

Report To: Council

Date of Meeting: 15th May 2018

Lead Member / Officer: Councillor Brian Jones /Angela Loftus

Report Author: Angela Loftus – Strategic Planning & Housing Manager

Title: Denbighshire Replacement Local Development Plan Delivery Agreement: approval of proposed timetable amendments for submission to Welsh Government

1. What is the report about?

- 1.1 This report provides an update to the current position relating to the development of Denbighshire's Replacement Local Development Plan (LDP) and correspondence from Welsh Government. Following approval by Council on 5th December 2017, the LDP Review Report and Replacement LDP Delivery Agreement were formally submitted to Welsh Government on 13th December. Correspondence was subsequently received from Lesley Griffiths, Cabinet Secretary for Energy, Planning and Rural Affairs inviting Denbighshire County Council (DCC) and Conwy County Borough Council (CCBC) to prepare a Joint Local Development Plan (LDP). The joint response from both Councils set out the preference that individual LDPs should be produced.
- 1.2 The Cabinet Secretary has recently confirmed that both Councils can now progress their LDP reviews on an individual basis (received 29th March 2018 and attached as Appendix 1).
- 1.3 This process has unfortunately resulted in a delay to the timetable for the production of the replacement LDP, which forms part of the Delivery Agreement previously approved by Council.

2. What is the reason for making this report?

To seek approval for amendments to the timetable for production of the Denbighshire Replacement Local Development Plan. The timetable forms part of the Delivery Agreement previously approved by Council and submitted to Welsh Government in December 2017. Amendments are required as a result of Welsh Government's subsequent response and intervention and delay incurred. The report also seeks delegated authority for the Lead Member for Highways, Planning and Sustainable Travel, in consultation with the Head of Planning & Public Protection, to agree any future amendments required to the Delivery Agreement.

3. What are the Recommendations?

- 3.1 That Council approves the Denbighshire Replacement Local Development Plan Delivery Agreement timetable, as amended, for submission to Welsh Government (attached as Appendix 2).
- 3.2 That Council authorises the Lead Member for Highways, Planning and Sustainable Travel in consultation with the Head of Planning & Public Protection to agree any future amendments required to the Denbighshire Replacement Local Development Plan Delivery Agreement.
- 3.3 That Council confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 3) as part of its consideration.

4. Report details

- 4.1 Having an up-to-date LDP is a fundamental part of the plan-led system, in accordance with Section 69 of the 2004 Act, LPAs must commence a review of their LDPs no more than four years following adoption. The first stage of the review process is to prepare and consult on the LDP Review Report. The Denbighshire LDP Review Report indicated that a full Replacement LDP was required. A draft Delivery Agreement for Denbighshire's Replacement Plan was prepared setting out the proposed timetable for producing the replacement Local Development Plan and the Community Involvement Scheme, which outlines the approach to community engagement. The Review Report and draft Delivery Agreement were subject to consultation, approved by Council on 5th December 2017 and subsequently submitted to Welsh Government on 13th December 2017.
- 4.2 Following submission to Welsh Government, the Cabinet Secretary wrote to both Denbighshire County Council and Conwy County Borough Council inviting a positive response to her invitation to submit proposals for the production of a Joint LDP by the 28th February 2018. The letter considered that the production of a Joint LDP would not impact on the preparation time, would improve savings, increase staff capacity/resilience and ensure links to the preparation of Strategic Development Plan (SDP). Welsh Government also insisted that all work on the replacement Denbighshire LDP was stopped until their suggestion for producing a Joint LDP was given serious consideration. The Cabinet Secretary also made a similar request to 11 other authorities.
- 4.3 Joint meetings were held between DCC, CCBC and Welsh Government and a joint response to Welsh Government approved in accordance with the Council's urgent decision making process as set out in its Constitution and in consultation with Cabinet

Members, following cancellation of Cabinet due to adverse weather conditions. The response sent to the Cabinet Secretary recommended that DCC and CCBC should produce separate LDPs but increase collaboration on joint evidence base where possible and develop complementary strategies. It was proposed that this would provide a positive way forward and ensure that the timing of the replacement LDPs was not impacted.

- 4.4 Subsequent correspondence from the Cabinet Secretary has confirmed that Local Authorities can now progress this round of LDP reviews on an individual basis (received 29th March 2018 and attached as Appendix 1). Moving forward, Welsh Government and the Planning Inspectorate (through the Examination process) will be looking for evidence of improved collaborative working and officers will ensure that opportunities for collaborative working are maximised. The Cabinet Secretary has requested the receipt of Delivery Agreements within 3 months from the date of the letter and expects Delivery Agreements to demonstrate that plan preparation can be achieved within 3.5 years from formal commencement of the process. The plan preparation process formally commences once Welsh Government have approved the Council's Delivery Agreement and this has been published by the Council.
- 4.5 The intervention by Welsh Government has led to a delay to work on the replacement LDP of around 6 months, which needs to be reflected in the timetable for the replacement LDP. It is therefore necessary to amend the Delivery Agreement timetable previously agreed by Council and submitted to Welsh Government in December 2017. A draft revised timetable is attached as Appendix 2, with proposed changes highlighted. Welsh Government have advised that there is no requirement to amend the remainder of the Delivery Agreement or Review Report previously submitted. The draft amended timetable demonstrates that plan preparation can be achieved within 3.5 years from formal commencement of the process, in line with Welsh Government requirements as set out in the Cabinet Secretary's letter but it is anticipated that it may not be possible to adopt the Replacement LDP before the current LDP expires, as a result of this delay.
- 4.6 Formal work on the Replacement LDP can start as soon as Welsh Government approve the Delivery Agreement. The timetable and progress will be kept under review and the Strategic Planning Group will play a key role in leading the delivery of the replacement LDP and championing the replacement LDP through its development.

5. How does the decision contribute to the Corporate Priorities?

The relevant Corporate Priorities are:

- Everyone is supported to live in homes that meet their needs
- Communities are connected and have access to services and goods locally, online or through good transport links
- The Council works with people and communities to build independence and resilience

- The environment is attractive and protected, supporting well-being and economic prosperity
- Younger people want to live and work here and have the skills to do so.

6. What will it cost and how will it affect other services?

This report seeks approval to submit to Welsh Government the amended Replacement LDP Delivery Agreement timetable and the costs for this will be met from existing budgets. The costs of undertaking the Review and producing a replacement LDP will be assessed in detail over the coming months. Budget for the review has been accrued on annual basis and will be available for this work.

7. What are the main conclusions of the Well-being Impact Assessment?

On-going Wellbeing Impact Assessment will inform the development of the replacement LDP, alongside Sustainability Appraisal. Wellbeing Impact Assessment has been undertaken on the contents of the draft Delivery Agreement and its conclusions are broadly neutral or positive. The draft Delivery Agreement sets out a timetable for engagement and consultation and also how this is to take place. Many of the outcomes will be dependent upon the nature of the material consulted upon but the draft Delivery Agreement aims to ensure that everyone can have a say and that their comments will be responded to.

8. What consultations have been carried out with Scrutiny and others?

Discussions have taken place with Conwy County Borough Council and Welsh Government and a joint meeting was held on 2nd February 2018.

9. Chief Finance Officer Statement

The costs of undertaking the Review and producing a replacement LDP will be assessed in detail over the coming months. There is a specific Council LDP Reserve set-up for this purpose to which the Planning and Public Protection service makes an annual contribution of £20k. This Reserve has been specifically established to help meet the costs associated with any review and replacement LDP.

10. What risks are there and is there anything we can do to reduce them?

The Draft Replacement LDP Delivery Agreement approved by Council in December 2017 includes a detailed risk assessment. In summary, the main risks identified include staff resources, changing legislation and national policy and timetable delays due to unexpectedly high volumes of consultation response or lack of consensus. The draft Replacement LDP Delivery Agreement builds in flexibility to allow for unexpected delays and robust project planning will help to minimise these risks.

11. Power to make the Decision

Planning and Compulsory Purchase Act 2004
 Planning (Wales) Act 2015