

# **Revised Carmarthenshire Local Development Plan 2018 – 2033 Draft Second Deposit**

**Cabinet 14<sup>th</sup> November 2022: Appendix 1 – Background and Next Steps**

## **1. Background**

The 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 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.

This Report follows on from the original resolution of County Council on the 10<sup>th</sup> of January 2018 to formally commence the preparation of a Revised (replacement) LDP. The Council published its Pre-Deposit Preferred Strategy, which set out aspects such as: Issues, Vision, Strategic Objectives, Growth Options, Spatial Options and preferred strategic approach for the Revised LDP. The responses received as part of the consultation to the Pre-Deposit Preferred Strategy were reported to Council on the 15<sup>th</sup> of May 2019 and were considered, and where appropriate, incorporated into the preparation of the Second Deposit Revised LDP (Deposit LDP).

At its meeting on the 13<sup>th</sup> November 2019 the County Council endorsed the First 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> of January 2020 and following a 2-week extension closed on the 27<sup>th</sup> of March 2020.

The above was supplemented by a subsequent 3-week consultation on the First 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 due to COVID and closed on the 2<sup>nd</sup> October 2020. The consultation responses received along with a series of proposed Focused Changes were considered and approved at the meeting of Council on the 13<sup>th</sup> of January 2021.

Following this Council approval, the Focused Changes were scheduled for publication in February 2021. However, further to the assessment of the 9 riverine Special Areas of Conservation (SAC) in Wales, Natural Resources Wales (NRW) published evidence about the environmental impacts of phosphate in watercourses in Wales on the 21<sup>st</sup> of January 2021. This raised significant issues for the delivery

of development in areas affected by the phosphate guidance and prevented the First Deposit Plan making any further progress and halting the plan making process.

However, following the decision of Council on the 9<sup>th</sup> March 2022 to prepare a second version of the Deposit version of the Plan a Revised Delivery Agreement including a timetable for Plan preparation and a Community Involvement Scheme was agreed with the Welsh Government on the 25<sup>th</sup> August 2022. This identifies the timeline for the preparation of the Plan, with the Deposit LDP scheduled for consultation January 2023

## **2. Draft Second Deposit Revised LDP**

The preparation of this Deposit LDP reflects the deliberations at the meeting of Council on the 9<sup>th</sup> March 2022 and the impacts and implications arising from a number of areas that emerged since the publication of the first Deposit Plan and which impact on the progress and content of the Plan, in particular:

- Phosphates – Impact of NRW Guidance
- Covid-19 Recovery
- Net Zero Carbon and Decarbonisation
- Future Wales: the National Plan 2040
- Emerging Technical Advice Note 15 and Revised Flood Maps for Wales.
- Evidential updates including demographic changes and growth requirements.

As a result of the above, the Deposit LDP incorporates a series of changes aimed at ensuring it remains responsive and reflective of these matters.

It has sought to build on the preparation of, and consultation responses to, the first Deposit LDP as well as the Pre-Deposit Preferred Strategy. In this respect, engagement has, in accordance with the provisions of the Delivery Agreement, been an important aspect of the Plan's preparation, with the contribution of consultees, partners and other focused groups being instrumental in guiding the Deposit LDP's content.

A key element of the Plan is 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 base whilst seeking to deliver on key strategic influences as identified within the written statement. This includes identifying the number of new homes required throughout the Plan period.

The first Deposit Plan identified a housing requirement of 8,835 new homes across the Plan period. This compared to the current adopted LDP which makes provision for 15,197 homes.

## **Revised Growth Projections**

As part of the preparation of the Deposit LDP a review of the evidence base underpinning the demographic and growth requirements has been undertaken to ensure the Plan remains reflective of the most up to date information. Consequently, this report identifies a series of growth projections derived from a review of evidence.

Reference should be made to the growth options identified in Appendix 3 and the recommended option. It should be noted that the recommended option has been built into the Plan's written statement (Appendix 2) to reflect the need for timely reporting and to reflect the content based upon this option being endorsed.

The growth option will inform future versions of this report and the identification of allocations within the Plan. The changing evidence base in relation to demographic change will continually be monitored as part of the preparation of the Plan.

The Plan seeks to promote and develop the economy across Carmarthenshire and the Deposit LDP continues this process identifying appropriate land allocations and opportunities through policies to support an ambitious Carmarthenshire which attracts investment and provides opportunities for those living and working in our communities.

The Spatial approach to the distribution of land represents a Balanced Community and Sustainable Growth Strategy, which was identified in the first Deposit Revised LDP. This is continued as part of the Deposit LDP and maintains the strategic thrust and direction of the Plan as set out in previous versions.

### **Phosphate – Way Forward**

The Impacts arising from phosphates and the NRW Guidance in relation to protected Riverine SACs is a significant strategic barrier to the future growth of communities within affected catchments. Whilst not an issue of planning's creation it has a significant impact on the local planning authority's ability to approve planning for certain developments within the affected areas and to progress a LDP through to adoption. In recognising the strategic significance of it as an issue Carmarthenshire has led the way across Wales and is widely recognised in being in the vanguard of addressing the issue – including in developing approaches aimed at enabling developments to proceed including the first and only Phosphate Calculator in Wales and Phosphate Mitigation Guidance.

As identified within this and the previous report to Council on the 9<sup>th</sup> March 2022 the NRW guidance has been a notable reason for the delay in the preparation in the Revised LDP and others across Wales. However, following the deliberations at Council on the 9<sup>th</sup> March 2022 a way forward has been developed which seeks to establish a methodology and approach which will allow the Plan to progress whilst maintaining a level of growth within the affected areas.

The Plan will contain a revised water quality policy which references work to develop Catchment Phosphorous Reduction Strategies for the Afon Tywi and Afon Teifi. This

will be supported by a number of other components to be prepared ahead of consultation and/or examination/adoption. These will include Supplementary Planning Guidance; a Statement of Common Ground with NRW; and Habitats Regulations Assessment (HRA) Addendum.

The above will seek to ensure the Plan is able to demonstrate no adverse effects in terms of the Habitat Regulations as well as Plan deliverability.

The Catchment Phosphorous Reduction Strategies will identify a range of mitigation measures, as well as wider measures that are outside of the remit of the Council and lie with other responsible bodies in relation to the wider riverine environment. These will be linked to a series of delivery milestones designed to ensure that the implementation of suitable mitigation happens in a manner that facilitates the release of development in the Plan.

This will be linked to a policy 'backstop' to ensure that development can only take place once appropriate mitigation is in place.

In advance of the adoption of the above approaches we will continue to work on identifying a range of solutions and will work with developers where they seek to propose their own phosphate mitigation.

The publication of the Deposit LDP will be accompanied by a range of documents to support its preparation and its consultation. These include the Sustainability Appraisal/ Strategic Environmental Assessment (including other integrated impact assessment requirements), Habitat Regulations Assessment, the plan's evidence base, topic papers, an Initial Consultation Report, and Soundness Self-Assessment, as well as a range of other background documents.

### **3. Second Deposit LDP Structure**

The Deposit LDP consists of a Written Statement and Proposals and Inset maps detailing its policies and proposals on a geographical base. Its structure and format is broadly as follows:

- **Introduction:** General background information regarding the Carmarthenshire LDP including outlining the role of the Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) and Habitats Regulations Assessment (HRA) in the plan-making process.
- **Policy Context:** Sets out the LDP's alignment with, and regard to, National, Regional and Local policy context.
- **Key Issues and Drivers:** Outlines issues identified in relation to the LDP.

- **Vision and Objectives:** Presents the LDP's Vision and accompanying Objectives conveying the sort of place that it is envisaged Carmarthenshire should become. It is the role of the Objectives to set the context for the delivery of the vision.
- **Strategy and Strategic Policies:** Outlines the LDP's strategic direction, growth requirements which together with the spatial and settlement framework and the strategic policies provides the context for detailed, specific policies.
- **Specific Policies:** Detailed policies dealing with specific policy areas and providing general development management policies against which all development proposals within the County will be assessed. These policies set out residential, employment and other land use allocations, areas designated for specific protection, and policies (including criteria policies) guiding the use of land and development within the Plan area. They form a firm basis for the rational and consistent consideration of planning applications and appeals. Policies are aligned to the strategic policies and include a reasoned justification.
- **Implementation and Monitoring:** Identifies and incorporates key targets, details the Plan's performance and measures how it will be monitored.
- **Proposals Map on a Geographical Base** - The Proposals Map together with inset maps of specific settlements or development areas identify policies and proposals on a geographical base.

#### 4. Supporting Documents

The publication of the Deposit LDP will be accompanied by a suite of evidential and other documents. Key amongst these is the Initial 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. A copy of the SA will be appended to this report for County Council. This reflects that the SA itself responds to and informs the Plan as it is prepared and as such will only be finalised once the Plan itself is substantively complete.

The SA is an integral part of the preparation of the Revised LDP, which evaluates and tests its content throughout its preparatory process. In particular the Initial SA:

- Tests the Revised LDP objectives against the Sustainability Framework.
- Predicts and evaluates the effects of the LDP options in terms of both growth and spatial distribution, as well as the strategic policies that will be put in place to implement them.
- Considers ways of mitigating adverse effects and maximising beneficial effects.
- Proposes measures to monitor the significant effects of implementing the LDP.

A further key document is the Habitat Regulations Assessment Screening (HRA) Report. The HRA in assessing the content of the Plan can only be prepared once it is finished. Consequently dispensation is sought to publish it for public consultation.

## **5. 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 and clarity on certain policies and proposals contained within the Revised LDP. They help ensure certain policies and proposals are better understood and applied more effectively.

The following SPG have been prepared and were consulted in conjunction with the first Deposit LDP. The responses were considered at Council on 13 January 2021 with resolution to adopt concurrently with the Plan. Subject to non-substantive changes which ensure the content remains factual, up to date and consistent with the Revised LDP it is proposed that these proceed towards adoption.

- Caeau Mynydd Mawr SAC SPG
- Burry Inlet SPG

A list of further SPG is set out within the Appendices of the Deposit LDP along with projected dates for publications.

*Note: SPG do not have the same status as adopted development plan policies, however, the 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.*

## **6. Preparatory Considerations**

Whilst the LDP plays a key role in shaping decision making and the location and nature of developments within the County, it is prepared and operated within the national framework set through legislation, by Planning Policy Wales and accompanying Technical Advice Notes. In this respect the Plan must have regard to National Planning Policy and legislation including the Well-being and Future Generations Act 2015, Planning (Wales) Act 2015 and the Environment (Wales) Act 2016.

The process for the preparation of the LDP is set within statutory regulations, with further procedural guidance contained within the LDP Manual as prepared by Welsh Government. The preparation and content of the LDP at the EIP will be assessed against three tests of soundness set out in national policy, namely:

1. Does the plan fit?
2. Is the plan appropriate?
3. Will the plan deliver?

Failure of the Revised LDP to comply with the 3 tests of soundness will result in it not being adopted. The full content of the tests of soundness are available at the end of this appendix.

It should also be noted that the Inspector's findings following the EIP is binding on the Authority.

Regard will also need to be had to the content of Future Wales: the National Plan 2040 and the requirements for LDPs to conform to its content.

It should be noted that if the Draft Revised LDP were not to be approved at the meeting of County Council on the 9<sup>th</sup> December 2022 then this may result in undue delays and slippage with the timetable.

## **7. Next Steps**

Following the Council's deliberations, the Deposit LDP and supporting documents will be published for formal public consultation with copies of the documentation available on the Council's website and at locations as appropriate across the County. Supporting evidence and background documents will also be published as appropriate. The consultation is scheduled to commence in December 2022 / January 2023 for a minimum of 6 weeks.

All representations received as part of the consultation will along with the evidence and Plan documents be forwarded for consideration by the Inspector as part of the EIP.

The Revised LDP is scheduled for submission to the Welsh Government in August 2023 (Key Stage 5 of the LDP preparatory process).

It should be noted that representations / comments received to as part of the first Deposit LDP **will no longer be considered**. Only those submitted as part of the Second Deposit will be considered and forwarded to the Inspector. Any previous representations / comments would need to be resubmitted in light of the content of the Deposit LDP.

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.

**Note:** The content of the Plan including the availability of site-based information will be continually supplemented through to the reporting to full Council. This reflects the tight preparatory timetable associated with the Plan's development, the iterative nature of the process and that evidence and information is continually being gathered which may inform its content.



## Tests of Soundness

### Preparation Requirements:

- Has preparation of the plan complied with legal and regulatory procedural requirements? (LDP Regulations, CIS, SEA Regulations, SA, HRA etc.?)
- Is the plan in general conformity with Future Wales and/or SDP? (when published or adopted respectively)

### Test 1: Does the plan fit? (Is it clear that the LDP is consistent with other plans?)

#### Questions

- Does it have regard to national policy (PPW) and Future Wales?
- Does it have regard to the Well-being Goals?
- Does it have regard the Welsh National Marine Plan?
- Does it have regard to the relevant Area Statement?
- Is the plan in general conformity with the NDF (when published)?
- Is the plan in general conformity with relevant SDP (when adopted)?
- Is it consistent with regional plans, strategies, and utility provider programmes?
- Is it compatible with the plans of neighbouring LPAs?
- Does it regard the Well-being Plan or the National Park Management Plan?
- Has the LPA demonstrated it has exhausted all opportunities for joint working and collaboration on both plan preparation and the evidence base?

### Test 2: Is the plan appropriate? (Is the plan appropriate for the area in the light of the evidence?)

#### Questions

- Is it locally specific?
- Does it address the key issues?
- Is it supported by robust, proportionate and credible evidence?
- Can the rationale behind the plan's policies be demonstrated?
- Does it seek to meet assessed needs and contribute to the achievement of sustainable development?
- Are the vision and the strategy positive and sufficiently aspirational?
- Have the 'real' alternatives been properly considered?
- Is it logical, reasonable and balanced?
- Is it coherent and consistent?
- Is it clear and focused?

### Test 3: Will the plan deliver? (Is it likely to be effective?)

#### Questions

- Will it be effective?
- Can it be implemented?
- Is there support from the relevant infrastructure providers both financially and in terms of meeting relevant timescales?
- Will development be viable?
- Can the sites allocated be delivered?
- Is the plan sufficiently flexible? Are there appropriate contingency provisions?
- Is it monitored effectively?