

COMMUNITY SCRUTINY

14TH DECEMBER 2017

REVISED CARMARTHENSHIRE LOCAL DEVELOPMENT PLAN 2018 -2033

DRAFT DELIVERY AGREEMENT AND DRAFT SITE ASSESSMENT METHODOLOGY

To consider and comment on the following issues:

- To consider the Draft Delivery Agreement for the Revised Carmarthenshire Local Development Plan including:
 - The timetable for Plan preparation; and
 - The Community Involvement Scheme in relation to consultation and engagement.
- To consider the content of the Draft Site Assessment Methodology.

Reasons:

- To comply with the Council's statutory obligations in terms of the preparation and progress of the preparation of a revised Local Development Plan for Carmarthenshire in accordance with statutory procedures.
- To ensure the adoption of a revised (replacement) LDP in a timely manner ahead of the expiration of the current LDP.

To be referred to the Executive Board / Council for decision: YES

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr Mair Stephens

Directorate : Environment

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EXECUTIVE SUMMARY

COMMUNITY SCRUTINY

14TH DECEMBER 2017

REVISED CARMARTHENSHIRE LOCAL DEVELOPMENT PLAN 2018 -2033

DRAFT DELIVERY AGREEMENT AND DRAFT SITE ASSESSMENT METHODOLOGY

1. BRIEF SUMMARY OF PURPOSE OF REPORT.

The purpose of the report is to consider the Draft Delivery Agreement for the preparation of the Revised Carmarthenshire Local Development Plan (2018 – 2033). The Council at its meeting on the 20th September 2017 resolved to prepare the Review Report into the LDP. This Review Report is being presented concurrent with this report for consideration through the Council's reporting structure. Subject to the deliberations in respect of the Review Report, work will commence on the preparation of the Revised LDP which will on its adoption replace the current adopted Plan.

The first step in preparing the revised LDP is the preparation of a Delivery Agreement (DA). The DA comprises a timetable of the key stages for preparing the revised LDP and a community involvement scheme (CIS), which sets out how and when stakeholders and the community can contribute during the Plan's preparatory process.

The timetable set out within the DA identifies a challenging, but realistic, timeframe for preparing the replacement LDP. From the start of the process in January 2018, it is anticipated that the revised LDP will be adopted by September 2021. This challenging timetable for adoption reflects the Welsh Government's general expectation that LDPs be prepared and adopted within 4 years, but also critically ensures that the Revised Plan is in place ahead of the expiration of the current adopted Plan at the end of 2021.

The CIS sets out the Council's participation strategy; the role of the Local Planning Authority, Councillors and Officers; the methods of engagement and the bodies, agencies and organisations to be involved; and the Council's expectations of all stakeholders and participants who become involved in the process and what they can expect of the Council.

This DA will be subject to consultation prior to it being sent formally to the Welsh Government for agreement. Once agreed the DA commits the Council to producing the replacement LDP to the stated timescales and through the identified consultation processes. The DA forms part of the statutory process in relation to producing an LDP and is therefore a requirement of the legislation.

A further component of this report relates to the preparation and publication of the Site Assessment Methodology. The draft methodology attached to this report seeks to develop a robust and consistent framework for the consideration of sites submitted during the preparation of the Revised LDP. Central to the approach is the need for all sites proposed to be supported by sufficient information to allow for their effective consideration, and to ensure they are deliverable.

2. Introduction and Background

In considering the progress towards the preparation of the Revised LDP, this report should be read following on from that presented to this meeting in relation to the Carmarthenshire LDP Review Report. In this respect, this report and the content of the DA and Site Assessment Methodology are presented in the interests of expediency and to ensure the timely production of the Revised LDP.

Following consideration of the second Annual Monitoring Report (AMR) at the meeting of County Council on the 20th September 2017, it was resolved that a Review Report in respect of the Carmarthenshire LDP be prepared. This will culminate with the production of the final Review Report, which will set out the extent of changes required to the LDP and the recommendation to proceed with the preparation of a replacement LDP using the 'full revision' procedure.

Having prepared the Review Report and ahead of substantive work beginning on the revised LDP, the Council must prepare, publish and agree with the Welsh Government (WG) a Delivery Agreement (DA) in accordance with Section 63 of the 2004 Planning and Compulsory Purchase Act. In line with national regulations and guidance, the DA must consist of the following:

- Community Involvement Scheme (CIS), which sets out how and when stakeholders and the community can contribute to the plan preparation process, and the timing and mechanisms used in undertaking such engagement; and
- Timetable for plan preparation and adoption, which once agreed by the Welsh Government commits the Council to preparing the revised LDP to the timescales identified.

Whilst there is no statutory requirement for the Council to undertake formal consultation on the preparation of a DA which relates to the revision of an LDP, it is considered prudent and beneficial to do so to inform its preparation. Consequently the content of the Draft DA will be published for a 6 week formal consultation.

It should be noted that whilst the revised LDP is being prepared, the current adopted Plan (adopted December 2014) remains extant and will continue to provide the planning policy framework by which planning applications will be determined.

3. Key Elements of the Delivery Agreement

The timetable set out within the DA identifies a challenging, but realistic, timeframe for preparing the replacement LDP. From the start of the process in January 2018, it is anticipated that the revised LDP will be adopted by September 2021.

In preparing the timetable, regard has been had to the Welsh Government's expectation that a revised plan be prepared in less than 4 years, taking in to account the resources available to the local planning authority.

The main stages for plan preparation have been split in to Definitive and Indicative Stages as follows:

- Definitive Stages – These include the stages in plan preparation up to and including the statutory deposit stage (i.e. consultation on the 'Deposit Revised LDP'). These stages are deemed as under the control of the Council and as such, reflect a realistic assessment of what can be achieved within particular timescales.
- Indicative Stages – These include the stages of the plan preparation process after statutory deposit stage and up to and including adoption of the revised LDP. Their indicative nature reflects that the Council is able to exhibit less control over these stages given that they are influenced by, and subject to external factors, such as the number of representations received at deposit stage and the availability, requirements and capacity of the Planning Inspectorate.

It should be noted that at the deposit stage, an updated DA with definitive timescales for the final stages of plan preparation will be prepared and submitted to the Welsh Government for agreement.

4. Community Involvement Scheme (CIS)

The CIS within the Draft DA sets out why it is important to involve the community. It identifies who should be involved and suggests how to get involved in the LDP process. It recognises the need to strengthen community involvement in order to achieve a plan that has local ownership and is legitimate for the policies that will shape the level and future distribution of growth and development within the County.

The Appendices of the DA will identify all of the bodies, agencies and organisations that will be consulted in accordance with the DA. The lists are not, however, exhaustive, and new consultees can be added at a later date. It should also be noted that an extensive mailing list has been compiled through the preparation of the current LDP. This mailing list ensures interested parties who may not be identified as consultees are informed of progress at appropriate stages of the Plan's preparation. New interested parties will be encouraged to register.

5. Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA)

It should be noted that the content of the Revised LDP will be informed by a variety of assessments, including an SA and SEA. The former is required by Section 62 (6a) of the Planning Compulsory Purchase Act 2004, while the latter is a requirement of the SEA Directive 2001/42/EC1. An SEA is a mandatory requirement for plans/programmes. The timetable and CIS also consider the integration of SA and SEA work as part of the plan preparation process.

6. Next Steps

Subject to Council's approval, the DA will be published for formal consultation for a 6 week period prior to the reporting of the responses received, and its submission to the Welsh Government for agreement. Once agreed, the DA commits the Council to producing the Revised LDP to the stated timescales and consultation processes.

It should be noted that officers are, as part of ongoing liaison, in discussion with officials from the Welsh Government on a number of matters pertaining to the preparation of the Revised LDP. One such matter relates to the timetable and the content of the LDP, the outcome of any such discussions will be incorporated into this report as it proceeds through to Council.

It should also be noted that the DA indicates that certain elements of the Pre-Deposit stage be undertaken concurrent with the consultation and ahead of the agreement on the DA. This will ensure that the Revised LDP is prepared in a timely manner consistent with the timetable outlined within the DA.

7. Site Assessment Methodology

One such element referred to above relates to the advertisement or 'call' for candidate sites. This represents a key stage as it provides landowners, interested parties and developers the opportunity to submit sites for consideration at the outset of Plan's preparation. Indeed it is at this stage where those wishing to propose sites for inclusion within the Deposit Plan, with its development limits, land use allocations and other site specific matters, must do so. In this respect the attached Site Assessment Methodology seeks to provide a framework for the consideration of such sites. It seeks to set out the Council's requirements from proponents of sites. It seeks to do this in a proportionate manner reflective of the scale and complexity of sites. The Methodology requires sites which are proposed as allocations to provide certain information around aspects such as access and viability to enable effective consideration of their deliverability.

It should be noted that the Methodology will be supplemented and developed to ensure the information requested is reflective of, and proportionate to, that stage of the Plan's preparation. The attached Methodology will also be developed as an online questionnaire to provide assistance and guidance on making a submission. It will also provide links to sources of data and information both on Council and relevant partner sites.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: L Quelch

Head of Planning

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	YES	NONE	YES	YES

1. Policy, Crime & Disorder and Equalities

The AMR, in monitoring the implementation of the LDP's policies and provisions, builds on the links and strategic compatibility between it and the **Integrated Community Strategy for Carmarthenshire 2012-17**. In this respect the Plan is a key factor in the delivery of the outcomes, particularly **Supporting Opportunities for the Building of Economically Viable and Sustainable Communities**. Through land use planning policies, the LDP seeks to promote the principles of sustainability and sustainable development by facilitating the creation of communities and local economies which are more sustainable, providing access to local services and facilities and reducing the need to travel.

The integration of sustainability as part of the preparation of the LDP is reflected in the undertaking of a Sustainability Appraisal and Strategic Environmental Assessment reflecting national and international legislative requirements. The formulation of the Revised LDP will closely consider matters of sustainability and will be prepared with the outcomes of the Plan measured in light of the Sustainability Appraisal indicators.

The DA, in identifying the timetable and CIS for the preparation of the LDP, recognises and reflects the requirements emanating from the Wellbeing of Future Generations Act and the implications for the LDP in general. In this respect, the LDP will have full regard to the national legislative provisions and will relate and have regard to the Carmarthenshire Well-being Plan. The LDP will assess compatibility of the LDP and the National and local Well-being Objectives. It is noted that the Revised LDP will ensure the requirements emanating from the Act are fully and appropriately considered with the Plan, reflective of its duties.

2. Legal

The preparation of the LDP reflects the provisions of the Planning and Compulsory Purchase Act 2004, including the requirements of the section 76 of the Act in keeping all matters under review that are expected to affect the development of its area.

The preparation of the Delivery Agreement is in accordance with Section 63 of the 2004 Planning and Compulsory Purchase Act. It is also in line with national regulations and guidance in relation to its scope and content.

3. Finance

Financial costs to date are covered through the financial provisions in place - including reserves. Should the Planning Division Budget not be in a position to provide further funding necessary to meet the statutory requirements to review and prepare a development plan then an application will be made for a growth bid.

Subject to the scope and evidential requirements of the Revised Plan, then additional financial provision will be required to meet the ongoing costs associated with legislative requirements arising from its production, including ICT requirements (see below) evidence gathering and examination costs.

The Delivery Agreement, in making reference to such matters, outlines the Council's commitment to prepare and adopt an up-to-date LDP in accordance with the Council's statutory duty.

The identified requirements around the undertaking of a Sustainability Appraisal and Strategic Environmental Assessment, as well as a Habitat Regulations Assessment as part of the preparation of the LDP, is subject to consideration. In this respect, identified reserves may be set aside to meet anticipated costs.

4. ICT

Requirements in relation to ICT will seek to utilise existing resources. There will however be additional and revised data management requirements to ensure the plan's preparatory process is conducted in a speedy, efficient and transparent manner in accordance with regulatory requirements.

This may require a new front facing consultation tool and its integration with back office systems.

6. Physical Assets

The review of the LDP will impact on Council land and property holdings through their inclusion or otherwise for potential development purposes. This will have implications on potential disposal and land valuations and consequently capital receipts.

7. Staffing Implications

It is anticipated that the review of the LDP be accommodated utilising the existing staff structure. This will be reviewed subject to the nature and scope of the review. It is proposed to recruit a Support Officer to support and undertake specialist elements in relation to the Sustainability Appraisal and Strategic Environmental Assessment as well as a Habitat Regulations Assessment.

Provision will be required for a Programme Officer for the Examination into the LDP (anticipated 2020/21).

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: L Quelch

Head of Planning

1. Scrutiny Committee

14th December 2017 – Community Scrutiny

2. Local Member(s)

The content of the DA and Site Assessment Methodology will be reported to Council for consideration. Members will be engaged throughout the LDP revision process. The content of the DA will be subject to a formal consultation process.

3. Community / Town Council

Town/Community Councils(s) will be a specific consultee at statutory stages throughout the LDP revision. The content of the DA will be subject to a formal consultation process.

4. Relevant Partners

A range of partners will be specific and general consultees throughout the review process. The content of the DA will be subject to a formal consultation process.

5. Staff Side Representatives and other Organisations

Internal contributions will be sought throughout the revision process.

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Carmarthenshire Local Development Plan		http://www.carmarthenshire.gov.wales/home/residents/planning/policies-development-plans/local-development-plan/
Supplementary Planning Guidance		http://www.carmarthenshire.gov.wales/home/residents/planning/policies-development-plans/supplementary-planning-guidance/#.V06h-JwrKUK
Annual Monitoring Report 2015/16		http://www.carmarthenshire.gov.wales/media/1643860/Annual-monitoring-report-201516-AMR-Document-for-web.pdf
Annual Monitoring Report 2016/17		http://www.carmarthenshire.gov.wales/media/2172900/amr-16-17-eng.pdf