

COUNCIL
9TH JUNE 2021

Draft Local Development Orders
Ammanford and Carmarthen Town Centres

Executive Board Recommendations:

- To consider the representations received in respect of the Draft Local Development Orders (LDO) for Ammanford and Carmarthen Town Centres.
- To approve the recommendations of the report.
- To approve the submission of the LDO (inclusive of the recommendations of this report, and evidence updates) to the Welsh Government for agreement (subject to a satisfactory EIA).
- Grant officers delegated authority to make non-substantive typographical or factual amendments as necessary to improve the clarity and accuracy of the LDO and to update the evidence base and make any consequential changes to the LDO, and to ensure any additional matters of legal compliance are also integrated.

Reasons:

- To reflect corporate regeneration objectives, and the Covid-19 Recovery Plan.
- To ensure the issues of ongoing vitality and viability within the Town Centres are appropriately considered and to utilise the provisions of national Planning Policy in this regard.
- To set out the scope of LDOs and their use in relation to Carmarthen and Ammanford town centres.

Relevant scrutiny committee to be consulted NO (Draft LDO's was presented to Community and Regeneration Scrutiny Committee on the 17 December 2020)

Exec. Board Decision Required YES

Council Decision Required YES

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

Directorate : Environment

Name of Head of Service:

Llinos Quelch

Report Author: Ian Llewelyn

Designations :

Head of Planning

Forward Planning
Manager

Tel Nos. 01267 228659

E Mail Addresses:

L.Quelch@carmarthenshire.gov.uk

IRLlewelyn@carmarthenshire.gov.uk

COUNCIL
9TH JUNE 2021

Draft Local Development Orders
Ammanford and Carmarthen Town Centres

1. BRIEF SUMMARY OF PURPOSE OF REPORT.

1.1 This Report sets out progress and proposals in relation to the preparation of Local Development Orders (LDO) for Ammanford and Carmarthen Town Centres, and seeks authorisation to proceed subject to supporting evidence, and Welsh Government approval to adopt.

1.2 The consultation period for the Draft LDOs commenced on the 12 January 2021 and closed on the 26 February 2021. In total some 19 duly made representations were received from a range of organisations and interested parties - details of which, along with officer responses and recommendations are set out in Appendix A of this report for decision.

2. Local Development Orders

What is an LDO?

2.1 A Local Development Order (LDO) is made by Local Planning Authority (LPA) and grants planning permission for the type of development specified within the LDO, and within a defined spatial area. It offers an LPA the opportunity to streamline the planning process by removing the need for developers/applicants to make a planning application to the LPA. This can allow an LPA to act proactively in response to locally specific circumstances within their area. As stated above, it should relate to a geographical area and should reflect the focused purpose of the LDO, and the nature of its intended outcomes. An LDO may also be permanent, or time limited depending on their objective, in this respect a time limited LDO provides for increased flexibility in fast changing and developing areas allowing for easy revision and updating, or to deliver a set objective over a fixed timescale.

2.2 Certain types of development as set out within the Town and Country Planning (General Permitted Development) Order 1995 (PDO) are already permitted without the need for planning permission. The PDO grants a general permission for various types of relatively small scale and normally non contentious development without the need to make a planning application. LDOs can therefore be seen as an extension of permitted development but decided upon locally in response to specific local circumstances.

2.3 For information an LPA can revoke an LDO at any time. Where it is proposed to modify an LDO, re-consultation may be required.

2.4 Appendix B provides further information in respect of the Legislative and Policy Framework and outlines some of the core considerations and limitations in respect of an LDO.

LDO in a Retail Context

2.5 The Welsh Government in Building Better Places: The Planning System Delivering Resilient and Brighter Futures - Placemaking and the Covid-19 recovery clearly identified the

impact of the Covid-19 lockdown on our retail and commercial centres. Town Centres largely became deserted except for those people shopping for essential items with the comparison retail sector notably impacted. In this respect supermarkets and convenience retailers became the few shops still trading, all of this at a time when components of the retail sector and certain town centres were already struggling.

2.6 Building Better Places identifies that: “The economic consequences have meant that many retailers are struggling financially, and this will lead to higher vacancy rates in all of our commercial centres. Online competition to our town centre retailers was strong before the crisis; this situation will become more apparent as more retailers increase their online presence and more people have become used to doing the majority of their non-essential shopping online.”

2.7 There is a recognition that retail and commercial centres are hubs of social and economic activity and that their function extends beyond retail providing a focal point for a diverse range of services and cultural activities/functions. These functions are often equally important in supporting the needs of local communities.

2.8 The WG in recognising the central role of retail and commercial centres state that they “should become places where a variety of retail, employment, commercial, community, leisure, health and public sector uses come together in a hub of activity to make them viable as go-to destinations once more. Flexible, local co-working spaces could also be a crucial new element to increase space to work. Residential uses are also key to the vitality of centres, provided that they do not curtail the commercial activities which take place and soundscapes are considered.”

2.9 Indeed, as the challenges to respond to the impact of Covid-19 becomes clear and as town centres reshape themselves, this would suggest that traditional retailing uses will not be as prevalent and the demand for new retail space will lessen for the foreseeable future.

2.10 Consequently, the role of primary retail areas will need to be reviewed in light of Covid-19, and this must be realistic recognising that retail occupiers will return in the way prior to the pandemic. This will require a review and reassessment of policies emerging within the Revised LDP.

2.11 It is however noted that whilst the Revised LDP is under preparation any proposals will need to be considered against the provisions of the current adopted LDP. In this respect there is a clear need to understand and respond to the impacts of Covid-19 on the future of our town centres in advance of the adoption of the Revised LDP.

2.12 This report seeks to address this interim position through the consideration and designation of LDO's for Ammanford and Carmarthen Town Centres. LDOs can contribute to local economic development and regeneration, helping make places more attractive and competitive. In town centres, LDOs can help address the problem of vacant properties to achieve more viable and vibrant centres. They can specify what is or is not an acceptable development or use or impose limitations to exclude certain developments within a use class.

2.13 It should be noted that an LDO for Llanelli Town Centre was adopted in February 2019 and remains in operation.

2.14 An LDO can contribute to local economic development and regeneration, helping make places more attractive and competitive. They simplify the planning process by removing the need for planning applications, allowing developers to progress with more speed and certainty whilst reducing costs. In town centres, LDOs can help address the problem of vacant properties to achieve more viable and vibrant centres. They can specify what is or is not an acceptable development or use or impose limitations to exclude certain developments within a use class.

2.15 An LDO can facilitate changes of use replacing many minor planning applications which are routinely approved. LDOs can be particularly effective when combined with other regeneration proposals to bring about more comprehensive improvements to centres, including as part of environmental and infrastructure enhancements. In this regard, reference is made to the Town Centre Forums that are in place for both town centres.

2.16 Since the COVID-19 outbreak, businesses within Carmarthen and Ammanford town centres have struggled, with some businesses deciding to shut down. In formulating the 2 LDOs, due regard will be given to key evidence – notably town centre retail studies undertaken pre- and post-lockdown (looking at issues such as vacancy rates, uses etc).

3. Developing an LDO – Carmarthen and Ammanford Town Centre

3.1 Whilst the adopted LDP sets a strong policy direction for retail within Carmarthenshire, the challenges facing retail centres particularly as evidence through Covid-19 requires the planning process to adopt a flexible and responsive approach in ensuring our town centres are viable and vibrant.

3.2 In this respect it is essential that Carmarthen and Ammanford are able to respond positively to the changes arising from Covid-19. There is potential to review and develop an effective strategy to promote uses to complement the town centres. In this respect it should not be predicated on an abandonment of the town centres overall retail focus, but the consideration of a flexible approach to complement activities which support the centres' vitality and viability. With the inevitable economic effects that accompany COVID-19, the adoption of LDOs for the two centres will streamline the planning process and encourage ongoing and new investment in the town centres.

4. What will the LDO Permit and its Spatial Extent

4.1 The uses permitted through the draft LDOs, is set out in the Draft Local Development Order's and Statements of Reasons available via the report to County Council on the 19th December 2020 accessible through the link below. The proposed spatial extent of the town centres to which the Draft LDO's provisions will relate is also available through the link below along with further details on the location of listed buildings and the extent of any Conservation Areas.

<https://democracy.carmarthenshire.gov.wales/mgAi.aspx?ID=28766#mgDocuments>

5. Lifetime of the LDO

5.1 It is proposed that the LDO operate for an initial period from its adoption to coincide with the anticipated adoption of the Revised LDP as outlined within the emerging Revised Delivery Agreement – August 2022. This period will however be subject to ongoing review and may be extended or reduced subject to the progression of the Revised LDP towards adoption.

5.2 Development that commences while the LDO is in effect may be completed and/or continued after its period of operation (subject to the conditions of the LDO). Once the LDO has expired, however, no new changes of use will be allowed under its terms without conventional planning permission. Reference should be made to the content of Appendix B in relation to the legislative framework in respect of revocation and revision and the potential for compensation should an LDO be withdrawn.

6. Operation of the LDO

6.1 The LDO will be subject to a 2-stage process (Certificate of Conformity and Commencement Notice Approval).

6.2 Where a 'development' is proposed which is within the LDO area and conforms with the schedule of approved use classes (as referenced above), a Certificate of Conformity will be issued by the Council. Applicants will be required to submit their proposals and pay the nominal fee of £90 to the LPA.

6.3 A change of use cannot commence however until a Commencement Notice Approval is released by the LPA. In this respect an applicant will need to satisfy any requirements as set out in those regulatory regimes that are outside of the planning system e.g., building regulations and any required pre-conditions as set out within the LDO. A Commencement Notice Approval will not be issued where the necessary information to support the proposal has not been provided and/or where the required pre-conditions have not been met.

6.4 The processes utilised in operating the current Llanelli Town Centre LDO includes a notification system whereby key consultees (e.g., Town/Rural Councils, Dwr Cymru or Natural Resources Wales) are informed of LDO proposals. This reflects that such bodies would ordinarily be notified/consulted through the planning application process.

6.5 Reference will be made to the current processes used in implementing the Llanelli Town Centre LDO and utilised as appropriate, including the measures for monitoring its implementation.

Monitoring and Measuring Success

6.6 Throughout the lifetime of the LDOs we will assess the impact of the LDO and decide whether to (i) renew the LDO with no revisions, (ii) renew the LDO with new terms and conditions or (iii) revoke the LDO. This will be informed by annual monitoring of the delivery of the LDOs objectives, changes in local and national policy and strategic/corporate objectives.

7. Next Steps

7.1 Subject to Council's deliberations and the successful outcome of the Environmental Impact Assessment (EIA), approval will be sought from the Welsh Government in accordance with the established provisions to adopt the LDOs. Following this the LDOs will be adopted and become operational.

DETAILED REPORT ATTACHED?

YES (Further documentation appended)



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
YES	YES	YES	NONE	NONE	NONE	NONE

1. Policy, Crime & Disorder and Equalities

Reflects the provisions of National Planning Policy, and the evidential information set out within the report support, and where appropriate, will be utilised in the implementation of the LDO and will inform a review of the Local Development Plan. It also ensures alignment with the national Well-being Goals set out within the Well-being of Future Generations Act 2015.

National and local planning policies seek to promote the principles of sustainability and sustainable development by facilitating the creation of communities and local economies which are more sustainable.

The integration of sustainability and the evidential requirements in preparing the LDO ensures an iterative approach to policy making which ensures sustainability is at its heart and that it is reflective of the requirements emanating from the Wellbeing and Future Generations Act.

2. Legal

A Local Planning Authority may issue an LDO under section 61 (A, B, C and D) of the Town and Country Planning Act 1990, as inserted by section 40(1) of the Planning and Compulsory Purchase Act 2004 and amended by sections 188 and 238 and Schedule 13 of the Planning Act 2008. This power became effective in Wales on 30 April 2012. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO), sets out the procedural requirements for making LDOs, including preparation, notices, publicity, consultation, and adoption.

Guidance on the procedures relating to the use of LDOs is contained in Welsh Government Circular 003/2012: Guidance on using a Local Development Order.

3. Finance

Financial costs (including review and monitoring of an adopted LDO) will be covered through the financial provisions in place - including reserves. Established provisions are in place in relation to the gathering and apportionment of financial contributions from developer contributions. The impact on such contributions is unknown and can only be established once the extent of any LDO is understood.

The implication on planning fees through the removal of the need for planning permission is at this stage unknown. Whilst this is not expected to be significant it will be offset by the economic and regeneration benefits accrued through the successful implementation of the LDO. Reference is made to the potential that Compensation may be payable should an LDO be subsequently withdrawn. The potential for this is subject to the provisions of statutory instruments.

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

A report on the content and provisions of the draft LDO's was presented to Community and Regeneration Scrutiny Committee on the 17 December 2020.

2. Local Member(s)

Members were notified and consulted as part of the consultation process.

3. Community / Town Council

The respective Town Councils were notified and consulted as part of the consultation process.

4. Relevant Partners

Identified partners including the membership of the Ammanford Task Force and Carmarthen Town Forum have been party to ongoing discussion and consultation, as have identified external technical consultees.

5. Staff Side Representatives and other Organisations

Contributions have been sought from relevant internal consultees.

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

YES

Include any observations here

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Adopted Carmarthenshire Local Development Plan		http://www.carmarthenshire.gov.wales/home/residents/planning/policies-development-plans/local-development-plan/
Technical Advice Note 4		https://gov.wales/sites/default/files/publications/2018-09/tan4-retail-commercial-development.pdf
Llanelli Town Centre Local Development Order		https://www.carmarthenshire.gov.wales/home/council-services/planning/llanelli-town-centre-local-development-order-ldo/#.X2xtpeSovIU
Planning Policy Wales Edition 11		https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf
Deposit Revised Local Development Plan		https://www.carmarthenshire.gov.wales/home/council-services/planning/local-development-plan-2018-2033/deposit-plan/#.YFth5Y77SUl
Building Better Places: The Planning System Delivering Resilient and Brighter Futures - Placemaking and the Covid-19 recovery		https://gov.wales/sites/default/files/publications/2020-07/building-better-places-the-planning-system-delivering-resilient-and-brighter-futures.pdf