

# COMMUNITIES, HOMES AND REGENERATION SCRUTINY COMMITTEE

26 January 2024

## Revised Carmarthenshire Local Development Plan 2018 - 2033

### Integrated Sustainability Assessment and Habitat Regulations Assessment (including Addendums)

#### Further Consultation

#### Purpose:

To progress the preparation of the Revised Local Development Plan through to examination and adoption.

#### THE SCRUTINY COMMITTEE IS ASKED TO:-

- To consider the content of the Integrated Sustainability Assessment (including 1<sup>st</sup> Addendum) and the Habitat Regulations Assessment (including 1<sup>st</sup> and 2<sup>nd</sup> Addendums) for formal public consultation as supporting documents to the Revised Carmarthenshire Local Development Plan (LDP).

#### Reason(s)

- To comply with the Council's statutory obligations in terms of the preparation and progression of a Revised LDP for Carmarthenshire, in accordance with statutory procedures.
- To ensure the preparation of the Revised LDP complies with the necessary procedural requirements as set out in legislation and guidance.
- To reflect the impacts arising from the publication of NRW Guidance on Phosphate levels in protected Riverine SAC's and its implications from a habitat regulations perspective.

#### CABINET MEMBER PORTFOLIO HOLDER:-

Councillor Ann Davies, Cabinet Member for Rural Affairs, Community Cohesion and Planning Policy

Directorate:

Place & Infrastructure

Name of Head of Service: Rhodri Griffiths

Report Author: Ian Llewelyn

Designations:

Head of Place and Sustainability

Strategic Policy and Placemaking Manager

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**EXECUTIVE SUMMARY**  
**COMMUNITIES, HOMES AND REGENERATION SCRUTINY**  
**COMMITTEE**  
**26 January 2024**

**Revised Carmarthenshire Local Development Plan 2018 - 2033**  
**Integrated Sustainability Assessment and Habitat Regulations Assessment**  
**Further Consultation**

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

This report follows the resolution of County Council on the 9<sup>th</sup> of March 2022 to prepare a second Deposit version of the Revised Local Development Plan (LDP) and the Plans subsequent publication for public consultation between the 17<sup>th</sup> February to 14<sup>th</sup> April 2023. It seeks to reflect the ongoing challenges procedurally in meeting the requirements in relation to the habitat regulations arising from the NRW guidance on phosphate levels in protected riverine SACs and water quality and the need to ensure that the preparation of the Plan and the consideration of its scope and content is procedurally compliant in legislative and regulatory terms.

This report seeks authorisation to undertake a further consultation on the following supporting documents:

- Integrated Sustainability Assessment (including 1<sup>st</sup> Addendum) and
- Habitat Regulations Assessment (including 1<sup>st</sup> and 2<sup>nd</sup> Addendums)

The consultation will be for a six-week period in line with guidance with any responses received be forwarded as part of the submission to the Welsh Government of the Revised LDP for examination. It should be noted that this consultation relates only to the documents above and does not include the content of the 2<sup>nd</sup> Deposit Revised LDP.

Both documents will develop through the reporting process and to the point of publication. This reflects the availability of some pieces of evidence and timelines associated with their preparation, input and information from key partners and to ensure are up to date at the point of publication.

Please note that the appended documents update larger appraisals which have previously been subject to public consultation. These are available to view on our website through the links below.

**Integrated Sustainability Assessment (including 1<sup>st</sup> Addendum)**

The Integrated Sustainability Assessment (including 1<sup>st</sup> Addendum) (ISA) considers the social, economic, and environmental effects of the second Deposit Revised LDP. It incorporates several statutory requirements into a single document which enables a more transparent and holistic assessment of the sustainability implications of the proposals contained in the Revised LDP.

The ISA features the joint Sustainability Appraisal (SA) Report and Strategic Environmental Assessment (SEA), alongside a Welsh Language Impact Assessment (WLIA), an Equality Impact Assessment (EqIA), elements of a Health Impact Assessment (HIA), Local and National Well-being Goals, and other considerations related to the environment including NRW's Area Statement and the Section 6 Duty (to maintain and enhance biodiversity and promote the resilience of ecosystems).

Integrated Sustainability Appraisal - [Integrated Sustainability Appraisal \(ISA\) \(gov.wales\)](#)

**Habitat Regulations Assessment (including 1<sup>st</sup> and 2<sup>nd</sup> Addendums)**

As part of the Habitats Regulations, the Council is required to assess whether the Revised LDP is

likely to have a significant effect on the integrity of any European Site alone or in combination with other plans and projects. This mandatory process is known as a Habitats Regulations Assessment (HRA). This latest consultation on the HRA seeks to ensure the procedural processes of the Revised LDP are fully considered including further addressing issues of Phosphates and reflecting the subsequent work undertaken and contextual changes since its initial HRA reports publication.

HRA Report - [hra-report-january-2020.pdf \(gov.wales\)](#)

HRA Addendum Report - [hra-addendum-2nd-rldp.pdf \(gov.wales\)](#)

### **Next Steps**

Following approval, the above documents will be made available for public consultation for a 6-week period. The responses received will along with the representations to the 2<sup>nd</sup> Deposit LDP and all the evidence base and supporting documents be submitted to the Welsh Government for Examination.

Amendments to the timetable as set out within the Delivery Agreement will be undertaken as necessary and agreed with the Welsh Government in accordance with Regulations and through the delegation provided at Council on the 9<sup>th</sup> March 2022. While it is recognised that the timeline to adoption is not entirely within the gift of the council, officers will continue to work proactively towards the adoption of the Plan by the end of the next calendar year.

<b>DETAILED REPORT ATTACHED ?</b>	<b>YES</b>
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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: **R. Griffiths**

**Head of Place and Sustainability**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>

## 1. Policy, Crime & Disorder and Equalities

The Revised LDP identifies and develops 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, cohesive and provide 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 Carmarthenshire Well-being Plan.

The LDP will have full regard to the national legislative provisions and will relate and have regard to the Carmarthenshire Well-being Plan. They will be assessed against the National and local Well-being Objectives. The Revised LDP will ensure the requirements emanating from the Act are fully and appropriately considered within 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.

Its preparation also has appropriate regard to other sources of primary and secondary legislation including the Environment (Wales) Act and the Well-being of Future Generations Act 2015. It must also have regard to the provisions of the Habitat Regulations as transposed into the Conservation of Habitats and Species Regulations 2017 (as amended) and our legal duties as competent authority.

The preparation of the Deposit LDP is in accordance with 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 and growth bids as required.

Should the Place and Sustainability Division Budget not be able to provide further funding necessary to meet the statutory requirements emerging from the specialist input necessary to address the phosphates impacts then an application will be made for further funding. In addition, we will look to share financial burden of such work with partners and seek financial assistance (where applicable) from the Welsh Government as well as maximising grant income (where available).

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.

## **7. Staffing Implications**

Whilst the progression of the Revised LDP will be delivered through current staffing provisions, any delay may require extensions to contracts of those temporary posts in place to support Plan preparation and delivery. Funding would be through current financial provisions and/or future growth items.

## 8. Biodiversity and Climate Change

The report and its provisions have full regard to our duties in relation to the biodiversity and change responsibilities. In this regard both the Integrated Sustainability Assessment and the Habitat Regulations Assessment ensure the Revised LDP are prepared in a way which is compliant with our environmental duties and the principles of sustainable development including responding to the impacts of climate change

<b>CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED</b> YES * Delete as appropriate	None
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### 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
Second Deposit Revised Local Development Plan		<a href="#">Second Deposit Revised Local Development Plan (gov.wales)</a>
Revised Delivery Agreement		<a href="#">Delivery Agreement (gov.wales)</a>
Local Development Plan 2018 - 2033		<a href="#">Local Development Plan 2018 - 2033 (gov.wales)</a>
Phosphates Webpage		<a href="#">How new phosphate targets may impact on your development (gov.wales)</a>
County Council meeting 13 of January 2021 (agenda item 7.4 refers)		<a href="#">Agenda for County Council on Wednesday, 13th January, 2021, 10.00 am (gov.wales)</a>
County Council meeting 9 March 2022 (agenda item 7.2 refers)		<a href="#">Agenda for County Council on Wednesday, 9th March, 2022, 10.00 am (gov.wales)</a>
County Council meeting 7 December 2022 (agenda item 6.1 refers)		<a href="#">Agenda for County Council on Wednesday, 7th December, 2022, 10.00 am (gov.wales)</a>