

COMMUNITY SCRUTINY

14TH DECEMBER 2017

CARMARTHENSHIRE LOCAL DEVELOPMENT PLAN 2006 – 2021 REVIEW REPORT

To consider and comment on the following issues:

- To consider the Carmarthenshire Local Development Plan Review Report and its outcomes and recommendations including undertaking a full revision of the Plan.

Reasons:

- To comply with statutory obligations in terms of the preparation and progress of the Revised Local Development Plan (LDP) 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

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EXECUTIVE SUMMARY

COMMUNITY SCRUTINY

14TH DECEMBER 2017

CARMARTHENSHIRE LOCAL DEVELOPMENT PLAN 2006 – 2021 REVIEW REPORT

1. Brief Summary of Purpose of Report.

The purpose of the report is to seek Council's approval of the Carmarthenshire Local Development Plan (2006 – 2021) Review Report. The production of this report follows resolution of the County Council on the 20th September wherein consideration was given to the second LDP Annual Monitoring Report (AMR) and its recommendations.

The Review Report (Appended) sets out the extent of changes required to the LDP and the revision procedure to be followed in preparing a replacement LDP for a plan period up to 31st March 2033 (the end of a 15 year plan period that commences on the 1st April 2018).

The recommendations of the Review Report, have been informed by the findings of preceding AMRs, liaison (including feedback regarding the implementation of the current LDP), evidence base and ongoing surveys.

In this respect the Review Report concludes and recommends that the 'full revision' procedure in preparing a replacement Local Development Plan (LDP) is followed. In recommending that a 'full revision' of the Plan be undertaken the Review Report highlights the following principle reasons:

- To ensure that a revised plan is adopted ahead of the expiration of the current LDP at the end of 2021;
- To recognise the outcomes of the AMRs, notably where it indicates failures in the delivery of the LDP strategy, the settlement framework and the spatial distribution of growth. In this respect both the level and spatial distribution of growth needs to be considered in order to establish whether the current strategy is the most appropriate for delivering growth up to 31st March 2033; and,
- To ensure that the implications of the 2014-based Local Authority Population and Household Sub-National Projections and the significant variance in population change and household requirements which are indicated are robustly considered. There is a need to understand the implications of these revised projections, and to consider them within the context of Carmarthenshire and of job creation, growth and inward investment (including Regeneration through the City Deal). To achieve this will require a review of the strategic approach set out within the LDP.

In addition, contextual changes, amendments in legislation, national policy and a range of plans and strategies, and changes to the evidence base also indicate that certain policies and allocations within the LDP need to be revised. A consequential re-consideration of the LDP's vision, primary aims and objectives is therefore also necessary given the basis for the revision as set out above.

It should be recognised that the Review Report also concludes that many aspects of the current adopted LDP are functioning effectively and delivering as expected. Consequently many elements and components of the current LDP will not require anything other than non-substantive changes.

A copy of the draft Review Report is appended as part of this report. It should be noted that the content of the attached Review Report represents a progressive draft which will be refined and developed as it progresses through reporting to Council in January 2018.

2. Background

The Carmarthenshire Local Development Plan (LDP) was adopted at the meeting of County Council on the 10th December 2014. It sets out the Authority's policies and proposals for the future development and use of land, guiding and managing development by providing the foundation for consistent and rational decision making. It also forms a central role in guiding future opportunities for investment and growth.

The LDP's policies and proposals include land-use allocations for different types of development (i.e. housing, employment, retailing, education, open space etc.) as well as criteria for assessing individual proposals. The Plan has a direct effect on the lives of every resident of the County as well as major implications on investment programmes, other plans and strategies, communities and landowners alike. In doing so, it provides a measure of certainty about what kind of development will, and will not, be permitted in particular locations during the Plan period.

3. LDP Revision and Review Process

In accordance with statutory requirements the Council has prepared and published two Annual Monitoring Reports (AMRs) to date. The purpose of each AMR is to assess the extent to which the LDPs strategy, policies and development sites are being delivered. In this respect an AMR forms an important component in ensuring the LDP remains up-to-date.

In order to ensure that there is a regular and comprehensive assessment of whether an LDP remains up-to-date, Councils are required to undertake a full review of their adopted LDP. The intervals for such reviews are not longer than every 4 years from the date of adoption. However, it is also essential that monitoring recognises and responds to any exceptional circumstances which may elicit an early review of the Plan. In this respect, following consideration of the second 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 to determine whether a full or partial review of the Plan is necessary and the extent of changes required to the LDP. It also considers the revision procedure to be followed in preparing a replacement plan. The review report has drawn upon: the content of the published AMRs; updated evidence and surveys; and, pertinent amendments or issues relating to contextual indicators, including relevant changes to national policy.

4. Review Report and Key Findings

The Review Report sets out the extent of the changes required to the LDP and the revision procedure to be followed in preparing a replacement plan.

In this respect the report recommends that a 'full revision' of the Plan be undertaken. Such a revision essentially requires the preparation of a replacement Plan similar to that associated with the full preparation of an LDP. Reference will therefore be made to statutory provisions in its preparation and in particular the requirements of the LDP Regulations (Wales) and the provisions of the Local Development Plan Manual (Edition 2) in undertaking its preparation.

The Review Report highlights a number of principle reasons for the review and in concluding that a 'full revision' of the Plan is necessary, these reasons are discussed below.

Firstly to ensure that a revised plan is adopted ahead of the expiration of the current LDP at the end of 2021. Reference should be made to the provisions of the emerging Delivery Agreement and the regulatory procedures set out in legislation. In this respect the projected timetable for preparation of the revised LDP would need to ensure the LDP is adopted before the expiration of the current LDP at the end of 2021.

Secondly to recognise the outcomes of the AMR notably where it indicates failures in the delivery of the LDP strategy, the settlement framework and the spatial distribution of growth. In this respect both the level and spatial distribution of growth needs to be considered in order to establish whether the current Strategy is the most appropriate for delivering growth through the Plan period.

Furthermore the Report recognises the failure to deliver a 5 year housing land supply, as required within PPW and Technical Advice Note 1 within the past four annual Joint Housing Land Supply Studies. Housing permissions granted have not been sufficient to meet the requirements for growth and distribution in accordance with the LDPs strategy. In this respect a gap exists between actual housing completions and the LDP housing requirement. The level of growth and the spatial distribution of that growth will require reconsideration in revising the LDP in order to address the lack of a five year supply.

The need to ensure that the strategy, particularly in terms of spatial distribution of growth and the performance of the tier 2 and 3 settlements requires re-consideration particularly in light of contextual changes around household requirements and any changes to the strategy emerging through the Plan revision process.

There is a need to ensure that the strategy and the identified growth requirements are robust and that the spatial framework, distribution of growth and the allocated sites within the Plan are deliverable.

There will be a need to ensure the implications of the 2014-based Local Authority Population and Household Projections and the significant variance in population change and household requirements are robustly considered. In this respect there is a need to understand the implications of these revised projections, set them within a Carmarthenshire context and against a context of job creation growth and inward investment requires a review of the strategic approach set out within the LDP.

IMPLICATIONS

In addition, contextual changes and changes in the form of legislation, national policy and a range of Plans and strategies and to the evidence base also indicate that certain policies and allocations within the LDP need to be revised. A consequential re-consideration of the LDP's Vision, Primary Aim and Objectives is therefore also necessary given the nature of the other matters raised above.

It should also be recognised that the Review Report also finds that many aspects of the current adopted LDP are functioning effectively and delivering as expected. Consequently many elements and components of the current LDP will not require anything other than non-substantive changes.

5. Next Steps: the Review Process and the Revision of the LDP

The Review Report is being placed before Council for approval of its contents and to commence work on the preparation of the Revised LDP following the full statutory processes associated with a full revision to the Plan.

This process is broadly reflective of the procedure followed in the preparation of the current adopted LDP, and will involve the preparation of a revised Re-deposit Preferred Strategy and Deposit Plan the latter of which will be examined by an independent planning inspector.

It is anticipated that the replacement LDP will be prepared within a four year period; the details of which will be set out in a revised Delivery Agreement which is subject to a separate report also before this meeting for consideration.

The Review Report will be published and will form part of the documents published at the LDP pre-deposit stage with any comments or observations on its content taken into consideration as part of the pre-deposit Plan (Preferred Strategy).

Note: The Review Report is in draft form and will continue to be developed and refined as it proceeds through the reporting process with reporting to full Council scheduled for 20th January 2018. Following formal approval at the meeting of full Council, the Review Report will be published on the Council website and sent to the Welsh Government. The Review Report will form part of the documents published at the LDP pre-deposit stage. This will allow early engagement as part of the Pre-deposit process associated with the revision of the LDP. It will also form part of the deposit documentation and the submission package.

DETAILED REPORT ATTACHED?	YES
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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

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 Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) as components of the LDP, are key factors 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 SA/SEA 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 Review Report recognises 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.

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 this Review report is a required statutory report under S69 of the 2004 Planning and Compulsory Purchase Act and/or Reg41 of the LDP Regulations; to conclude on the LDP revision procedure to be followed based on a clear assessment of what has been considered and what needs to change and why, based on evidence.

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.

Finance

Financial costs to date are covered through the financial provisions in place - including reserves. The Planning Division Budget is unlikely to be able to cover the funding necessary to meet all the statutory requirements to review and prepare a development plan and therefore applications will be made for a growth bid when identified to be necessary. Such bids may cover costs such as 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 (DA) 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 DA forms a separate CMT report being reported alongside this report on the Review Report.

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.

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 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.

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.

Staffing Implications

It is anticipated that the review of the LDP be accommodated mainly by 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 also be required for a Programme Officer for the Examination into the LDP (anticipated employment for the period 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 Review Report will be reported to Council for consideration. Members will be engaged throughout the LDP revision process. The content of the Review Report will be subject to a consultation at subsequent LDP stages. Planning Committee - A briefing/ discussion based session has been held with comments informing the content of the Review Report. The LDP Advisory Panel will also have a continual role in the process and will have met on a number of occasions between now and the report being taken to Council in January.

3. Community / Town Council

Town/Community Councils(s) will be a specific consultee at statutory stages throughout the LDP revision. The content of the Review Report will be subject to a consultation at subsequent LDP stages (see Delivery Agreement which forms a separate CMT report for details)

4. Relevant Partners

A range of partners will be specific and general consultees throughout the LDP revision. The content of the Review Report will be subject to a consultation at subsequent LDP stages (see Delivery Agreement which forms a separate CMT report for details).

5. Staff Side Representatives and other Organisations

Internal contributions will be sought throughout the revision process. Internal partners have been engaged and informed elements of the Review Report.

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