

CYNGOR SIR POWYS COUNTY COUNCIL

Cabinet

15th December 2015

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

SUBJECT: Powys Local Development Plan:
a. Deposit Plan Representations and Responses
b. Proposed Addendum of Focussed Changes
c. Assessments of the Proposed Focussed Changes
d. Submission of the LDP

REPORT FOR: Recommendation

1. Summary

1.1. To consider and approve the following documents:

- (a) The representations on the Deposit Plan and the recommended Council responses to the representations (Appendix 1);
- (b) The Proposed Addendum of Focussed Changes for public consultation purposes (Appendix 2);
- (c) The Assessments of the Proposed Focussed Changes for public consultation purposes (Appendices 3, 4 & 5); and

1.2. To approve the submission of the LDP to the National Assembly.

1.3 In order to save on printing costs these documents have been saved in the Members folder (on the x:drive – Members, LDP, Cabinet 20-12-2015), and can also be viewed on the Council's website.

2. Proposal

2.1 Powys County Council resolved at its meeting on the 23rd April 2015, to approve the Deposit Draft LDP for public consultation and, "That Cabinet be granted delegated power to agree the Council's responses to comments received in the deposit and subsequent consultation periods". (Council minute CC45 – 2015)

(a) The representations on the Deposit Plan and the recommended Council responses to the representations (Appendix 1).

2.2 The deposit LDP and its accompanying assessments underwent a period of public consultation from the 8th June to the 20th July 2015. 884 representations were received from 254 individuals and organisations (representors). Of the total representations, just over 50% were in relation to the LDP's written statement, and just under 50% related to the proposals and inset maps.

2.3 According to the LDP Regulations (Regulation 22(1)), the LDP must not be submitted to the National Assembly unless and until the Council has considered the representations. The representations are attached as appendix 1 to this report, and are ordered by page order of the plan (using the refpoint system). A recommended response has been drafted for every representation.

2.4 The representations will be summarised in an updated Consultation Report that will be submitted to the National Assembly as one of the Examination Documents. In brief, the representations raise a variety of matters including:

- The LDP's proposed dwelling requirement and the deliverability and viability of housing allocations, and the need to demonstrate a 5 year supply of housing land.
- The quantity of employment land allocated, and the deliverability of these sites.
- Affordable housing requirements / targets.
- Gypsy and traveller site provision to meet identified needs and the deliverability of provision.
- Objections to site allocations as well as the suggestion of alternative site allocations.

(b) The Proposed Addendum of Focussed Changes for public consultation purposes (Appendix 2); and

(c) The Assessments of the Proposed Focussed Changes for public consultation purposes (Appendices 3, 4 & 5).

2.5 Having considered the representations made on the Deposit Plan, it is considered that some changes to the Plan would address some of the matters and issues raised by representors. These proposed changes are referred to as Focussed Changes, although they are non-statutory and not defined by legislation or regulation. It is considered appropriate to publish Focussed Changes in order to assist the Inspector appointed to conduct the Examination.

2.6 Welsh Government advises in its LDP Manual, 2015 that changes after deposit should be avoided wherever possible, but exceptionally it may prove necessary to consider proposing changes to ensure the plan is sound, for example where there has been a sudden, major change in local circumstances, new national planning policy has been introduced or deposit plan representations identify an unforeseen soundness issue. Further, it advises that this should be one set of an extremely limited number of focussed changes that reflect key pieces of evidence but do not go to the heart of the plan. It advises that consultation on these proposed changes should take place at the earliest opportunity to avoid delaying the examination process. It advises that immediately preceding submission of its LDP for examination, the LPA should commence advertising through public consultation (6 week period) an addendum to the deposit plan. This addendum should set out the focussed changes it wishes to be made, showing the new / revised policies and text, and supported by reasoning and robust evidence for the changes. Representations may only be made on the Focussed Changes.

2.7 Appendix 2 sets out the proposed Addendum of Focussed Changes to the deposit plan. The main changes proposed include:

- The inclusion of a strategic policy section to clarify the Plan's strategy.
- The redrafting of the development management section.

- An amended dwelling requirement, affordable housing target, and provision figure, based on a consideration of the representations, and further evidence.
- An amended employment land allocation provision, based on a further assessment of sites.
- Revisions to various policies and reasoned justifications.
- Housing site allocation changes, in particular in the Ystradgynlais area.

2.8 As with all changes to the plan, the following informing assessments of the proposed changes have been undertaken in accordance with relevant legislation and regulations:

- Strategic Environmental Assessment (Appendix 3).
- Sustainability Appraisal (Appendix 4).
- Habitats Regulatory Assessment (Appendix 5).

2.9 Assuming Cabinet approves the proposed Focussed Changes, these will be issued for public consultation as soon as possible, but by no later than the end of January. Please note that the minor editing changes identified as an appendix in the Focussed Changes will not be a matter for public consultation in line with the advice in the LDP Manual 2015.

(d) Submission

2.10 In order to commence the Examination process, Cabinet's authority is sought to submit the LDP and associated documents to the National Assembly.

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. The consideration of the LDP deposit representations is a statutory requirement.

4.2 There are options available in terms of whether or not to propose and consult on Focussed Changes, and the content of those changes. However it is considered expedient and also helpful to the Examination process to propose Focussed Changes.

4.3 The proposed Focussed Changes have been considered by the Local Development Plan Working Group, and where possible with local Members, and their comments and amendments incorporated where appropriate. Any additional changes that Cabinet may wish to introduce may require additional assessments in order to inform them.

4.4 Options on certain LDP matters have also been considered through the informing assessments.

4.5 Submission is also a statutory requirement and not optional.

5. Preferred Choice and Reasons

5.1 To approve each of the appendices, in order to agree the Council's responses to deposit representations, publish proposed Focussed Changes to the LD, and to submit the LDP to commence the Examination process.

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 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): comments requested but none received.

Finance - The Finance Business Partner Place notes the contents of the report.

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 Deposit Draft LDP during its public consultation period, and can also comment on the proposed Focused Changes. Those making comments can also request to be heard by the appointed Planning Inspector at the Examination.

12. Communications

12.1 The consultation on the proposed Focused Changes and Assessment reports, as well as the submission 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.

13.1 Statutory Officers

The Solicitor to the Council (Monitoring Officer) has commented as follows: "Before making a decision in relation to this report, Members must ensure that they have read and considered the representations made during consultation, the Authority's draft responses and the proposed Focused Changes."

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 to Cabinet	Reason for Recommendation:
1. To approve the : (a) The Council's responses to the	To comply with: <ul style="list-style-type: none">• The Town & Country Planning (Local Development Plan)

<p>representations on the deposit LDP 2015. (Appendix 1)</p> <p>(b) The proposed Focussed Changes (Appendix 2) and supporting Assessments (Appendices 3, 4 & 5) for public consultation.</p> <p>(c) Any outstanding matters or matters arising from Cabinet in relation to the above, are delegated to the Portfolio Holder in consultation with the Professional Lead – Planning Policy.</p>	<p>(Wales) Regulations, 2005 as amended in 2015</p> <ul style="list-style-type: none"> • Environmental Assessment of Plans and Programmes (Wales) Regulations 2004. • The Conservation of Habitats and Species Regulations 2010. • The LDP Delivery Agreement.
<p>2. To submit the LDP to the National Assembly for Examination</p>	<p>To comply with The Town & Country Planning (Local Development Plan) (Wales) Regulations, 2005 as amended in 2015.</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:	15 th Dec 2015		
Contact Officer Name:	Tel:		Email:
Peter Morris	01597 827773		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 Wales, etc.
One Powys Plan.

Appendices

Appendix 1 - The representations on the Deposit Plan and the recommended Council responses to the representations

Appendix 2 - The Proposed Addendum of Focussed Changes for public consultation purposes

Appendices 3, 4 & 5 - The Assessments of the Proposed Focussed Changes for public consultation purposes (SEA, SA, HRA)