

SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN DRAFT REVIEW REPORT
MEETING: CABINET
DATE: 6 DECEMBER 2017
DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

- 1.1 The purpose of this report is to seek Cabinet's endorsement of the Local Development Plan (LDP) Draft Review Report, with a view to issuing for consultation purposes.
- 1.2 The consultation responses will be fed into the final Review Report and will help to determine if and how the LDP should be revised going forwards. The final Review Report and decision on revising the LDP will be subject to separate political reporting in early 2018.

2. RECOMMENDATION:

- 2.1 Cabinet endorse the LDP Draft Review Report to enable stakeholder consultation to commence. This consultation will help inform the extent to which stakeholders consider that the current LDP is operating well, and any changes or revisions they think are necessary with appropriate evidence and reasons.

3. KEY ISSUES:

Background

- 3.1 The Monmouthshire Local Development Plan (2011-2021) was adopted in February 2014 to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). In accordance with statutory requirements, following adoption the LDP has been monitored on an annual basis with three Annual Monitoring Reports (AMRs) published to date. The AMRs assess the extent to which the LDP strategy, objectives and policies are being delivered and implemented.
- 3.2 To ensure that LDPs are kept up-to-date, local planning authorities are required to commence a full review of their plans at least once every four years following plan adoption, or sooner if the findings of the AMRs indicate significant concerns with a plan's implementation. The 2016 Monmouthshire AMR recommended an early review of the LDP as a result of the need to address the shortfall in the housing land supply and to facilitate the identification and allocation of additional housing land. The 2017 AMR, which forms the first stage of the review process, confirms the recommendation to continue with an early review of the LDP.
- 3.3 The LDP Regulations allow for a 'selective review' of part (or parts) of an LDP. Such a provision would allow for a partial review of the LDP to cover issues associated with the housing land supply and site selection, in accordance with the recommendation of the 2016 and 2017 AMRs. The Council, however, is required to commence a full review of the LDP every four years. This would mean that a full review to meet statutory requirements would have to commence in February 2018. It is considered, therefore, more appropriate to undertake a full review of the Plan now to consider all aspects of the LDP in order to fully assess the nature and scale of revisions that might be required. This will also assist in meeting the 2021 deadline for having an adopted revised LDP in place to avoid the local policy vacuum that the new Regulations

threaten to create. As it currently stands, the adopted LDP will cease to exist at the end of the plan period (i.e. 31 December 2021). Accordingly, a revised LDP will need to be adopted by 1 January 2022 to ensure that Monmouthshire has an up-to-date planning policy framework in place.

- 3.4 Consequently, a full review of the LDP commenced in 2017 and has culminated with the publication of the Draft Review Report which is attached to this report as **Appendix 1**. This report provides an overview of the issues that have been considered as part of the full review process and subsequently identifies the changes that are likely to be needed to the LDP, based on evidence. The LDP Draft Review Report has been informed by the findings of preceding AMRs, significant contextual changes and updates to the evidence base.

Purpose of the LDP Draft Review Report

- 3.5 The Council is seeking stakeholder views on the matters set out in the Draft Review Report. Views are sought on the issues that should be considered in any review of the LDP, together with the subsequent potential changes required to the LDP, as set out in sections 2 and 3 of the Report. Stakeholders are invited to comment on/ suggest any additional issues and/or changes that should be considered in the full review of the LDP. Any comments should be supported by evidence. Opinions are also sought on whether the changes identified warrant a short form or full revision to the LDP, as set out in Section 5 of the report.

Next Steps

- 3.6 As referred to in paragraph 3.5, it is important to engage/consult with stakeholders on the Draft Review Report in order to gain views on how the adopted Plan is functioning and what changes are likely to be needed to the revised LDP. Following a resolution to consult, notifications will be sent to those LDP consultees identified in the WG Local Development Manual (Edition 2, 2015) including specific consultation bodies, UK Government departments and general/other consultation bodies (as set out in **Appendix 2**). All town and community councils will be consulted, along with those individuals and organisations who are currently on the LDP Review consultation database. The consultation will run from Monday 11th December 2017 to 5th February 2018. This allows an eight week period, being mindful of the Christmas break. All consultation replies will be analysed and responses/amendments reported for Members' consideration when seeking a resolution to finalise the Review Report with a view to formally commencing the LDP revision process.

4. OPTIONS APPRAISAL

- 4.1 In considering the need to review the LDP, the following options were considered:
- a) Prepare and consult on a Draft Review Report in order to meet the Regulations which require local planning authorities to commence a full review of their plans at least once every four years following plan adoption, or sooner if the findings of the AMRs indicate significant concerns with a plan's implementation. As noted in paragraph 3.2 above, the latest Monmouthshire AMRs recommend an early review of the LDP as a result of the need to address the shortfall in the housing land supply;
 - b) Prepare a Final Review Report now, making a recommendation on how the LDP should be revised based on colleague input but without any wider stakeholder engagement;
 - c) Do not complete the review the LDP, instead choosing to wait for a Strategic Development Plan (SDP) to be in place before commencing a review/revision of the LDP.

5. EVALUATION CRITERIA

- 5.1 **Option a)** is the preferred option, namely to consult on the Draft Review Report appended to this report for an eight week period. The responses received from the consultation on the LDP Draft Review Report will help the Council to identify the likely changes required to any revised LDP and inform the type of revision procedure to be followed i.e. short form or full revision, or to make no revisions to the LDP. The publication of the final Review Report will initiate the revision of the LDP which is essential to ensure that Monmouthshire has a revised up-to-date development plan in place by 1 January 2022. An eight week consultation period is considered to be appropriate given the Christmas break during the consultation period (statutory LDP consultations are normally for six weeks).
- 5.2 Option b) would result in quicker progress to reaching a decision on actually revising the LDP and commencing that work. However, it will mean this important project starts off without stakeholder engagement and input to help shape and inform decisions. The Regulations do not mandate stakeholder engagement. It is, however, not just good practice but eminently sensible to engage with stakeholders and interested parties about this land use plan, which seeks to grow and support our communities to become sustainable and resilient. Moreover, the Well-being Act identifies 'involvement' as one of the underpinning key ways of working. Option b) is not, therefore, considered to be a sensible or appropriate option.
- 5.3 Option c) is not considered to be appropriate because the Regulations require authorities to carry out a full review of their LDP at least every four years. Delaying the commencement of plan revision will extend the period during which the Council does not have a 5 year housing land supply, and also significantly increases the risk of having a void during which we have no local planning policy, due to the plan expiry regulations.

6. REASONS:

- 6.1 Under the Planning and Compulsory Purchase Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted in February 2014 and provides the land use framework which forms the basis on which decisions about future development in the County are based. To ensure that LDPs are kept up-to-date, local planning authorities are required by Regulation 41 of The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 to commence a full review of their plans at least once every four years following plan adoption, or sooner if the findings of the AMRs indicate significant concerns with a plan's implementation. As detailed in paragraphs 3.3 - 3.4, a full review of the LDP commenced in 2017 and has culminated with the publication of the Draft Review Report for consultation (attached at Appendix 1) which is in accordance with the Regulations.
- 6.2 Approving the Draft Review Report for consultation will allow the LDP review process to make progress, informed by stakeholder input and evidence. This will influence if and how the LDP is revised.

7. RESOURCE IMPLICATIONS:

- 7.1 Officer time and costs associated with the preparation of the LDP Draft Review Report and carrying out the required consultation exercises will be met within the existing Planning Policy budget and carried out by existing staff.

8. WELL-BEING OF FUTURE GENERATIONS IMPLICATIONS:

Sustainable Development

- 8.1 Under the 2004 Act the LDP is required to be subject to a Sustainability Appraisal (SA). The role of the SA is to assess the extent to which planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. In addition, the European Strategic Environmental Assessment (SEA) Directive requires the '*environmental assessment*' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA, whose findings were used to inform the development of LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. In view of the changes that have occurred since the SA was originally undertaken to accompany the adopted LDP, it will be necessary to update the environmental baseline, plans, policies and programmes as part of any LDP revision process. The SA framework, including SA objectives, will also need to be reviewed to ensure this remains up-to-date and relevant for any revised LDP. A Future Generations Evaluation (including equalities and sustainability impact assessment) is attached to this report at **Appendix 3**.

Equalities

- 8.2 The LDP was also subjected to an Equality Challenge process and due consideration given to the issues raised. The Draft Review Report provides an analysis of the adopted LDP vision, issues, objectives, strategy and policies which were prepared within this framework. As with the sustainable development implications considered above, any revised LDP will itself require an Equalities and Well-being of Future Generations Impact Assessment to be carried out.

Safeguarding and Corporate Parenting

- 8.3 there are no safeguarding or corporate parenting implications arising from the proposed consultation and plan review.

9. CONSULTEES

- Colleagues within and working closely with the planning service have been engaged via officer working groups.
- SLT
- Cabinet

Going forward:

- An all Member Seminar is scheduled for the afternoon of 30 November 2017 to set out the purpose of the consultation and seek views on the extent to which the current LDP is successfully delivering on its vision, strategy and objectives.
- It is proposed to raise awareness of the consultation with other MCC services via SMT.
- Officers will attend forthcoming Town and Community Council Cluster meetings.
- All parties identified as statutory consultees on the LDP and all parties who requested to be kept informed on LDP matters (433 people/organisations)

10. BACKGROUND PAPERS:

- Monmouthshire Adopted LDP (February 2014)
- Monmouthshire Local Development Plan Annual Monitoring Reports, 2014-15, 2015-16, 2016-17

11. AUTHORS & CONTACT DETAILS:

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Evaluation Criteria – Cabinet, Individual Cabinet Member Decisions & Council

Title of Report:	Monmouthshire Local Development Plan Draft Review Report
Date decision was made:	6th December 2017
Report Author:	Mark Hand / Rachel Lewis

What will happen as a result of this decision being approved by Cabinet or Council?

What is the desired outcome of the decision?

What effect will the decision have on the public/officers?

To commence consultation on the LDP Draft Review Report and use the consultation responses to help shape the way in which the LDP will be revised.

12 month appraisal

Was the desired outcome achieved? What has changed as a result of the decision? Have things improved overall as a result of the decision being taken?

What benchmarks and/or criteria will you use to determine whether the decision has been successfully implemented?

Think about what you will use to assess whether the decision has had a positive or negative effect:

Has there been an increase/decrease in the number of users

Has the level of service to the customer changed and how will you know

If decision is to restructure departments, has there been any effect on the team (e.g increase in sick leave)

The decision has enabled effective consultation on the LDP Draft Review Report. The consultation responses will help to shape the way in which the LDP will be revised.

12 month appraisal

Paint a picture of what has happened since the decision was implemented. Give an overview of how you fared against the criteria. What worked well, what didn't work well. The reasons why you might not have achieved the desired level of outcome. Detail the positive outcomes as a direct result of the decision. If something didn't work, why didn't it work and how has that effected implementation.

What is the estimate cost of implementing this decision or, if the decision is designed to save money, what is the proposed saving that the decision will achieve?

Give an overview of the planned costs associated with the project, which should already be included in the report, so that once the evaluation is completed there is a quick overview of whether it was delivered on budget or if the desired level of savings was achieved.

There will be some costs associated the preparation of the LDP Draft Review Report and carrying out the required consultation exercises. This will be within the existing Planning Policy budget and carried out by existing staff.

12 month appraisal

Give an overview of whether the decision was implemented within the budget set out in the report or whether the desired amount of savings was realised. If not, give a brief overview of the reasons why and what the actual costs/savings were.