

Report to	Councillor Mark Young – Lead Member for Planning, Public Protection and Safer Communities
Date of report	27 th November 2020
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Title	Response to Welsh Government consultation: The Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021

1. What is the report about?

- 1.1 Welsh Government have recently launched a consultation on their proposed approach for legislation required to establish the procedure for Strategic Development Plans (SDPs) to be prepared across Wales by Corporate Joint Committees (CJCs) across Wales. The Regulations will be called the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021. This consultation does not include detail on the Regulations, but seeks feedback on the proposed broad approach.

2. What is the reason for making this report?

- 2.1 Approval is required of the draft response to Welsh Government on the proposed approach to Strategic Development Plan Regulations.

3. What are the Recommendations?

- 3.1 To approve the attached consultation response, Appendix 1, for submission to Welsh Government.

4. Report details

- 4.1 This consultation is concerned with the proposed approach for drafting SDP Regulations and WG have highlighted that there will be future opportunities to engage and influence future guidance and legislation that will assist in the preparation and implementation of an SDP.
- 4.2 The Planning (Wales) Act 2015 includes provision for developing SDPs on the basis of either a voluntary approach by two or more LPAs or a Ministerial direction. It also requires that LDPs must be in general conformity with the National Development Framework for Wales (“the NDF”) and any SDP prepared in relation to the geographical area in question, while the SDP itself must also be in conformity with the NDF. The intention in respect of SDPs is to introduce a more strategic, regional approach to plan making at a scale greater than individual LDPs, with the aim of improving how the planning system addresses issues that cross local authority boundaries.
- 4.3 In areas with an adopted SDP, an LDP will still need to be prepared. LDPs prepared under an adopted SDP will be shorter and more focussed, dealing with local issues and policies, identifying site specific allocations, prepared in general conformity with the adopted SDP. LDPs prepared under an SDP will be called Local Development Plan ‘Lites’. WG anticipates work starting on new ‘LDP Lite’ regulations in spring 2021 with a view to the regulations coming into force by spring/summer 2022. A specific consultation and engagement with LPAs on the ‘LDP Lite’ regulations will be undertaken before the regulations are finalised.
- 4.4 The Local Government Elections Bill (“LGEB”) was introduced into the Senedd in November 2019. This includes provision for the establishment of Corporate Joint Committees (CJCs) and these will have responsibility for preparing SDP’s. Denbighshire would be included in the North Wales region. The CJCs will not only exercise functions relating to the preparation of an SDP, but will also have responsibility for the development of Regional Transport plans and in addition, will have powers to promote or improve the economic well-being of its area. Consultation on the draft regulations establishing the CJCs is also currently being undertaken, but is not part of this report.

4.5 WG consider that the SDP Regulations should largely mirror the key stages and plan preparation requirements for LDPs. The key difference between an LDP and an SDP will be one of scale, as they will effectively be regional plans, and this principle will be reflected in the SDP Regulations. WG propose that an SDP should be capable of being prepared and adopted within 4 years, similar to the current LDP process.

The key stages proposed are:

- **Stage 1: The Delivery Agreement including Community Involvement Scheme and timetable for plan preparation**
Before work on the SDP formally commences, the CJC must engage with its communities, including general and specific consultation bodies, on the content of a Community Involvement Scheme (“CIS”) and timetable for plan preparation, collectively called the Delivery Agreement (“DA”). This will be the key mechanism setting out how and when communities will be involved in the SDP process so they can effectively shape and influence their area.
- **Stage 2: Pre-Deposit Engagement**
This would include engagement with stakeholders to generate and clarify issues and options.
The regulations will also specify that a ‘call for strategic locations and sites’ must be undertaken before a CJC can formally consult on its Preferred Strategy. Strategic locations and sites can either be proposed by the CJC or by other interested parties. All strategic locations and sites received will be published in a ‘Candidate Strategic Locations and Sites Register’, which will be published alongside the Preferred Strategy, enabling people to comment.
- **Stage 3: Preferred Strategy – Pre-Deposit Public Consultation & Summary of Responses Received**
The Preferred Strategy is the first statutory consultation stage in the SDP process. The Preferred Strategy and supporting evidence will be subject to a minimum of 6 weeks statutory consultation. It will set out the broad approach to the scale and location of growth and ensures development is planned in a sustainable manner. It will provide the strategic framework for more detailed policies, proposals and specific land use allocations, which will subsequently be included in the Deposit SDP.
- **Stage 4: The Deposit Plan – Public Consultation and Summary of Responses Received**
The Deposit Plan is the plan the CJC considers ‘sound’ and intends to submit for examination following consultation and is able to be adopted. The Deposit Plan must be consulted on for a minimum of 6 weeks. It will include the final spatial strategy for all land uses, including strategic site allocations. It will be supported by a proposals map / maps. It will be accompanied by a supporting evidence base and final SA/SEA reports. All policies and proposals that have a spatial implication will be reflected on an OS based proposals map / maps. The Deposit Plan will contain policies and reasoned justification for the range of topic areas relevant to the CJC area.

- **Stage 5: Submission of the Deposit Plan for Public Examination & Adoption**

Once the CJC has considered all the representations made at Deposit Stage it can submit the Deposit SDP for Public Examination. The appointed inspector must consider all 'duly made' representations and determine if the SDP is 'sound'. The function of the examination is to assess whether the preparation requirements have been followed and whether the submitted SDP meets the tests of soundness.

When the examination process has concluded, the Inspector will make binding recommendations (in the Inspectors Report), either to adopt the plan as it is or with the changes set out. The CJC should adopt the plan, based on the Inspectors changes, within 8 weeks of receiving the report.

- **Stage 6: Monitoring, Review and Revision**

The CJC will be required to publish and send an Annual Monitoring Report ("AMR") to the Welsh Ministers by 31st October each year following adoption. This will assess the extent to which the plan's strategy and key policies, sites and infrastructure requirements are being delivered and conclude on whether a revision of the SDP is required.

The CJC will be required to review its SDP no longer than 4 years from the date of adoption. A CJC can decide to review its plan earlier if evidence from the AMR, or publication of the National Development Framework suggests this is the most prudent course of action to deal with the issues, or to make the SDP in conformity with the NDF.

4.6 The SDP Regulations will define the consultation bodies to be engaged in the SDP process. These would be the minimum requirements and the CJC through its Community Involvement Scheme can specify additional bodies and other interest groups as it considers appropriate and relevant to the CJC area. Local Planning Authorities and Community Councils within or adjoining the area of the CJC are specified in the proposed list of bodies which must be consulted with and would therefore have an opportunity to input at the key stages in the development of the SDP.

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

Submitting the Council's consultation response has no immediate effect on the Corporate Priorities but once an SDP for North Wales has been adopted, it would not only be part of the adopted Development Plan for the County but also inform the production of future Local Development Plans by setting regional policy and outlining the spatial framework for locating development, steering future growth and investments.

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

There would be no additional direct cost implications resulting from agreeing the Consultation Response to Welsh Government.

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

A Well-being Impact Assessment has not been carried out because the report does not seek a decision on a Council policy, strategy or programme.

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

Welsh Government's proposed approach to Strategic Development Plan Regulations was discussed at the Strategic Planning Group on 25.11.20 and these discussions have informed the proposed response, attached as Appendix 1.

9. Chief Finance Officer Statement

There are no budget implications arising from agreeing the consultation response to the Welsh Government.

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

Engaging in consultation provides an opportunity to voice support or raise objections. In not responding to the consultation Denbighshire County Council would not have their voice heard on national planning policy and procedures.

11. Power to make the decision

Powers delegated to the Lead Member as detailed in Appendix 2(b) to Section 13 of the Members Scheme of Delegation in the Council's Constitution.