

**Pembrokeshire Coast National Park  
Replacement Local Development Plan (2015-2031)  
Public Examination**

**Contents**

**before Inspector:** Mrs Nicola Gulley MA MRTPI

**Representations by and on behalf of the**

**NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

**Secretary:** Mrs. Sandra Bayes

**Agent/Representative:** Mr. Robert L. MANSON

**Ref: 3778**

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**NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

**Contents**

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**for oral presentation**

**on 2<sup>nd</sup> July 2019**

# NEWPORT AREA ENVIRONMENT GROUP (NAEG)

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RLM/SB

**Pembrokeshire Coast National Park  
Replacement Local Development Plan (2015-2031)  
Public Examination**

**CASE**

before Inspector: Mrs Nicola Gulley

**Representations by and on behalf of the  
NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

Secretary : Mrs. Sandra Bayes

NAEG member: Mrs Ros McGarry

Agent/Representative: Mr. Robert L. MANSON

**Ref: 3778**

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**NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

**Statement of Case**

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for oral presentation  
on 2<sup>nd</sup> July 2019

1. Newport – Trefdraeth (the smallest town in Wales) together with its immediate environs, comprises a place of very special natural beauty and coastal amenity to both lift and enlighten the souls of its residents & visitors alike. However, as with so much else in life, having great advantages in one area, brings with it corresponding disadvantage in others; and in this instance the great attractiveness of Newport as a place to experience, both in the short & long term, brings with it a great distortion in the appeal, and thus the cost, of housing, People wishing to live here compete in the open market with some of the wealthiest people in the land to acquire a house.
2. The nature of employment in the area is in the main related to tourism, generated by the area's beauty and historic assets. While the local population is dependent on tourism, it is also its enemy. The level of income that the employment in tourism produces is insufficient to compete with the buyers that purchase residential properties, more often than not as second homes. Whilst developers are able to sell to those in a completely different wealth bracket, there is no incentive to provide homes within the financial reach of employees in local jobs – for whom the prospect of buying a home in their own town is virtually impossible.
3. The provision of local Affordable Housing, as a proportion of new build development, is naturally a most welcome innovation in market provision. However, as the statistics which we will supply will prove, as a full-spectrum solution to these complex social and economic problems, the provision of local Affordable Housing (“AH”), has alas proven to be a wholly and woefully inadequate and unachievable ideal. Developers in Pembrokeshire, as elsewhere, are not merely keen but insistent upon 'gaming' the planning system to minimise estate development conditions regarding proportions of AH, to the point where we are now faced with having to accept wholly unnecessarily and unwarrantedly large-scale estate developments<sup>1</sup> which in turn deliver only a minority of houses built to meet AH requirements. Equally, there are many people, whether locals or otherwise, who find themselves in the intermediate category of not meeting the requirements for provision of local AH, but who are completely incapable of purchasing a house at the prices they command here.
4. We are not anti-visitors becoming Newport householders *per se*. We would also stress and emphasise the fact that there is still a large proportion of the existing housing stock in Newport which is in desperate need of renovation and restoration. Particularly with regard to bringing home insulation and energy efficiency in our community up to much higher standards, so that as a community together we may make a better contribution to tackling the climate change challenges which all face collectively. We obviously welcome the contribution by wealthier visitors towards meeting the challenges by way of the purchase of most especially larger existing houses.
5. Equally, it is well appreciated that in such a manner they may well thereby also enable local people in existing homes no longer appropriate to them, most especially elderly local residents, to instead move into smaller houses with only one or two bedrooms, thereby enabling those persons to live out their days in the community much more efficiently and inexpensively.

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<sup>1</sup> such as the 35 unit project approved recently for the 'Bentinck Site' - Land North of Feidr Eglwys which has only 40% committed to Affordable Housing needs.

6. The limitations on further development imposed by landscape and infrastructure restrictions mean that it is imperative that future new build housing is designed to meet the needs of people who wish to live here.
7. Therefore, it was in order to meet these critical demographic and housing characteristics, that we as a local community group decided to propose the idea of an occupancy condition, requiring a “*main or principal residency*” status being required for new build housing in our community. In this respect we readily admit that we were inspired and encouraged by the experience of our Cornish cousins in St Ives, who hit the headlines with a similar policy that they successfully inserted into their neighbourhood development plan (most regrettably not a planning tool available here in Wales) and which they successfully defended on judicial review before the High Court<sup>2</sup>
8. Subsequently we have in recent months been additionally encouraged and bolstered by the comments and approvals granted by Welsh Planning Inspectors in decisions both in a neighbouring county borough of Swansea (regarding housing on the Gower peninsular AONB) as well as in the Anglesey and Gwynedd LDP enquiries, to which reference will be made in our arguments and quoted in a supporting documentation.
9. In seeking to establish a simple principal residency requirement, imposed as an occupancy condition, as distinct and distinguishable from both local AH requirements, and indeed from “local needs” strategies, as promoted and used elsewhere (where instead the intention is to reserve new housing opportunities to established locals only), we aim to achieve a measure of community cohesion, as now required by statutory provision under s.4 of the Wellbeing of Future Generations Act - without wishing to in any way deter or discourage new persons joining our community from away, where they are in turn willing and seeking to make this their permanent future home.
10. In so doing we absolutely reject the suggestion that we are thereby diminishing or deterring the parallel achievement of greater AH provision in this community, when all of those who in practice will be seeking to occupy such housing will, inevitably also be more than likely to satisfy a permanent residency requirement as well<sup>3</sup>. In such a manner we anticipate that the synergy of these related, but distinct policies, will in practice help to achieve both higher rates of AH occupancy and community cohesion in future.
11. In conclusion, we must not forget to mention that whilst we obviously cannot speak with the authority of our local community Council (Newport Town Council), we are happy to inform the Examination that it was the Town Council that first brought the proposed amendment to Policy 3a) to the National Park in 2016, notification of which we suppose has been brought to the attention of the Inspector through the usual channels.
12. We now ask enquiry to turn its attention to the two-page x2pp statement<sup>4</sup> setting out the statistical analysis on the housing situation in Newport, upon which we principally rely to set out the cold hard statistical facts in support of our more emotional but heartfelt plea as now made.

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<sup>2</sup> *R (RLF Built Environment Ltd.) v. Cornwall C.C. & St. Ives T.C.* [2016] EWHC 2817 (Admin) of which copy extracts supplied see now at appendix 04

<sup>3</sup> see especially the example of the Swansea Borough County LDP Policy H5 at Appendix 06

<sup>4</sup> see Appendix 02 in our supporting documentation

**Pembrokeshire Coast National Park  
Replacement Local Development Plan (2015-2031)  
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**Support Document  
Appendix 01**

before Inspector: Mrs Nicola Gulley MA MRTPI

**Representations by and on behalf of the  
NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

Secretary : Mrs. Sandra Bayes

Agent/Representative: Mr. Robert L. MANSON

Ref: 3778

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**NEWPORT AREA ENVIRONMENT GROUP (NAEG)  
Support Document Appendix 01**

**Text of the Proposed Change**

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for oral presentation  
on 2<sup>nd</sup> July 2019

**Proposed amendment to PCNPA LDP2 policy 3(a)**  
**Ref: 3778 by NAEG**

after reference to “needs of the local area,” insert new per::

***“ and (b) where the occupancy of all new housing is restricted to those who would make it their main or principal place of residence”***

***“main or principal place of residence”***

being subsequently defined elsewhere, placed as deemed appropriate either as supporting text or in a dedicated definitions section, or otherwise

(see below for suggested texts)

Suggested Plan text to go in RJ/Definitions for proposed policy :

***“ ‘Main or Principal Residence’ is defined as being a dwelling house occupied as the residents’ sole or main place of residence, and where they or at least one of them (as the case may be) sleep overnight in any given year, for at least 3/4s (75%) of the time, when not working away from home.***

***The resident or prospective resident (as the case may be) will be required to supply to the Local Planning Authority (within 14 days of their written request so to do) with such information as the Authority may reasonably require by way of evidence of the existence of one or more of the sources as specified below, in order to help them determine whether the principal residency condition, is being observed.***

***For the avoidance of doubt the dwelling shall not be occupied as a holiday home, second home or (in its entirety) for short term let accommodation.”***

Suggested potential evidentiary sources whereby a resident may establish an address as providing their place of ‘main or principal residence’.

- Address is **registered with PCC for Community Charge** purposes as the ‘sole or main residence’ (x1 rate value) of a local Pembrokeshire council tax payer
- Address appears on the **Local (Newports) Electoral Register** as being the place of residence of one or more eligible local voters
- Address is registered with **the local GP surgery (Long Street)** as a local patient’s main place of residence in case of emergency
- Address is registered with **local education authority (PCC)** as home of one or more pupils attending at a local (Pembrokeshire) school
- Address is given on the **latest Census return** as being the censored person’s declared place of ‘main or sole residence’ on the census night.”

Each of these registrations is a legal requirement subject to statutory criminal penal sanction in the event that knowingly false information has been supplied by the relevant/registered person.

**Pembrokeshire Coast National Park  
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**Support Document  
Appendix 02**

**Before Inspector:** Mrs Nicola Gulley MA MRTPI

**Representations by and on behalf of the**

**NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

**Secretary:** Mrs. Sandra Bayes

**Agent/Representative:** Mr. Robert L. MANSON

**Ref: 3778**

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**NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

**Support Document Appendix 02**

**Statistical Case**

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**for oral presentation**

**on 2<sup>nd</sup> July 2019**



## The Statistics on the Demographic & Housing 'imbalance' facing NEWPORT, Pembrokeshire.

### 1. Age imbalance.

There is a very marked demographic imbalance here – with a continuing exodus of young people, **especially skilled young people who aspire to own their own homes.** -

**30%** of Newport residents were **aged 16 – 49 in 2011** <sup>1</sup>  
compared with **43%** for the whole of Wales; <sup>2</sup>

**only 5%** of Newport residents were **aged 18 to 24**  
compared with **9.8% for Wales** <sup>3</sup>

In 2011, **39%** of Newport residents were over retirement age <sup>4</sup>  
compared with **23%** for the whole of Wales. <sup>5</sup>

### 2. House Prices & Occupancy Rates

There are comparatively very high house values/prices in Newport.

**66%** of all households are within council tax bands E to G <sup>6</sup>  
compared with just **25% nationally.** <sup>7</sup>

**9%** of Newport resident households have **5 bedrooms or more** <sup>8</sup>  
compared with just **4%** for the whole of Wales. <sup>9</sup>

**48%** of all Newport resident households have a bedroom-occupancy of up to  
**0.5 persons only.** <sup>10</sup>

There were **241 people** in Newport living alone in 2011 (**41%**) <sup>11</sup>;  
(**133** of them **aged 65 or over** <sup>12</sup>, many in houses no longer suitable to their needs)

However, there were only **40 single bedroom units** of accommodation in the whole of Newport ward. <sup>13</sup>

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<sup>1</sup>ONS Neighbourhood Statistics People and Society : Population and Migration Area : Newport (Ward) <http://neighbourhood.statistics.gov.uk/dissemination/LeadKeyFigures.do?a=3&b=136...>

<sup>2</sup>Ibid as above for Ft/Nt (1)

<sup>3</sup>ONS Neighbourhood Statistics Age Structure 2011 (KS102EW) Period: Mar11 Area: Newport (Ward) <http://neighbourhood.statistics.gov.uk/dissemination/LeadTableView.do?a=3&b=136...>

<sup>4</sup>ONS Neighbourhood Statistics People and Society: Population and Migration Area: Newport (Ward) <http://neighbourhood.statistics.gov.uk/dissemination/LeadKeyFigures.do?a=3&b=136...>

<sup>5</sup>Ibid as above for Ft/Nt (4)

<sup>6</sup>ONS Neighbourhood Statistics Dwelling Stock by Council tax Band Period: Mar11 Area: Newport (Ward) <http://neighbourhood.statistics.gov.uk/dissemination/LeadTableView.do?a=3&b=136...>

<sup>7</sup>Ibid as above for Ft/Nt (6)

<sup>8</sup>ONS Neighbourhood Statistics Number of Bedrooms, 2011 (QS411EW) Period: Mar11 Area: Newport (Ward) <http://neighbourhood.statistics.gov.uk/dissemination/LeadTableView.do?a=3&b=136...>

<sup>9</sup>Ibid as above for Ft/Nt (8)

<sup>10</sup>10 ONS Neighbourhood Statistics Persons per bedroom – Households, 2011 (QS413EW) Period: Mar11 Area: Newport (Ward) <http://neighbourhood.statistics.gov.uk/dissemination/LeadTableView.do?a=3&b=136...>

<sup>11</sup>ONS Neighbourhood Statistics Household Composition (Alternative Child and Adult Definitions) – People, 2011 (QS114EW) Period: Mar11 Area: Newport

<sup>12</sup>Ibid as above for Ft/Nt (11)

<sup>13</sup>ONS Neighbourhood Statistics Number of Bedrooms 2011 (QS411EW) Period: Mar11 Area: Newport (Ward) <http://neighbourhood.statistics.gov.uk/dissemination/LeadTableView.do?a=3&b=136...>

### 3. Housing Affordability for Locals

The average wage in Pembrokeshire in May 2019 was **£28,793**<sup>14</sup> A high proportion of local jobs in Newport are in tourism and are low paid/part time/seasonal. Median annual earnings in Tourism in Wales in 2017 (latest available figure) = £17.914<sup>15</sup> At the moment, many people that this industry employs are unable to live in Newport.

According to Zoopla, In Newport, the average price of a 2 bedroomed house in April 2019 was **£238,328**<sup>16</sup> The average price of the houses currently for sale on this web site in Newport is **£452,000**<sup>17</sup>

(According to the UK House Price Index the average price of a residential property in Wales in January 2019 was **£160, 232**<sup>18</sup>)

The housing affordability ratio in Newport is thus exceptionally high.

In 2011, only **18%** of Newport resident households were owned with a mortgage/ loan, compared with **32%** for the whole of Wales.<sup>19</sup>

### 4. High Proportion of temporary residential households

Newport has a very high proportion of second homes –

Nearly **38%** of households were “*not in full time occupation*” in 2011.<sup>20</sup> a figure which is almost certain to have risen in the intervening 8 years.

In addition **8.6 %** of residents had a second address according to the 2011 census<sup>21</sup> - with their Newport residences only occupied for part of the year, compared with an equivalent **4%** for the whole of Wales<sup>22</sup>.

A large retired resident population also means that many people who are classified as full-time residents are out of town for much of the time.

### 5. Lack of Affordability in the Rented Sector

Despite the large proportion of homes sitting empty for much of the year, only **7.5%** of residents in Newport were in rented households through private landlord or letting agency in 2011<sup>23</sup>, compared with **30%** in Wales<sup>24</sup>

<sup>14</sup> Source: Adzuna: Pembrokeshire Salary Statistics 2019

<sup>15</sup> Source: <https://gweddill.gov.wales/statistics-and-research/annual-survey-hours-earnings/?lang=en>

<sup>16</sup>

[https://www.google.com/search?ei=JKIQXZujEo7CgQayzqjYAAQ&q=zoopla+Newport+Pembrokeshire&oq=zoopla+Newport+Pembrokeshire&gs\\_l=psy-ab.12..35i39.14228.21080..32532...0.0..0.82.1479.22.....0....1..gws-wiz.....0i71j0i131j0i20i263i0i22i30.- UilFwOeww](https://www.google.com/search?ei=JKIQXZujEo7CgQayzqjYAAQ&q=zoopla+Newport+Pembrokeshire&oq=zoopla+Newport+Pembrokeshire&gs_l=psy-ab.12..35i39.14228.21080..32532...0.0..0.82.1479.22.....0....1..gws-wiz.....0i71j0i131j0i20i263i0i22i30.- UilFwOeww)

<sup>17</sup> Ibid see ft/nt 16 above

<sup>18</sup> [www.gov.uk/government/publications/uk-house-price-index-wales-january-2019/uk-house-price-index-wales-january-2019](http://www.gov.uk/government/publications/uk-house-price-index-wales-january-2019/uk-house-price-index-wales-january-2019)

<sup>19</sup> ONS <http://neighbourhood.statistics.gov.uk/dissemination/LeadTableView.do?a=3&b=136...>

<sup>20</sup> ONS Neighbourhood Statistics Household spaces and Dwellings 2011 (KS401EW) (from Nomis on 30<sup>th</sup> April 2018)

<sup>21</sup> ONS Neighbourhood Statistics Second Address, 2011 (QS106EW) Period: Mar11 Area: Newport (Ward) <http://neighbourhood.statistics.gov.uk/dissemination/LeadTableView.do?a=3&b=136...>

<sup>22</sup> Ibid as above for Ft/Nt (19)

<sup>23</sup> ONS Neighbourhood Statistics Tenure – People, 2011 (QS403EW) Period Mar11 Area: Newport (Ward) <http://neighbourhood.statistics.gov.uk/dissemination/LeadTableView.do?a=3&b=136..>

<sup>24</sup> Ibid as above for Ft/Nt (21)

Welsh Government Planning Policy says :

“9.2.4 Local planning authorities, in partnership with the community, including the private sector, must develop policies to meet the challenges and particular circumstances evident in their areas in specific locations. **If these policies need to diverge from national policies in order to meet specific local housing needs for market housing (which normally would have no occupancy restriction), local planning authorities will need carefully to justify the variation with robust evidence that they deem appropriate.** The justification might be in terms of, for example, land supply, environmental or social impacts in combination.”

## Census Output Area Newport W00003201

corresponds to the centre of town, but including also areas to the east & south of the town centre, where both the latest estate with consent (‘Feidr Bentinck – *Land North of FeidrEglwys*’)(x35 units of which only 40% are AH) and now under-construction; and the proposed new estate (‘FeidrPenybont – *Land North of Small Business Park*’) are located. It represents where the vast majority of Newport people live & work.

## Household Spaces (QS417EW)

<http://ukcensusdata.com/a-w00003201/b-qs417ew#sthash.be9v1jeD.dpbs>

This table provides information about the number of occupied and unoccupied household spaces, for England and Wales as at census day, 27 March 2011

Average household size: 1.80 (people)

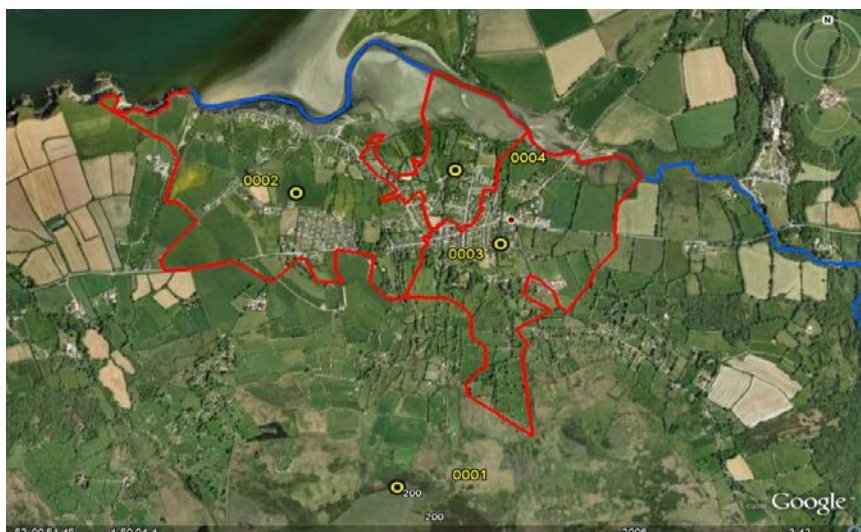
All categories: Household spaces	237
Household spaces with at least one usual resident	141 (59.5%)
Household spaces with no usual residents	96 (40.5%)

**We wait keenly but with heavy hearts, the results of the 2021 census to see the latter figure rise above 50% given these x2 new developments !**

**Definition:** A household space is the accommodation used or available for use by an individual household. Household spaces are identified separately in census results as those with at least one usual resident, and those that do not have any usual residents.

A household space with no usual residents may still be used by short-term residents, visitors who were present on census night or a combination of short-term residents and visitors.

Vacant household spaces, and household spaces that are used as second addresses, are also classified in census results as ‘household spaces with no usual residents’



Census Output Area  
Newport  
W00003201  
corresponds  
to Area  
labelled ‘0003’  
on map

**Pembrokeshire Coast National Park  
Replacement Local Development Plan (2015-2031)  
Public Examination**

**Supporting Document  
Appendix 03**

**before Inspector:** Mrs Nicola Gulley MA MRTPI

**Representations by and on behalf of the  
NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

**Secretary :** Mrs. Sandra Bayes

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**Ref: 3778**

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**NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

**Support Document Appendix 03**

**Additional Evidence**

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**for oral presentation**

**on 2<sup>nd</sup> July 2019**

1. In the following items – which are numbered as in the Consultation Report on PCNPA LDP2 Deposit Version, the wording in red is the PCNPA Officer response to representations by Newport Area Environment Group (Sandra Bayes) and succeeded by NAEG’s further statements

*1. The issue of occupancy controls could usefully be discussed at Examination particularly given recent developments at Swansea’s Local Development Plan Examination and the previous outcomes of the Anglesey and Gwynedd Local Development Plan. 2. Additional references have been added to the Housing Background Paper (Updated November 2018) in respect of these Plans.*

2. The High Court Judgement in the St Ives’ case<sup>1</sup> not only takes precedence over any Planning Inspector’s decisions but is also the most closely relevant to Newport’s proposal in concerning restricting occupancy to ‘principal place of residence’, and not also local needs. NAEG supplies the High Court JR judgement highlighting the most important decisions in relation to the Newport proposal for LDP2 Policy 3a) at Appendix (4). We refer to the most relevant findings below.

NAEG has studied the references now given by PCNPA

3. In the case of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026<sup>2</sup>, the Authorities sought to restrict new housing in specified settlements (mainly coastal towns & villages like Newport) to ‘**local market housing**’ which would operate alongside the affordable housing policies.

*“ . . . The policy is the Councils’ response to the particular housing pressures faced by the most popular tourist destinations, mainly coastal villages, where the effect of second and holiday home demand has had the greatest impact on local house prices. As a consequence a disproportionately high proportion of local residents cannot afford to compete in the open market and are forced to move out to find a suitable home, to the detriment of the social fabric of the community”<sup>3</sup>*

The Inspector concluded that the Authorities had produced enough evidence to justify the policy.<sup>4</sup>

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<sup>1</sup>R (RLF Built Environment Ltd.) v. Cornwall C.C. & St.Ives T.C. [2016] EWHC 2817 (Admin) of which copy extracts are supplied see now at Appendix (04) in supporting documentation

<sup>2</sup> We append parts of the LDP and Inspectors’ Report with relevant text highlighted (Appendix 05) in supporting documentation

<sup>3</sup>Ibid as above ftnt.2 see @ para 5.11

<sup>4</sup>Anglesey and Gwynedd Joint Local Development Plan 2011-2026 – Inspectors’ Report Paragraphs 5.11 to 5.18 page 25 see @ Appendix (05)

4. In the case of the Swansea Local Development Plan, we append parts of the finally approved & adopted LDP and the Inspectors Report with relevant text highlighted (Appendix 6&7 respectively) The Inspector acknowledged that the Authority sought to restrict occupancy of new market dwellings to persons with a specific connection to the local area

*“where a disproportionately high proportion of local residents, in particular younger residents, cannot afford to compete in the open market and are forced to seek suitable housing elsewhere”<sup>5</sup>*

The Inspector then further stated, as follows:

*The imposition of an occupancy restriction would, over time, secure a modest pool of market housing that would be available to qualifying persons. This would be likely to be more affordable than open market housing, providing an opportunity for local residents to buy homes whose income means that they are not eligible for intermediate housing but who cannot compete in the locally inflated housing market. In doing so, the policy would also be likely to assist in increasing churn, to the benefit of the local housing market as a whole. We are therefore satisfied that occupancy restrictions are justified in this case and would accord with national policy<sup>89</sup>.<sup>6</sup>*

(emphasis added)

The Inspector concluded that occupancy restrictions were justified in this case and would accord with national policy<sup>7</sup>

5. In both of the above cases, policies are not applied to whole Local Planning Authority areas; but instead to discrete & specific wards, just as NAEG seeks an amended policy to apply to Newport alone, and not whole of the National Park.

*3.A submission regarding principal residences at Preferred Strategy Stage was considered as an additional housing option, (see Alternative Options & Appraisal Background Paper (March 2018), and this has not resulted in it becoming the preferred housing option for the Plan. **This assessment was on the basis of a Park wide application of the Policy.***

*4. It did not perform as well as others. Concerns include the ability to justify a divergence from national planning policy, the impact of the policy in practice. Would it really be the right solution for this National Park? What would be the unintended consequences of implementation? Would there be practical difficulties of enforcement? Would it meet the soundness tests?*

(emphasis added)

<sup>5</sup> Swansea Local Development Plan 2010-2025 - Inspectors' Report Paragraph 6.23 Page 37 (Appendix 06)

<sup>6</sup> ibid Paragraph 6.27 Page 38

<sup>7</sup> Ibid @ Report (p.37)



6. NAEG is not proposing a divergence from national planning policy. Instead PPW10 clearly states, as follows :

*“4.2.9 Planning authorities, in partnership with the community, including the private sector, must develop policies to meet the challenges and particular circumstances evident in their areas. **If these policies need to diverge from national policies in order to meet specific local housing needs for market housing, which normally would have no occupancy restriction, planning authorities must provide clear and robust evidence to support the approach taken. The justification might be in terms of, for example, land supply, environmental or social impacts either individually or in combination.**”<sup>8</sup>*

(emphasis added)

7. St Ives has led the way with a Neighbourhood Plan policy to restrict the occupancy of new build properties to permanent residency. We have been advised by St Ives Council Planning Committee Chairperson that it is too early to fully evaluate the impact of the policy - this will be assessed as part of the 5 year review of the Neighbourhood Plan - but new homes with the principal residence condition have been, and are being built, with affordable housing being included in the larger developments, subsidised by the market housing.

*“Planning applications for new dwellings appear to have been largely unaffected by the NDP”* (St Ives Neighbourhood Development Plan 2015-2030 Twelve Month Review Delivery of Housing: Applications for Dwellings page 20)<sup>9</sup>

There has been little effect on the take-up of existing market housing as second homes or any substantial increase in house prices.

Again, NAEG is not claiming that this would be the right solution for the whole of the National Park.

8. As for enforcement, NAEG presents suggested potential evidentiary sources whereby a resident may establish an address as providing their place of ‘*sole or principal residence*’ in its proposed language on definition & meaning of the expression “main or principal place of residence”<sup>10</sup>

<sup>8</sup> PPW v.10 @ Page 56

<sup>9</sup> <https://www.cornwall.gov.uk/media/23576572/final-st-ives-area-ndp-proposal-with-examination-and-cc-amendments-clean-final.pdf>

<sup>10</sup> See now our Proposed change document (Appendix 01)

9. NAEG apologises that this suggested language was not included in its original comments on the deposit LDP2 but, having studied the Anglesey and Gwynedd and Swansea LDPs, NAEG has updated its submission to accord with the best practice as exemplified in those instances. The formulation chosen we submit is entirely consistent with the now approved and adopted formulation in the equivalent definition in the Swansea LDP<sup>11</sup>

*5. These are issues which when explored resonate with the Authority's experience in seeking to include a local needs policy some time ago as summarised in the Background Paper for Housing. These concerns remain whether such a policy was applied widely or in a localised situation. If localised then what would be the justification? The Alternative Options & Appraisal Background Paper (March 2018) provides more advice*

10. NAEG is not seeking a "Local Needs" Housing Policy and apart from the same officers being in post in 2006 when the Inspector then conducting the public inquiry into the Deposit JUDP rejected such a policy, NAEG cannot see the relevance of the Inspector's decision concerning a policy which was not about restriction on occupancy, especially in view of the St Ives' judgement and more recent LDP Inspectors' Reports in Wales.

11. However, we wish to point out that whilst the JUDP Inspector's view back in 2006 was that restriction of housing to local needs was "potentially" in contravention of human rights under §8 of the European Convention of Human Rights; this matter has now subsequently & specifically been addressed in the judgement of Mr Hickinbottom J. in the St. Ives JR , as follows :<sup>12</sup>

*"102. For those reasons, which reflect Mr Lowe's compelling submissions on this issue, I consider that Policy H2 is in pursuit of legitimate public interests identified in article 8(2), namely the interests of the economic well-being of the country, and for the protection of the rights and freedoms of others.*

....

*108. Consequently, I consider Policy H2, and its consequences, sufficiently certain that an individual can reasonably organise his affairs. He will know, when he purchases and/or occupies a dwelling with the restriction that, if he chooses to move away – or, by dint of circumstance, is required to do so – then that restriction will require him to sell the St Ives dwelling. Any claim that his article 8 rights will be infringed by enforcement of the restriction will have to be considered through that glass. Any purchase price he may have paid will have reflected that risk. In any event, I do not consider that this policy is, in any respect, not "in accordance with the law".*

(emphasis added)

<sup>11</sup>see now at Swansea LDP Appendices 6A & 6B in (Appendix 07)

<sup>12</sup>see above @ ft/nt (1)



12. NAEG has already supplied statistical justification which is as striking as in the cases of St Ives and areas cited in Swansea Gower or Anglesey and Gwynedd<sup>13</sup>

*6. With regard to specific queries raised the Authority relies on the Local Housing Market Assessment for housing need figures which is the requirement of Planning Policy Wales. Substantive amounts of affordable housing are required*

13. The Local Housing Market Assessment 2014 gives affordable housing need up to 2019 only. How can this information be sufficient to support policy decisions in a Plan to last till 2031?

The LHMA does not begin to assess the market housing need and the proportion of market housing that needs to be of a value attainable by those on wages in local jobs.

14. The National Park has not sought low cost homes (intermediate housing) within the affordable element of provision on housing allocations, blaming problems with occupants obtaining mortgages. NAEG urges that this is never the case in future, especially in view of recent government initiatives supporting first time buyers.

15. Finally the so-called 'Joint' "Joint Housing Land Availability Study" = "JHLAS" which deals with housing land supply, as opposed to the "Local Housing Market Assessment" - which seeks to deal with extant housing stock mixes, but which the NPA also relies upon in its opposition - is in point of fact not relevant or applicable to Newport at all. It is both produced and updated by PCC alone, not the NPA, and in so far as it is capable of analysis & breakdown application to specific community council areas, these are only as to be found in the County but outside the Park i.e. excluding NEWPORT<sup>14</sup>

16. As stated already the obligation placed on Welsh LPAs by § 9.1.4 PPW includes :

*" They should ensure that development plan policies are based on an up-to-date assessment of **the full range of housing requirements** across the plan area over the plan period. Local authority planning and housing staff should work in partnership with local stakeholders, including private house builders, to **produce Local Housing Market Assessments** (LHMAs)*

***(emphasis added)***

<sup>13</sup> see our x2pp Statistical summary at (Appendix 02)

<sup>14</sup> see now our appendix 08 document titled « Calculating the Housing Need in Newport »

We don't think that completely ignoring the character of occupancy mix in a given community is in any way an adequate fulfilment of this obligation. And don't forget the **FOAN** (Full Objective Assessment of Housing Need ) §47 NPPF , the inclusion within which of second & holiday home proportions has, as a legitimate and proper consideration in Plan preparations, been fully endorsed in the English Courts. See in the first instance Higginbottom in the St.Ives judgement<sup>15</sup>, as follows @para.61 :

*“A development plan must, of course, consider future housing requirements. As I described recently in Gallagher Homes Limited and Lioncourt Homes Limited v Solihull Metropolitan District Council [2014] EWHC 1283 (Admin) at [37], this is a complex business. It starts with demographically-based household projections, from which the Full Objective Assessment of Need for Housing (“FOAN”) is assessed. This is a “policy-off” figure. The actual housing requirement figure for the development plan area is then determined on the basis of, not only the FOAN, but also any policy considerations that might require that figure to be manipulated to determine the actual policy-on housing need for an area. Once that figure has been determined, it is broken down, generally geographically, i.e. between the various towns and other areas within the development plan area.*

Then as for instance also applied specifically to the issue of second/holiday homes as per Dove J In *King’s Lynn and West Norfolk BC v SoSCLG* (CO/914/2015)

*“Assessing FOAN requires analysis of statistical and econometric data and trends, and judgments to be made on those data. The Inspector’s judgment to take account of the existing extent of vacancy and second homes and to project it forwards was part of a statistical assessment of housing needs and part and parcel of the FOAN equation. It did not involve the application of policy.”*

Where is the NEWPORT FOAN ?

*7. With reference to identifying the number of second homes in any community in Pembrokeshire this is a difficult exercise and it depends on the reference and definition used. It is particularly difficult as the impact of changes to the Council Tax system has seen the categorisation of properties change. A table has been provided by the Authority to the representor from Census data and it is understood that Pembrokeshire County Council has also provided Council Tax data.*

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<sup>15</sup> Ibid as above at ftnt. 1

*8. In terms of the preferred option for housing as published in the Preferred Strategy the provision of market housing serves to deliver/subsidise affordable housing. Market housing is housing that is not subject to an occupancy condition so could conceivably be used for holiday let, a second home or a main residence. If a principal residence occupancy control was placed on all housing then affordable housing could not be secured save for exceptional land releases which tend to be small in number – see paragraph 9.2.14 and the last sentence of paragraph 9.2.16 of Planning Policy Wales Edition 9 November 2018. Delivering affordable housing is a key objective for the Authority. On balance the achievement of affordable housing is seen as the preferred option.*

17. The principal occupancy planning restriction placed on St Ives new housing has not prohibited the securing of affordable homes, as the following extract<sup>16</sup> shows:

*“The housing sites allocated in the Plan are being used, and there are affordable elements being provided within them. In addition there is a more innovative self-build scheme planned for one of the allocated sites. It will be interesting to see what applications come forward for the remainder of the sites. Creativity and innovation would surely be welcomed as to how the most can be made of them. St Ives Community Land Trust was established following St Ives Area NDP, with the aim of using the Plan to deliver housing and other developments of maximum value to the local community, in line with the overall objectives of the Plan (see Appendix 3). The five year review can look at whether this is occurring.”*

Whilst, *“It was noted that the delivery of affordable housing is falling far short of the need. This is largely due to the raising of the threshold nationally, but is something that future review of the NDP needs to consider.”*<sup>17</sup>

18. Swansea has shown that an affordable housing policy (their Policy H2) and controls restricting occupancy to principal residency (their Policy H5) can have a synergetic relationship, far from the latter excluding the efficacy of the other.

19. The main point to make is that in the last 5 years the National Park hasn't even tried to determine the proportion of homes left empty for vast swathes each year in Newport<sup>18</sup>. Local people who have carried out house to house visits 3 times over last winter and spring are convinced that 2011 census figures (already at the frightening figure of 38%) are no longer useable, as they are far too low.

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<sup>16</sup>Page 31 St Ives Area Neighbourhood Development Plan 2015 - 2030  
St Ives NDP Twelve Month Review April 2018

<sup>17</sup>Notes from Neighbourhood Development Plan Review Group Meeting 30th April 2018

<sup>18</sup>ibid as above ftnt 12

20. In 2001, there were 825 household spaces in Newport ward, of which 553 were “all household spaces with residents”, 73 “*all household spaces with no residents-vacant*”, 199 “*all household spaces – with no residents – second homes*”, meaning the % of household spaces with no usual resident was 33%.<sup>19</sup>

In 2011, there were 930 household spaces in Newport ward, of which 583 were household spaces with one usual resident, and 347 “*household spaces with no usual residents*”, meaning the % of household spaces with no usual resident had risen to 37%.<sup>20</sup>

The increase in all household spaces between 2001 and 2011 was 105

The increase in household spaces with no usual resident between 2001 and 2011 was 75

The increase in household spaces with at least one usual resident between 2001 and 2011 was 30

The increase in household spaces with no usual resident between 2001 and 2011 was 150% of the increase in household spaces with at least one usual resident between 2001 and 2011<sup>21</sup>

There is a strong local perception that this trend has escalated recently

9. In terms of other points raised the outcomes of engagement manifest themselves in the consultation material published at formal stages of Plan preparation. There have been engagement events in Newport both with the Town Council and also in conjunction with other interested parties. Officers were not aware that specific feedback to NAEG was anticipated in addition to the formally approved response by the Authority (of which all representors were notified).

21. The NAEG response was covered in the NAEG statement to the LDP2 Inspector Matter 1 doc.

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<sup>19</sup>KS401EW – Dwellings, household spaces and accommodation type (ONS Crown Copyright Reserved [from Nomis on 30 April 2018] as supplied to NAEG by PCC

<sup>20</sup>KS016 – Household spaces and accommodation type (ONS Crown Copyright Reserved [from Nomis on 30 April 2018] as supplied to NAEG by PCC

<sup>21</sup> Ibid above ft/nt 15

*10. The Scale and Location of Growth Background Paper (Updated March 2018) has tables removed because the Authority had a separate commission done regarding population projections and it was considered it would lead to confusion to have two sources for figures.*

22. It is especially noted that Officers are not claiming that the figures given in the original Welsh Government Scale and Location of Growth Paper as appearing in their Round 1 Background Documentation were wrong. NAEG carried out detailed analysis of the first Paper (Attached - Appendix 8). Please recall that this official WG projection for the future change in the Park population was

***“ population (22,800 in 2013) is estimated to fall by 11.5 per cent”***

and in relation to the housing need here in Newport the NPA’s own table showed that when broken down by Park settlements this would equate with a reduction of householder need in Newport of **minus -52 over the Plan period 2015-20131.**<sup>22</sup>  
*Candidly, not so much avoiding a confusion as evading an awkward truth !*

*11. The current wording of the text for Newport in the Local Development Plan is considered to be adequate and results from consideration of detailed comments mainly prior to publishing the Preferred Strategy. The Inspector’s views are welcomed.*

NAEG (speaking with crossed fingers) couldn’t agree more. The Inspector’s views, on what we perceive to be an overwhelming case, with both recent precedent, multiple statistics & simple experience and local knowledge so massively on its side, are indeed keenly awaited. Experience, however, has also taught us keep our welcomes to follow the event!

**Robert Manson (Agent) Sandra Bayes (Secretary)**

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<sup>22</sup>See table @ p.8 in attached (Appendix 08)

**Pembrokeshire Coast National Park  
Replacement Local Development Plan (2015-2031)  
Public Examination**

Support Document  
Appendix 04

before Inspector: Mrs Nicola Gulley MA MRTPI

**Representations by and on behalf of the  
NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

Secretary : Mrs. Sandra Bayes

Agent/Representative: Mr. Robert L. MANSON

Ref: 3778

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**NEWPORT AREA ENVIRONMENT GROUP (NAEG)  
Support Document Appendix 04**

**High Court (Administrative Court Planning Division)  
Extracts from the Judgement of Mr Justice Hikinbottom  
in the matter of**

***RLT BUILT ENVIRONMENT LIMITED***  
***versus***  
***Cornwall (Kernow) County Council & St.Ives Town Council***

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**for oral presentation  
on 2<sup>nd</sup> July 2019**

Case No: CO/2241/2016

Neutral Citation Number: [2016] EWHC 2817 (Admin)

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**PLANNING COURT IN BRISTOL**

Bristol Civil Justice Centre  
2 Redcliff Street  
Bristol

Date: 10/11/16

**Before :**

**MR JUSTICE HICKINBOTTOM**

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**Between :**

**THE QUEEN ON THE APPLICATION OF  
RLT BUILT ENVIRONMENT LIMITED**

**Claimant**

**- and -**

**THE CORNWALL COUNCIL**

**Defendant**

**- and -**

**ST IVES TOWN COUNCIL**

**Interested Party**

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**Charles Banner and Luke Wilcox (instructed by Stephens Scown LLP) for the Claimant**

**Mark Lowe QC and Jack Parker (instructed by Cornwall Council Legal Services)**

**for the Defendant**

**The Interested Party neither appearing nor being represented**

Hearing date: 6 October 2016

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**Judgment**

## Mr Justice Hickinbottom:

### Introduction

1. The Claimant is a company specialising in, amongst other things, residential development design and planning in Cornwall. In this claim, it seeks to challenge the decision dated 17 March 2016 of the Defendant local planning authority (“the Council”) to hold a local referendum on the making of the St Ives Neighbourhood Development Plan (“the St Ives NDP”).
2. On 15 June 2016, Supperstone J ordered the claim to be listed for a rolled-up hearing. There were then eight grounds of challenge, including claims that the plan failed to have proper regard to the National Planning Policy Framework (“the NPPF”) and did not contribute to sustainable development, both statutory criteria for proceeding to a referendum. However, upon reflection – and, if I might say so, wisely – the Claimant has abandoned all grounds but three. I need say nothing further about the abandoned grounds.
3. In relation to the extant claims, in short, the Claimant contends that the St Ives NDP includes policies on future housing provision, including in particular residency requirements intended to limit second home ownership in the St Ives area, which are both incompatible with article 8 of the European Convention on Human Rights (“the ECHR”) and contrary to the requirements for strategic environmental assessment (“SEA”) deriving from European Union law.
4. At the hearing before me, the Claimant was represented by Charles Banner and Luke Wilcox, and the Council by Mark Lowe QC and Jack Parker. At the outset, I thank each for his contribution.

### The Law

5. The Localism Act 2011 amended the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) and the Town and Country Planning Act 1990 (“the 1990 Act”), by inserting sections 38A-38C into the 2004 Act and several new schedules including Schedule 4B into the 1990 Act. These, supplemented by the Neighbourhood Planning (General) Regulations 2012 (SI 2012 No 637), enable a “qualifying body” to initiate a process for the purpose of requiring a local planning authority to make a “neighbourhood development plan”, setting out policies in relation to the development and use of land in a particular “neighbourhood area”. Paragraph 17 of the NPPF, which gives, as one of the guiding principles of the Framework, the empowerment of local people to shape their surroundings, chimes with these statutory provisions.
6. Paragraph 8(2) of Schedule 4B to the 1990 Act sets out what are described as “basic conditions” for such a plan, of which conditions (d) and (f) are relevant to this claim. Condition (d) requires that:

“(d) the making of the [neighbourhood plan] contributes to the achievement of sustainable development.”

• • • •

102. For those reasons, which reflect Mr Lowe’s compelling submissions on this issue, I consider that Policy H2 is in pursuit of legitimate public interests identified in article 8(2), namely the interests of the economic well-being of the country, and for the protection of the rights and freedoms of others.
103. Second, Mr Banner submitted that the interference with the article 8 rights of future householders would not be in accordance with the law. If an individual is in potential breach of the restriction, he



will not know how the Council will exercise its discretion not to take enforcement action (which might include criminal sanctions). The policy does not address the issue of the circumstances in which article 8 rights will be sufficiently infringed that it will decline to enforce.

104. In support of that submission, Mr Banner relied upon R (Purdy) v Director of Public Prosecutions [2009] UKHL 45, and particularly the requirement for certainty as an element of legality identified in that case (see [40]). Ms Purdy suffered from progressive multiple sclerosis for which there was no known cure. She believed that there would come a time when she would consider her continuing existence unbearable, and would wish to end her life; but, by that stage, it was likely that, unaided, she would be unable to travel to a country where assisted suicide was unlawful, and would therefore require assistance. Her husband was willing to give that assistance; but she was concerned that he might be prosecuted under section 2(1) of the Suicide Act 1961 for aiding and abetting suicide. She asked the Director of Public Prosecutions (“the DPP”) to publish his policy on the factors he would take into account in exercising his discretion, and he refused. She judicially reviewed that refusal. The issue was whether the way in which the DPP could be expected to exercise his discretion under section 2(4) as to whether to bring or consent to a prosecution under section 2(1), in the circumstances postulated by Ms Purdy, was formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly. The House of Lords concluded that the DPP’s Code for Crown Prosecutors (which gave some guidance with regard to the exercise of the discretion to prosecute) did not satisfy the article 8(2) requirements for accessibility and foreseeability for a person seeking to identify the factors which were likely to be taken into account by the DPP in exercising his discretion. The DPP was consequently under an obligation to clarify what those factors were. Mr Banner submitted that, with such imprecision and uncertainty as to how the Council would exercise its discretion to enforce the Policy H2 restriction, this case is materially on all fours with Purdy.
105. However, particularly in this field, each case is necessarily fact-specific – and the facts of Purdy are very different from those here. I leave aside the fact that, in that case, the claimant Ms Purdy was an individual whose own human rights would be impacted by the relevant decision – and impacted in the most personal and traumatic way – which I accept is not relevant to the legal analysis although, in respect of any infringement of article 8 rights, there was an immediacy in that case which is missing from this. Nevertheless, there are two, related material differences between the cases.
106. First, Ms Purdy’s case was based upon very specific circumstances, in which she and others were likely to find themselves. The House of Lords were addressing only that scenario. In this case, although Mr Banner has suggested one example, the circumstances in which an individual might find themselves in breach of the restriction are entirely open-ended. Consequently, this case offends the general principle that the court only examines the application of measures and policies to the facts of an individual case, whereas Purdy did not – or, at least, did not to anything like the same extent.
107. Second, Purdy was concerned with the failure of the DPP to identify factors he would take into account when exercising his discretion as to whether or not to prosecute those in the very limited circumstances postulated by Ms Purdy, i.e. those who aided and abetted suicide by helping another person to travel to a country where assisted suicide was unlawful. In that case, it was difficult to see what factors the DPP might take into account in exercising his discretion. Here, although the circumstances in which the issue might arise are open-ended, it is easier to see the sorts of factors the Council should have in mind when exercising its discretion to enforce the planning restriction, e.g. the length of time the homeowner had been resident in the dwelling, whether the article 8 rights of other family members (including children) were engaged, the circumstances surrounding his new

principal residence, and his intentions for the dwelling in St Ives. These are, of course, examples of factors, not intended to be comprehensive. They are the sorts of factors that would arise in any article 8 claim. The range of circumstances in which article 8 issues might arise in this case is wide: this case lacks the uniqueness of the postulated circumstances in the Purdy case (see also Silver v United Kingdom (1983) 5 EHRR 347 at [88]).

108. Consequently, I consider Policy H2, and its consequences, sufficiently certain that an individual can reasonably organise his affairs. He will know, when he purchases and/or occupies a dwelling with the restriction that, if he chooses to move away – or, by dint of circumstance, is required to do so – then that restriction will require him to sell the St Ives dwelling. Any claim that his article 8 rights will be infringed by enforcement of the restriction will have to be considered through that glass. Any purchase price he may have paid will have reflected that risk. In any event, I do not consider that this policy is, in any respect, not “in accordance with the law”.
109. Finally, Mr Banner submitted that Policy H2 is not “necessary”, i.e. is disproportionate in its effect. In particular, he criticised the proportionality analysis and balancing exercise performed by the Council in this case by reference to two of the factors set out by Lord Sumption JSC in Bank Mellat v Her Majesty’s Treasury (No 2) [2013] UKSC 38 at [20], contending that Policy H2 (i) is more intrusive than it need be, and (ii) does not strike a “fair balance” between its impacts and benefits.
110. He submitted that there is no evidence that the “second home” market in St Ives is causing demonstrable harm or, at least, there is no evidence quantifying such harm. Furthermore, there is no need to impose such a restriction to ensure that demand for second homes does not result in those looking for a primary residence being unable to find a home: the solution would be to include an allowance in the housing requirement to reflect the second home market, so that planning would accommodate both those looking for primary residence and those looking for second homes. The Cornwall LP does that in relation to the county (which then generated the 1,100 dwelling figure housing figure): the St Ives NDP could equally have adopted such an approach, which would have achieved the policy aim without any interference with the article 8 rights of future homeowners.
111. I am afraid I am unimpressed by these submissions. Mr Lowe submitted that they inappropriately seek to re-open what was a matter of planning judgment for the Council, based upon the Examiner’s Report, notably as to whether Policy H2 was “appropriate” and “in general conformity with the development plan”. I agree.
112. As I have described (see paragraphs 81-82 above), there is a wide margin of appreciation given to national authorities in respect of the choice and implementation of planning policies. In this case, the Council (and, for her part, the Examiner) considered the article 8 implications for Policy H2, in detail, before determining that the policy was justified despite the potential infringement of the article 8 rights of future homeowners subject to the restriction, which they expressly considered. The Council considered that further development in St Ives was unsustainable without the restriction in Policy H2; the Examiner concluded that that policy contributed to sustainable development; the Council were entitled to adopt that conclusion, which it too had independently made; and it is not simply open to the Claimant now to challenge that judgment on its merits. Mr Banner’s specific submission, based on the alternative of merely increasing the amount of market housing, is dealt with under Grounds 1 and 2: there is no evidence that that alternative would work in practice or satisfy the policy objective of Policy H2.
113. The Council have therefore satisfied me as to each element of justification in article 8(2).

114. Ground 3 thus also fails.

**Conclusion**

115. For those reasons, none of the grounds is made good.

116. This is a rolled-up hearing, and I have considered carefully whether I should refuse permission to proceed. However, although, as will be apparent from this judgment, I do not consider any of the grounds strong – and I have expressly found some to be unarguable – I heard full submissions on all of the grounds, and I have given a full judgment. In all the circumstances, not without some hesitation, I shall grant permission to proceed on all grounds; but, having done so, refuse the substantive application.

## St Ives Area Neighbourhood Development Plan 2015 – 2030

### H2 Principal Residence Requirement

*Due to the impact upon the local housing market of the continued uncontrolled growth of dwellings used for holiday accommodation (as second or holiday homes) new open market housing, excluding replacement dwellings, will only be supported where there is a restriction to ensure its occupancy as a Principal Residence.*

*Sufficient guarantee must be provided of such occupancy restriction through the imposition of a planning condition or legal agreement. New unrestricted second homes will not be supported at any time.*

*Principal Residences are defined as those occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home. The condition or obligation on new open market homes will require that they are occupied only as the primary (principal) residence of those persons entitled to occupy them. Occupiers of homes with a Principal Residence condition will be required to keep proof that they are meeting the obligation or condition, and be obliged to provide this proof if/when Cornwall Council requests this information.*

*Proof of Principal Residence is via verifiable evidence which could include, for example (but not limited to) residents being registered on the local electoral register and being registered for and attending local services (such as healthcare, schools etc).*

### Development of Additional Sites Following the Commitment of all Allocated Sites

Objectives: a) To ensure the proper management of any significant development following the commitment of all allocated sites; b) to ensure that any such development makes the maximum possible contribution to reducing the existing shortage of affordable housing.

Justification: All of the undeveloped land adjoining the existing built up areas is classified as Grade 2 or 3 agricultural quality and is or could be in beneficial agricultural use. Although these areas lie outside the Area of Great Landscape Value (AGLV) they are nevertheless attractive and cherished countryside. Therefore, if any of these areas are to be given over for development, it is considered that the community should receive the maximum possible benefit from them in terms of their contribution towards meeting the need for affordable housing. There was strong feeling about this in all our consultations, see

St Ives Area Neighbourhood Development Plan 2015 – 2030 **27**

There is also expected to be a significant contribution to Cornwall's strategic housing target – 1100 dwellings were proposed under the revised Cornwall Local Plan by 2030 (December 2015) – from windfall sites around the NDP area. This policy also ensures therefore that any further housing development over and above this figure of 1100 dwellings needed during the Plan period gives maximum community benefit. This includes allocated sites that have not yet received planning permission prior to 1100 being permitted – but does not preclude these sites from being developed. The high-grade nature of the land and strength of community feeling both justify such a policy.

**Pembrokeshire Coast National Park  
Replacement Local Development Plan (2015-2031)  
Public Examination**

**Supporting Document  
Annex (05)**

before Inspector: Mrs Nicola Gulley MA MRTPI

**Representations by and on behalf of the  
NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

Secretary : Mrs. Sandra Bayes

Agent/Representative: Mr. Robert L. MANSON

Ref: 3778

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**NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

**Extract from the Anglesey and Gwynedd  
Joint Local Development Plan 2011-2026  
Inspectors' Report**

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**for oral presentation**

**on 2<sup>nd</sup> July 2019**

## Extract from the Anglesey and Gwynedd Joint Local Development Plan 2011-2026 – Inspectors’ Report

HywelWyn Jones BA (Hons) BTP MRTPI and  
Richard Duggan BSc (Hons) DipTP MRTPI  
Pages 25-26

### Local Market Housing

5.11. Policy TAI 5, as amended by NMC198, seeks to restrict new housing in specified settlements to local market housing and would operate alongside the affordable housing policies, TAI 9 and TAI 10. The policy is the Councils’ response to the particular housing pressures faced by the most popular tourist destinations, mainly coastal villages, where the effect of second and holiday home demand has had the greatest impact on local house prices. As a consequence a disproportionately high proportion of local residents cannot afford to compete in the open market and are forced to move out to find a suitable home, to the detriment of the social fabric of the community. The Councils have produced evidence to support the policy<sup>48</sup>

5.12. The evidence includes consideration of examples of approaches undertaken elsewhere and a detailed assessment of a range of indicators of the local housing market and demographic characteristics, including empty school places. This work identified 3 Local Service Centres (Beaumaris, Rhosneigr and Abersoch) and 12 Villages where the pressures were greatest and thus they have been identified as falling within the scope of TAI 5. The evidence shows that in two Wards, Aberdaron and Abersoch the house price to income prices ratio was 12 to 1 compared to the Plan-wide figure of 6.1 to 1. Updated evidence on the percentages of households priced out of the housing market shows figures of 59.7% and 63.3% for Gwynedd and Anglesey respectively, whereas these figure rises to 88.5% in Aberdaron and 96.1% in Abersoch.

Whilst some objectors suggest that there may be a case for amending the list of identified settlements, we consider the Plan’s approach is soundly based in evidence.

5.13. The restriction on housing growth proposed by TAI 5 in these settlements is consistent with the Plan’s overall strategy, including in relation to the Welsh language and its approach to housing provision. The policy would provide opportunity for some local residents to find new housing in their communities, including existing home owners seeking larger homes for growing families, which in turn would assist in supporting services and facilities throughout the year and sustaining local communities. The policy would work alongside the affordable housing opportunities offered by the Plan for social rented and intermediate housing in the identified settlements. It would provide an opportunity for those local residents whose income means that they are not eligible for intermediate housing but who cannot compete within the locally inflated housing market. It may also present opportunities for new houses to meet local need without further open market housing that would otherwise be required to facilitate the provision of affordable housing.

5.14. In response to matters raised at the relevant hearing session the Councils have provided evidence which shows that some lenders would be willing to offer a mortgage for this type of restricted housing, and identifies matters that need to be considered to facilitate this.

5.15. The policy would not restrict the market for the existing housing stock in these settlements, which is calculated to be 5,104 units. The Councils have also demonstrated that it would not affect the vast majority of the identified housing growth within these settlements over the plan period given the extent to which this growth is comprised of completed units and those with extant planning permission which together was estimated in April 2015 to represent 275 of the overall indicative growth level of 38451

5.16. NMC351 proposes to elaborate on the definition of local market housing.

However, it appears that in drafting the change existing text has been inadvertently deleted from the first sentence which the Councils may wish to address in the final version of the Plan.

5.17. We consider that the policy is supported by evidence that justifies its approach and thus broadly aligns with the advice in paragraph 9.2.4 of PPW. However, whereas PPW states that normally there would be no occupancy condition, the policy seeks to restrict occupancy to qualifying persons. The particular housing market pressures in the subject settlements means that there would be a significant financial incentive for qualifying persons to sell a new house on the open market. In this circumstance the effectiveness of the policy would be seriously undermined without a control over occupancy. The imposition of a restriction would, over time, secure a pool of local market housing that would be available to qualifying persons. Such a restriction would serve to provide a degree of insulation from the effects of house prices inflated by influences outside the area. This, in combination with the intention to limit the floor space of the new housing relative to the number of bedrooms, would mean that such housing would be more affordable to local residents than is currently the case.

5.18. We consider that the Councils have justified Policy TAI 5, subject to the changes proposed by NMC198 to the policy and by NMC199-NMC203 which are necessary to secure clarity and coherence. The Councils intend to provide SPG in support of this policy in Quarter 3 2017/18 (NMC343), which we consider important in ensuring an effective and consistent implementation of the policy, including matters relating to the control of future occupancy.

*(Emphasis by highlighting added)*

## Appendix A – Schedule of Matters Arising Changes (NMC)

### NMC 198 POLICY TAI 5: LOCAL MARKET HOUSING

Subject to the requirements of Policy TAI 9 regarding the provision of affordable housing, local market housing (as defined in the Glossary of Terms) will be permitted within the development boundaries of the settlements named below on the condition that the proposal complies with the following criteria

New residential development within the development boundaries of the specific settlements noted below will be permitted provided that:

1. The occupancy of the property is restricted to:
  - i. Local market housing; and/or
  - ii. Affordable housing (in accordance with Strategic Policy PS14 and Policy TAI9)
2. The size of the units comply with the defined maximum for the particular type of unit proposed;
3. There are adequate arrangements available to restrict the occupancy of any local market house or affordable house in the first place and in perpetuity to those who conform to the relevant occupancy definition.

When a development is permitted, a planning condition will be used to manage Permitted Development Rights to ensure that an extension or alterations would not increase the size of the property beyond the defined accepted maximum size.

NMC 199 Amend to improve clarity:

This Policy is relevant for Proposals to provide new residential units within the development boundaries of Abersoch,

Beumaris, Rhosneigr, Aberdaron, Borth-y-Gest, Moelfre, MorfaBychan, Mynytho, Llanbedrog, Llangian, Rhoshirwaun, SarnBach, Trearddur, Tudweiliog and Four Mile Bridge must comply with Policy TAI5 in combination with Policy TAI9. Topic Paper

17A provides the evidence behind the choice of settlements. This Policy is relevant to all types of developments that create a new residential unit or units and it is relevant to any scale of development. Consideration will be given to providing affordable units in accordance with Policy TAI 9. Whilst the affordable housing element corresponds with what is facilitated in policies TAI9, Open market housing will not be permitted in the settlements that are named in this Policy.



**Pembrokeshire Coast National Park  
Replacement Local Development Plan (2015-2031)  
Public Examination**

**Support Document  
Appendix 06**

**before Inspector:** Mrs Nicola Gulley MA MRTPI

**Representations by and on behalf of the**

**NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

**Secretary :** Mrs. Sandra Bayes

**Agent/Representative:** Mr. Robert L. MANSON

**Ref: 3778**

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**NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

**Support Document Appendix 06**

**Swansea LDP Examination**

**Extracts from the Inspectors' Report**

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**for oral presentation**

**on 2<sup>nd</sup> July 2019**

# Swansea Local Development Plan 2010-2025

## Inspectors' Report (p.37)

Rebecca Phillips BA (Hons) MSc DipM MRTPI MCIM

Paul Selby BEng (Hons) MSc MRTPI

### ***Local needs housing and exception sites***

6.23. Policy H 5, as amended by **MAC179**, allocates six sites for the provision of a mix of affordable housing and market housing for local needs. The Council has prepared the policy in response to particular housing pressures faced within the Gower and areas immediately adjacent, where a disproportionately high proportion of local residents, in particular younger residents, cannot afford to compete in the open market and are forced to seek suitable housing elsewhere<sup>87</sup>.

6.24. Evidence prepared by the Council and a consultancy<sup>88</sup> identifies 9 wards in the west of the County that experience particular housing market pressures in comparison to other parts of Swansea. In all of these wards average house prices ..(p.38).. exceed the Swansea-wide average, substantially so in the case of Gower and Newton. Some wards, for example Pennard, Bishopston and Oystermouth, have an extremely limited number of affordable dwellings. Other indicators point to higher levels of holiday or second homes, higher proportions of larger properties and below-average proportions of smaller homes. Whilst some parties suggest that there may be a case for amending the list of identified wards, we consider that the evidence effectively demonstrates that these 9 wards are subject to specific housing pressures that are not experienced elsewhere in Swansea.

6.25. The allocation of the six sites within this geographic area is consistent with the Plan's overall strategy in relation to housing provision. All allocations have been subject to appropriate SA which has demonstrated that there are no evidently preferable, deliverable sites for the provision of housing to meet local needs. The allocated sites would provide an opportunity, however modest, for some local residents to be accommodated in their communities, which in turn would help to support local facilities and services which rely on a year-round population. The provision of a minimum of 51% social rented and intermediate housing on the allocated sites would work alongside the Plan's affordable housing policies and is justified by the viability evidence.

6.26. The allocations at Scurlage (H 5.1), Pennard (H 5.4) and Thistleboon (H 5.6) are located in the Gower AONB, within which the statutory duty to conserve and enhance the natural beauty of the area applies. To an extent the landscape impact of the allocations would be a matter for the detailed planning application stage. Nonetheless, we are satisfied that the principle of allocating these three greenfield sites is appropriate and justified, having regard to the benefits of providing housing sites of modest scale that would meet specific local needs arising in the west of the County. **MAC362** would, however, add key site-specific requirements and informatives for allocated sites into Appendix 3. This would ensure that key constraints, including landscape constraints, are adequately articulated within the Plan.

6.27. Policy H 5 seeks to restrict occupancy of the market dwellings to persons with a specific connection to the local area. The particular housing market pressures in the subject wards means that there would be a significant financial incentive for qualifying persons to sell a new house on the open market. Were this to happen, the effectiveness of the policy would be undermined. The imposition of an occupancy restriction would, over time, secure a modest pool of market housing that would be available to qualifying persons. This would be likely to be more affordable than open market housing, providing an opportunity for local residents to buy homes whose income means that they are not eligible for intermediate housing but who cannot compete in the locally inflated housing market. In doing so, the policy would also be likely to assist in increasing churn, to the benefit of the local housing market as a whole. We

are therefore satisfied that occupancy restrictions are justified in this case and would accord with national policy<sup>89</sup>.

6.28. To fully secure the objectives of the policy, some have suggested that the size of the market housing should be restricted relative to the number of bedrooms. Policy H 5, as proposed to be amended, states that proposals should include an .. (p.39).. appropriate mix of dwelling sizes to meet identified social and/or economic needs, having regard to the most up-to-date local needs evidence. The policy would thus align with the justification and evidence underpinning it and no further change is necessary for soundness.

6.29. Appendix 6 of the deposit LDP provides further information about the operation and enforcement of local needs housing. Changes proposed by **MAC363** and **MAC364** would clarify how legal agreements and conditions would be enforced as well as the eligibility criteria for qualifying persons. Including a definition of local needs housing within the glossary would further support the consistent application of this policy (**MAC315**), as would related changes to the policy's reasoned justification (**MAC180**).

6.30. As submitted, policy H 5 was titled 'Rural exception sites' and included separate criteria for assessing non-allocated housing sites in the countryside. The conflation of two distinct types of housing proposal within one policy was confusing and the policy title was misleading. **MAC179** would rename policy H 5 'Local needs housing exception sites', and **MAC181** would incorporate the criteria for assessing proposals in rural areas in a new policy entitled '100% affordable housing exception sites'. This change would also adjust the criteria in the new policy to refer to sites adjacent to all settlements, rather than only those with designated settlement boundaries, consistent with national policy.

6.31. **MAC11** and **MAC12** would amend section 1.3 of the Plan to clarify the role of local needs allocations and exception sites within the overall growth strategy. Subject to these and the other amendments identified above, we are satisfied that the policies relating to local needs housing and exception sites broadly align with PPW edition 10 and are justified by evidence.

6.32. The viability assessments have been thoroughly tested through the examination and have been updated to determine realistic affordable housing targets, having regard to the cost of potential obligations and other financial variables, as is required by PPW<sup>90</sup>. Subject to the recommended changes set out in the appendices, we are satisfied that the evidence supports the SHPZ and on-site affordable housing targets and thresholds, and that the approach to negotiating off-site contributions is sound. The six allocations for local needs market housing and affordable housing represent a justified response to the challenges and particular circumstances present within the west of the County. Subject to the changes identified above, we conclude that the Plan's policies relating to affordable housing, local needs housing and exception sites are sound.

### Conclusion

6.32. The viability assessments have been thoroughly tested through the examination and have been updated to determine realistic affordable housing targets, having regard to the cost of potential obligations and other financial variables, as is required by PPW<sup>90</sup>. Subject to the recommended changes set out in the appendices, we are satisfied that the evidence supports the SHPZ and on-site affordable housing targets and thresholds, and that the approach to negotiating off-site contributions is sound. The six allocations for local needs market housing and affordable housing represent a justified response to the challenges and particular circumstances present within the west of the County. Subject to the changes identified above, we conclude that the Plan's policies relating to affordable housing, local needs housing and exception sites are sound.

**87 Local Housing Market Assessment 2013 [EB003]**

**88 Statement of Swansea Council arising from Hearing Session 4 [ED032]**

**89 PPW edition 10 paragraph 4.2.9**

**90 PPW edition 10 paragraph 4.2.28**

**Pembrokeshire Coast National Park  
Replacement Local Development Plan (2015-2031)  
Public Examination**

Support Document

Appendix 07

before Inspector: Mrs Nicola Gulley MA MRTPI

**Representations by and on behalf of the**

**NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

Secretary : Mrs. Sandra Bayes

Agent/Representative: Mr. Robert L. MANSON

Ref:3778

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**NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

**Support Document Appendix 07**

**Swansea LDP as Adopted (Feb 2019)**

**Extracts of Housing Policy H5 and**

**Appendices 6, 6A & 6B**

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**for oral presentation**

**on 2<sup>nd</sup> July 2019**

## **H 5: LOCAL NEEDS HOUSING EXCEPTION SITES**

Sites are allocated at the following locations for local needs housing to meet an identified social and/or economic need:

H 5. 1	Land at Monksland Road, Scurlage
H 5. 2	Land to the east of Gowerton Road, Three Crosses
H 5. 3	Land adjoining Tirmynydd Road, hree Crosses
H 5. 4	Land adjoining Pennard Drive, Pennard
H 5. 5	Land at Summerland Lane, Newton
H 5. 6	Land at Higher Lane, Langland

Development proposals for the six allocated Exception Sites must provide:

- A minimum of 51% (the majority proportion) Affordable Housing for Local Needs; and
- A maximum of 49% (the minority proportion) enabling Local Needs Market Housing that meets an identified housing need within the Locality by providing an appropriate range of dwelling sizes, types and design specifications having regard to evidence of financial viability.

The occupancy of the Local Needs Market Housing will be restricted to “persons with a local connection” **to be used as “their only or principal home”** and will be formally tied to planning consent by means of legal agreements and/or conditions.

Proposals that do not provide an appropriate number and range of dwellings to meet the identified social and/or economic needs of “persons with a local connection” within the Locality will not be permitted.

### Supporting Text

2.5.33 National Planning Policy and Guidance allows for the identification of local needs housing exception sites, which are distinct from standard market housing allocations, to bring forward both affordable and market housing for local needs. In this context, this policy allocates six sites to deliver both *Local Needs Market Housing* and Affordable Housing for Local Needs, specifically in order to meet the identified need in the Gower,

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Gower Fringe and West SHPZs.

2.5.54 The evidence of need for affordable housing in these locations is clear and a reliance entirely on 100% affordable housing exception schemes is not a sufficient approach to meaningfully address this need. Furthermore, the sites identified in the policy are, for the most part, large in relation to the rural settlements/settings in which they are located. In such instances, it would not be in accordance with the objective of creating cohesive, sustainable communities to allocate the entire site for affordable housing. **The policy therefore provides a pragmatic and balanced approach, which addresses the identified local needs for new homes, and ensures that the opportunities to deliver affordable housing are maximised through sustainable forms of development in accordance with the affordable housing strategy set out in Policy H 2 Affordable Housing Strategy.**

2.5.55 The policy requires that the majority of the site (i.e. at least 51% of the units) must provide affordable housing, as defined within National Planning Policy and Guidance and must be occupied by people who meet the Council's local need criteria, as set out at Appendix 6.

2.5.56 The remainder of the site however may provide Local Needs Market Housing to meet identified local social and economic need. This element of the policy seeks to address identified issues and deficiencies in the local housing market that affect the ability of specific local groups to meet their accommodation needs within the local area. These groups are defined as "persons with a local connection" and include first time buyers, local persons creating new households, older people, carers and those requiring care. Appendix 6A provides full details of the definition of "persons with a local connection".

2.5.57 For the purposes of this policy, the local area is referred to as "the Locality". The area included within the Locality is informed by the evidence of social and economic need arising in a specific set of electoral wards, which includes the Council's administrative wards of: Bishopston, Fairwood, Gower, Mayals, Newton, Oystermouth, Pennard, Penclawdd and West Cross. The geographical area of the Locality is illustrated in Appendix 6A, which also sets out the eligibility criteria for assessing whether a prospective occupier would satisfy the test of local need. All wards within the Locality fall within the Gower, Gower Fringe and West SHPZs. Within these wards evidence shows that the local housing market experiences a range of particular pressures that limit the options available for local households to access private housing and can lead to households moving outside of the Locality. These pressures include:

- High levels of second home ownership;
- A dominance of larger properties in the existing housing stock;
- A lack of smaller one or two bedroom properties;

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- High levels of migrant households from outside of the County that increases levels of competition and increase the range of housing options within the Locality, thereby increasing the number of households who are able to stay within the Locality to meet their housing needs. This can be achieved by providing: for existing stock. The pressures are further compounded by the evidence of the demographic profile of these wards within the Locality, which shows that there are significant levels of older persons in larger properties, and lower levels of younger people and young families in these areas. provided on the allocated sites is therefore required to provide an appropriate range of dwelling sizes, types and design specifications to meet the social and economic needs identified within the Locality. This requirement will ensure that the allocated sites contribute to the diversification of existing housing stock

The pressures are further compounded by the evidence of the demographic profile of these wards within the Locality, which shows that there are significant levels of older persons in larger properties, and lower levels of younger people and young families in these areas.

2.5.58 All Local Needs Market Housing provided on the allocated sites is therefore required to provide an appropriate range of dwelling sizes, types and design specifications to meet the social and economic needs identified within the Locality. This requirement will ensure that the allocated sites contribute to the diversification of existing housing stock and increase the range of housing options within the Locality, thereby increasing the number of households who are able to stay within the Locality to meet their housing needs. This can be achieved by providing:

- A Range of House Types: Provision of a range of house types, including for example flats and bungalows, will contribute to diversification of local stock and provide opportunities for certain population cohorts such as older persons, those requiring care and newly forming households to access appropriate housing within the Locality.
- A Range of Design Specifications: Provision of stock that meets design standards such as Lifetime Homes Standards, the provision of lifts within flats, level access to dwellings, and other measures, which would serve to increase opportunities for older households or those requiring care, to continue to live independently within the local area.
- A Range of Sizes: Addressing the lack of smaller properties in wards within the Locality will increase opportunities for newly forming households, thus reducing the number of young people and young families moving out of the area to find housing or remaining in concealed households not able to form independent households. Ensuring the diversification of sizes of stock in the local housing market will also aid older people to move out of existing family housing into more suitable properties and thus facilitate churn in the local housing market.

2.5.59 In order to ensure that Local Needs Market Housing provided on the allocated sites meet the objectives of the policy, the occupation of dwellings will be controlled through the use of local occupancy restrictions. Such restrictions will require that initial and subsequent occupants of the properties fall within the definition of “persons with a local connection”. An exception to this requirement may be permitted if a property has been marketed, for at least 16 weeks at market value price and at the end of the 16 week period no appropriate offers of purchase have been made from a person who meets the local needs criteria. Appendix 6B provides further details of how

the marketing period will be implemented. Restrictions will also be imposed to ensure that the dwellings provided are only occupied as “only or principal homes”. Appendix 6B provides further details of the definitions and mechanisms necessary to enforce the implementation of the policy.

2.5.60 In accordance with Policy IO 1 Supporting Infrastructure, legal agreements and/or planning conditions will be used to ensure that the agreed percentage of Affordable Housing for Local Needs and Local Needs Market Housing is delivered, that an appropriate range of type, sizes and design specifications of dwellings is provided to meet the objectives of the policy, and that local needs housing occupancy restrictions are applied.

2.5.61 Provision of an appropriate range of both Affordable Housing for Local Needs and Local Needs Market dwelling sizes, tenure types and design specifications on the sites allocated in Policy H 5 Local Needs Housing Exception Sites is key to achieving the objectives of the policy. The mix of dwellings must be negotiated with both the Council’s Planning and Housing Departments, having regard to meeting the social and economic needs within the Locality identified in the most up to date needs evidence at the time of the application.

2.5.62 The policy acknowledges that some degree of flexibility will be required with regard to ensuring the financial viability of a proposal is not fundamentally undermined, for example through a particular requirement for house types, design or sizes. The Council will take a fair



and pragmatic approach to the consideration of financial viability implications during discussions and negotiations with developers on the range of homes to be provided, and in some instances this may necessitate some house types/sizes being included within a scheme that do not specifically address a need or housing shortage in the Locality but are required to make the scheme viable. In such instances full disclosure of the viability evidence relating to the site will be required, and if an agreement cannot be reached, an independent assessment will be commissioned by the Council to reach a resolution, which must be paid for by the developer. However the policy is clear that permission will not be granted if the specified minimum proportion of Affordable Housing for Local Needs is not provided, or if the proposed Local Needs Market Housing do not overall provide an appropriate range of dwellings to meet the identified social and/or economic need in the Locality.

2.5.63 Appendix 3 of the Plan provides further details of site specific development requirements relating to each of the allocated sites, including measures necessary to address landscaping impact and where relevant impact on the Gower AONB.

**Appendix 6. ELIGIBILITY CRITERIA FOR LOCAL NEEDS AFFORDABLE HOUSING**

For affordable housing in the Gower and Gower Fringe SHPZ and on 100% affordable housing exception sites, all of the council's eligibility criteria for Affordable Housing must be met along with the additional 'local need' criteria. In the context of rural local needs housing, use of the word 'local' in describing a resident means:

- Applicants who are resident within the area who have been resident for a continuous period of at least 5 years immediately before making an application;
- Applicants who have been resident within the area for any period of (or periods totalling) greater than 5 but less than 10 years within the previous 10 years immediately before making an application,
- Applicants who were previously resident in the area and who have an immediate family member(s) currently resident in the area and where the immediate family member(s) have been resident within the area for a continuous period of at least 10 years immediately before the housing application was made and intend to remain. 'Immediate family' means a parent or parents, a child or children, or a sibling or siblings;
- Applicants who need to move to the area to enable them to either give or receive support to or from an immediate family member. 'Immediate family' means a parent or parents, a child or children, or a sibling or siblings or other relationships where a genuine need to give or receive support is demonstrated to the satisfaction of the City and County of Swansea;
- Applicants who currently live in the area needing separate accommodation, for example married couple and people living in tied accommodation on retirement;
- Applicants who work either full time or part time within the area. Part time employment in this case is defined as being a minimum of 10 hours each week; or
- Applicants who need to move into the area to take up full or part time employment

In the event that none of the above can be met by the applicants, the Authority may consider individuals from surrounding areas and communities that border the area. This will be defined on a site by site basis if necessary.

## Swansea Local Development Plan – Appendices

### 6A. ELIGIBILITY CRITERIA AND RESTRICTIONS FOR LOCAL NEEDS HOUSING

Legal agreements and/or planning conditions will be used in connection with proposals for sites listed in Policy H5 'Local Needs Housing Exception Sites', in order to ensure that:

- the agreed percentage of affordable housing for local needs and local needs market housing is delivered,
- the type and mix of dwellings provided meets the objectives of the Policy, and
- the occupancy of the dwellings is appropriately restricted.

Such agreements/conditions will seek to enforce that :

1. The dwelling-houses identified as "local needs housing" shall not be occupied otherwise than by a **person with a local connection**, or the widow or widower of such a person and any dependents of such a person living with him or her, unless the property has been marketed for sale for a period of at least 16 weeks at market value price and at the end of the 16 week period a person with a local connection has not been identified as a purchaser. This will be required to be enforced for every successor in title (repeat sale) to each individual dwelling.

If after a period of 16 weeks of marketing of a local needs dwelling at an estate agents in the Locality and advertising on a well-used property agency website, there are no appropriate offers of purchase from a person with a local connection, the property may be marketed to, and subsequently purchased by, a person that does not meet the local need criteria. Any subsequent re-sale of the local needs dwelling will be subject to the local needs occupancy restriction in order to ensure that the property will continue to provide a potential opportunity to address any future local need in the Locality.

2. The obligations shall not be binding or enforceable against any mortgagee or chargee or any receiver appointed by such a mortgagee or chargee or any person deriving title through such a mortgagee, chargee or receiver provided always that a successor in title of such a person will be bound by the obligations.

3. The dwelling-houses identified as "local needs housing" shall only be occupied by a person as his or her **Only or Principal Home**. The Occupant will be required to supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request so to do) such information as the Authority may reasonably require in order to determine whether this is being observed.

## Swansea Local Development Plan – Appendices 6B

### Definitions:

**'Person with a Local Connection'** means an individual who before taking up occupation of the dwelling satisfies one of the following conditions:

Either:

- (a) The person has been in continuous employment in **the Locality** defined for at least the last 9 months and for a minimum of 16 hours per week immediately prior to occupation; or
- (b) The person needs to live in **the Locality** defined because they need substantial care from a relative who lives in the Locality defined, or because they need to provide substantial care to a relative who lives in the Locality defined. Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or
- (c) The person has been continuously resident in **the Locality** defined for three years immediately prior to the occupation of the dwelling and is **in need of another dwelling resulting from changes to their household**

**'The Locality'** is defined as the Council's administrative wards of, Bishopston, Fairwood, Gower, Mayals, Newton, Oystermouth, Pennard, Penclawdd and West Cross as shown on the Map entitled Boundary of Local Needs Housing Locality.

Circumstances where a person is **'in need of another dwelling resulting from changes to their household'** include (but is not limited to), getting married, divorced, having children, requiring more space for a growing family, downsizing to a more manageable home or adult children forming new households and purchasing a property for the first time, or where a person is returning to the Locality defined within 12 months of the completion of undertaking full-time post-secondary education or skills training.

An **'Only or Principal Home'** is a dwelling house that is occupied continuously for a minimum period of six months in every twelve month period. For the avoidance of doubt the dwelling shall not be occupied as a holiday home, second home or for short term let accommodation.

**Pembrokeshire Coast National Park  
Replacement Local Development Plan (2015-2031)  
Public Examination**

**Support Document  
Appendix 08**

**before Inspector:** Mrs Nicola Gulley MA MRTPI

**Representations by and on behalf of the  
NEWPORT AREA ENVIRONMENT GROUP (NAEG)**

**Secretary :** Mrs. Sandra Bayes

**Agent/Representative:** Mr. Robert L. MANSON

Ref:3778

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**NEWPORT AREA ENVIRONMENT GROUP (NAEG)  
Support Document Appendix 08**

**Calculating the Housing Need in Newport**

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**first produced for Preferred Strategy Stage - 2017  
for oral presentation  
on 2<sup>nd</sup> July 2019**

## Part I : Calculating the Housing need in Newport

*“We don’t calculate how many houses are needed in a particular area first, and then allocate housing land accordingly. That’s not how it works. We assess each of the local representative proposals for their environmental capacity and other critical characteristics in planning terms, and make a determination on each separate proposal. “*

Mr Richard James PCNPA Park Direction Team,  
Public Meeting, Newport Memorial Hall, 4<sup>th</sup> July 2017

*“9.1.4 Local authorities must understand their whole housing system so that they can develop evidence-based market and affordable housing policies in their local housing strategies and development plans. They should ensure that development plan policies are based on an up-to-date assessment of the full range of housing requirements across the plan area over the plan period. Local authority planning and housing staff should work in partnership with local stakeholders, including private house builders, to produce Local Housing Market Assessments (LHMAs)<sup>6</sup>. LHMAs must include monitoring so that responses to changing housing requirements can be reflected in updated development plans and housing strategies.”*

§ 9.1.4 Planning Policy Wales (8<sup>th</sup> Edn.) 2016

### So what have the Parks done to fulfil this clear legal obligation ?

They have entered into an arrangement with the County, as the local housing authority with housing jurisdiction in the Park, to effectively delegate to them responsibility for the production and upkeep of a joint **Local Housing Market Assessment** for both the Park and the rest of the County, subject to review by a joint committee working to a common programme.

The County last produced such a document as long ago as **2012**, now some **5years** out of date, and which appears to have been even then only an update on their earlier paper **LHMA 2007** concentrating on analysis solely of the need for so-called ‘affordable housing’ in the County<sup>1</sup>. However, it is a commendably detailed and scoped piece of work, and reaches the following global conclusion on general housing projections for the entire County (see @ p.11) as follows:

*8.2 This indicates that an additional **5,640 households** will be formed between 2011 and 2021, so an additional **564 households** on average per annum for 10 years will require accommodation.*

Accordingly, it makes no attempt to project or predict housing needs beyond the year **2021**, which is when this new replacement LDP for the Park is **to start** to come into effect. It also makes no separate and distinctive detailed analysis of the factors bearing only upon the housing needs peculiar to the Park at all, and most significant it offers no breakdown whatever of the assessed global housing needs (not just affordable needs) for each separate individual community council area within the County, such as here in Newport.

<sup>1</sup> <https://goo.gl/4oJn7C> see now @ § 1.2 on p.3

On the Parks website in Background Papers relevant to the Replacement LDP there is a paper titled “*Background Paper No \*: Housing*” and dated February 2016. In the section in this titled “*Assessment of Need by the Local Housing Market Assessment*” to be found on p.21, one is then told that a “**2014 Local Housing Market Assessment**” is available as a table on the County Council’s Monitoring webpage with a link. In truth, however, when one goes there, this is nothing more than a single table, setting out figures for asserted ‘*affordable housing*’ needs alone (Social rented & LCHO sectors), divided as per each community council area in the County. For Newport the tabular figures are as follows:

**PCC Local Housing Market Assessment (2014)  
Housing Need per year 2014-2019 <sup>2</sup>**

Community Council Area	Affordable Rented						LCHO (Low Cost Home Ownership)					
	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	6 Bed	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	6 Bed
Newport	18.8	1.8	0.0	0.7	0.4	0.0	1.9	0.0	0.0	0.0	0.0	0.0

[http://www.pembrokeshire.gov.uk/objview.asp?object\\_id=11291&language=](http://www.pembrokeshire.gov.uk/objview.asp?object_id=11291&language=)

**No basis for justification or explanation for such figures is provided  
No information whatever addressing asserted housing needs, other than for so-called ‘affordable needs’, are given or indeed the subject addressed at all.**

In respect of its duty to monitor the implementation of its own LDP for the County (excluding then the Park) PCC has quite properly produced several subsequent updated Reports (post 2012), analysing the topic of so-called ‘Land Availability’ (termed ‘**Joint Housing Land Availability Studies**’ = “**JHLAS**”), which look at the other-side of the coin, as it were, to housing markets and needs, by analysis of current planning permissions granted and the rate of actual house building. However, perhaps not too surprisingly despite its being termed a ‘joint’ Study (given this is intended as monitoring of their own County only based LDP) all the specific site details dealt with over the years by these PCC Reports are only in relation to communities located in the County but outside the Park, ie excluding then Newport among others.

**So then to summaries:**

- **No contemporary Assessment of the Housing Market here in Newport**
- **No analysis whatever of the Market structure specific here to Newport**

As Mr James comments “*We don’t calculate the number of houses needed in a particular area. ... That’s not the way it’s done.*” **Only thing is that’s way it’s supposed to be done !**

It is perhaps informative at this point to refer back for a moment to the general attitude adopted and expressed by PCNPA to the future needs for housing in the Park, back in 2010, when the current LDP was in its latter stages of development.

<sup>2</sup> PCC Website titled [Local Housing Market Assessment 2014](#)

“2.24 PCNPA stated in its Deposit LDP that “the most credible population projection for the National Park suggests there is **no justification for housing development in the National Park** to house an increasing population”<sup>1</sup>. It had however proposed a housing provision of around 1,756 dwellings for the period 2007-2021, on the basis that to meet the “significant need for affordable housing in the National Park”<sup>2</sup> it must provide land for the development of housing. The adopted Plan proposes that a minimum of 530 of these will be affordable homes.”

(*emphasis added*)

Background Paper for Local Development Plan:  
Scale and Location of Growth (Dec2010)

That is to say the Parks recognised that there was no demographic or population change need whatever for further new housing in the Park (2007-2021), but solely in order to aim to build 530 new affordable homes, for those in the Park recognised to be in need of such housing, it in fact then agreed to the building of **x3.3 as many** new homes, ie **1,756**. In the event, even this minority rate of affordable housing provision, proved wholly unobtainable –

“2.3 Set against this level of current and emerging need for affordable housing, only 21 of the 289 dwellings to have been built in the National Park Authority area between 2007 and 2013 were affordable homes. This represents just 7% of the total housing supply and equates to 3 affordable dwellings per year being built in the National Park Authority area, compared to a target of delivering an average of 35 affordable dwellings per annum over the LDP period (2006-2021). **Clearly affordable housing needs are not being met.**”

Report to PCNPA on Supplementary Planning Guidance  
on Affordable Housing (Nov. 2014)<sup>3</sup>

Here for instance, in Newport, the need for affordable only accommodation was originally recognised to be so great that a proportional limit of **70%**, of any new housing project of greater than +2 units, for affordable needs was originally imposed by the current LDP<sup>4</sup>. However, within a couple of years of the adoption of the new LDP (in 2010) such was the slow rate of affordable house building uptake by the local house building sector, that the Park’s commissioned (at great local tax payer’s expense) a pair of private-sector Cardiff based planning consultants to come up with a Report on the need to adjust Affordable Housing targets. As a result of which that figure was then slashed in 2014 from **70%** to just **40%** instead, the exact proportion of so-called ‘affordable housing’ now approved for the massive ‘Bentinck Development’ project (14/35). **Needless to say no one in Newport was consulted by these outside Cardiff consultants.**

Clearly, then the major so-called ‘driver’ to use the jargon in this housing debacle to-date is the perceived need to provide so-called ‘Affordable housing’ ; and it must then but worth a short while specifically addressing what is meant by, and involved in, meeting this so-called need.

## “Affordable Housing”

So far as planning guidance in Wales is concerned the most authoritative definitions are those provided @ §5.0 in the WG Technical Advice Note #2 on ‘Planning and Affordable Housing’, as follows:

<sup>3</sup> Nathaniel Lichfield & Prtnrs. & Andrew Golland & Assocs. see @ § 2.3 on p.3

<sup>4</sup> See now @ Policy 45(a) in the current PCNPA LDP (2010)



## “ 5.0 Affordable housing and land use planning

5.1 The definition of ‘affordable housing’ for the purpose of the land use planning system as described in this Technical Advice Note is

**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.**

• • •

Affordable housing includes:

- Social rented housing;
- Intermediate housing.

5.2 Social rented housing is that provided by local authorities and registered social landlords. Intermediate housing is that where prices or rents are above those of social rent but below market housing prices or rents.”

For many Authorities, including especially the UK Department for the Environment, Communities & Rural Affairs, “Intermediate Housing” can where appropriate include, but is not necessarily limited to, what is described as “**Low Cost Home Ownership**” (“**LCHO**”) housing. However, TAN2 (Glossary) also makes it clear that “*Intermediate housing differs from low cost market housing, which the ..[Welsh].. Assembly Government does not consider to be affordable housing for the purpose of the land use planning system.*”

### Who decides what is and what is not “affordable” in a given locality & market ?

Clearly just saying that ‘Affordable Housing’ is defined as “*housing accessible to those who cannot afford market housing*” doesn’t really tell you a whole hell of a lot about precisely how much cheaper than market housing should housing be to qualify as “affordable”, especially in a particular locality & market sector, meaning primarily the size of house and generally judged by the number of separate bedrooms provided.

TAN 2 says that :

“ 4.2 Local authorities should calculate affordability for each of the housing markets that may be operating in their area (and those of neighbouring authorities, if appropriate)<sup>8</sup>. It can then be used, along with other data from the development plan preparation process, to calculate the amount of affordable housing required from new build housing over the plan period.”

and the Welsh Government even provides specific guidance for Local Authorities, within that part of the **Local Housing Market Assessment Guide** on Affordable Housing.

## What have the Parks done to fulfil this further legal requirement ?

So far as I have been able to determine it, from an extensive study of the so-called 'background papers' offered by the Authority on its website, both in relation to the proposed replacement LDP (2021-31), and the current LDP (2010-21) and elsewhere – **absolutely nothing**.

Instead, it would appear to be the general attitude among the planning staff that in order for housing to be properly regarded as 'affordable' it has to be in effect social rented housing owned and operated by a recognised so-called '**Residential Social Landlord**' ("RSL"), and when it comes to determining the actual cost of such accommodations, in pounds and pence, (and as a proportion of the actual cost of equivalent 'open-market' housing of a comparable size in the same locality) that is their business and not the Parks.

However, at first flush, at least it would appear that they have put out material on the website dealing with at least the 'need' for affordable housing and equally the so-called 'land availability' (ie rate of planning permissions & completions) and as to this latter both in relation to affordable and indeed open market housing as well. Alas, when views the material in detail the truth is far less comprehensive. As appendices to the so-called " *1st Review Background Paper No \*: Housing*", as previously mentioned, they offer the following two further Papers, as follows :

### Appendix 1

#### Housing Need and Supply April 2015

##### Identifies affordable housing need by Community Council area

Identifies Pembrokeshire Coast National Park affordable housing supply  
**(to be included in the Deposit Local Development Plan)**

Identifies Pembrokeshire Coast National Park housing land supply  
(to include land with planning permission and land allocations).  
**to be included in Deposit Local Development Plan (replacement).**

Identifies total housing land supply  
including affordable housing supply in Pembrokeshire County Council's planning jurisdiction.  
**(to be included in the Deposit Local Development Plan)**

So in point of fact most all of the material which the public would find most useful in judging the current housing land allocations which the Parks are now proposing under this current 'Preferred Strategy' process, are absent - not be included until next year at the earliest as part and parcel of the so-called 'Deposit Plan' stage instead. In so far as this Appendix 1, which is nothing other than a large table, tells us anything about 'affordable housing' needs here in Newport it states as follows:

### PCNPA Housing Background Paper –

#### Appendix 1 : Housing Need and Supply by Community (April 2015)

Community Councils in the National Park	Social Rented LCHO Housing need per year 2014 - 2019 # (%)	Housing need per year 2014 – 2019 # (%)	Housing need per year 2014 - 2019 Total
Newport	22 (92%)	2 (8%)	24

Which as you've probably already guessed is in truth nothing more than a simple re-gurgitation, in a different format, of the existing figures already supplied by the PCC in their LHMA (from 2014) as above. Things, alas, don't get any better when we refer to the **Appendix 2** specifically on 'housing land supply', instead.

## Appendix 2

### Housing Land Supply at April 2016 (by site) & Trajectory

Identifies land with permission April 2016 (including affordable housing)

Identifies land allocations

**(to be inserted at Deposit Local Development Plan (replacement) stage)**

Includes a forecast of completions on 5+ sites for 2016 to 2021, 2021 to 2026, and 2026 to 2031.

**(to be inserted at Deposit Local Development Plan (replacement) stage)**

### Sites with Planning Permission for residential development

as of 31<sup>st</sup> March 2016

Ref	Site	Total no units Remaining	No Affordable units	
<b>Newport</b>				
NP/09/0488	Newport Garage	9	4	
NP/10/0181	Tyddyn, Dolwerdd, Long Street, Newport	1	0	
NP/13/0311	The Warehouse, Newport	1	0	
NP/10/0361	Llyn y Mynydd, Feidr Pen y Bont, Newport	1	0	
NP/14/0534	Former Coach House, Mill Lane	1	0	
NP/13/0311	The Warehouse	1	0	
<b>Total</b>		<b>14</b>	<b>4</b>	<b>( = 28)</b>

The notorious 'Bentinck development' was approved in principle by the Parks Planning Committee on 6<sup>th</sup> November 2015, who then delegated the formal process of approval to their Officers. However, they weren't able to finally issue a formal Approval Notice, granting planning consent for x35 houses (of which x14 or 40% only were to be 'Affordable' houses) i.e. twice as many houses again as previously approved in the prior 7 years or so (as above), until a full further 8 months later, on 20<sup>th</sup> of June last year, 2016, which was just 11 weeks after the cut-off date for this assessment.

Perversely the latest Housing Land Supply Assessment done by the Parks as a part and parcel of their on-going monitoring of the extant LDP instead, is dated just July last year (2016)<sup>5</sup>, and does indeed include a record for the 35 houses on what is described by them as the “**Feidr Eglwys**” site formally given in June last year, producing a housing land supply figure for that purpose, when coupled with the former Newport Garage site development, of **45 units** instead

So, in conclusion :

- **No contemporary Assessment of the Housing Market here in Newport whatever**
- **Specifically no information on open market housing projections and character**
- **No analysis whatever of the market structure specific here to Newport**
- **Information on affordable housing need out-of-date, unjustified and undefined**
- **Information on Land Supply so out-of-date it underestimates extant planning permissions by a factor of 3:1**

Alas, this scale of gross incompetence and inefficiency is only cast into further stark relief, when one compares it to the actual figures, produced relatively recently (2013) by the Welsh Government, in relation to actual statistical projections for housing need in the Park in general, if not then here in Newport in particular.

#### “ **PCNPA Scale and Location of Growth Paper April 2017**

##### “ 88. **2013 Population Projections for Wales National Parks:**

More recent population figures published by Welsh Government advise that it is estimated that:

- the number of deaths in each of the three National Parks in Wales is estimated to be more than the number of births

##### 89. **Between 2013 and 2028:**

- the total population living in a National Park in Wales (81,800 in 2013) is estimated to decrease by 5.9 per cent to 77,000
- the Pembrokeshire Coast population (22,800 in 2013) is **estimated to fall by 11.5 per cent**

##### 90. **2013 National Park household projections are set out below:**

Households	2011	2016	2021	2026	2031	Completions 2011 to 15	15 to 31 Projections	Annual Provision
<b>Newport</b>	<b>583</b>	<b>586</b>	<b>572</b>	<b>555</b>	<b>533</b>	<b>2</b>	<b>- 52</b>	<b>- 3</b>

Which is to say that according to the Welsh Government, by the end of the period 2015-31, we will need 52 **fewer** homes here in Newport – not more ! And yet current Parks proposals at this Preferred Strategy stage are for up to **+77** further new homes, of which at best, only 50% will be to meet so-called ‘*affordable needs*’ purposes !!

<sup>5</sup> See table @ p.8

**Pembrokeshire Coast National Park  
Management Plan (2015 - 2019)  
Local Development Plan (2015-2031)**

**1st Review Background Paper No \*: Scale and Location of Growth  
April 2017**

**Table 8 Housing Projections for sub areas of the Park (2011 based) Plan end date 2031**

**88. 2013 Population Projections for Wales National Parks:**

More recent population figures published by Welsh Government advise that it is estimated that:

- the number of deaths in each of the three National Parks in Wales is estimated to be more than the number of births
- more people are expected to move to the Brecon Beacons than leave the area; for the Pembrokeshire Coast and Snowdonia more people are expected to leave the area than move in.

**89. Between 2013 and 2028:**

- the total population living in a National Park in Wales (81,800 in 2013) is estimated to decrease by 5.9 per cent to 77,000
- the Brecon Beacons population (33,500 in 2013) is estimated to fall by 2.7 per cent
- the Pembrokeshire Coast population (22,800 in 2013) is estimated to fall by 11.5 per cent
- the Snowdonia population (25,500 in 2013) is estimated to fall by 5.0 per cent.

**90. 2013 National Park household projections are set out below:**

Households	2011	2016	2021	2026	2031	Completions 2011 to 15	15 to 31 Projection	Annual Provision
Tenby	2253	2264	2210	2144	2058	83	-278	-19
Newport	583	586	572	555	533	2	-52	-3
Saundersfoot	1200	1206	1177	1142	1096	31	-135	-9
St Davids	851	855	835	810	777	9	-83	-6
Rural Centres & Countryside	5390	5416	5287	5129	4923	83	-550	-37
Total	10277	10326	10080	9780	9387	208	-1098	-73

Analysis of NAEG's Survey of views in Newport about modification of PCNPA LDP2 Policy 3a) - Execution and Results

**2014 ballot papers were returned of which 201 voted "Yes"** to whether they *"would agree to a planning policy put in the "new" Development Plan, applicable to Newport that restricts the occupancy of all future new housing given planning permission to those who would make it their principal or main place of residence alone"*

**i.e 93% of those who responded**

**11** voted "No"

**2** ballot papers were spoilt

Unlike St Ives - where the Town benefited from the English system of Neighbourhood Development Planning and where the Referendum on new housing was overseen by Cornwall County Council for the Town Council – we sought to organise what we also called a "Referendum" run wholly by a voluntary group with very limited resources.

Our aim was originally to ask the question of all **full time residents on the electoral roll** but Newport Town Council was advised by the National Association of Local Councils (Letter attached) that they should not supply NAEG with names and addresses for the purpose. Newport Town Council eventually supplied only residential addresses, from which around 100 self-catering businesses had been extracted (mostly former second homes), and on which 2<sup>nd</sup> homes known to the County Council were marked, but we were told the addresses included some houses outside the Ward boundaries.

At that point, NAEG considered abandoning the Referendum, but 2 public meetings had supported it taking place, so we felt obliged to proceed. However, we should have stopped calling the exercise a Referendum.

We planned to use volunteers to go door to door – and many houses were in remote situations - asking how many occupants were full time residents and on the electoral roll - so that we could leave appropriate numbers of ballot papers.

We also asked if people wanted papers in Welsh.

This proved a frustrating exercise, because in so few houses were occupants found, despite volunteers returning to check. We suspected that many more houses are 2<sup>nd</sup> homes than are known to the County Council. Undoubtedly, many sets of documents remain unopened on mats in empty properties.

In the end, NAEG was at fault in allowing insufficient time for the exercise as we expected ballot papers to be returned to the Post Office within a few days, and not everyone comes in to town within such a time span, so people had to make a special journey. We were not able to (afford to) supply stamps for the purpose.

The County Council tells us that there are 843 on the electoral roll. Some of these are second home owners. We therefore had little more than 25% of full time residents on the electoral roll turn out which was disappointing but explicable.

But still, the outcome was extremely positive in terms of the proportion of respondents stating "Yes"

We ask that the Inspector take into account the above problems in execution and trust that she agrees that the result strongly supports the proposal

Sandra Bayes Secretary Newport Area Environment Group 21<sup>st</sup> June 2019

Letter to Newport Town Council from NALC attached

Covering letter and ballot papers attached in both Welsh and English

Signed Results sheet attached



3 April 2019

Paul Egan  
One Voice Wales

Our Reference: Wales 19/865  
Your Reference: PE

By email only - [pegan@onevoicewales.wales](mailto:pegan@onevoicewales.wales)

Dear Paul,

**Re: Client: Newport Town Council**  
**Subject Matter: Local referendum**

I have been allocated this request to advise upon and I have seen your email dated 1 April 2019 attaching emails dated 18 to 29 March from the town council chairman and the secretary to the Newport Area Environment Group (NAEG).

The issue in this request is what help the town council can give to the NAEG for a referendum that they are planning. The NAEG would like names and addresses of residents plus the council to oversee the referendum.

The town council must not pass on names and addresses to the NAEG unless the persons concerned have given specific authority to the town council for it to do so. If details are passed on without consent it will be a breach of the Data Protection Act 2018 and must be reported by the town council to the Information Commissioner.

The town council has no power to officially observe or invigilate a referendum on behalf of a third party. Individual councillors could, of course, be involved in the referendum on an unofficial basis.

The question could be raised at a town meeting which can be called by the town council chairman, two town councillors or 10% (maximum 50) of local electors. A town poll can be called at that meeting and the poll would be run by the county council and paid for by the town council.



I hope that this clarifies the position but if the council requires any further information or advice please contact NALC again.

Yours sincerely,

Gary Barker  
Solicitor  
NALC

Direct Line: 020 7290 0310

## NEWPORT NEW HOUSING REFERENDUM REFERENDUM RESULT 21st June 2019


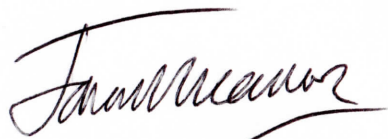
Total number of votes cast by residents of Newport Ward :

Number of residents voting YES : 201

Number of residents voting NO : 11

Spoilt ballot papers : 2

Signed by



Invigilators Town Cllrs Jano Williams and John Griffiths

Number of votes not included as respondees not both resident and electors: 3  
subject to confirmation.



C/o Yr Hen Felin, Upper Bridge Street Newport SA42 0PL

June 2019

Dear Newport resident on the electoral roll for Newport Ward area,

**We are writing to you to seek your view on whether or not all new housing in Newport should be restricted to those who occupy it as their main or principal place of residence**

The Pembrokeshire Coast National Park Authority (PCNPA) is replacing its Local Development Plan (LDP) – the official document that sets out planning policies for the National Park, including Newport, until 2031.

According to Government population predictions, the number of households actually needed in Newport over the LDP period will reduce from the number already existing, but the National Park argues that we will still need to allow more new market housing to be built just in order that that market housing will “cross-subsidise” affordable housing.

So, at present the National Park strategy planning policy for Newport will allow more new market housing to be built without any controls restricting occupancy.

The trouble is, if current trends continue, if there are no *occupancy controls* on all new market housing, much of it is likely to be hoovered up as second homes or investment properties. Whilst there are no *occupancy controls*, there is also no incentive for developers to provide the sort of housing that Newport needs– starter homes; suitably designed houses for older people to down-size into (releasing larger houses for family homes); houses for those who have lived in the countryside to move into town, closer to services; affordable live/work units for aspiring entrepreneurs; self-build opportunities etc -

Newport has a very high proportion of second homes - over 37% of households were “*Household spaces with no usual residents*” according to the 2011 census. 8.6% more residents had a second address - with their Newport residences only occupied for part of the year, compared with an equivalent 4% for the whole of Wales. Between 2001 and 2011, the rate of increase in homes in Newport that were unoccupied for most of the year was more than double – 150% more than - the rate of increase of homes occupied all year round. Look at Phillips Yard – the only housing development completed recently – Every one of those new houses is not lived in all year. In addition, more than half the market houses on the Feidr Eglwys site currently being developed will be large and detached on their own plot of land and with 4 bedrooms. How many people who live and work here can afford them? How many more such large houses do we need?

9% of Newport resident households already have 5 bedrooms or more compared with 4% for the whole of Wales. There are very high house values/prices in Newport. In 2011, 66% of all households were within council tax bands E to G compared with only 25% nationally. But, a high proportion of local jobs here are in tourism and are low paid/part time/seasonal. The housing affordability ratio in Newport is thus exceptionally high. We do not need more large houses which people on local wages cannot afford.

In addition, Newport's potential for growth is extremely limited because landscape and infrastructure sensitivities prevent much more development, and it is vital therefore that the few opportunities that do exist, especially those convenient to the Town Centre, are restricted to, and designed to meet the needs of, people who will live here. Swallowing up new housing by people who do not live here must not continue to happen and could be prevented here, if we can persuade the planners to modify their Newport Strategy Policy to apply an *occupancy control*, restricting use to those who will live here.

Newport Town Council proposed to the National Park such an amendment to Policy as long ago as 2016, introducing an *occupancy control* to restrict new housing to permanent residents. Newport Area Environment Group (NAEG) then proposed that a Referendum be held to assess residents' view on modifying Newport's housing policy in this way, and this was supported at 2 public meetings in 2017 and is still supported by Newport Town Council.

The current "Deposit" or (final draft) Version of the National Park Replacement LDP is being put before a Government Inspector very soon – when there will be the opportunity to try to persuade the Inspector that the Strategy Policy for future housing for Newport should be more appropriately written to actually meet Newport's needs and support sustainability of this community. NAEG will present the case for amending the planning policy for new housing for Newport to the Inspector.

A democratic mandate achieved by way of a supportive local Referendum result on this issue will be an essential limb to successfully bringing change about.

NAEG therefore requests that you – being both a resident of Newport and a member of Newport's electorate - answer, sign and return the attached referendum question.

Thank you for participating



Sandra Bayes, Secretary, Newport Area Environment Group

[Sandrabayes1@btinternet.com](mailto:Sandrabayes1@btinternet.com) 01239 820889

Newport New Housing Referendum

**Would you agree to a planning policy put in the ‘new’ Development Plan applicable to Newport that restricts the occupancy of all future new housing given planning permission to those who would make it their principal or main place of residence alone?**

**YES**

**NO**

**Please place a cross “X” as appropriate**

I am a Newport resident on the electoral roll for Newport Ward

(Signature) \_\_\_\_\_

Full Name \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

**Please put this response in the envelope provided and either put it in the box in, or post it to, Newport Post Office by Friday 21<sup>st</sup> June 2019**

We apologise that we are unable to provide postage stamps for this purpose.

**Please note**

Your contact details will not be used for any other purpose than to ascertain the validity of including your response

This is not an official local survey, sometimes called a ‘Community Poll’, organised via either the Newport Town Council, or the Pembrokeshire County Council, or otherwise. It is a local ‘Community Referendum’, organised by Newport Area Environment Group - a local community group comprising wholly of local people who volunteer their time. As such, the results will not have any force of law or other official or statutory status.

However, NAEG hopes they will represent a fair overview of the popular position, as adopted by residents who are local electors, registered in Newport ward

Members of the Town & County Council will be invited to be present as invigilators or observers at the count, and the counted ballots will be retained until the final Local Development Plan is adopted, after which they will be destroyed.

**NAEG June 2019**

d/o Yr Hen Felin, Stryd y Bont Uchaf, Trefdrath SA42 0PL

Mehefin 2019

Annwyl breswlydd ar gofrestr etholiadol Ward Etholiadol ardal Trefdraeth,

Ysgrifennwn atoch i ofyn eich barn p'un ai dylai'r **holl dai newydd** yn Nhrefdraeth **gael eu cyfyngu i bobl sydd â nhw'n brif breswylfa** neu beidio.

Mae Awdurdod Parc Cenedlaethol Arfordir Penfro'n newid eu Cynllun Datblygu Lleol- y ddogfen swyddogol sy'n gosod allan polisiau cynllunio ar gyfer y Parc Cenedlaethol, gan gynnwys Trefdraeth, tan 2031.

Yn ôl rhagfynegiadau poblogaeth y Llywodraeth bydd yr union nifer o gartrefi y bydd eu hangen yn Nhrefdraeth yn gostwng o'r hyn sy'n bodoli ar hyn o bryd, ond dadl y Parc Cenedlaethol yw y bydd angen caniatáu rhai tai newydd ar gyfer y farchnad er mwyn i dai o'r fath 'draws-gymorthdal' tai fforddiadwy.

Felly, ar hyn o bryd bydd strategaeth caniatâd cynllunio'r Parc Cenedlaethol ar gyfer Trefdraeth yn caniatáu adeiladau tai newydd ar gyfer y farchnad heb unrhyw reolaeth yn cyfyngu ar feddiannaeth.

Y broblem yw, os bydd argoelion presennol yn parhau, nid oes *rheoliadau meddiannaeth* yn eu lle ar gyfer yr holl dai newydd ar gyfer y farchnad, ac mae'n debyg y bydd llawer ohonynt yn cael eu llyncu i fyny fel ail gartrefi neu'n eiddo buddsoddi. Lle nad oes rheoliadau meddiannol, nid oes cymhelliad i ddatblygwyr ddarparu'r math o dai sydd eu hangen ar Drefdraeth- tai cychwynnol; tai wedi'u cynllunio'n addas i bobl hyn sy'n symud i gartref llai o faint, (gan ryddhau tai mwy ar gyfer teuluoedd); tai ar gyfer trigolion gwledig sydd eisiau symud i'r dref, yn agosach at wasanaethau; unedau byw/gweithio ar gyfer darpar-entrepreneuriaid; cyfleoedd hunan-adeiladu ayb.

Mae cyfradd uchel o ail-gartrefi yn Nhrefdraeth, yn ôl cyfrifiad 2011 roedd mwy na 37% o dai yn '*Llefydd Aelwydydd heb breswylwyr arferol*'. Roedd gan 8.6% pellach o'r trigolion ail gyfeiriad – gyda'u preswylfeydd yn Nhrefdraeth wedi'u meddianu am ran o'r flwyddyn yn unig. Mae hyn yn cymharu â 4% ar gyfer Cymru gyfan. Rhwng 2001 a 2011 roedd y gyfradd cynnydd ar gyfer y cartrefi yn Nhrefdraeth a oedd yn wag am y rhan fwyaf o'r flwyddyn yn fwy na dwbl cyfradd y cynnydd yn y cartrefi gyda phobl yn byw ynddynt ar hyd y flwyddyn (150% yn fwy). Ystyriwch Iard Phillips – yr unig ddatblygiad o dai a gwblhawyd yn ddiweddar; nid oes neb yn byw yn yr un o'r tai hynny ar hyd y flwyddyn. Yn ogystal bydd mwy na hanner y tai ar gyfer y farchnad sy'n cael eu datblygu ar y safle yn Feidr Eglwys yn rhai mawr ac ar eu pennau eu hunain ar eu tiroedd eu hunain a chyda 4 ystafell wely. Faint o'r

bobl sy'n byw a gweithio yn yr ardal hon sy'n medru eu fforddio nhw? Faint mwy o'r fath dai sydd eu hangen arnom ni?

Mae gan 9% o dai mwy na 5 ystafell wely'n barod, o gymharu â 4% ar gyfer Cymru gyfan. Mae prisoedd/gwerth tai uchel iawn yn Nhrefdraeth. Yn 2011 roedd 66% o'r aelwydydd ym mandiau E-G ar gyfer treth y cyngor o'i gymharu â 25% yn genedlaethol. Ond mae cyfradd uchel o swyddi lleol yn ymwneud â thwristiaid ac yn talu'n isel/yn rhan amser/ yn dymhorol. Mae cyfradd fforddiadwyedd tai yn Nhrefdraeth felly yn hynod uchel. Nid oes arnom angen rhagor o dai mawr na all pobl leol ar gyflogau lleol eu fforddio.

Yn ogystal â hyn mae potensial am dwf Trefdraeth yn gyfyngedig iawn gan fod sensitifeddu tirlun a seilwaith yn rhwystro llawer mwy o ddatblygu. Mae'n hanfodol felly fod y cyfleoedd prin sy'n bodoli, yn enwedig y rhai hynny'n sy'n gyfleus i ganol y dref, yn cael eu cyfyngu i, ac yn cael eu cynllunio ar gyfer, anghenion y bobl fydd yn byw yma. Ni ddylai llyncu tai newydd i fyny gan bobl nad ydynt yn byw yma barhau a gellid ei atal os gallwn berswadio'r cynllunwyr i addasu Polisi Strategaeth Trefdraeth i weithredu *rheolaethau meddiannaeth*, yn cyfyngu'r defnydd i bobl sy'n byw yma.

Gwnaeth Cyngor Tref Trefdraeth gynnig diwygiad o'r fath i'r Parc Cenedlaethol mor bell yn ôl â 2016, yn cyflwyno *rheolaethau meddiannaeth* i gyfyngu tai newydd i drigolion parhaol. Yn dilyn hyn cynigodd Grwpiau Amgylchedd Bro Trefdraeth y dylid cynnal refferendwm er mwyn asesu barn trigolion am addasu polisi tai Trefdraeth fel hyn; cefnogwyd y cynnig mewn dau gyfarfod cyhoeddus ac mae Cyngor Tref Trefdraeth yn dal i'w gefnogi. Trefdraeth.

Mae'r fersiwn "Adnau" (neu ddrafft terfynnol) Cynllun Datblygu Lleol Amnewid y Parc Cenedlaethol i'w osod o flaen Arolygydd y Llywodraeth yn y dyfodol agos. Bryd hynny bydd cyfle i geisio perswadio'r Arolygydd y dylid ail-ysgrifennu'r Polisi Strategaeth ar gyfer tai'r dyfodol yn Nhrefdraeth mewn ffordd fwy addas i wir ateb anghenion Trefdraeth ac i gefnogi cynaliadwyedd y gymuned. Bydd GABT yn cyflwyno'r achos dros addasu'r polisi cynllunio ar gyfer tai newydd yn Nhrefdraeth i'r Arolygydd.

Bydd mandad democrataidd a geir o ganlyniad cefnogol i refferendwm lleol ar y pwnc yn ffactor hanfodol i arwain yn llwyddianus at newid.

Mae GABT felly yn gofyn i chi, fel preswlydd ac aelod o etholaeth Trefdraeth, ateb, llofnodi a dychwelyd y cwestiwn refferendwm atodedig.

Diolch am gymryd rhan.

Sandra Bayes, Ysgrifennydd, Grwpiau Amgylchedd Bro Trefdraeth.

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## Refferendwm Tai Newydd Trefdraeth

Fyddech chi'n cytuno i bolisi cynllunio wedi'i osod yn y Cynllun Datblygu 'newydd' sy'n berthnasol i Drefdraeth ac sydd yn cyfyngu meddiannaeth yr holl dai newydd sy'n cael caniatâd cynllunio yn y dyfodol i'r rhai hynny a fyddai'n ei gwneud yn brif neu unig fan preswyllo yn unig?

**BYDDWN**

**NA**

**FYDDWN**

### Rhowch groes "X" yn y bocs priodol os gwelwch yn dda.

Rydw i'n breswlydd yn Nhrefdraeth ac ar gofrestr etholiadol Ward Trefdraeth.

Llofnod) \_\_\_\_\_

Enw llawn \_\_\_\_\_

Cyfeiriad \_\_\_\_\_

### Rhowch eich ateb yn yr amlen a roddwyd i chi a naill ai ei roi yn y bocs yn Swyddfa Bost Trefdraeth neu ei bostio yno cyn Dydd Gwener Mehefin 21ain 2019 os gwelwch yn dda.

Mae'n ddrwg gennym na allwn ni ddarparu stampiau ar gyfer hyn.

Nodwch os gwelwch yn dda:

Ni fydd eich manylion cyswllt yn cael eu defnyddio at unrhyw bwrpas ar wahân i ddilysu cynnwys eich ymateb yn y refferendwm.

**Nid** arolwg lleol swyddogol (a elwir weithiau yn bleidlais gymunedol) wedi ei gynnal gan naill ai Cyngor Tref Trefdraeth neu Gyngor Sir Penfro neu arall, mo hwn . **Mae'n** 'Refferendwm Gymunedol' leol wedi'i threfnu gan GABT- grŵp cymunedol lleol wedi'i ffurfio'n gyfan gwbl o bobl leol sy'n gwirfoddoli eu hamser. O ganlyniad ni fydd gan y canlyniadau unrhyw rym cyfreithiol nac unrhyw statws swyddogol neu statudol. Er hynny, gobaith GABT yw y bydd y canlyniadau'n cynrychioli trosolwg teg o'r safbwynt poblogaidd fel y caiff ei mabwysiadu gan drigolion sy'n etholwyr wedi'u cofrestru yn ward Trefdraeth.

Gwahoddir aelodau Cyngor y Dref a'r Cyngor Sir i fod yn bresennol fel goruchwylwyr neu sylwedyddion yn y cyfrif a chedwir y pleidleisiau wedi eu cyfrif hyd nes i'r Cynllun Datblygu Lleol terfynnol gael ei fabwysiadu ac ar ôl hynny cânt eu distrywio.



