

# Community and Regeneration Scrutiny Committee

## 17 December 2020

### Revised Carmarthenshire Local Development Plan 2018 -2033 Representations Received and Focused Changes

#### **To consider and comment on the following issues:**

- The officer recommendations on the consultation responses received to the Deposit Revised LDP, Sustainability Appraisal, Habitat Regulations Assessment and Supplementary Planning Guidance (SPG).
- The schedule of Focused Changes and their consultation for a minimum 6-week public consultation.
- The submission of the Deposit LDP and its supporting documents, evidence and background documents as required to the Welsh Ministers for Examination.
- The responses and recommendations in relation to the Caeau Mynydd Mawr Special Area of Conservation SPG and the Burry Inlet SPG as well as the intention to adopt them concurrently with the Revised LDP (subject to the outcome of the Examination).

#### **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 and accord with the timetable for the preparation of the Revised LDP as set out within the approved Delivery Agreement.
- 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.

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

**EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:-** Cllr. Mair Stephens, Strategic Planning Portfolio

<b>Directorate:</b>  <b>Name of Head of Service:</b>  Llinos Quelch  <b>Report Author:</b> Ian Llewelyn	<b>Designations:</b>  Head of Planning  Forward Planning Manager	<b>Tel:</b>  <b>Email addresses:</b> <a href="mailto:LQuelch@carmarthenshire.gov.uk">LQuelch@carmarthenshire.gov.uk</a>  <a href="mailto:IRLlewelyn@carmarthenshire.gov.uk">IRLlewelyn@carmarthenshire.gov.uk</a>
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#### **1. BRIEF SUMMARY OF PURPOSE OF REPORT.**

This Report follows the resolution of County Council on the 10th January 2018 to formally commence the preparation of a Revised (replacement) Local Development Plan (LDP). Members will recall that the County Council at its meeting on the 13<sup>th</sup> November 2019 endorsed the Deposit Revised LDP 2018 - 2033 and its supporting documents (Habitat Regulations Assessment and Sustainability Appraisal) along with two draft Supplementary Planning Guidance (SPG) for the statutory 6-week public consultation. This commenced on the 29<sup>th</sup> January 2020 and following an extension of over 2 weeks closed on the 27<sup>th</sup> March 2020.

The above was supplemented by a subsequent 3-week consultation on the Deposit LDP and its supporting documents. This reflected the impact of the closure of public buildings on the final few weeks of the original consultation and closed on the 2<sup>nd</sup> October 2020.

The consultation on the Deposit Revised LDP represented an important milestone in the Council delivering on its statutory responsibilities to prepare an up-to-date Development Plan for the County (excluding the area within the Brecon Beacons National Park Authority).

Further to the above consultations, this report sets out the responses received together with the officer recommendations. It also seeks to set out a series of Focused Changes which are proposed in response to the recommendations along with those which may have emerged as a result of changes in legislation, guidance, evidence or in the interests of clarity and meaning. They also provide an opportunity to incorporate and respond to issues arising from Covid-19. References should be had to the Covid – 19 Assessment reported to County Council in association with the Revised Delivery Agreement on the 22<sup>nd</sup> October 2020.

#### **2. Background**

The preparation of the Revised LDP reflects the Council's statutory responsibilities under the Planning and Compulsory Purchase Act 2004 - setting out policies and proposals for future development and use of land for Carmarthenshire over the period to 2033. The Revised Delivery Agreement, as approved by County Council on the 22 October 2020 for submission to the Welsh Government (WG) for approval, identifies the timeline for the preparation of the LDP, with Adoption of the Plan scheduled in July/August 2022.

Reference is also made to the publication of the Pre-Deposit Preferred Strategy in December 2018, which set out aspects such as: Issues; Vision, Strategic Objectives; Growth Options; Spatial Options and preferred strategic approach. The responses received as part of the consultation to the Pre-Deposit Preferred Strategy were reported to Council on the 15<sup>th</sup> May 2019 and have been considered, and where appropriate incorporated, in the preparation of the Deposit Plan. Due consideration has also been given to any recommendations outlined as part of the Sustainability Appraisal – Strategic Environmental Assessment process.

### 3. Deposit Revised LDP

The Deposit Revised LDP is the Council's proposed statutory land use plan for its administrative area (excluding that area contained within the Brecon Beacons National Park) and covers the period 2018 – 2033. The preparation of the Plan is governed by defined statutory procedures with the process subject to a series of stages prior to its adoption. This process culminates in the Examination in Public (EIP) which will be presided over by an independent Planning Inspector appointed by the Welsh Ministers. Upon its adoption, the Revised LDP will supersede the current adopted LDP. It should be noted that the Inspector's recommendations are binding upon the Council.

Once adopted, the Revised LDP will guide and control development. It will inform future infrastructure and investment programmes from both internal and external partners. It will provide the local policy basis to determine future planning applications. Where relevant, Supplementary Planning Guidance (SPG) will be prepared to elaborate on, and consolidate upon, the policies and provisions of the Plan itself.

The Deposit Revised LDP consisted of a number of key elements which reflect stages in its preparation. It has sought to build on the preparation of, and consultation responses to, the Pre-Deposit Preferred Strategy. The recommendations of the Sustainability Appraisal – Strategic Environmental Assessment were also responded to where appropriate. In this respect, engagement has, in accordance with the provisions of the Delivery Agreement and its community involvement scheme, been an important aspect of the Plan's preparation, with the contribution of technical consultees and other focused groups being instrumental in guiding the Plan's content.

A key element of the Deposit was founded on the need for the Plan to make appropriate provision for a sustainable and deliverable level of growth - reflecting the ambitions of the County and meeting the needs of its communities. This has been supported by a robust and updated evidence whilst seeking to deliver on key strategic influences with an emphasis on job creation.

The LDP seeks to promote and develop the economy across Carmarthenshire. The Deposit Revised Plan identified appropriate land allocations to reflect Carmarthenshire as an ambitious County which attracts investment and provides opportunities for those living and working in our communities, as well as being a key player within a Swansea Bay regional context.

The proposed growth levels would also seek to challenge and address current demographic patterns, particularly the out-migration as evidenced in the 15-19 age group. It provides opportunities to balance the demographics of the County through the retention of, and in-migration of younger adults (including those returning) to the County, and address some of the issues which could be perceived from an aging population.

The Spatial approach to the distribution of land represents a Balanced Community and Sustainable Growth Strategy, a revision to the approach in the current LDP and one which seeks to address the issues highlighted in the Review Report, as well as reflecting the feedback in the formulation of the preferred strategy. The revised spatial hierarchy and the distribution of growth will therefore be expressed through the settlement framework as grouped under respective clusters which seek to characterise areas across the County.

The Deposit Revised LDP acknowledges and responds to changes in evidence and considers the emerging growth provisions of the emerging Future Wales: the National Plan 2040 (formerly the National Development Framework) as it progresses through to finalisation. Further revisions will be set out as part of the Focused Changes to ensure the Plan is reflective of the emerging Future Wales: the National Plan 2040. The Revised LDP will continue to develop as new evidence, policy guidance and legislation emerges.

#### **4. Responses to the Deposit Revised LDP**

As part of the consultation on the Deposit Revised LDP a significant number of responses were received from a range of bodies, organisations, companies, communities and interested parties, with comments covering nearly all aspects of the Plan's content.

In total 1,508 responses were received in respect of the Deposit Plan with 1,174 objecting to its content. Of the total number of representations circa 1,000 were in response to the inclusion or non-inclusion of a site within the Plan, whilst the remainder related to comments on the content of the written statement and matters of policy. Appendix 1 identifies some of the key issues arising from the consultation responses received,

**Appendix 2** sets out all the duly made representations received to the Deposit Revised LDP, providing a summary of the response. These are accompanied by officer recommendations including the proposed amendments to the Plan.

Where a site-based representation has been submitted the location and site area can be viewed via the link below:

<https://carmarthenshire.opus4.co.uk/planning/localplan/maps/carms-ldp-reps>

<https://carmarthenshire.opus4.co.uk/planning/localplan/maps/deposit-revised-ldp-representations-welsh>

The proposed amendments to the Plan are set out in the 'Focused Changes'. Further information on the Focused changes is set out in section 7 of this report. A full copy of the Schedule of Focused Changes is contained within Appendices of this report as follows:

- Focused Changes: Written Statement - Appendix 8
- Focused Changes: Proposals Map and Inset Maps – Appendix 9

It is also recognised that throughout the Plan making process, changes are required to reflect changes in legislation and guidance, as well evidential updates and the publication of new information. It is also essential to ensure the Plan responds to circumstances and contextual developments. In this respect, the consequences arising from Covid – 19 have and will require ongoing consideration.

Reference is made to the Covid – 19 Assessment prepared in conjunction with the Revised Delivery Agreement (as presented to County Council on the 22<sup>nd</sup> October 2020).

Note: Members should note that the report contained within Appendix 2 will be subject to updating and validation.

## 5. Key Issues and Themes

Appendix 1 sets out a number of key themes arising out of the representations received. It also seeks to identify specific policy and evidential areas.

## 6. Supporting Documents

### **Sustainability Appraisal – Strategic Environmental Assessment**

The Deposit Revised LDP was accompanied by a suite of evidential and other documents. Key amongst these is the Sustainability Appraisal (SA) which incorporates the Strategic Environmental Assessment (SEA). The SA is required by Section 62 (6a) of the Planning Compulsory Purchase Act 2004, while the SEA is a requirement of the SEA Directive 2001/42/EC1. An SEA is a mandatory requirement for plans/programmes.

In response to the consultation on the content of the SA the responses were received are set out in Appendix 4.

### **Habitat Regulations Assessment**

A further key document is the Habitat Regulations Assessment Screening (HRA) Report. The HRA is a legal requirement under The Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). The plan making authority must undertake HRA of their development plan to determine whether the policies and proposals in the plan are likely to have significant effects on the integrity of any European designated site.

In response to the consultation on the content of the HRA 33 responses were received. Received principally from Natural Resources Wales. The responses received are set out in Appendix 5.

Both the SA and HRA are prepared to supplement and critically evaluate the content of the Plan in an objective manner. As such they respond to the content of the Plan and make recommendations as and where appropriate. They will also continue to change and iterate as changes are made and proposed to the Plan as part of the Focused Changes (see section 7).

### **Supplementary Planning Guidance**

As part of the preparation and implementation of the Revised LDP, a series of Supplementary Planning Guidance (SPG) documents will be prepared and adopted.

SPG is produced to provide further detail on certain policies and proposals contained within the LDP. They help ensure certain policies and proposals are better understood and applied more effectively.

As part of the initial Deposit Revised LDP consultation, two SPG's were published for comment. These were the **Burry Inlet SPG** and the **Caeau Mynydd Mawr SAC SPG**. Their publication reflected the strategic importance of both policy areas in demonstrating the deliverability of the Plan and its adherence to legislative provisions.

As part of the consultation a number of representations were received on their content. These responses, along with the officer recommendations and any changes proposed in light of internal comments and/or contextual and evidential matters are set out in **Appendix 6 and 7**. These responses and any recommended changes have also been considered having regard to any implications on the content of the Revised LDP.

It should be noted that an SPG does not have the same status as adopted development plan policies. However, the Welsh Government advises that they may be taken into account as a material consideration in determining planning applications. Within the context of the Revised LDP, the SPGs seek to consolidate and elaborate upon the policies and provisions of the Plan itself as the plan making process proceeds. It is proposed to adopt the above SPG concurrent with the adoption of the Revised LDP.

## **7. Focused Changes**

The Focused Changes stage represents a non-statutory part of Plan preparation within the WG Development Plan Manual (Ed.3), to be used in exceptional circumstances. However, provision is made within the manual for their use in relation to significant changes in circumstances. In this respect, their inclusion as part of the timetable set out within the Revised DA reflects the need to respond to the circumstances and conditions arising in part from Covid – 19, and to ensure the Plan remains appropriate and sound.

The Focused Changes schedule sets out proposed amendments to the written statement, as well as the proposals map and inset maps. Whilst not of a strategic nature, they will ensure the Plan responds effectively to changing circumstances including representations, emerging evidence and legislation/policy.

The schedules of Focused Changes are set out in Appendix 8 and 9 as follows:

- Appendix 8 – Focused Changes: Written Statement
- Appendix 9 - Focused Changes: Proposals Map and Inset Maps

The Focused Changes, when published will also be accompanied by a schedule of minor editorial amendments which are published in the interests of clarity and to improve the usability of the Plan. They will however not form part of the Focused Changes and will not be consulted upon.

The Focused Changes will be labelled as an addendum to the Deposit Revised LDP.

The publication and consultation on the Focused Changes will be undertaken in a manner consistent with the deposit plan and the content of the Revised delivery Agreement. The consultation period will be for a minimum of 6 weeks and is scheduled to commence in February 2021.

The Focused Changes will form part of the submitted documents (see below) with the consultation responses collated and summarised by the Council ahead of submission. It should be noted that, in accordance with WG guidance, the consultation responses received in relation to the Focused Changes will not be reported back to Council. Rather they will be matters for the Planning Inspector to consider as part of the Examination of the Plan.

## **8. Submission**

The Revised LDP is scheduled to be submitted for independent examination in May 2021. At the point of the submission the Council will publicise the submission and publicise and make available the relevant documents and evidence. Details on the documents required to be submitted to the Welsh Government and the Planning Inspectorate is set out in Appendix 10.

It is anticipated that the Examination will formally commence in July 2021 with the Pre-hearing meeting, followed by a series of hearing sessions. Reference should be had to the note on procedural requirements (Appendix 10) and notably the reference to the report of the Planning Inspector being binding.

**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
<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 Revised LDP identifies and develops on 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 Plan 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 Carmarthenshire We Want – 2018 - 2023.

The LDP has full regard to the national legislative provisions and will relate and have regard to the Carmarthenshire Well-being Plan. The Revised LDP is 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 with the Plan, reflective of its duties. In this respect the Plan has been prepared in accordance with the Five Ways of Working through the formulation of its content and its iteration as part of the SA process:

- Long term – The plan sets a framework for land use planning through to 2033 balancing short term needs with those of the long term.
- Prevention – balancing impacts and the implications of the Plans content.
- Integration – connects plans, strategies and balancing and measuring the impacts through effective integration.
- Collaboration – developed through collaboration across the Plan making process with a range of partners.
- Involvement – reflecting the Plan making's process focus on engagement and involvement, as set out in the Revised Delivery Agreement - Community Involvement Scheme.



## **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.

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.

Reference is made to the emerging Future Wales: the National Plan 2040 (formerly the National Development Framework) which sets out a high-level spatial strategy for Wales. The Revised LDP will be required to comply with its provisions.

## **9. Finance**

Financial costs to date are covered through the financial provisions in place - including growth items and reserves as required. Should the Planning Division Budget not be able 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 for future years. Whilst additional evidence base checks are required in response to Covid-19 at this stage they are likely to be accommodated within current financial provisions.

The Revised 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.

## **6. Physical Assets**

Reference is made to the potential inclusion or otherwise of Council owned sites and properties. The preparation of the Revised LDP will impact on Council land and property holdings and values 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**

Provision has been made for the recruitment of a Programme Officer for the Examination into the LDP. This appointment is a mandatory requirement as part of the examination process.

# 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**

Community Scrutiny was consulted as part of the preparation of the Deposit Revised LDP. Date for reporting of this report to be confirmed.

## **2. Local Member(s)**

The content of the Deposit LDP, its supporting documents and the proposed SPG have been subject to full public consultation. Members will be engaged throughout the remainder of the Plan making process.

## **3. Community / Town Council**

The content of the Deposit LDP, its supporting documents and the proposed SPG have been subject to full public consultation. Town/Community Councils(s) are a specific consultee at statutory stages throughout the Plan making process.

## **4. Relevant Partners**

The content of the Deposit LDP, its supporting documents and the proposed SPG have been subject to full public consultation. Contributions have and will continue to be sought throughout the revision process. A range of partners are identified as specific and general consultees throughout the Plan making process.

## **5. Staff Side Representatives and other Organisations**

The content of the Deposit LDP, its supporting documents and the proposed SPG have been subject to full public consultation. Internal contributions have and will continue to be sought throughout the Plan making process.

**EXECUTIVE BOARD PORTFOLIO  
HOLDER(S) AWARE/CONSULTED**

Yes

Executive Board member is chair of the LDP Advisory Panel

<b>Title of Document</b>	<b>Locations that the papers are available for public inspection</b>
<b>LDP Review Report</b>	<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>
<b>Evidence Base</b>	<a href="https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/development-of-an-evidence-base/#.XcFfSEb7SUK">https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/development-of-an-evidence-base/#.XcFfSEb7SUK</a>
<b>Pre-Deposit Preferred Strategy</b>	<a href="https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/preferred-strategy-pre-deposit-public-consultation/#.XW2JhuhKjIU">https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/preferred-strategy-pre-deposit-public-consultation/#.XW2JhuhKjIU</a>
<b>Sustainability Appraisal and Habitats Regulations Assessment</b>	<a href="https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/sustainability-appraisal-and-habitats-regulations-assessment/#.XW2J7uhKjIU">https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/sustainability-appraisal-and-habitats-regulations-assessment/#.XW2J7uhKjIU</a>
<b>Deposit Revised LDP (main page)</b>	<a href="https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/deposit-plan/#.Xww40kVKiUk">https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/deposit-plan/#.Xww40kVKiUk</a>
<b>Deposit Revised LDP – Written Statement</b>	<a href="https://www.carmarthenshire.gov.wales/media/1223344/deposit-written-statement.pdf">https://www.carmarthenshire.gov.wales/media/1223344/deposit-written-statement.pdf</a>
<b>Deposit Revised LDP – Proposals Map</b>	<a href="#">ProposalsMap</a>
<b>Deposit Revised LDP – Constraints Map</b>	<a href="#">Constraints Map</a>
<b>Revised Delivery Agreement</b>	<a href="https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/delivery-agreement/#.X9IAAZ77SUK">https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/delivery-agreement/#.X9IAAZ77SUK</a>