

CYNGOR SIR POWYS COUNTY COUNCIL.

11th February 2015

**REPORT AUTHOR: County Councillor Avril York
Portfolio Holder for Regeneration and Planning**

**SUBJECT: Powys Local Development Plan – Revised Delivery
Agreement**

REPORT FOR: Decision

1. Summary

1.1 To revise the Delivery Agreement for the preparation of the Powys Local Development Plan.

2. Proposal

2.1 Adoption of the Powys Unitary Development Plan on 1st March 2010 enabled the Council to commence the process of preparing its replacement plan, the Powys Local Development Plan (LDP) (excluding the Brecon Beacons National Park).

2.2 The LDP Delivery Agreement (DA) sets out the preparation process for the LDP including a timetable to completion and proposals for community involvement in the plan making process.

2.3 The original DA was published in November 2010, following approval by Powys County Council on the 21st Oct 2010 and its subsequent approval by Welsh Government.

2.4 The Council is required by the LDP Regulations to keep the DA under regular review and to revise the DA when necessary. It became apparent in 2013 that the delivery of the LDP was not keeping pace with the timetable in the DA and a revised timetable was considered and approved by Powys County Council on the 21st February 2013. This was subsequently approved by Welsh Government and published in March 2013. It can be read on the following webpage under the supporting documents tab:

<http://www.powys.gov.uk/en/planning-building-control/local-development-plan/>

2.5 The revised timetable indicated that the LDP and accompanying documents would undergo a deposit period of public consultation between June and July 2014. Following Powys County Council approval at its meeting on the 27th May 2014 the consultation period on the deposit LDP ran from 28th July to the 8th September 2014. Approximately 670 comments were received in response to the consultation.

2.6 In response to the consultation, Welsh Government wrote to the Council on the 8th September 2014. A copy of the Welsh Government's response can be read on its website at:

<http://wales.gov.uk/topics/planning/development-plans/ourrole/local-development-plans-official-responses/powys/?lang=en>

2.7 Welsh Government's officers responded by raising significant concerns regarding the soundness of the plan. Reference was made in particular to the policies in relation to economic growth and housing provision not being fully evidenced and to the absence of a Housing Viability Assessment and updated Local Housing Market Assessment. The letter advised that the evidence base supporting the level of housing proposed by the LDP was not sufficient and that a stronger link between the economic growth ambition of the plan and the areas of housing, employment and retail needed to be presented.

2.8 Other aspects of the evidence base were also raised, such as the unavailability at the start of the consultation of an Open Space Assessment, appendices relating the Strategic Flood Consequences Assessment, the Candidate Sites Register, and the absence of evidence in relation to gypsy and traveller site provision.

2.9 The letter concluded by advising that the LDP could be found unsound at the Examination in Public as key elements of the evidence base required to justify the LDP were absent. It strongly recommended that the statutory deposit consultation period should be repeated with a comprehensive suite of evidence to support the Plan.

2.10 Following receipt of this letter, officers of the Council have met with the officers from Welsh Government on several occasions to discuss their concerns and steps have and are continuing to be taken by officers, with the support and involvement of Members of the Local Development Plan Working Group, to provide further supporting documents and evidence to support the Deposit LDP for a second deposit period of public consultation. An action plan has also been prepared to ensure future progress and momentum can be continued and that the preparation process is resourced appropriately.

2.11 Work on the evidence base includes:

- An Updated Local Housing Market Assessment and Gypsy and Traveller Accommodation Needs Assessment - these have been prepared in conjunction with the Housing Authority and are nearing completion.
- Updated Economic Needs Assessment and Retail Study – these are being prepared by consultants.
- A Viability Assessment – this has been completed and published, although it may require updating in due course.
- Open Space Assessment – a draft has been completed and recent consultation undertaken with Community / Town Councils and Members.

- A series of Topic Papers – these are currently being prepared and updated from earlier versions to provide justification to the policies and proposals in the LDP.

2.12 In order to provide this additional evidence to support the LDP and to repeat the Deposit LDP consultation stage, it has become necessary to revise the timetable in the LDP Delivery Agreement. A copy of the revised Delivery Agreement is attached as Appendix 1 to this report. The key date changes to the dates published in the current Delivery Agreement are shown below:

Stage 1 The Delivery Agreement (*Feb 2008 – Dec 2010, Revised March 2013 and February 2015*)

Stage 2 Evidence Gathering and Objective Setting (*Jan 2011 - Mar 2013 on-going*)

Stage 3 Pre-Deposit Participation (*Oct 2011 – Jan 2012*)

Stage 4 Pre-Deposit Consultation (*Mar – April 2012*)

(Following Stage 4, the Council will prepare the Deposit Version of the plan)

Stage 5 Deposit of LDP Proposals (*June – July 2014 2015*)

Stage 6 Consultation on Site Allocation Representations (*Sept – Oct 2014 2015: indicative*)

(**Optional Stage 7** Consultation on focussed changes (*Dec 2014 2015 – Jan 2015 2016: Indicative*))

Stage 8 Submission of LDP to National Assembly (*Dec 2014 2015: Indicative*)

Stage 9 Independent Examination (*April 2015 2016: Indicative*)

Stage 10 Inspector's Report (*Nov 2015 2016: Indicative*)

Stage 11 Adoption (*Dec 2015 2016 : Indicative*)

Stage 12 Annual Monitoring and full LDP Review at least every 4 years

2.13 It is likely that some amendments will need to be made to the content of the LDP in order to reflect any issues arising from the evidence, although a principle is being applied that any amendments to the LDP should be kept to a minimum. As such, the revised deposit LDP and supporting documents will need to be considered and approved for consultation purposes by Powys County Council. The revised timetable, as proposed, shows that the LDP will be issued for deposit consultation in June – July 2015.

2.14 The LDP Regulations require any revision of the DA to be approved by resolution of the Council prior to its submission to the National Assembly for its agreement. The revised Delivery Agreement was reported to the LDP Working Group on the 2nd February 2015 and to Cabinet on the 10th February 2015. Any recommendations made by the Cabinet will be reported verbally to Council.

2.15 If Council approves the revised timetable, the full DA will be revised and submitted to Welsh Government and subject to its agreement published on the Council's website and deposited in the 4 main Council offices.

2.16 It is not known how many representations will be received at the Deposit consultation stage so all dates after this are shown as indicative. Also the forward timing for the remainder of the process is partly dependent on the timing of the Examination, when the Planning Inspectorate is able to schedule

this and the findings of the Examination. The Council is required to review the timetable within 3 months of the close of the Deposit period in order to firm up the indicative dates.

2.17 The UDP plan period concludes at the end of June 2016 and it is apparent that there will be a time gap between this and the adoption of the LDP projected in Dec 2016. During this period, the UDP can still be used as a material planning consideration in the determination of planning applications (unless the law is amended), alongside other material considerations including Planning Policy Wales and Technical Advice Notes.

3.0 One Powys Plan

3.1 The One Powys Plan 2014-17 sets out 5 priorities:

- Integrated health and adult social care.
- Children and Young People.
- Transforming learning and skills.
- Stronger, safer and economically viable Communities.
- Financially balanced and fit for purpose public services.

3.2 The LDP can support and facilitate each of the above priorities, as well as some of the actions and outcomes of the One Powys Plan where there are land use and development implications. Specific reference is made in the One Powys Plan to the LDP under the priority of **Stronger, safer and economically viable communities** which states the following action: “Align the Local Development Plan to ensure it provides a sustainable infrastructure that underpins the delivery of the One Powys Plan”. The LDP will also be tested at Public Examination to ensure it has had regard to the One Powys Plan.

3.3 The principal risks are the failure to prepare the LDP in accordance with the Delivery Agreement and the various statutory regulations covering LDP preparation and assessments. This could leave the LDP and its preparation process open to a legal challenge and costs. It could leave the Council without an adopted development plan so that future decisions on planning applications are potentially based on out-of-date policies that do not reflect the needs of the County.

4.0 Options Considered/Available

4.1 The LDP Delivery Agreement requires revision because it is no longer up to date, so the Council has little option other than to revise the Delivery Agreement.

5.0 Preferred Choice and Reasons

5.1 To revise the Delivery Agreement as set out in Appendix 1.

6.0 Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc

6.1 The LDP's policies and proposals are informed by statutory assessment processes (Sustainability Appraisal, Strategic Environmental Assessment, Habitats Regulatory Assessment, Equalities Impact Assessment) to ensure that the plan has been prepared having regard to its impact on sustainability, the environment, equalities, etc. The plan for instance aims to contribute to sustainable development and to enhance the environment. It also includes policies that seek to support Welsh Language in Welsh speaking strongholds and to reduce crime through good design.

6.2 The LDP will be subject to Public Examination by a Planning Inspector who will test the plan for 'soundness'. The soundness tests include tests on sustainability and consistency with other relevant strategies.

7.0 Children and Young People's Impact Statement - Safeguarding and Wellbeing

7.1 The plan will include objectives and policies that seek to facilitate healthy, sustainable living environments and places for the wellbeing of the County's population as a whole. The protection and provision of play and open spaces are one example where the LDP can support the well-being of children. Preparing and testing the Powys LDP through the assessment processes ensures that human health and wellbeing are considered.

8.0 Local Member(s)

8.1 The Powys LDP will directly affect all those Members with wards, either wholly or partly, located in Powys outside the Brecon Beacons National Park. Those Members with wards entirely within the National Park may be indirectly affected by nearby proposals.

9.0 Other Front Line Services

9.1 The LDP has the potential to impact on all service areas in a number of possible ways e.g. where services have a 'land use' requirement, or where service delivery is impacted on by the levels of development and growth being planned. Three Portfolio Holders are represented on the LDP Working Group. Some of the evidence base also involves the support of and reliance upon other service areas.

10.0 Support Services (Legal, Finance, Corporate Property, HR, ICT, BPU)

10.1 The Principal Solicitor (Planning) has commented as follows: The content of the report is noted and I can confirm that regulation 9(1) (a) & (5) of The Town & Country Planning (Local Development Plan) (Wales) Regulations 2005 requires that the Delivery Agreement (or any revision) must be approved by resolution of the Local Planning Authority, namely, Powys County Council.

10.2 Finance comment: Additional financial resources will need to be made available to fund the delivery of elements of the LDP, subject to valid evidence based business cases, the extent of which is not known at present.

11.0 Local Service Board/Partnerships/Stakeholders etc

11.1 The Deposit Local Development Plan has the potential to impact on the Local Service Board, partnerships and stakeholders in many ways e.g. where services have a 'land use' requirement, or where service delivery is impacted on by the levels of development and growth being planned. The LDP process is a statutory process which provides informal and formal opportunities for engagement and involvement. The individual partnership organisations of the LSB will have the opportunity to comment on the Deposit Draft LDP during its public consultation period. The community involvement scheme within the delivery agreement sets out the involvement opportunities.

12.0 Corporate Communications

12.1 Communications comment: The report is of significant public and service user interest and requires news release and social media activity to publicise the decision.

13.0 Statutory Officers

13.1 The Solicitor to the Council (Monitoring Officer) has commented as follows: I note the legal comment and have nothing to add to the report.

13.2 The Strategic Director Resources (S151 Officer) notes the comments made by Finance. The funding will need to be established as and when the detailed expenditure requirements are known. An activity such as delivering the LDP is a key corporate activity and funding sources will include the use of appropriate reserves.

Members' Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation	Reason for Recommendation:
To approve the revised LDP Delivery Agreement (Appendix 1).	As required by Regulation 9 of The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 To enable submission of a revised DA to the Welsh Government for its agreement.

Relevant Policy (ies):	N/A		
Within Policy:	Yes	Within Budget:	Yes
Relevant Local Member(s):			
Person(s) To Implement Decision:	Peter Morris		
Date By When Decision To Be Implemented:	11th Feb 2015		
Contact Officer Name:	Tel:	Fax:	Email:
Peter Morris	01874 612283	01874 612339	peter.morris@powys.gov.uk

Background Papers used to prepare Report:

Full Council Report 21/2/2013
LDP Revised Delivery Agreement, March 2013.
Legislation, Regulations, Planning Policy Guidance, etc
One Powys Plan

Appendices:

Appendix 1 – Revised LDP Delivery Agreement, February 2015