

Appended Report - Annual Monitoring Report 2016/17 Carmarthenshire Local Development Plan

LDP Review – Procedural Outline (LDP Manual V.2)

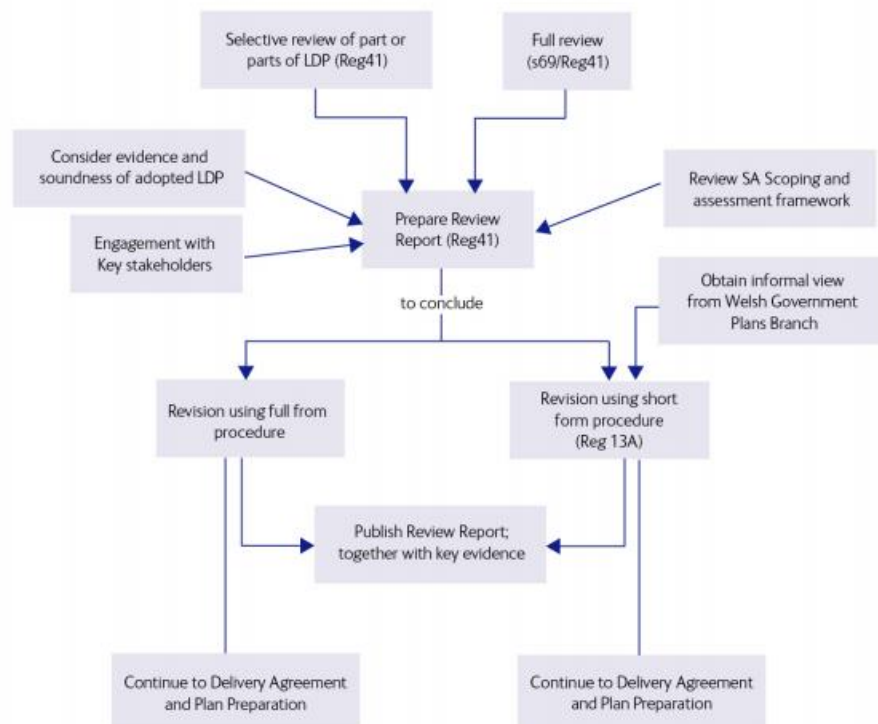
The following note provides a summarised outline of the LDP Review process and is drawn from the LDP Manual (version 2).

Section 69 of the 2004 Act requires an LPA to undertake a review of an LDP and report to the Welsh Government at such times as prescribed (Regulation 41)

A plan review should draw upon published AMRs, evidence gathered through updated survey evidence (as set out in S61 – see 5.3.1.1) and pertinent contextual indicators, including relevant changes to national policy.

‘5.3.1.1 S61 of the 2004 Act requires local planning authorities to keep under review matters affecting development in their area including principal physical economic social and environmental characteristics, size and distribution of population, communications and transport, etc. and relationships with neighbouring areas. This on-going survey work will form a substantial part of the evidence base of the plan. This is a separate duty to the preparation of LDPs under S62 of the 2004 Act and this survey work will have benefits for development management and corporate functions as well as for LDPs.’

The Local Development Plan Manual sets out the following process map for LDP review.



Triggers for Review

The timing and frequency of plan review, other than the 4-yearly requirement, will depend upon the findings of the AMR. In this regard the potential for review will mean that plans remain up to-date and support the objectives of the plan-led system of providing certainty; rational and consistent decisions. Therefore, key triggers for review and the consequential need for a Review Report due as set out in the LDP Manual are:

- Significant contextual change (e.g. in national policy or legislation; in local context e.g. closure of a significant employment site that undermines the local economy; in development pressures or needs and investment strategies of major public and private investors).
- Significant concerns from the findings of the AMR in terms of policy effectiveness, progress rates, and any problems with implementation.
- S69 / Regulation 41 full review requirement.

Steps in Review

‘In conducting any plan review the LPA will need to consider the soundness of the adopted plan. This will involve considering the findings of the preceding AMRs, the updated evidence base and on-going S61 surveys.’

The review should include:

- reconsideration of the SA or in the case of a more recent LDP the SEA aspects of an integrated plan appraisal.
- It should also involve engagement with key stakeholders to assist deliberations on how to move forward as considered appropriate;

The Review Report

The Review Report should set out clearly:

- what has been considered,
- which key stakeholders have been engaged and,
- where changes are required,
- what needs to change and why, based on evidence; including issues, objectives, strategy, policies and the SA as well as the implications of anticipated revisions on any parts of the plan that are not proposed to be revised.

It must make a conclusion on the revision procedure to be followed, i.e. full or short form.

To maximise the robustness of the approach and minimise the potential for legal challenge assessing the evidence base against the tests of soundness would prove beneficial.

This should provide the justification for both the conclusion of which revision process is the most appropriate to follow, as well as which elements of the evidence base require further updating through the plan revision.

Certain evidence documents may need to have been analysed / reviewed to inform the Review Report.

10.1.6 The Review Report should:

- be formally approved by the LPA,
- published on its web-site,
- sent to the Welsh Government and;
- copies made available as soon as practicable after LPA approval;
- key evidence upon which the Report is based should be publicly available.

A Review Report should be published within six months from start of the review process.

The Report is part of the documentation required at the subsequent pre-deposit stage.

A revised Delivery Agreement will be necessary.

‘For the preparation of an LDP Revision (both the full and short form revision procedures – section 10.2), and further to the conclusions of the Review Report, a revised Delivery Agreement will be necessary; a separate Timetable will be required and parts of the CIS may need to be revised. Whilst Regulations 5 and 7 do not apply to a revision (Regulation 3), the LPA should consider whether any engagement or consultation is appropriate. The Delivery Agreement should be submitted to Welsh Government at the start of the process; following agreement, the LPA must publicise it and notify all the specific consultation bodies, and such of the general consultation bodies as the LPA considers appropriate, that the Delivery Agreement has been revised. (Regulations 9(4A)&(5), & 10(2))’

Short Form Revision Procedure

The LDP Regulations (Regulation 13A and Part 4A) provide a short form revision procedure in circumstances where the issues involved are not of sufficient significance to justify undertaking the full revision procedure. The Authority would need to conclude in its LDP Review Report, based upon evidence and in consultation with appropriate consultees, that it considers a short form procedure is the most appropriate response.

Full Revision Procedure

The LDP Review Report may conclude that the issues involved are of sufficient significance to justify undertaking the full revision procedure e.g. when the strategy is out of date or is not working.

It should be noted that the full revision process is the same as for plan preparation (LDP Regulation 3(1)).

Following publication of the review report [and it's acceptance by the WG]:

- Progress using full form revision procedure;
- prepare revised Delivery Agreement;
- consider need for further call for candidate sites;
- Ensure requirements of SA and of SEA Regulations are met.

The work should build on the experience gained with the original LDP with the timescale for the replacement plan anticipated to be less than 4 years.