

## Executive Board

4<sup>th</sup> June 2018

### Revised Carmarthenshire Local Development Plan 2018 - 2033

#### Draft Delivery Agreement

#### Recommendations / key decisions required:

- To consider and note the representations received, and ratify the recommendations, in respect of the Draft Delivery Agreement.
- To approve the amendments to the timetable.
- To approve the submission of the Delivery Agreement (inclusive of the recommendations of this report) to the Welsh Government for agreement.
- To grant officers delegated authority to make non substantive typographical or factual amendments as necessary to improve the clarity and accuracy of the Delivery Agreement.
- To note the extension of the consultation period for the submission of Candidate Sites to the 29<sup>th</sup> August 2018.

#### Reasons:

- To comply with the Council's statutory obligations in terms of the preparation and progression of a revised Local Development Plan for Carmarthenshire in accordance with statutory procedures.
- To respond to the content of the letter from the Cabinet Secretary for Energy, Planning and Rural Affairs.
- To ensure that the preparation and adoption of the Revised (replacement) LDP proceeds in a timely manner ahead of the expiration of the current LDP.

Relevant scrutiny committee to be consulted

Community Scrutiny Committee: Scheduled 11<sup>th</sup> May 2018

Exec Board Decision Required YES

Council Decision Required YES

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr Mair Stephens

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**EXECUTIVE SUMMARY**  
**Executive Board**  
**4th June 2018**

**Revised Carmarthenshire Local Development Plan 2018 – 2033**  
**DRAFT DELIVERY AGREEMENT**

**1. BRIEF SUMMARY OF PURPOSE OF REPORT.**

This Report follows the approval at County Council on the 10th January 2018 to formally commence the preparation of a Revised (replacement) Local Development Plan (LDP), along with the resolution to publish the Draft Delivery Agreement for formal public consultation.

The consultation period for the Draft Delivery Agreement commenced on the 5th February 2018, and closed on the 23<sup>rd</sup> March 2018. In total some 10 representations were received from a range of organisations, interested parties and members of the public – the details of which, along with officer responses and recommendations are set out in Appendix 1 of this report.

Reference is also made to Appendix 2 of this report which identifies a series of recommended officer based amendments to the Draft Delivery Agreement, including those arising from contextual changes.

**2. Background**

The preparation of the Delivery Agreement (DA) represents an important first step in developing the revised LDP. It reflects the requirement for the Council to prepare, publish and agree with the Welsh Government (WG) a DA in accordance with Section 63 of the 2004 Planning and Compulsory Purchase Act.

In line with statutory 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.

The DA in setting out a timetable for the key stages in 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, sets the context for the Plan's preparation.

The timetable set out within the Draft DA identified a challenging, but realistic, timeframe for preparing the Revised LDP. This timetable has however through this consultation, and notably in light of the content of the letter from Lesley Griffiths AM, Cabinet Secretary for Energy, Planning and Rural Affairs, been further refined. Further details are set out within this report and Appendix 2. This notably includes an amendment to the adoption date proposed within the Draft DA from September 2021 to November/December 2021.

This in part accommodates the Cabinet Secretary's expectation that the Revised LDP be prepared and adopted within 3.5 years of formal commencement of the process. It should be noted the formal commencement of the process corresponds with the WG approval of the DA, anticipated as July 2018. Consequently the revised timetable reflects the 3.5 year preparatory process. Critically, this still ensures that the Revised Plan is in place ahead of the expiration of the current adopted Plan at the end of 2021.

Further detail relating to the letter from the Cabinet Secretary is set out in section 4 of this report.

A further component of this report relates to the ongoing consultation on the call for 'Candidate Sites'. Having commenced on the 5th February 2018, the call for 'Candidate Sites' is currently scheduled to close on the 29<sup>th</sup> May 2018. This report further considers the length of this consultation and provides the context for its subsequent extension of that period to maximise the opportunity available for the submission of such sites. This consultation or "call" for sites provides an opportunity at the outset of preparation of the Revised LDP for submissions from developers, landowners and the public for sites that could be included for new development, re-development or protection in the LDP.

### 3. Key Elements of the Delivery Agreement

**The timetable** set out within the Draft DA identified a challenging, but realistic, timeframe for preparing the replacement LDP. From the start of the plan making process it was anticipated that the revised LDP will be adopted by September 2021.

It should however be noted that following the letter from the Cabinet Secretary on the 29<sup>th</sup> March 2018, the timetable proposed in this report has been amended to reflect the expectations contained within that letter. In this respect the anticipated adoption date has been revised to November/December 2021, this taking into account the resources available to the Local Planning Authority. Further information in respect of the letter from the Cabinet Secretary is set out within section 4 below.

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 WG for agreement.

The **Community Involvement Scheme (CIS)** 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. 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.

The CIS also recognises the need to strengthen community involvement in order to achieve an LDP 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 identifies 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.

#### 4. Letter from the Cabinet Secretary

Members may be aware that on the 13<sup>th</sup> December 2017 Lesley Griffiths AM, Cabinet Secretary for Energy, Planning and Rural Affairs wrote to a number of local authorities outlining the benefits for undertaking Joint LDPs and inviting proposals for the preparation of such Plans. In this respect Carmarthenshire along with Pembrokeshire and Ceredigion were identified and invited to consider the preparation of a Joint LDP.

Following this invitation and responses from Council's across Wales, a further letter was received from the Cabinet Secretary on the 29<sup>th</sup> March 2018. This letter outlines a series of expectations in light of the assurances provided by Local Authorities around the preparation of individual LDPs. These expectations are as follows:

- That WG receive the DA within 3 months of the date of the letter.
- That the DA demonstrate that plan preparation can be achieved within 3.5 years. (It should be noted the commencement of the 3.5 year preparatory process commences with the WG approval of the DA, anticipated as July 2018.)
- That there be a single additional slippage period of 3 months.

The letter also indicates that the Cabinet Secretary will not be minded to agree any further extensions beyond the initial DA, and that the Planning Inspectorate will be asked to give special consideration to collaboration and planning outcomes when the LDP is examined.

Reference is also made to Local Government reform and its implications on the preparation of the LDP: Should the National Assembly agree to reform Local Government ahead of the revised LDP reaching Deposit stage, the local authority may be required to re-commence the Plan making process.

## **5. Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)**

It should be noted that the content of the Revised LDP will be informed by a variety of assessments, including an SA/SEA and HRA. 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 DA also consider the integration of SA/SEA and the HRA as part of the Revised LDP's preparatory process.

## **6. Next Steps**

Following the Council's deliberations, the DA will be submitted to the WG for agreement. Subject to WG agreement the DA commits the Council to producing the Revised LDP to the stated timescales and through the identified consultation and engagement processes. The DA forms part of the statutory process in relation to producing an LDP and is therefore a requirement of the legislation.

Once agreed, the DA will be formally published. It will then commit the Council to producing the Revised LDP to the stated timescales and consultation processes.

Note: the letter from the Cabinet Secretary places an expectation that the DA be submitted to the WG for agreement no later than 3 months from her letter dated the 29<sup>th</sup> March 2018. In this respect reference is made to the reporting timetable below:

Corporate Management Team	- 17 April 2018
Preliminary Executive Board	- 30 April 2018
Community Scrutiny	- 11 May 2018
Executive Board	- 4 June 2018
Council	- 13 June 2018

## **7. Call for 'Candidate Sites'**

As outlined above, the consultation or 'call' for Candidate Sites represents a key stage as it provides landowners, interested parties and developers the opportunity to submit sites for consideration at the outset of the 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. It also provides an opportunity to propose areas for protection.

This consultation process is supported by the Site Assessment Methodology (as approved at the meeting of County Council on the 10<sup>th</sup> January 2018), and requires proposers of sites to complete a questionnaire and where appropriate submit supporting information. It seeks to do this in a proportionate manner reflective of the scale and complexity of sites. Further information may be sought to further support the consideration of the site. Where a site is proposed for development purposes, a greater emphasis is now being placed on the inclusion of sites that are genuinely available and deliverable. As such the process requires the provision

of certain information which supports its deliverability.

In light of these additional requirements, it has been considered prudent to extend the consultation period for the call for 'Candidate Sites'. This provides an enhanced opportunity for their submission, and ensures sufficient time is available to 'spread the message' as broadly as possible. It is also prudent in procedural terms to extend the period of consultation beyond the date of agreement from the WG for the DA to ensure full compliance with the statutory Regulations on LDP preparation.

Consequently the call for 'Candidate Sites' will run until the 29<sup>th</sup> August 2018. Further notification on the extension of this period will be advertised and circulated accordingly.

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

DETAILED REPORT ATTACHED ?	YES
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## 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
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>YES</b>

### 1. Policy, Crime & Disorder and Equalities

The Delivery Agreement identifies the links and requirements necessary to ensure the Plan, and the processes in its preparation are compatible with Carmarthenshire County Council's well-being objectives. It also ensures alignment with the national Well-being Goals set out within the Well-being of Future Generations Act 2015. Through its land use planning policies, the Revised LDP will seek 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. This iterative approach ensures sustainability is at the heart of the Plan and that it is reflective of the requirements emanating from the Wellbeing and Future Generations Act 2015 and the emerging Carmarthenshire Well-being Plan.

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 Revised LDP reflects the provisions of the Planning and Compulsory Purchase Act 2004, the requirements of the Planning (Wales) Act 2015 and secondary legislation in the form of the Local Development Plan (Regulations) Wales (As amended) 2015.

The preparation of the LDP will also have appropriate regard to other sources of primary and secondary legislation including the Environment (Wales) Act and the Well-being of Future Generations Act 2015.

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 growth items and 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 further growth bid.

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.

## **4. ICT**

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

## **6. Physical Assets**

Reference is made to the potential for the submission of Council owned sites and properties through the call for 'Candidate Sites'. The preparation of the Revised 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 in the main by utilising the existing staff structure. The revised structure subject to current ongoing recruitments is set out within Appendix 2 of this report. This includes an Officer to oversee SA/SEA and HRA work (appointment anticipated late Spring 2018).

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

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

## 1. Scrutiny Committee

11<sup>th</sup> May 2018 – Community Scrutiny

## 2. Local Member(s)

The content of the DA has been subject to full public consultation. Members will be engaged throughout the LDP revision process. The Candidate Site consultation is ongoing.

## 3. Community / Town Council

The content of the DA has been subject to full public consultation. Town/Community Councils(s) are a specific consultee at statutory stages throughout the LDP revision. The Candidate Site consultation is ongoing.

## 4. Relevant Partners

The content of the DA has been subject to full public consultation. A range of partners are identified as specific and general consultees throughout the review process. The Candidate Site consultation is ongoing.

## 5. Staff Side Representatives and other Organisations

The content of the DA has been subject to full public consultation. Internal contributions will be sought throughout the revision process. The Candidate Site consultation is ongoing.

**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
Adopted Carmarthenshire Local Development Plan		<a href="http://www.carmarthenshire.gov.wales/home/residents/planning/policies-development-plans/local-development-plan/">http://www.carmarthenshire.gov.wales/home/residents/planning/policies-development-plans/local-development-plan/</a>
Supplementary Planning Guidance		<a href="http://www.carmarthenshire.gov.wales/home/residents/planning/policies-development-plans/supplementary-planning-guidance/#.V06h-JwrKUk">http://www.carmarthenshire.gov.wales/home/residents/planning/policies-development-plans/supplementary-planning-guidance/#.V06h-JwrKUk</a>
Annual Monitoring Report 2015/16		<a href="http://www.carmarthenshire.gov.wales/media/3683/annual-monitoring-report-201516-amr-document-for-web.pdf">http://www.carmarthenshire.gov.wales/media/3683/annual-monitoring-report-201516-amr-document-for-web.pdf</a>
Annual Monitoring Report 2016/17		<a href="http://www.carmarthenshire.gov.wales/media/1212553/annual-monitoring-report-2016-17.pdf">http://www.carmarthenshire.gov.wales/media/1212553/annual-monitoring-report-2016-17.pdf</a>
LDP Review Report		<a href="http://www.carmarthenshire.gov.wales/media/1213042/ldp-review-report-english-version.pdf">http://www.carmarthenshire.gov.wales/media/1213042/ldp-review-report-english-version.pdf</a>
Draft Delivery Agreement		<a href="http://www.carmarthenshire.gov.wales/media/1213084/final-draft-delivery-agreement-eng.pdf">http://www.carmarthenshire.gov.wales/media/1213084/final-draft-delivery-agreement-eng.pdf</a>
Call for 'Candidate Sites'		<a href="http://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/candidate-sites/#.WsPYouaotMs">http://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/candidate-sites/#.WsPYouaotMs</a>