

CYNGOR SIR POWYS COUNTY COUNCIL.

Cabinet

REPORT

17th January 2017

**REPORT AUTHOR: County Councillor Tony Thomas
Portfolio Holder for Regeneration and Planning**

**SUBJECT: Powys Local Development Plan:
a. Updated Consultation Report following the
Further Focussed Changes Stage**

REPORT FOR: Decision

1 Summary

- 1.1 To consider the representations and comments, organised by 'issue', received on the Powys LDP's Further Focussed Changes (FFCs) and to approve the recommended responses on behalf of the Council.
- 1.2 To approve the submission of the updated (LDP) Consultation Report, January 2017 to the National Assembly / LDP Examination.

2 Proposal

- 2.1 Cabinet resolved (**C162- 2016**) at its meeting on 13th September 2016:

To approve the FFCs and supporting assessments for public consultation, subject to inclusion of additional wording in (i) FFC63, Policy H4 – Affordable Housing Contributions, to refer to changing viability circumstances (ii) FFC79, Policy RE1 – Renewable Energy, criterion 5, to refer to the protection of designated European Habitats as recommended by the Habitats Regulations Assessment.

- 2.2 The consultation period on the FFCs commenced on Monday 10th Oct 2016 and closed on Monday 21st Nov at 5:30pm.
- 2.3 In response to the consultation, the Council received 741 representations from 593 representors (subject to final data checks, and this information will be finalised in the Consultation Report before it is submitted). Some 70% of the representations received related to the proposed FFC79 and the proposed inclusion of Local Search Areas for wind and solar energy. Comments received after the 5:30pm deadline on the 21st Nov and up to 5pm on the 25th Nov have been included but

treated as late. Any late representations received after the 25th Nov 2016 have not been taken forward as they were too late to be processed. Some comments have been received which did not relate to the content of the consultation documents and these have been categorised as 'not duly made'. All comments were copied and forwarded to the Planning Inspector appointed to conduct the Examination in Public at the start of December 2016.

- 2.4 The Inspector has requested that the Council should respond to the representations, hence the purpose of this report.
- 2.5 In order to assess the comments in a manageable way given the volume of comments received, they have been categorised by 'issue'. The main issues are listed by table in Chapter 9 of the update Consultation Report, January 2017 attached as appendix 1 to this report. The issue tables include a recommended Council response to each of the issues. (Note: When published, Appendix 5 of the Consultation Report will include summaries of all the individual representations received on the FFCs. Copies of the original representations will also be made available to view in the Examination library maintained by the LDP Programme Officer in the Gwalia (bookable by appointment)).
- 2.6 The LDP Working Group considered a draft of the updated Consultation Report at its meeting on the 9th January 2016. Any recommendations from the Working Group will be reported verbally at Cabinet.
- 2.7 Once approved the Consultation Report (January 2017) will be submitted to the National Assembly as part of the LDP's Examination in Public. The Examination's hearing sessions are expected to commence in late March 2017.

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 The LDP Regulations require that when a Planning Authority submits its Local Development Plan for examination, it is accompanied by a Consultation Report.

4.2 Submission is also a statutory requirement and not optional.

5. Preferred Choice and Reasons

5.1 To consider and approve the Powys Local Development Plan (LDP) Consultation Report, January 2017 and approve the submission of the (LDP) Consultation Report, January to the National Assembly.

5.2 Submission is also a statutory requirement and not optional.

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

6.1 The LDP has been informed by various assessments 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 The Examination in Public by the Planning Inspector 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, Corporate Property, HR, ICT, Business Services)

10.1 Legal - The Principal Solicitor (Planning): The Consultation report is in accordance with the Town & Country Planning (LDP) (Wales) Regulations 2005 as amended.

10.2 Finance – Finance Business Partner notes the content. The LDP Regulations require that when a Planning Authority submits its Local Development Plan for examination, it is accompanied by a Consultation Report. To reduce the principal risks of the Council being open to legal challenge and costs, LDP must be prepared in accordance with the delivery agreement and the various statutory regulations covered in the preparation and assessments.

All work required on the LDP is funded by a specific reserve accumulated from year on year underspends within the service. Budgetary work completed by the Service and Corporate Finance has concluded that there is the requirement for additional funding over and above the balance of the reserve in 2017/2018, which will need a further report as corporate funding will be sought.

11 Local Service Board/Partnerships/Stakeholders etc

11.1 The LDP 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 have had the opportunity to comment on the LDP during its public

consultation periods. Those making comments can also request to be heard by the appointed Planning Inspector at the Examination.

12 Corporate Communications

12.1 The submission of the LDP and associated document has been communicated as widely as possible and must comply with regulatory requirements and the involvement processes set out in the LDP Delivery Agreement. The updated Consultation Report, April 2016 will be submitted as an Examination document.

13 Statutory Officers

13.1 The Strategic Director Resources (S151 Officer) notes the comments made by Finance. In discussion with the Professional Lead – Planning Policy, any 2016/17 commitment can be funded however there is insufficient funding available in 2017/18 for this important process. The assessment is that up to £90,000 is required for this key activity and funding must be available in order to agree the report; the recommendation reflects the requirement.

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

14 Members’ Interests

14.1 The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If the Portfolio Holder has an interest she should declare, complete the relevant notification form and refer the matter to Cabinet for decision.

Recommendation:	Reason for Recommendation:
1. To approve the updated LDP Consultation Report January 2017 for submission.	1. To accommodate the LDP’s Further Focussed Changes stage.
2. That in 2017/18 an additional £90,000 is made available from the General Fund Reserve to meet additional costs. This will be drawn down with the agreement of relevant Portfolio Holders. If used this will be repaid as part of the overall 2018/19 budget process.	2. To ensure a potential spending commitment has access to funds and that any use is repaid in the subsequent year.

Relevant Policy (ies):			
Within Policy:	Y /-N	Within Budget:	Y /-N
Relevant Local Member(s):	N/A		
Person(s) To Implement Decision:	Peter Morris		
Date By When Decision To Be Implemented:	17th January 2017 (or as soon as possible thereafter)		

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Appendix 1: Consultation Report, Jan 2017