

# COMMUNITY SCRUTINY COMMITTEE

Thursday, 20 July 2017

**PRESENT:** Councillor S.L. Davies (Chair)

**Councillors:**

D.M. Cundy, S.A. Curry, C.A.. Davies, W.R.A. Davies, H.L. Davies, J.K. Howell, S. Matthews, H.B. Shepardson, A.Vaughan Owen and W.T. Evans (In place of G.B. Thomas)

**The following Officers were in attendance:**

L. Quelch, Head of Planning  
I.R. Llewelyn, Forward Planning Manager  
K. Thomas, Democratic Services Officer

**Chamber, County Hall, Carmarthen - 10.00 - 11.25 am**

## 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B. Jones and G. B. Thomas and Executive Board Members L.M. Stephens (Deputy Leader), P.M. Hughes (Public Protection) and P. Hughes-Griffiths (Culture Sport and Tourism).

## 2. DECLARATIONS OF PERSONAL INTERESTS

Councillor	Minute Number	Nature of Interest
S.L. Davies	5 – Annual Monitoring Report 2016/17 Carmarthenshire Local Development Plan – Page 73 – GA2/h35 - Cefncaeau, Llanelli (280 units – S/34991)	Has previously expressed opposition to the planning application
S.L. Davies	5 – Annual Monitoring Report 2016/17 Carmarthenshire Local Development Plan – Page 73 – GA2/h45 – Genwen Farm, Bynea (240 units S/22242)	Has previously expressed opposition to the planning application
D. Cundy	5 – Annual Monitoring Report 2016/17 Carmarthenshire Local Development Plan – Page 73 – GA2/h45 – Genwen Farm, Bynea (240 units S/22242)	Has previously expressed opposition to the planning application

## 3. DECLARATION OF PROHIBITED PARTY WHIPS

There were no declarations of prohibited party whips.

#### 4. PUBLIC QUESTIONS (NONE RECEIVED)

No public questions had been received.

#### 5. ANNUAL MONITORING REPORT 2016/17 CARMARTHENSHIRE LOCAL DEVELOPMENT PLAN

(NOTE: Councillors D. Cundy and S.L. Davies had earlier declared non-pecuniary interests in this item in relation to the references on page 73 to planning applications S/34991 and S/22242)

The Committee received for consideration the 2016/17 Annual Monitoring Report (AMR) on the operation of the Carmarthenshire Local Development Plan produced in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 and the Local Development Plan (LDP) Regulations 2016. It was noted that the report was the second produced by the Authority, following the LDP's formal adoption on the 10<sup>th</sup> December, 2014, and was to be submitted to the Welsh Government by the 31<sup>st</sup> October 2017.

The Committee noted that following completion of the AMR, it was being recommended that the Council undertake a review of the Carmarthenshire Local Development Plan which would need to:-

- Consider and address the shortfall in available housing land supply and the interventions necessary,
- Prepare further evidence on the implications and veracity of the 2014 sub-national Household and Population projections, and consider them in light of the review,
- Consider the distribution and delivery of housing and the success or otherwise of the strategy, or its components in meeting the identified housing requirements.

The following questions/issues were raised on the report:-

- Reference was made to the fact the Council was due to debate the report in September, prior to its submission to the Welsh Government, and clarification sought on how elected members could submit observations on both the AMR and any review of the LDP.

The Forward Planning Manager confirmed that, in relation to the AMR, whilst elected members would have the opportunity to debate that at Council they could also submit observations direct to the department either individually or, on a party political basis. With regard to the recommendation to review the LDP, should that be adopted by the Council, a widespread public consultation exercise would be undertaken. The role/observations of elected members would be central to the review process along with those of other interested parties including developers, public sector bodies, town and community councils and the public.

The Head of Planning in referring to the AMR advised that whilst its content was factual, the role of elected members in its adoption was to question the statistics on which it had been produced. With regard to the proposed LDP review, the participation and involvement of elected members was critical

to the whole review process.

- In response to a question on land availability for housing development and the inclusion of sites within the LDP, the Committee was advised that the criteria for a sites inclusion was more stringent than previous with owners/developers of land having to prove intent to facilitate development. Accordingly, if that intent was not forthcoming, the inclusion of a site in the current, or previous development plans, would not be sufficient to warrant its inclusion under the review.
- Reference was made to the findings of the 2017 Joint Housing Land Study indicating the Council had a housing land supply of 4.1 years representing a 0.9 shortfall on the requirement for a 5 year supply, as identified within Technical Advice Note 1. Clarification was sought on whether that deficit was confined to the rural areas where there was a general consensus of a lack of building land.  
The Forward Planning Manager confirmed that the deficit was attributable to a combination of Welsh Government Methodology in the calculation of land supply and the high requirement within the current LDP for the provision of 15,197 new residential builds over the five year plan period. On a Wales wide context, it was evident the 5 year supply was only being met where there was strong demand by house builders. However, it should be recognised that as time progressed, the provision and identification of a five year land supply would become more challenging.
- In response to a question on the consultation process for the submission of sites for inclusion within the revised LDP, the Committee was advised that consultation could not commence until the Plans' Delivery Agreement had been signed off by the Welsh Government. However, it was anticipated, consultations could commence in the spring of 2018. Whilst those consultations would be undertaken by open invitation, the department would also be targeting specific partner organisations, other public service providers, internal council departments and developers to obtain their views on the plans' development and to highlight potential infrastructure pressures they may face e.g. a potential requirement for new schools and health facilities. As part of that process, the department had commenced a review on infrastructure provision.
- Reference was made to the potential impact large developments could have upon community infrastructure, and concern expressed that local members were not sufficiently involved with the preparation of Section 106 Agreements, and in identifying areas within their wards which could benefit from S106 finance. The Head of Planning advised that officers were currently examining how local member involvement in the process could be enhanced.
- Reference was made to the requirement for pre-application consultations to be undertaken with communities and statutory consultees on certain types of development. A view was expressed that the process was not effective, with contributors not receiving feed-back on the consultation. The Forward Planning Manager reminded the Committee that the onus for undertaking pre-application consultations, in such circumstances, lay with developers and not the planning department. In that regard, as the council was itself a developer, work was being undertaken on the pre-application process with a view to providing an example of best practice to share with developers.
- In response to a question on paragraph 2.41 within the report and the expectation Local Planning Authorities would consult with Community and Town Councils on the preparation of Place Plans, the Committee was

advised that the department was examining the practice and guidance provided by the Brecon Beacons National Park Authority on their preparation. However, whilst it was important communities engaged with the council to facilitate a plans progression, they would also need to have regard to the proposed timescales for the adoption of a revised LDP.

- In response to a question on the identification of gypsy and traveller accommodation sites, the Head of Planning reminded the Committee that the council had submitted a Gypsy and Traveller Accommodation Assessment to the Welsh Government in 2016, as required by the Housing Wales Act 2014. Following confirmation on the 28<sup>th</sup> March, 2017 from the Welsh Minister that the Assessment had been accepted, it would now be progressed through the Council's political process. Discussions were also on-going with the housing division on the potential identification and inclusion of a site within the LDP, together with existing provision, as the Council would need to demonstrate it had examined and assessed the need for Gypsy and Traveller Accommodation within the County as part of the LDP process.
- In response to references to the potential impact the Swansea Bay City Region and the Wellness Centre could have on the need for additional housing and infrastructure within the Llanelli area, the Forward Planning Manager confirmed that the review of the LDP would enable the council to examine the impact of large developments on the local infrastructure and public transport, the prevention of urban creep and the protection of distinct communities.
- Reference was made to the apparent levelling off and potential decrease in Carmarthenshire's population and the potential impact large developments/investments such as the City Region and Wellness centre could have on that trend. The Forward Planning Manager confirmed that whilst population figures were indicating a down trend, it was important to understand where the growth challenges lay and their potential impact on communities. As part of that analysis, consideration would also need to be given to retaining the current population by providing employment and opportunities for young people.
- Reference was made to the LDP's aims, through the use of land planning policies, to promote the principles of sustainability and sustainable development by facilitating the creation of communities and local economies that were more sustainable by providing access to local services and facilities reducing the need to travel. A view was expressed on the importance of examining a site's sustainability in those terms prior to its inclusion within the Plan. The committee was reminded that as part of its earlier discussion, it had been reported that an infrastructure review was currently being undertaken which would inform the LDP policies.
- It confirmed that should the Council accept the recommendation for a review of the LDP, a further report would be submitted detailing the content and outcomes of the review, a Delivery Agreement on the timetable for the Plan review and the methods of timing of communications and consultation over its preparatory period.

**UNANIMOUSLY RESOLVED TO RECOMMEND TO THE EXECUTIVE BOARD AND COUNCIL THAT:**

- 5.1 the Annual Monitoring Report 2016/17 of the Carmarthenshire Local Development Plan be received and accepted and submitted to the Welsh Government by the 31<sup>st</sup> October 2017 in accordance with statutory requirements, and published on the Council's website,
- 5.2 a review be undertaken of the Carmarthenshire Local Development Plan in light of the recommendations and content of the Annual Monitoring Report 2016/17, and in accordance with statutory procedures

## **6. CARMARTHENSHIRE COMMUNITY INFRASTRUCTURE LEVY - UPDATE AND PROGRESS REPORT**

Further to Minute 8 of its meeting held on the 29<sup>th</sup> September, 2016, the Committee received a progress report on the preparatory works undertaken on the process for the adoption of a Community Infrastructure Levy (CIL) for Carmarthenshire, in accordance with Council's decision on the 13<sup>th</sup> January 2016.

The Forward Planning Manager drew the Committees attention to the national position with regard to the CIL, whereby the UK Government was considering the findings of an independent national review thereof which included a recommendation for its replacement with a hybrid model with the approach of adopting a combination of a low level Local Infrastructure Tariff (LIT) and Section 106 for larger developments. Whilst that was the position in England, in Wales, the situation was different as, under the provisions of the Wales Act 2017, the decision on CIL's became a devolved matter, with powers in respect thereof to be transferred to the Welsh Government in April 2018, which would also require the publication of a Transfer of Functions Order to enable Welsh Ministers to modify existing legislation. Should the Ministers then consider it appropriate to rewrite the CIL Regulations, it was possible further regulations would be required to facilitate those amendments.

The Forward Planning Manager advised that as the Welsh Governments approach to CIL's was unclear on whether it wished to proceed with their adoption, as set out within regulation, amend or abandon them, it was considered the preparation of a CIL for Carmarthenshire should be held in abeyance pending Welsh Government clarification on its position. Should Council endorse that approach, the current requirements in relation to Section 106 Agreements and developer contributions remained relevant and continue to be implemented to ensure compliance with LDP policy thereby ensuring developers, communities and the public would have clarity on the contributions to be sought from any development. Such contributions would also be sought in accordance with the CIL Regulations, including that in respect of pooling limitations.

It was noted that a further report would be submitted to Council when a clear direction was available on the future of the CIL, its replacement, or any changes to the CIL Regulations.

### **UNANIMOUSLY RESOLVED TO RECOMMEND TO THE EXECUTIVE BOARD AND COUNCIL THAT:**

- 6.1 The current position on the future of Community Infrastructure Levy, both within a national and Welsh context be noted.

- 6.2 Progress on the preparation of a Carmarthenshire CIL be held in abeyance pending the outcome of future considerations of the Welsh Government as a result of the Wales Act.
- 6.3 A further report be presented when there was a clear indication on the future of the CIL, any changes to the CIL regulations or proposals for a replacement tariff
- 6.4 The progress to date be noted and the representations received be utilised to inform any future work on the CIL or, any replacement

**7. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE 30TH MARCH, 2017**

**UNANIMOUSLY RESOLVED** that the minutes of the meeting held on the 30<sup>th</sup> March 2017 be signed as a correct record.

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**CHAIR**

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**DATE**