

CYNGOR SIR POWYS COUNTY COUNCIL.

**CABINET
22nd February 2022**

**REPORT AUTHOR: County Councillor Beverley Baynham
Portfolio Holder for Corporate Governance and
Regulatory Services**

**REPORT TITLE: Powys Local Development Plan (LDP) Review Report
and the Delivery Agreement for the Replacement Local
Development Plan (RLDP): Update on Public
Consultation Stage and Revised Documents**

REPORT FOR: Decision

1. Purpose

1.1 Cabinet are asked to consider the representations received from the recent consultations on:

- i) the Local Development Plan (LDP) Review Report Consultation Draft January 2022 and
- ii) the Replacement Local Development Plan (RLDP) Delivery Agreement Consultation Draft January 2022.

1.2 Cabinet are asked to consider the proposed Council responses and approve the revised documents and to recommend the Delivery Agreement to Full Council.

1.3 Under the Town & Country Planning LDP Regulations, Regulation 41 (as amended) states the Local Planning Authority (LPA), in this instance the Cabinet, must approve the Review Report by resolution before submitting to the Welsh Government (s.69(2) of Planning & Compulsory Purchase Act (PCPA) 2004). It will also be published on the Council's website and deposited for inspection.

1.4 LDP Regulation 9 (as amended) states the LPA, in this instance Full Council, must approve the Delivery Agreement (DA) by resolution before submitting to the Welsh Government for agreement. Welsh Government agreement to the DA signals the formal commencement of the RLDP preparation process. Once agreed it will be published on the Council's website and deposited for inspection.

1.5 The Council intends to submit the DA to the Welsh Government by 1st June 2022 enabling the Council's RLDP preparation to start from 1st July 2022 in line with the proposed Timetable.

2. Background

2.1 At the meeting held 14th September 2021, Cabinet approved the commencement of the LDP Review process.

2.2 Officers reviewed the LDP in accordance with the requirements of legislation (PCPA 2004 s.69 (1)) and the Development Plans Manual (Edition 3) and a Review Report Consultation Draft was produced for public consultation.

2.3 The draft Review Report recommends that the LDP is subject to a Full Revision which will result in a replacement LDP. The first step in producing a RLDP is to compile a Delivery Agreement setting out a Timetable for the Plan's production and a Community Involvement Scheme. A draft DA for the RLDP was produced to enable a concurrent public consultation alongside the draft Review Report.

2.4 The LDP Working Group considered and approved the Consultation Draft documents at their meeting on 13th December 2021.

2.5 Between 6th January 2022 and 1st February 2022, public consultation was undertaken on:

- i) the Review Report Consultation Draft and
- ii) the Delivery Agreement Consultation Draft

The consultation received the following number of comments:

Document	No. of Comments Received
Review Report	20
Delivery Agreement	19

2.6 The comments (representations) have been summarised and recorded in Appendix 1 together with the Council's proposed responses. The proposed changes resulting from the consultation have been added into the draft documents and are shown as highlighted changes in Appendix 2 (Review Report) and Appendix 3 (Delivery Agreement).

2.7 The consultation feedback, revised Review Report and revised Delivery Agreement were reported to the LDP Working Group on 7th February 2022.

3. Advice

3.1 The Powys Local Development Plan was adopted in April 2018 and sets out the Council's policies for the development and use of land in Powys (except for the area within the Brecon Beacons National Park) up to 2026.

3.2 The main conclusion of the Review Report is that the current LDP is now ready for a Full Revision (replacement) rather than the alternative of a Short Form revision. This recommendation is due to various reasons including the results of the Annual Monitoring Report 2021 which assessed the performance of the current LDP and identified strategic issues that needed to be addressed and, equally significantly, the fact that national policy has undergone substantial change since 2018 including the adoption of a National Development Plan – *Future Wales – The National Plan 2040* - in February 2021.

3.3 Another significant factor is that the current adopted LDP will expire on 31st March 2026. The Welsh Government have clarified that for LDPs adopted after 4th January 2016, the plan will cease to be the LDP on expiry of the period specified in the plan. As the Powys LDP (2011-26) was adopted in 2018 it means it cannot remain in place after March 2026 for determining planning applications. A replacement Plan needs to be ready to take effect on or before the end of the current LDP.

3.4 The Council proposes that a RLDP would be prepared for the period 2022-2037, a 15-year Plan period. Whilst evidence gathering and stakeholder involvement in the RLDP process is due to start in 2022, the RLDP can only take effect from adoption, scheduled for 2026.

3.5 In keeping with the requirement across Wales, the Mid Wales Region will be developing a regional-level Strategic Development Plan (SDP). However, this is prepared under a separate process to the RLDP, albeit the process does broadly mirror that of an LDP in terms of the statutory stages. When Mid Wales has an adopted SDP, Local Development Plans will be able to be replaced by "LDP Lites". The SDP focuses only on issues, topics, or places of regional scale/significance with the LDP Lite being a shorter, focussed plan dealing with land allocations and local policies.

4. Resource Implications

4.1 The Review Report has no additional resource requirements.

4.2 The DA sets out an overview (see *paras 2.8-2.13* Appendix 3) of resource requirements for the RLDP, including staffing and finance. It also includes a risk assessment.

4.3 Funding as shown below has been requested as part of the 2022-23 budget setting process, within the Finance resource model. The budget

including the Finance resource model, will go to Full council on the 24th February 2022, requesting approval.

2022-23	2023-24	2024-25	2025-26	Total
360,030	222,640	293,310	295,030	1,171,010

4.4 Once the DA is agreed and the RLDP process commences, it will be of significant public and service user interest and requires news release and social media activity to publicise the decision. Engagement exercises held during Plan preparation are also expected to need the input of the Communications department.

4.5 The preparation of the RLDP is a cross-cutting process that will impact across the Council in many portfolio and service areas. This includes the need to align to other corporate plans such as the Well-being Plan and Regional Transport and Economic Frameworks. It will be important that other Council Officers remain engaged with the preparation process and engage as stakeholders for evidence gathering and policy making in topics such as the Economy and Employment, Tourism, Housing, Regeneration, the Environment and Climate Change, Habitat Protection, Renewable Energy and Green Infrastructure/Open Space. Sharing research on population change and arising household needs will also be essential. There is a new requirement for an Infrastructure Plan to support the RLDP that will require cross-departmental working.

4.6 Due to the requirement to “deposit” RLDP documents at physical location(s), namely the Council’s principal office (i.e. County Hall, Llandrindod) there is a need to retain public access to this building and ensure that a Customer Service Advisor is available to signpost users to the library/document section. This need for a physical building will also be important at the Examination stage when the Council is obliged to provide access to hard-copy papers at an Examination Library. The Community Involvement Scheme also names 12 main libraries across Powys where it is intended to make consultation documents available for inspection.

5. Legal implications

5.1 The LDP Review Report and the RLDP Delivery Agreement are statutory requirements prepared in line with the PCPA 2004 and The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended).

5.2 It is important that the RLDP preparation commences this year (summer 2022) to enable the RLDP to be adopted in Spring 2026, prior to the adopted LDP reaching its end date.

5.3 The Principal Solicitor (Shire) recognises the importance of the review report and the delivery agreement for the existing LDP and the proposed replacement LDP respectively and as such recommends that they be supported.

6. Data Protection

6.1 The consultation stage has been undertaken with regard to Data Protection legislation. The service will continue to engage with Information Compliance to ensure that records continue to be managed appropriately going forward.

7. Comment from local member(s)

Not applicable.

8. Impact Assessment

8.1 An assessment is not required at this stage.

8.2 Preparation of the RLDP's policies and proposals will be informed by statutory assessment processes (Integrated Assessment and Habitat Regulation Assessment) as set out in the DA (Appendix 3). This ensures the plan is prepared having regard to its impact on sustainability, the environment, equalities, health, Welsh language etc.

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

9. Recommendation

9.1 Having considered the representations received and the Council responses, it is recommended that Cabinet:

- i) Approves the revised LDP Review Report (Appendix 2).
- ii) Recommends the revised RLDP Delivery Agreement (Appendix 3) to Full Council for approval.

Contact Officer: Peter Morris, Professional Lead - Planning

Tel:

Email: ldp@powys.gov.uk

Head of Service: Gwilym Davies

Corporate Director: Nigel Brinn

Appendices:

Appendix 1: Summary of comments (representations) received and draft Council responses

Appendix 2: Revised LDP Review Report

Appendix 3: Revised RLDP Delivery Agreement