

CYNGOR SIR POWYS COUNTY COUNCIL

REPORT

23rd April 2015

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

SUBJECT: Powys Local Development Plan – Deposit Plan and
Assessment Reports

REPORT FOR: Decision

1. Summary

1.1. To approve the following documents for public consultation purposes:

- (a) The Powys Local Development Plan Deposit Plan:
 - Volume 1 – Written Statement - Appendix 1
 - Volume 2 – Proposals and Inset Maps - Appendix 2
- (b) The Habitats Regulations Assessment Report (HRA) – Appendix 3
- (c) The non-technical summary of the Draft Environmental Report (Strategic Environmental Assessment) – as Appendix 4
- (d) The Sustainability Appraisal Report (SA) – Appendix 5.

1.2 In order to save on printing costs these documents have been saved in the Members folder (on the x:drive), and can also be viewed on the Council's website.

2. Proposal

2.1 The County Council has a statutory duty to prepare a Local Development Plan for Powys (excluding the area of the Brecon Beacons National Park). The LDP will set out the Council's policies and proposals for development and the use of land in the County for the period 2011-2026. When adopted, it will become the basis for determining planning applications.

2.2 The process for preparing the LDP is set out in the LDP Delivery Agreement (Revised in 2015). Work formally commenced on the LDP's preparation in January 2011 and adoption of the final LDP is aimed for Dec 2016.

2.3 As part of the plan preparation process the Council prepared and consulted upon a Preferred Strategy for the LDP in 2012. The comments received from this stage were considered by Cabinet and are summarised in the Initial Consultation Report and have been taken into account when preparing the Deposit Draft LDP.

2.4 The Council agreed a Deposit LDP in May 2014 which underwent a period of public consultation between July and September 2014. However, members will be aware that Welsh Government responded at that time recommending that further evidence should be prepared to support the Deposit Plan if it was to be found sound at public examination and that the deposit stage should be repeated with a comprehensive suite of evidence in place. Action has subsequently been taken to update and improve the LDP's evidence base of

supporting documents, including updating research and topic papers. These supporting documents have been reported to the Council's Local Development Plan Working Group for its consideration and will be made available on the LDP pages of the Council's website. In updating and revising the supporting documents, regard has also been had to the representations that were received from the 2014 consultation in order to amend the LDP where considered necessary and to address relevant points in the supporting documents. The 2014 representations will not however be carried forward to the submission and examination stage of the LDP.

2.5 The Deposit Draft LDP is attached to this report in two volumes for consideration:

Appendix 1 – This sets out the **written statement** and includes the overall plan strategy, a vision and objectives, and detailed policies and proposals for different types of development. The written statement agreed in 2014 has been edited to reflect appropriate representations received in 2014, to update it, and to take account of the comments of the LDP Working Group.

Appendix 2 – This sets out the **proposals and inset maps** and identifies site specific policies and proposals including the allocation of land for development. Only a small number of changes from the 2014 version of the Deposit Plan are made. These include the following proposals:

- Guilsfield – reduction in a site allocation P20 HA1 for ecological reasons, and its replacement in a new site allocation P20 HA2.
- Ystradgynlais – reduction in site area of housing allocation P58 HA5 to remove land within the extent of the C2 flood zone.
- Machynlleth – allocation of a permanent site to accommodate a local gypsy family. This need was identified following the completion of the updated Gypsy and Traveller Accommodation Needs Survey 2015.

2.6 In considering the Deposit Draft LDP, attention is drawn to the findings of the 'informing' assessments which are required by legislation / regulations. The non-technical summaries of the reports for each of the assessments are attached as follows (the full reports will be available for the Full Council meeting):

Appendix 3 - The Habitats Regulations Assessment Report (HRA).

Appendix 4 - The Draft Environmental Report (Strategic Environmental Assessment (SEA)).

Appendix 5 - The Sustainability Appraisal Report (SA).

Appendix 6 – Equalities Impact Assessment.

2.6 To accord with the LDP Regulations the Deposit Draft LDP must be approved by the County Council for a statutory six week period of public consultation. (Note – Final editing and formatting of the LDP documents will be completed prior to publication).

2.7 The LDP Working Group has led on the development of the Deposit LDP. It has considered the evidence and supporting documents and considered the whole plan and the non-technical summary of the assessments on the 17th April 2015. Any recommendations arising from that meeting of the LDP Working Group will be reported to Cabinet. Similarly any recommendations made by Cabinet at its meeting on the 21st April 2015 will be reported verbally to Council.

3. One Powys Plan

3.1 The One Powys Plan 2014-17, which incorporates the Powys Change Plan, 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 or on Welsh Government policy and advice that do not reflect the needs of the County.

4. Options Considered/Available

4.1 Preparation of the LDP is a statutory duty. There are options available in terms of the LDP’s strategy (the amount and location of development), policies and proposals and site allocations. These options have been considered and debated with the involvement of the LDP Working Group and by involving as many interests in the preparation process as possible. Options have been considered through the informing assessments.

5. Preferred Choice and Reasons

5.1 The proposed deposit draft LDP sets out the preferred choice. It is based on evidence of need and has taken account of stakeholder involvement as far as reasonably practicable. Assuming the Deposit Draft LDP and assessment reports are approved, they will be published for a statutory 6 week period of public consultation as soon as possible.

5.2 Any comments received during the consultation period will be considered and to ensure the LDP is adopted swiftly minimising any ‘gap’ period between the adoption of the LDP and the expiry of the Powys UDP in mid-2016, it is recommended that Cabinet be granted delegated power to agree the Council’s responses to comments received in the deposit and subsequent consultation periods and that any matters requiring a decision during the Examination in Public are delegated to the Lead Professional for Planning Policy in consultation with the portfolio holder. If delegated powers are not granted, it would potentially necessitate special full Council meetings to be held, and the extra expense of holding such meetings, in order to deliver the LDP in accordance with the agreed timetable as set out below:

- **Stage 5** Deposit of LDP Proposals (*June – July 2015*)
- **Stage 6** Consultation on Site Allocation Representations (*Sept – Oct 2015*):

Indicative)

- **(Optional Stage 7** Consultation on focussed changes *(Dec 2015 – Jan 2016: Indicative)*)
- **Stage 8** Submission of LDP to National Assembly *(Dec 2015: Indicative)*
- **Stage 9** Independent Examination *(April 2016: Indicative)*
- **Stage 10** Inspector's Report *(Nov 2016: Indicative)*
- **Stage 11** Adoption *(Dec 2016 : Indicative)*

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

6.1 The Deposit Draft LDP has been informed by various assessments as appended which seek to ensure the plan has been prepared having regard to its impact on and ability to address matters / issues of 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 In 2016 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. Children and Young People's Impact Statement - Safeguarding and Wellbeing

7.1 The plan includes 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. 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. 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.

10. Support Services (Legal, Finance, HR, ICT, BPU)

The Principal Solicitor (Planning) has commented as follows: "This report appears to be in accordance with the time table set out in the LDP Delivery Agreement and in accordance with legislative requirements".

Finance - There are no financial implications relating to the recommendations in this report.

11. Local Service Board/Partnerships/Stakeholders etc

11.1 The Preferred Strategy has the potential to impact on the Local Service Board, partnerships and stakeholders 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. 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.

12. Communications

12.1 The consultation on the Deposit Draft LDP and Assessment reports will need to be communicated as widely as possible and must comply with regulatory requirements and the involvement processes set out in the LDP Delivery Agreement (local advertisement, website and deposit locations, press release, public exhibitions / meetings).

13.1 Statutory Officers

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

Strategic Director, Resources (Section 151 Officer) notes the comments made by Finance.

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:
<p>1. To approve the following for public consultation purposes:</p> <p>a) The Deposit Draft LDP (Appendices 1 & 2).</p> <p>b) The Assessment Reports for the Deposit Draft LDP (HRA SEA, SA &) (Appendices 3, 4 & 5).</p>	<p>1. To comply with:</p> <ul style="list-style-type: none"> • The Town & Country Planning (Local Development Plan) (Wales) Regulations, 2005 • Environmental Assessment of Plans and Programmes (Wales) Regulations 2004. • The Conservation of Habitats and Species Regulations 2010. • The LDP Delivery Agreement.
<p>2. That Cabinet be granted delegated power to agree the Council's responses to comments received in the deposit and subsequent consultation periods;</p> <p>3. That any matters requiring a decision during the Examination in Public are delegated to the Professional Lead – Planning Policy in consultation with the Portfolio Holder for Regeneration and Planning</p>	<p>2 & 3 To ensure that decision can be made in a timely manner</p>

Relevant Policy (ies):	One Powys Plan 2014-17		
Within Policy:	Y	Within Budget:	Y
Relevant Local Member(s):	Relevant to all Members – see Section 8 above		
Person(s) To Implement Decision:	Professional Lead – Planning Policy		
Date By When Decision To Be Implemented:	23 rd April 2015		
Contact Officer Name:	Tel:	Fax:	Email:
Peter Morris	01874 612283	01874 612339	Peter.morris@powys.gov.uk

Background Papers used to prepare Report:

Previous Cabinet / Full Council Reports relating to the Powys LDP.
LDP Delivery Agreement 2015.
Legislation, Regulations, Planning Policy Guidance, etc.
One Powys Plan.

Appendices

Appendix 1 – Deposit Draft LDP - written statement
Appendix 2 – Deposit Draft LDP - proposals and inset maps

Non-Technical Summaries:

Appendix 3 - The Habitats Regulations Assessment Report (HRA).
Appendix 4 - The Draft Environmental Report (Strategic Environmental Assessment (SEA)).
Appendix 5 - The Sustainability Appraisal Report (SA).
Appendix 6 – Equalities Impact Assessment.