir ar y newidiadau rwan. Caiff unrhyw ymatebon eu hanfon ymlaen yn uniongyrchol at yr Arolygydd Cynllunio.</p> <p>Os ydych yn gwrthwynebu Newid â Ffocws, dylech ddweud pam nad yw'n gwneud y Cynllun yn gadarn a sut dylid newid y Newid â Ffocws er mwyn gwneud y Cynllun yn gadarn.</p> <p>Lle rydych yn cynnig newid i'r Newid â Ffocws byddai'n ddefnyddiol egluro pa brawf (profion) cadernid rydych yn credu ei fod yn methu. Fydd methu adnabod prawf ddim yn golygu na chaiff eich sylw ystyriaeth, cyn belled â'i fod yn ymwneud a'r Newidiadau â Ffocws. Dylech gynnwys eich holl sylwadau ar y ffurflen, gan ddefnyddio dogfennau ychwanegol a thystiolaeth ategol lle bod angen.</p>	<p><i>The Joint Anglesey and Gwynedd Local Development Plan (LDP) will be examined by an independent Inspector appointed by the Welsh Government. It is the Inspector's job to consider whether the Plan meets procedural requirements and whether it is sound.</i></p> <p><i>'Sound' may be considered in this context within its ordinary meaning of 'showing good judgement' and 'able to be trusted'. The questions or 'tests' which the Inspector will consider in deciding whether the Plan is sound are:</i></p> <ol style="list-style-type: none"> <i>1. Does the plan fit? (i.e. is it consistent with other plans?)</i> <i>2. Is the plan appropriate? (i.e. is it appropriate for the area in the light of the evidence?)</i> <i>3. Will the plan deliver? (i.e. is it likely to be effective?)</i> <p><i>More information on the soundness tests and procedural requirements is provided in the Planning Inspectorate's Local Development Plan Examinations Procedural Guidance.</i></p> <p><i>Having consulted on the Deposit version of the Local Development Plan, Anglesey and Gwynedd Councils are making a limited number of 'Focussed Changes' to make the Plan sound before it is examined. These changes are being consulted upon now. Any responses will be forwarded directly to the Planning Inspector.</i></p> <p><i>If you are objecting to a Focussed Change, you should say why you think it makes the Plan unsound, and how the Focussed Change should be amended to make the Plan sound.</i></p> <p><i>Where you propose an amendment to a Focussed Change it would be helpful to make clear which test(s) of soundness you believe it fails. Failing to identify a test will not mean that your comment will not be considered, providing it relates to the Focussed Changes. You should include all your comments on the form, using accompanying documents and supporting evidence where necessary.</i></p>

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Dychwelwch y ffurflen i: **Uned Polisi Cynllunio ar y Cyd, Swyddfa Cyngor Dinas Bangor, Ffordd Gwynedd, Bangor, Gwynedd, LL57 1DT** neu polisicynllunio@gwynedd.gov.uk erbyn 4.30yh ar 13/4/16

Please return the form to: **Joint Planning Policy Unit, Bangor City Council Offices, Ffordd Gwynedd, Bangor, Gwynedd, LL57 1DT** or planningpolicy@gwynedd.gov.uk by 4.30pm on 13/4/16

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CYNLLUN DATBLYGU LLEOL AR Y CYD ADNAU YNYS MÔN A GWYNEDD 2011-2026 ANGLESEY AND GWYNEDD DEPOSIT JOINT LOCAL DEVELOPMENT PLAN 2011-2026

HORIZON NUCLEAR POWER WYLFA LIMITED REPRESENTATIONS TO FOCUSED CHANGES (APRIL 2016)

a) Introduction

- 1.1 Horizon Nuclear Power Wylfa Limited (“Horizon”) welcomes the opportunity to comment on the Isle of Anglesey County Council and Gwynedd Council (“Councils”) Joint Local Development Plan (“JLDP”) Focussed Changes (February 2016).
- 1.2 The publication of the Focussed Changes follows earlier consultation on the Deposit Draft JLDP in March 2015 where Horizon made representations that included a number of important and fundamental proposed changes to the JLDP.
- 1.3 Horizon is also aware that the Councils have submitted the JLDP to the Welsh Government and Planning Inspectorate for Public Examination.
- 1.4 Horizon is advancing proposals for the construction and operation of a new nuclear power station at Wylfa (“Wylfa Newydd”). As outlined in Horizon’s representations to the Deposit Draft JLDP, Wylfa Newydd and the associated development (“Wylfa Newydd Project” or “Project”) is likely to be one of the biggest, if not the biggest, energy investment in Wales. Horizon is therefore fully invested in the future of Anglesey and welcomes continued dialogue with the Councils as part of the latest JLDP consultation.
- 1.5 Accordingly, please find enclosed a table of representations entitled ‘Additional Specific Representations to Focussed Changes’ setting out Horizon’s detailed comments to the Focussed Changes.
- 1.6 Horizon has agreed with the Councils that given the format of the Focussed Changes, its representations are provided in tabular form for ease of reference against Horizon’s representations on the Deposit Draft JLDP.
- 1.7 Horizon’s representations have particular regard to the Government’s requirements relating to soundness and legal compliance, further emphasised in national planning policy as set out in Planning Policy Wales (Edition 8, 2016) (“PPW”). The accompanying table provides Horizon’s detailed comments, sets out whether Horizon considers that the Focussed Changes meet the soundness tests, and makes recommendations including, where appropriate, proposed changes to the JLDP.

b) Representations to the JLDP Focussed Changes

- 1.8 Horizon is pleased that a number of its proposed changes to the Deposit Draft JLDP have been incorporated into the Focussed Changes which seeks to strengthen support in the JLDP for the Wylfa Newydd Project. Horizon considers this to be a positive move, particularly as Wylfa is identified within the National Infrastructure Plan 2014 (published December 2014) as a ‘Top 40 priority infrastructure investments’ energy project in the UK. It is crucial therefore that the JLDP recognises and reinforces the importance of the Wylfa Newydd Project.

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- 1.8 Horizon is concerned however that the Wylfa Newydd specific policies it proposed to the Deposit Draft JLDP have been rejected by the Councils and have not been incorporated as part of the Focussed Changes. A copy of the proposed Wylfa Newydd specific policies, which are proposed to sit beneath draft Policy PS9, are provided at Appendix of this note for ease of reference.
- 1.9 Horizon considers that the magnitude, timing (the duration of the Project) and national context of the Wylfa Newydd Project justifies the need for a clear suite of Wylfa Newydd specific policies enshrined in the Development Plan, rather than any Wylfa specific Supplementary Planning Guidance alone, to recognise the unique status of the Project.
- 1.10 Horizon considers that the emerging JLDP (as amended by the Focussed Changes) does not provide a sufficiently clear policy framework to support and provide the necessary control for significant elements of the Wylfa Newydd Project. It is critical that there is a clear suite of policies against which the Councils can determine applications where they are the decision maker and make representations where they are a consultee, i.e. for the DCO. It is particularly important that the policies perform this joint role given the emerging changes in the draft Wales Bill, which are now likely to include the option to combine the consenting process for associated development for major electricity generating projects (over 350MW) in Wales within the DCO regime.
- 1.11 As Horizon explained in its original representations to the Deposit Draft JLDP, in Wales the consent regime for Nationally Significant Infrastructure Projects (“NSIP’s”) operates alongside the town and country planning regime. While Wylfa Newydd itself will therefore be determined under the Planning Act 2008, a significant amount of development will need to come forward under the Town and Country Planning Act 1990 (as amended) (“TCPA”) as associated development in connection with the Project (or through the DCO if the changes currently proposed through the draft Wales Bill come into effect).
- 1.12 Crucially, Horizon anticipates the need for TCPA applications for associated development to be consented early will become increasingly necessary. This is because examining authorities for Welsh DCO’s continue to put increasing pressure on developers to have their TCPA applications approved by the time of DCO examination to provide certainty and to ensure that there is no impediment for bringing forward such important and significant infrastructure projects. It is critical therefore that the JLDP provides the appropriate planning policy framework so as not to create a barrier or unnecessary hurdles for applications for associated development proposed in connection with the Project.
- 1.11 For those reasons, Horizon strongly urges the Councils to reconsider incorporating the proposed Wylfa Newydd specific policies as part of the JLDP. Incorporating the proposed Wylfa Newydd specific policies provides an opportunity for those policies to clarify, where appropriate, where the Wylfa Newydd specific policies carry greater weight or create exceptions to other policies in the JLDP while still providing a robust assessment framework.
- 1.12 As currently drafted however, Horizon considers the draft JLDP policies to be insufficiently flexible and lacking the clarity required by planning policies to appropriately assess planning application proposals for associated development. As currently drafted it is for the reader to wade through a significant number of policies to ‘pick out’ and appropriately balance those elements that are appropriate for assessing development at Wylfa Newydd. This significantly affects the ability of the policies to be easily interpreted, particularly by members of the public, and undermines their effectiveness.

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- 1.13 Horizon made it clear that its representations to the Deposit Draft JLDP were based on those Wylfa Newydd site specific policies being incorporated into the future JLDP. It therefore reserved its right to make further representations/comments to any future consultation such as these Focussed Changes if that was not accepted. This meant that it was able to take a lighter touch approach to commenting on the remainder of the Deposit Draft JLDP on the basis that the Wylfa Newydd specific policies would establish the primary relevant policies for the Project.
- 1.14 It was for those reason that Horizon’s representations for the JLDP did not comment in any detail (nor seek specific amendments) on a number of other policies, which would in the absence of Wylfa Newydd site specific policies, form the policy context for the Project.
- 1.15 As the Focussed Changes do not incorporate the Wylfa Newydd site specific policies proposed in Horizon’s representations to the Deposit Draft JLDP, the enclosed table now proposes specific and fundamental changes to a number of policies including: ISA2, ISA3, ISA5, ARNA1, CYF1, CYF2, CYF4, PS12, MAN6, Chapter 7.4, TAI2, TIA3, PS14, PS16 and MWYN9. While Horizon remains of the view that the inclusion of Wylfa Newydd site specific policies is the most robust way forward, in the event the Councils do not do so it is crucial that the JLDP is further amended so that there is a clear distinction between those policies that relate to general application proposals and those that relate to the Wylfa Newydd Project (associated development in particular) to ensure that the JLDP is sufficiently flexible and that there is a clear mechanism for implementing JLDP policies in relation to the Project. To that end, Horizon now makes representations that some policies should specifically exclude the Wylfa Newydd Project where they are potentially too restrictive if applied to associated development proposed in connection with the Project. In these cases, Horizon have proposed alternative wording which would be more appropriate to apply to the primarily temporary and bespoke associated development uses proposed as part of the Project.

c) Soundness Test

- 1.16 PPW stresses the need for Local Development Plans (LDP’s) to meet the three soundness tests which comprise:
- Does the plan fit? (i.e. is it clear that the LDP is consistent with the other plans?)
 - Is the plan appropriate? (i.e. is the plan appropriate for the area in the light of the evidence?)
 - Will the plan deliver? (i.e. is it likely to be effective?)
- 1.17 The Deposit Draft JLDP set out ten criteria for assessing soundness, which Horizon assumes also apply to the Focussed Changes. These are referred to, in summary and where relevant, in the accompanying table of representations.
- 1.18 In its current form, Horizon does not consider that the JLDP meets the soundness tests because:
- The policies do not create a coherent framework of policies in respect of associated development that will be promoted in connection with the Wylfa Newydd Project and is at odds with the Planning and Compulsory Purchase Act 2004. The JLDP does not therefore meet the “Does the plan fit?” soundness test (soundness test CE1 of the Deposit Draft JLDP).

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- The policies are not realistic or appropriate having considered relevant alternatives and could constrain the ability of the plan to adapt to changes in the number and type of major infrastructure projects associated with the Wylfa Newydd Project. The JLDP therefore fails to meet the “Is the Plan appropriate?” soundness test (soundness test CE2 in the Deposit Draft JLDP).
 - The JLDP is insufficiently flexible to appropriately provide for associated development. In order for the JLDP to be effective, Horizon considers it fundamental that the JLDP include Wylfa Newydd specific policies as proposed at the Deposit stage. In the absence of such specific policies, further focussed changes are required to other relevant policies to ensure that they are fit for purpose for determining applications for associated development proposed in connection with the Project and for providing consultation responses in relation to the DCO application.
- 1.19 As currently drafted, Horizon considers that the draft JLDP does not meet the three soundness tests and does not therefore provide the appropriate and necessary planning policy framework for the Wylfa Newydd Project.
- 1.20 Horizon urges the Councils to incorporate the Wylfa Newydd site specific policies and proposed changes to ensure that there is a clear planning policy framework so as to help realise (and not create a barrier to) the very urgent need for new nuclear power generation in the UK.

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	JLDP Policy	Paragraph ref	Consultation responses	Specific amendments sought	Previous Representation Addressed by Focused Changes? and Further Specific Amendments Sought
15.	Chapter 7 Managing growth and Development – Safe, healthy, Distinctive and vibrant communities	Strategic Policy PS2: ‘Infrastructure and Developer Contributions’ Policy ISA 1: ‘Infrastructure Provision’	<p>The Councils' intention with regard to the extent of these policies is not clear. The amendments made make it clear that s106 obligations sought must be levied in accordance with the regulatory tests i.e. contributions must meet the Community Infrastructure Regulations 2010 regulation 122 tests:</p> <ul style="list-style-type: none"> necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development. <p>These policies should be reconsidered to make this clear.</p>	<p><u>Amend PS2 as follows:</u></p> <p>STRATEGIC POLICY PS2: INFRASTRUCTURE AND DEVELOPER CONTRIBUTIONS</p> <p>The Councils will expect new development to ensure sufficient provision of essential infrastructure (either on-site or to service the site) is either already available or provided in a timely manner to make the proposal acceptable, by means of a planning condition or obligation. <u>Subject to meeting the statutory tests, maintenance payments may be required pursuant to section 106 agreements. It may happen that planning obligations are required for maintenance payments</u> in order to meet the initial costs of running services and facilities and to compensate communities for loss or damage caused by development.</p>	Yes – No further comments (addressed by Focused Change Ref: NF 18).
16.	Chapter 7 Managing growth and Development – Safe, healthy, Distinctive and vibrant communities	Paragraphs 7.1.10 –7.1.14	<p>Horizon considers the clarity of these paragraphs should be improved.</p> <p>There is little consistency in the terminology used such that the Plan is not clear as to expectations in terms of what the Councils are proposing when referring to "community benefits".</p> <p>There appears to be overlap in the use of this term to cover a number of concepts :</p> <ul style="list-style-type: none"> Section 106 obligations (as referred to in PS2). "community infrastructure contributions" (7.1.10) and "infrastructure provision" (7.1.11) Planning obligations (7.1.10 and 7.1.11) CIL levy receipts (7.1.10) Voluntary "community benefits" offered by developers. <p>Horizon proposes that the following terms are used with the following definitions (the amendments proposed are made on this basis):</p> <ul style="list-style-type: none"> "Statutory Benefits" means "Section 106 Obligations", "CIL receipts" and "planning permission conditions"; in each case these may only be imposed in accordance with regulation 122 of the CIL Regulations. "section 106 obligations" or "planning obligations" means monies or provision of infrastructure secured pursuant to a section agreement or section 106 unilateral undertaking in accordance with s106 of the Town and Country planning Act 1990. 	<p><u>Amend the paragraphs to read:</u></p> <p>7.1.10 New development will often require new or rely on existing infrastructure, services and facilities to make proposals acceptable in land use planning terms. <u>Statutory community benefits, related to proposed development and necessary for the grant of planning permission, can be sought from developers providing they meet the tests in the Community Infrastructure Levy Regulations 2010 as set out in paragraph 7.1.6 are fairly and reasonably related in scale and in kind to the proposal.</u> It is important that the provision of infrastructure for a development site is located and designed in such a way as to minimise the impact on the natural and built environment. The amenities of local residents should also be protected. <u>Statutory Bbenefits community infrastructure contributions will be secured either through planning Section 106 obligations as set out in under the Town and Country Planning Act 1990, as planning permission conditions or, in the event a CIL charging regime is introduced by the Councils, through levy CIL receipts under the Community Infrastructure Levy Regulations 2010.</u></p> <p>7.1.11 <u>Statutory Benefits A planning obligation is a legally binding agreement entered into between a local authority and a developer. Planning obligations are a means by which financial and non financial contributions can be secured to enhance the quality of a development, provide community benefits and infrastructure, and mitigate any negative impacts that may arise as a consequence of development. The type and value of Statutory Benefits planning obligations sought in connection with a development planning permission will be considered on a case by case basis. Particularly the Councils will look to use Statutory Benefits to secure appropriate contributions from developers where existing infrastructure provision is not available or is inadequate, the Council will look to the developer to make an appropriate contribution.</u></p> <p>7.1.12 The tests set out in Circular 13/97 and the Community Infrastructure Levy Regulations 2010 will be used to determine when it would be appropriate to seek <u>Statutory Benefits planning obligation.</u> Supplementary Planning Guidance will be published to provide further advice on the matter.</p>	Yes – No further comments (addressed by Focused Change Ref: NF 20).