

**SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN AND SOUTH EAST WALES STRATEGIC DEVELOPMENT PLAN**  
**MEETING: COUNCIL**  
**DATE: 19 MARCH 2018**  
**DIVISION/WARDS AFFECTED: ALL**

**1. PURPOSE:**

- 1.1 The purpose of this report is to seek Council's approval to commence work on a new planning policy framework to shape and grow the future of our County and its role in the region, in line with the Council's purpose of building sustainable and resilient communities.
- 1.2 Specifically, Council approval is sought to commence work on a new Local Development Plan (LDP) for Monmouthshire, to endorse the draft Delivery Agreement including Community Involvement Scheme for four week targeted consultation, and to agree to be part of the South East Wales Strategic Development Plan (SDP).

**2. RECOMMENDATIONS:**

- 2.1 That Council endorses the Review Report for submission to the Welsh Government.
- 2.2 That Council approves the commencement of a full revision to its Local Development Plan, which would result in a brand new LDP for Monmouthshire for the period up to 2033.
- 2.3 That Council endorses the draft Delivery Agreement including Community Involvement Scheme for the new LDP for a four week targeted consultation.
- 2.4 That Council formally resolves to be part of the South East Wales Strategic Development Plan.

**3. KEY ISSUES:**

Background

- 3.1 The land use planning system is one of the main tools available to the Council to seek to deliver its purpose, as identified in the Corporate Plan 2018-2022, of helping to build sustainable and resilient communities that support the well-being of current and future generations. The Local Development Plan (LDP) allocates land for types of development (such as housing or employment uses), designates land as open space or green wedge, and provides a policy framework which provides the basis or making decisions on planning applications. It seeks to support good quality development in the right locations, and resist poor quality or inappropriately located development.
- 3.2 The Monmouthshire Local Development Plan (2011-2021) was adopted in February 2014 to become the statutory development plan for the County (excluding that part within the Brecon Beacons National Park, which has its own LDP).
- 3.3 Since the current LDP was adopted, the Planning (Wales) Act 2015 introduced additional tiers of statutory Development Plans:

- A National Development Framework (NDF), covering the whole of Wales and written by the Welsh Government. This will replace the Wales Spatial Plan. The Welsh Government has commenced work on the NDF and it is expected to be published in September 2020;
- Strategic Development Plans (SDP), which are an optional tier of Plan intended to provide an effective cross-boundary planning policy framework for matters of regional significance. This would sit alongside a Regional Economic Development Strategy and Regional Transport Plan;
- If a SDP is in place, local matters, such as the allocation of land for housing or employment, would sit in a 'light touch LDP'. If there is no SDP, a 'full LDP' is required;
- Place Plans can then be provided at a community level. These must reflect the LDP and would be a planning consideration rather than a statutory part of the Development Plan framework.

The above information is of direct relevance to the options appraisal and recommendations contained in this report, for the reasons set out later in this report.

### Monmouthshire's LDP Review

- 3.4 LDP review is the task of evaluating the extent to which an adopted LDP is functioning effectively. The Regulations allow for a 'selective review' to look at part(s) of a LDP, or a 'full review', which looks at the entire LDP. There is a statutory requirement to undertake a full LDP review every four years after adoption (February 2018 for Monmouthshire).
- 3.5 The decision to undertake an early 'full review' of Monmouthshire's LDP was taken for the following reasons:
- The 2016 Annual Monitoring Report (AMR) recommended an early review of the LDP because it identified a need to address the shortfall in the housing land supply and to facilitate the identification and allocation of additional housing land. This was endorsed by Cabinet in October 2016;
  - The 2017 AMR formed the first stage of the review process and it confirmed the need to continue with an early review of the LDP;
  - The statutory requirement for a 'full review' every four years after adoption meant Monmouthshire would have needed to commence a full review in February 2018 in any case;
  - An acknowledgement that the current LDP expires in December 2021, and the need to maintain continuous Plan coverage (see below) requires a timely start on a replacement LDP for the period beyond 2021.
- 3.6 Consequently, a full review of the LDP commenced in 2017, with the publication of the Draft Review Report endorsed by Cabinet in December 2017 for 8 week consultation. This consultation period has now closed, responses have been considered and incorporated into the final Review Report as appropriate.
- 3.7 The final LDP Review Report is attached as **Appendix 1a**. The Review 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. It has been informed by the findings of preceding AMRs, significant contextual changes and updates to the evidence base, and consultation responses. A table summarising the consultation replies is provided at **Appendix 1c**. A summary of the consultation replies down by the question being answered is attached at **Appendix 2**. If desired, the same comments can be viewed grouped by representor via this link [LDP Draft Review Report Consultation Responses - Representor Order.pdf](#) to enable each representor's comments to be read in context.

3.8 A high level summary of consultation responses is provided below (and in more detail as part of the Review Report):

**Question 1: Do you agree that the main issues that should be considered in the full LDP Review have been identified?**

- Agree: 18 respondents
- Disagree: 12 respondents
- Neither Agree nor Disagree: 5 respondents

The main issues cited by those disagreeing relate to the need for additional housing (market and affordable); the need for infrastructure to align with growth; the impact of the Severn Bridge toll removal on house prices, the accessibility of buying a house, and demand for housing/desirability of the County as a place to live; and the over-reliance of the current LDP on strategic housing sites. All of these matters would be considered as part of the new LDP.

**Question 2: Do you agree that the existing LDP vision, issues and objectives remain relevant for a revised Plan?**

- Agree: 15 respondents
- Disagree: 5 respondents
- Neither Agree nor Disagree: 13 respondents

The comments provided by those respondents who 'disagreed' did not generally disagree with the relevance of the existing vision, issues and objectives but rather considered that they would need to be reviewed as part of the new LDP and its strategy. This would be a natural part of the thought and decision-making process that would stem from commencing a new LDP.

**Question 3: Do you agree that the adopted LDP Spatial Strategy is functioning effectively?**

- Agree: 6 respondents
- Disagree: 17 respondents
- Neither Agree or Disagree: 9 respondents

The significant majority of respondents who 'disagreed' refer to the current LDP's over-reliance on strategic sites combined with a lack of flexibility in terms of housing numbers resulting in the lack of a five year housing land supply; the corresponding need for additional smaller sites accessible to other developers; and a lack of housing around main and minor villages. One respondent opposes any additional development sites. One respondent highlighted the failure to adequately assess and meet Gypsy and Traveller needs. Again, these are all matters for consideration as part of a new LDP.

**Question 4: Do you agree with the findings of the LDP policy review?**

- Agree: 13 respondents
- Disagree: 16 respondents disagree
- Neither Agree or Disagree: 8 respondents

The majority of comments made related to the housing provision, spatial strategy and affordable housing policies reiterating those comments reflected above. The second highest topic in terms of number of comments related to employment allocations and their relationship with commuting, growth sectors and City Deal, as well as the importance of tourism in Monmouthshire. Most other comments seek tweaks to policies which would not in themselves justify revising the LDP, but revision provides an opportunity for such changes to be made if required. Two representors object to the suggested deletion of Policy SD3, which officers consider unnecessarily duplicates but does not properly reflect national flooding policy in TAN15,

**Question 5: Do you agree that the LDP needs to be revised? If so, should this be via a short form or full revision?**

- Short Form: 11 respondents support a short form revision of the LDP

- Full Revision: 28 respondents support a full revision of the LDP

### Options available for LDP revision

3.9 LDP revision' is the process of actually amending, changing or replacing the Local Development Plan. The Draft Review Report set out three options:

- 1) Do nothing;
- 2) Undertake a 'short form' revision of the LDP; or
- 3) Undertake a 'full revision' of the LDP.

#### 'Do nothing'

3.9.1 'Do nothing' is easily discounted as a viable or appropriate option for the same reasons as those set out in paragraph 3.5 above and in the Review Report. Even if the LDP were functioning perfectly, work must commence on a new Plan to cover the period after 31<sup>st</sup> December 2021 when the current LDP expires.

#### 'Short form' revision

3.9.2 A 'short form' revision would retain the vision, issues, objectives, and spatial strategy of the current LDP but would make focused changes to address identified issues. This would involve, for example, allocating additional housing sites to address the primary issue with timely site delivery and absence of a five year land supply. The keys steps would be a call for candidate sites, an appraisal and consultation on those proposed sites, examination and adoption. At adoption, regulations require that the amended LDP must have a 10 year lifespan, so this option would not simply be a case of adding a selection of additional sites to get us to 2021: it would be the continuation of the current LDP strategy until approximately 2030. Additional changes would be required, for example to assess and, as necessary, meet any identified Gypsy and Traveller site requirements.

#### 'Full revision'

3.9.3 Full revision results in a brand new LDP. It is recommended by officers that this new LDP should have a lifespan of 15 years starting from a base-date of 2018 when work would commence, and running to 2033. The current LDP would continue to be the statutory adopted LDP until 31<sup>st</sup> December 2021 or until such earlier date if the new LDP is adopted beforehand (although this is highly unlikely).

3.10 It is worth noting that the Welsh Government's Planning Division has advised that it would be minded to object to Monmouthshire adopting a short form revision approach due to its opinion that the changes needed are too far reaching. However, far more important than that is the question of whether or not a continuation of the current LDP strategy provides the outcomes that our communities want, or that address any of the critical challenges identified as part of Future Monmouthshire.

### Conclusion of the LDP Review Report

3.11 Based on the evidence contained in the Review Report, it is concluded that the LDP should be revised and that this should take the form of a full revision procedure. Key reasons for reaching this conclusion include:

- The inability to meet the adopted LDP's housing requirement and the resulting failure to maintain a 5 year housing land supply indicates that either additional housing sites are required or the level of housing growth required by the Plan's strategy will need to be reconsidered;
- The need to reassess all undelivered housing allocations to determine whether they remain viable and deliverable which could result in existing allocations being removed from the LDP and new sites added. The LDP's reliance on strategic sites

suggests that the spatial distribution of housing growth will need to be reconsidered;

- The extent of updates required to the evidence base for an extended Plan period, including updated needs and land requirements, could result in significant changes to the Plan;
- Wider contextual matters that have occurred since the Plan's adoption, including the Cardiff Capital Region City Deal and announcement to abolish the Severn Bridge Tolls need to be fully considered.

3.12 The potential cumulative changes required to the LDP as a consequence of these factors could result in a Plan that is distinctly different to the one adopted. Accordingly, it is considered that the full revision procedure would be the most appropriate means of revising the LDP. Importantly, the full revision procedure would enable a comprehensive reconsideration of the Plan's strategy, having regard to an extended Plan period and the wider context including the Cardiff Capital Region City Deal and Future Monmouthshire aspirations, together with the economic opportunities associated with the abolition of the Severn Bridge Tolls.

3.13 Having concluded that a new LDP is required, consideration must be given to the best footprint for the land use planning framework.

#### The regional context

3.14 Cabinet approved the Draft Review Report for consultation on 6<sup>th</sup> December 2017. On 13<sup>th</sup> December, the Council received two letters from Lesley Griffiths, Welsh Government Cabinet Secretary whose portfolio includes planning. The first letter went to the Leader and Chief Executive of every Local Planning Authority in Wales and invited Councils to undertake a Strategic Development Plan (SDP) in their region. The second letter specifically invited Monmouthshire to undertake a Joint Local Development Plan with Newport, Torfaen and Blaenau Gwent Councils. These letters are attached at **Appendix 3**. Some, but not all, other Local Planning Authorities received a similar letter.

#### Strategic Development Plan

3.15 A SDP would provide a regional spatial framework for the future development and use of land in the Cardiff Capital Region. It would provide an appropriate and effective footprint to deliver strategic, cross-boundary land use planning at the regional scale, supporting the region's economic, transport/connectivity and other aspirations. It would help guide and provide certainty for strategic public and private investment decisions including those made under the City Deal initiative and beyond.

3.16 The concept is fully supported by officers from the ten CCR Authorities and formed part of the Growth Commission's report, which has previously been approved in principle by Council. The ten Council Leaders from the Cardiff Capital Region sent a joint response to Lesley Griffiths dated 6<sup>th</sup> February 2018, which states:

*"there was consensus amongst all 10 Leaders in the Cardiff Capital Region in support of the principle of an SDP for the region. Whilst the decision to work towards an SDP is a matter for each of the 10 Councils, we are confident that this is a decision which can be taken quickly."*

A copy of this reply is attached at **Appendix 4**. As set out in recommendation 2.4 above, a Council resolution is now sought to formally agree to be part of the SE Wales SDP.

3.17 In requesting this resolution, it is fully recognised that there are a number of important detailed matters to be resolved, which themselves will require political endorsement.

These include the boundary of the SDP area, resources (both officer and financial), and governance. It is envisaged that work towards a SDP would commence in 2018, with the goal of adopting the SDP in 2022/2023. A SDP should have a longer term span, likely to be at least 20 years. Governance arrangements for a SDP are guided by regulations: governance would be via a Strategic Planning Panel (SPP) two-thirds of whom would comprise elected Members with voting rights (at least one from each constituent Council) and the remaining one-third would comprise advisors (without voting rights) from economic, environmental or social areas of expertise. The regulations seek a gender mix of no greater imbalance than 60/40.

3.18 It is worth noting that the Welsh Government has powers to mandate the creation of a SDP. Notwithstanding that mandating joint working is not the way to secure meaningful, effective and sustainable collaboration, officers and Leaders for all ten Councils in the CCR fully support this proposal and are each now seeking approval from their respective Councils.

#### Joint Local Development Plans

3.19 In contrast, the Cabinet Secretary's invitation to prepare a Joint LDP with Newport, Torfaen and Blaenau Gwent Councils is not supported for a number of reasons. The key reasons are summarised below and relate to outcomes, governance and procedural matters, but a full options appraisal has been undertaken and is attached at **Appendix 5**.

3.20 To provide some context, the Cabinet Secretary has proposed the following LDP footprints:

- Monmouthshire, Newport, Torfaen and Blaenau Gwent: with the exception of Newport whose LDP runs to 2026, our current LDPs expire in 2021. Newport is required to undertake its statutory four year post-adoption review in January 2019;
- Caerphilly, Rhondda Cynon Taff and Bridgend: LDPs all expire in 2021;
- Carmarthenshire, Pembrokeshire and Ceredigion: LDPs expire in 2021 or 2022;
- Conwy and Denbighshire: LDPs expire in 2022 and 2021 respectively; Denbighshire has sought to commence its own revised LDP but has been put on hold by the Welsh Government pending responses to this request;

The following Councils did not receive a letter:

- Gwynedd and Anglesey: these Councils have already prepared a Joint LDP;
- Merthyr Tydfil and Wrexham: these Councils have commenced work on their replacement LDPs;
- Swansea, Powys, Flintshire and Wrexham: these Councils are at an advanced stage working towards their first LDP;
- Cardiff and Vale of Glamorgan: these Councils have recently adopted LDPs that run until 2026;
- Brecon Beacons, Pembrokeshire Coast and Snowdonia National Parks: the regulations do not allow the Welsh Government to mandate Joint LDPs for National Park Authorities.

3.21 The Cabinet Secretary's letter provides the following reasons as evidence supporting Joint LDPs: quicker and cheaper Plan preparation; effective cross-boundary planning to reflect housing markets and economic footprints; lack of capacity, capability and resilience in planning teams due to significant cuts to planning service budgets; links to Local Government reform.

3.22 Officers have met with colleagues at a national, CCR and 'South East Wales – East' basis to explore the proposals in detail. There appears to be no support throughout Wales for the proposed footprints. However, what is important for Council's decision

is whether or not a Joint LDP is an appropriate way to deliver the outcomes our communities seek, and to deliver the Council's purpose as identified in the Corporate Plan 2018-2022, of helping to build sustainable and resilient communities that support the well-being of current and future generations.

- 3.23 The proposed 'South East Wales – East' Joint LDP would result in a Plan covering some 400,000 people across an area exceeding 100,000 hectares. The proposed footprint comprises a very diverse area with vastly different demography, economies and physical characteristics ranging from Wales' third largest City, to historic market towns and significant rurality, to disadvantaged valleys communities. Population density<sup>1</sup> ranges from 7.85 people per square kilometre in Newport to 1.05 in Monmouthshire. The proportion of land area defined as 'built on' ranges from 25% in Newport to 3% in Monmouthshire<sup>2</sup>. Blaenau Gwent has the highest proportion (23.4%) of LSOAs ranked in the lowest 10% in Wales while Monmouthshire has the lowest proportion (0%)<sup>3</sup>. The proposed grouping does not withstand evidence-based scrutiny.
- 3.24 As Members will be aware, Monmouthshire has some very distinct challenges, including the fastest growing proportion of its population in the over 65 and over 85 age bands, with a declining younger population and a median age of 48 years. Directly linked with this challenge, Monmouthshire has the highest average house prices in Wales creating an affordability issue and a deficit of 20-40 year olds as well as increasing household sizes. If left unchecked this will result in imbalanced communities and socio-economic problems. While a Joint LDP might appear to some as presenting an attractive option of 'bumping' growth to neighbouring Authorities, we must take action to ensure the social and economic sustainability of our communities and the services they rely on. This directly relates to the Well-being agenda. A Monmouthshire LDP is the best mechanism for achieving this outcome in a timely manner.
- 3.25 It is fully acknowledged that the daily lives of our communities are not prescribed by administrative boundaries, and that commuting patterns, retail expenditure, and some aspects of the housing market operate across our boundaries with our neighbours, both east and west. We further recognise that changes such as the Metro and Severn Bridge tolls will have implications for much of the Cardiff Capital Region, and that developments such as at Mamhilad in Torfaen and Glan Llyn in Newport have potential implications for parts of our County. However, it is possible to successfully address these matters through collaborative working without the need for a Joint LDP. One recent example highlighted by WG offices as best practice is the joint Supplementary Planning Guidance between Swansea and Neath Port Talbot Councils to shape the new University campus straddling their boundary.
- 3.26 In terms of other commonalities, as Local Planning Authorities, Blaenau Gwent and Monmouthshire do not share a common boundary, due to the National Park. The Brecon Beacons National Park is commencing work on its own replacement LDP and has indicated that it has no desire to be part of a Joint LDP. The Welsh Government has no power to mandate a National Park to undertake a Joint LDP. Meanwhile, Newport City Council's LDP runs until 2026, and although it must undertake its statutory review in 2019, Newport is one of a small handful of Local Planning Authorities in Wales that has a five year housing land supply. Its LDP is delivering effectively, and indications are that it has no need or desire to commence work on an early replacement Plan. Discussions have been held with officers at Torfaen Council regarding the potential for a two-way Joint LDP, however this has been discounted for the reasons provided below.

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<sup>1</sup> 2016 population data

<sup>2</sup> Corine Landcover Inventory

<sup>3</sup> Welsh Index of Multiple Deprivation 2014

- 3.27 As stated above, it is considered that a SDP is the appropriate mechanism to provide a proper strategic regional spatial planning framework. The proposed Joint LDP provides an unnecessary sub-regional tier, achieving neither a proper City Region strategic approach nor a truly local Plan that our communities value, engage with and take ownership of.
- 3.28 Moreover, setting up and running the joint working arrangements to deliver a Joint LDP will delay progress on ensuring LDP coverage post 2021, as well as being a distraction from delivering the SDP.
- 3.29 Governance of a Joint LDP can be achieved in one of two ways:
- A Joint Planning Board can be established, which would see representative elected Members from each constituent Planning Authority form the decision-making body for the LDP including its adoption. In addition to the time taken to set this up (leadership, accountability, governance, Member-officer relationships, team culture), there is a potential risk that Council does not take ownership of the LDP. This would manifest itself in future planning application decisions, and could result in a dysfunctional planning system and an absence of certainty or consistency for investors, developers and communities;
  - A joint planning team could be established, simply comprising a shared officer resource to develop a single LDP. That LDP would be reported back to each constituent Council for adoption. In addition to the time taken to set this up (as above), there is a significant risk regarding the delays and uncertainty surrounding Joint LDPs. The only example to date is evidenced by the Gwynedd and Anglesey Joint LDP, which took over 6 years to deliver and was very nearly not adopted by one Council, which would have left both Councils without a development plan. A four-way Joint LDP would emphasise those risks.
- 3.30 The significance of the references above to delays are due to new provisions in the Planning (Wales) Act 2015 which create an 'expiry date' for LDPs, beyond which they are no longer the Development Plan for the area. Consequently, the adopted Monmouthshire LDP legally "ceases to be a local development plan" on 31st December 2021. After this date, the Council will be at risk from development proposals without a statutory development plan framework to properly manage them, until such time as a replacement development plan is adopted. This calls into question our ability to ensure sustainable development and to secure S106 planning contributions towards essential infrastructure and affordable housing, without those policy hooks or supplementary planning guidance in place.
- 3.31 In summary, looking in turn at each benefit of Joint LDPs put forward by the Cabinet Secretary, a Joint LDP is not considered to be an appropriate solution in terms of outcome or process:
- Quicker and cheaper Plan preparation: establishing a joint planning policy team and associated leadership, governance and working relationships will take time and will slow down Plan preparation compared to Monmouthshire proceeding with its own LDP. Time is important due to the LDP expiry date. The example of Gwynedd and Anglesey secured indicative financial savings of some £600,000 however it did not result in a quicker Plan and very nearly resulted in no LDP at all. A proportion of the savings were secured via a joint evidence base: Monmouthshire can and will take this approach with neighbours without the need for a Joint LDP;
  - Effective cross-boundary planning to reflect housing markets and economic footprints: There has been a significant maturing of the approach to collaborative working since that first round of LDPs. The benefits of working much closer with



our neighbouring Councils is accepted and meetings have already been held at officer level to identify areas where we can work jointly to better manage resources, ensure a consistent evidence base, remove duplication and waste, share data, and utilise common methodologies. Significant work is already progressing via the South East Wales Strategic Planning Group (SEWSPG) to agree common methodologies for use across the Cardiff Capital Region. To this end, and in addition to the current SEWSPG collaboration, we will ensure closer liaison/collaboration with those authorities who wish to review their LDP at the current time, in particular Torfaen, including a shared evidence base for key topics. However, each Council will need to ultimately maintain control over timing and governance to responsibly manage the risk of no Plan coverage.

- Lack of capacity, capability and resilience in planning teams: we are confident that Monmouthshire has the capability and resilience to deliver its own LDP, and will ensure that the project is properly resourced;
- Links to Local Government reform: it would be premature and inappropriate to seek to deliver Local Government reform via the planning policy framework. To do so would either presume the future footprint of Councils without any discussion or consultation, or would result in future inefficiencies because Joint LDPs would not align with other service footprints.

### Conclusions:

- 3.32 It is considered that a full revision of the Monmouthshire LDP on an individual basis is the most appropriate means of revising the Plan. This will enable the aforementioned issues to be fully considered/ addressed and importantly will ensure continued Plan coverage in the County, thereby avoiding the risks associated with any policy vacuum. Monmouthshire County Council has the capacity, capability and resilience to deliver its own replacement LDP and the best way to secure outcomes for our communities in a timely and effective manner is to proceed with the Cardiff Capital Region SDP and for Monmouthshire to commence on its own LDP revision, working collaboratively with appropriate neighbouring Councils where possible, for example on a joint evidence base and common methodologies.
- 3.33 This will also assist in meeting the 2021 deadline for having an adopted revised LDP in place to minimise the local policy vacuum that the new Regulations threaten to create.
- 3.34 **Appendix 6** to this report provides the draft Delivery Agreement including Community Involvement Scheme for the new Monmouthshire LDP. The Revised LDP will cover the 2018-2033 period. Preparation of a Delivery Agreement is a key requirement in preparing a revised Plan.
- 3.35 The Delivery Agreement is split into two key parts: the timetable for producing the revised LDP and the Community Involvement Scheme.
- 3.36 The timetable provides a clear indication of when each of the different stages of Plan preparation will take place. Definitive dates are provided up to the deposit stage with indicative dates for later stages. This is an example of a project management approach to ensure that the plan is adequately resourced and delivered on time. The timetable is included in Part 2 of this Delivery Agreement.
- 3.37 The Community Involvement Scheme outlines the Authority's principles of community engagement; its approach in relation to who, how and when it intends to engage with the community and stakeholders, how it will respond to representations and how these representations will inform later stages of plan preparation. This is included as Part 3 of this Delivery Agreement.

3.38 Key milestones are set out in the table below:

Key Stages	Timescale	
Definitive	From	To
Delivery Agreement	January 2018	May 2018
	Full Council – May 2018 Submission to Welsh Government – May 2018 (Response to LPA to be received within 4 weeks)	
Pre-Deposit Participation	July 2018	November 2019
	Report to Council on draft Preferred Strategy – November 2019	
Preferred Strategy (Pre-Deposit) Consultation.	December 2019	October 2020
	Preferred Strategy - 6 week consultation Report to Council on draft Deposit Plan – October 2020	
Statutory Deposit Plan Consultation	November 2020	May 2021
	Deposit Plan - 6 week consultation Report to Council on focused changes and submission of Deposit Plan to Welsh Government – May 2021	
Stages	Timescale	
Indicative		
Submission of LDP to Welsh Government	Summer 2021	
Independent Examination	Autumn 2021	
Inspector's Report	Winter 2021	
Adoption	Early 2022 (must be adopted within 8 weeks of receiving the Inspector's binding report)	

3.39 It is recognised that the above timetable results in a gap in Plan coverage from 1<sup>st</sup> January 2022 until Plan adoption in early (February/March) 2022. However, the timetable set out is considered to be challenging yet realistic. The risk exposure during that 8-12 week period is considered to be manageable. An appeal against an application not determined before 31<sup>st</sup> December 2021 would be unlikely to be determined before the new LDP is adopted, and our new LDP would be at an advanced stage by then. The new LDP must be adopted within 8 weeks of receipt of the Inspector's binding report.

3.40 The Community Involvement Scheme sets out how the Council proposes to proactively involve the community and stakeholders in the preparation of the replacement LDP. While ultimately it is the Council that is responsible for the content of the LDP should it not be possible to achieve consensus, one of the aims of the LDP system is that Plan production is based on effective community involvement in order that a range of views can be considered as part of a process of building a wide consensus on the Plan's strategy and policies. The five ways of working prescribed by the Well Being of Future Generations (Wales) Act are integral to the CIS, namely long-term, integration, involvement, collaboration and prevention. The CIS describes the ways in which the community can influence the LDP at the different stages of the Plan preparation process.

3.41 Monmouthshire County Council's key purpose is to help build sustainable and resilient communities that support the well-being of current and future generations. This is intrinsically linked to land use planning and is therefore key to the delivery of the LDP. Accordingly, the CIS is based on Monmouthshire County Council's four values; openness, fairness, flexibility and teamwork.

#### **4. OPTIONS APPRAISAL**

4.1 This options appraisal has been broken down to attempt to simplify consideration of the various matters being considered, however it is recognised that they are inextricably linked.

4.2 Recommendation 2.1 asks Council to endorse the Review Report for submission to the Welsh Government.

4.3 Recommendation 2.2 asks Council to approve the commencement of a full revision to its Local Development Plan, which would result in a brand new LDP for Monmouthshire for the period up to 2033.

4.4 Recommendation 2.3 asks Council to endorse the draft Delivery Agreement including Community Involvement Scheme for the new LDP for a four week targeted consultation.

4.5 Recommendation 2.4 asks Council to formally resolve to be part of the South East Wales Strategic Development Plan.

#### **4.6 Issue 1: Does Monmouthshire need to revise its LDP?**

4.6.1 'LDP revision' is the process of actually amending, changing or replacing the Local Development Plan. Three options are available as set out and appraised in paragraphs 3.9 to 3.11 above:

- 1) Do nothing;
- 2) Undertake a 'short form' revision of the LDP; or
- 3) Endorse the conclusions of the Review Report and resolve to undertake a 'full revision' of the LDP.

#### **4.7 Issue 2: What planning policy framework best delivers the necessary and desirable planning outcomes for Monmouthshire's communities while ensuring appropriate strategic regional planning and consideration of cross-boundary issues?**

4.7.1 A full Options Appraisal has been undertaken and is attached at **Appendix 5**. The SDP would cover the Cardiff Capital Region (10 Councils plus potentially the Brecon Beacons National Park). In summary, six options have been considered:

- 1) New Monmouthshire LDP without a SDP;
- 2) SDP for the Cardiff Capital Region instead of individual LDPs;
- 3) New Monmouthshire LDP and a SDP;
- 4) Joint (4 footprint) LDP with Newport, Torfaen and Blaenau Gwent and a SDP;
- 5) Joint (2 footprint) LDP with Torfaen only and a SDP;
- 6) Joint (4 footprint) LDP with Newport, Torfaen and Blaenau Gwent without a SDP;

#### **4.8 Issue 3: Delivery Agreement including Community Involvement Scheme**

4.8.1 The regulations require the submission of a Delivery Agreement including Community Involvement Scheme in order to commence a new LDP. This issue is therefore limited to four options:

- 1) Endorse the draft Delivery Agreement including Community Involvement Scheme at **Appendix 6** for targeted consultation for 4 weeks;
- 2) Approve the Delivery Agreement including Community Involvement Scheme at **Appendix 6** for submission to the Welsh Government without consultation;
- 3) Make amendments to the draft Delivery Agreement including Community Involvement Scheme at **Appendix 6** then undertake targeted consultation for 4 weeks;
- 4) Make amendments to Delivery Agreement including Community Involvement Scheme at **Appendix 6** for submission to the Welsh Government without consultation

## 5. EVALUATION CRITERIA

### 5.1 Issue 1: Does Monmouthshire need to revise its LDP?

Option 1: 'Do nothing'

5.1.1 'Do nothing' is easily discounted as a viable or appropriate option for the same reasons as those set out in paragraph 3.5 above and in the Draft Review Report. Even if the LDP were functioning perfectly, work must commence on a new Plan to cover the period after 31<sup>st</sup> December 2021 when the current LDP expires.

Option 2: 'Short form' revision

5.1.2 A 'short form' revision would retain the vision, issues, objectives, and spatial strategy of the current LDP but would make focused changes to address identified issues such as housing land supply and affordability. At adoption, regulations require that the amended LDP must have a 10 year lifespan, so this option would be the continuation of the current LDP strategy until approximately 2030. Welsh Government Planning Division advice is that this option is not appropriate for Monmouthshire. However, far more important than that is the question of whether or not a continuation of the current LDP strategy provides the outcomes that our communities want, or that address any of the critical challenges identified as part of Future Monmouthshire.

Option 3: 'Full revision'

5.1.3 Full revision results in a brand new LDP, which it is recommended should run from 2018 to 2033. This aligns with Torfaen's proposals and therefore enables a shared evidence base to be prepared for key topic areas.

#### **Recommendation on Issue 1**

5.1.4 Based on the evidence contained in the Review Report, **Option 3 (Full LDP revision)** is the preferred option. The LDP should be revised and that this should take the form of a full revision procedure, i.e. a brand new LDP. Key reasons for reaching this conclusion include:

- The inability to meet the adopted LDP's housing requirement and the resulting failure to maintain a 5 year housing land supply indicates that either additional housing sites are required or the level of housing growth required by the Plan's strategy will need to be reconsidered;
- The need to reassess undelivered housing allocations to determine whether they remain viable and deliverable which could result in existing allocations being removed from the LDP and new sites added. The LDP's reliance on strategic sites suggests that the spatial distribution of housing growth will need to be reconsidered;

- The extent of updates required to the evidence base for an extended Plan period, including updated needs and land requirements, could result in significant changes to the Plan;
- Wider contextual matters that have occurred since the Plan's adoption, including the Cardiff Capital Region City Deal and announcement to abolish the Severn Bridge Tolls need to be fully considered.

5.1.5 The potential cumulative changes required to the LDP as a consequence of these factors could result in a Plan that is distinctly different to the one adopted. Accordingly, it is considered that the full revision procedure would be the most appropriate means of revising the LDP. Importantly, the full revision procedure would enable a comprehensive reconsideration of the Plan's strategy, having regard to an extended Plan period and the wider context including the Cardiff Capital Region City Deal and Future Monmouthshire aspirations, together with the economic opportunities associated with the abolishment of the Severn Bridge Tolls.

5.2 **Issue 2: What planning policy framework best delivers the necessary and desirable planning outcomes for Monmouthshire's communities while ensuring appropriate strategic regional planning and consideration of cross-boundary issues?**

Option 1: New Monmouthshire LDP without a SDP

5.2.1 This option is not considered to properly address the need for, or secure the benefits of, proper strategic regional cross-boundary spatial planning for those matters of regional significance.

Option 2: SDP for the Cardiff Capital Region instead of individual LDPs

5.2.2 This option would not provide full Plan coverage for Monmouthshire until such time as both the SDP and subsequent 'light touch' LDP are adopted, which is unlikely to be before 2025. Although arguably the most efficient use of resources and the most co-ordinated approach on a regional basis, given the significant development pressures in Monmouthshire and the absence of a 5 year housing land supply, this option would result in an extended period of significant risk for Monmouthshire without an effective framework to shape growth and secure infrastructure locally.

Option 3: New Monmouthshire LDP and a SDP

5.2.3 This is the preferred option, securing both timely full Plan coverage for Monmouthshire and enabling a proper strategic regional cross-boundary spatial planning for those matters of regional significance. The resource pressures associated with this option are considered to be outweighed by the benefits in terms of outcomes. The benefits of cross-boundary co-ordination can be achieved via collaborative working, joint evidence and common methodologies on appropriate topics with relevant neighbours while avoiding the risks associated with Joint LDPs.

Option 4: Joint (4 footprint) LDP with Newport, Torfaen and Blaenau Gwent and a SDP

5.2.4 The proposed four footprint Joint LDP provides an unnecessary sub-regional tier, achieving neither a proper City Region strategic approach nor a truly local Plan that our communities value, engage with and take ownership of. Preparation of a Joint LDP is not a prerequisite to an SDP, and in fact would distract from progress on a SDP. There are significant risks to securing adoption of and/or buy-in to a Joint LDP which unnecessarily expose Monmouthshire to a lack of Plan coverage and the associated issues identified in the latter part of paragraph 5.2.2 above.

Option 5: Joint (2 footprint) LDP with Torfaen only and a SDP

5.2.5 This main benefit of this option relates to ensuring cross-boundary coordination with a Council with whom Monmouthshire shares some commonalities, however it is

accompanied by the time delay of establishing joint working and the governance risk around Plan adoption, which could result in neither Council having an adopted Plan. The benefits of cross-boundary co-ordination can be achieved under Option 3 via collaborative working, joint evidence and common methodologies on appropriate topics. This secures the benefits while mitigating the risks.

Option 6: Joint (4 footprint) LDP with Newport, Torfaen and Blaenau Gwent without a SDP

- 5.2.6 The proposed four footprint Joint LDP provides a sub-regional tier, achieving neither a proper City Region strategic approach nor a truly local Plan that our communities value, engage with and take ownership of. This option is not considered to properly address the need for, or secure the benefits of, proper strategic regional cross-boundary spatial planning for those matters of regional significance.

### **Recommendation on Issue 2**

- 5.2.7 Based on the reasons given in the Options Appraisal at **Appendix 5** and summarised above, **Option 3 (new Monmouthshire and a SDP for the Cardiff Capital Region)** is the preferred option.

### **5.3 Issue 3: LDP Delivery Agreement including Community Involvement Scheme**

Option 1: Endorse the draft Delivery Agreement including Community Involvement Scheme for targeted consultation for 4 weeks

- 5.3.1 This is the preferred option. The draft Delivery Agreement including Community Involvement Scheme at **Appendix 6** are considered to be challenging but achievable in terms of the timetable, and appropriate in terms of community involvement, having regard to the relevant regulations as well as the five ways of working in the Well-being Act.

Option 3: Make amendments to the draft Delivery Agreement including Community Involvement Scheme at **Appendix 6** then undertake targeted consultation for 4 weeks

- 5.3.2 It is not considered necessary to amend the draft document so this option is discounted.

Options 2 and 4: To either endorse or amend the draft Delivery Agreement including Community Involvement Scheme at **Appendix 6** for submission to the Welsh Government without consultation

- 5.3.3 Notwithstanding the challenging timetable, it would seem counter-intuitive to unilaterally set out a Community Involvement Scheme. Options 2 and 4 should therefore be discounted.

### **Recommendation on Issue 3**

- 5.3.4 Based on the reasons above, **Option 1 (endorse the draft Delivery Agreement including Community Involvement Scheme for targeted consultation)** is the preferred option.

## **6. REASONS:**

- 6.1 Under the Planning and Compulsory Purchase Act (2004), Planning (Wales) Act 2015 and associated regulations, Local Planning Authorities are required to monitor the performance of their LDP and take action if needed. A full review of Monmouthshire's LDP has been undertaken and consulted on, culminating in the Review Report at **Appendix 1**. The recommendation of this evidence is that Monmouthshire should endorse the findings of the Review Report (**recommendation 2.1**) and should commence on a full revision of its LDP (i.e. a brand new LDP) (**recommendation 2.2**).

- 6.2 A full options appraisal (**Appendix 5**) has been undertaken of the most appropriate way to undertake this, bearing in mind the desire to deliver outcomes for our

communities, the Council's purpose as identified in the 2018-2022 Corporate Plan, the need for strategic spatial planning, changes in legislation and context (for example the Well-being Act and the decision on the Severn Bridge tolls), and the letters from the Cabinet Secretary dates 13<sup>th</sup> December 2017 (**Appendix 3**).

- 6.3 The conclusion from the above is that Monmouthshire should commence work on its own replacement LDP (**recommendation 2.2**), working collaboratively with appropriate neighbours as applicable, in addition to Monmouthshire County Council formally agreeing to be part of the Cardiff Capital Region SDP (**recommendation 2.4**).
- 6.4 In order to commence work on its new LDP, Council endorsement is sought for four week targeted consultation on the draft Delivery Agreement and Community Infrastructure Scheme (**Appendix 6**) (**recommendation 2.3**).
- 6.5 The above recommendations ensure Monmouthshire maintains statutory Development Plan coverage to shape and manage development proposals, allows the Council and our communities to review future growth options and their relationship with the pressing challenges and opportunities before us, such as our demography, affordability and availability of housing, economic growth and our role in the wider region.

## **7. RESOURCE IMPLICATIONS:**

- 7.1 Officer time and costs associated with the preparation of a new LDP will be met within existing budgets, including the LDP reserve that has been set aside since 2014. Should Council approve the recommendations set out in this report, separate Cabinet Member approval will be sought to create a fixed term additional post in the Policy Team funded from existing budgets. Further political reporting will be required in due course when decisions are needed regarding resources for the SDP, should they fall beyond the reserves in place.

## **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 new LDP will be subject to a SA, whose findings will be used to inform the development of LDP strategy, policies and site allocations in order to ensure that the LDP would be promoting sustainable development. It will be necessary to update the environmental baseline, plans, policies and programmes as part of any LDP revision process. The new LDP would also include a Well-being Assessment and Health Impact Assessment (potentially as integral part of the SA).
- 8.2 A Future Generations Evaluation (including equalities and sustainability impact assessment) is attached to this report at **Appendix 7**.

### Equalities

- 8.3 The LDP will be subjected to an Equality Challenge process and due consideration given to the issues raised. The Review Report provides an analysis of the adopted LDP vision, issues, objectives, strategy and policies. 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 directly from this report. Community engagement with young people or vulnerable adults would only be carried out via existing appropriate organisations such as schools and Engage 2 Change. Matters pertinent to the new LDP or SDP will be considered as those projects progress.

### **9. CONSULTEES**

- Colleagues within and working closely with the planning service have been engaged via officer working groups.
- SLT
- Cabinet
- An all Member Seminar was held on 30 November 2017 to seek views on the extent to which the current LDP is successfully delivering on its vision, strategy and objectives.
- Awareness of the Draft Review Report consultation and potentially forthcoming LDP revision was raised with other MCC services via SMT and via attendance at all Town and Community Council Cluster meetings and Bryn-y-Cwm Area Committee in January 2018.
- All parties identified as statutory consultees on the LDP and all parties who requested to be kept informed on LDP matters (433 people/organisations) were consulted on the Draft Review Report.
- The Democratic Services Committee has been invited to comment of the draft Community Involvement Scheme.

### **10. BACKGROUND PAPERS:**

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

Appendices 1a-1c: LDP Review Report

Appendix 2: Summary of representations made on Draft Review Report ordered by question

Appendix 3: Letters from Lesley Griffiths dated 13<sup>th</sup> December 2017

Appendix 4: Responses to Lesley Griffiths from CCR Leaders (6<sup>th</sup> February 2018) and Councillor Peter Fox OBE (28<sup>th</sup> February 2018)

Appendix 5: Options Appraisal

Appendix 6: Draft Delivery Agreement including Community Involvement Scheme

Appendix 7: Future Generations Evaluation

### **11. AUTHORS & CONTACT DETAILS:**

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## Evaluation Criteria – Cabinet, Individual Cabinet Member Decisions & Council

<b>Title of Report:</b>	<b>Monmouthshire Local Development Plan – commencement of LDP revision and SDP</b>
<b>Date decision was made:</b>	<b>19<sup>th</sup> March 2018</b>
<b>Report Author:</b>	<b>Mark Hand / Rachel Lewis</b>

### 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 preparation of a replacement Local Development Plan (LDP) for Monmouthshire, the first stage of which is targeted consultation on the draft Delivery Agreement including Community Involvement Scheme.

For Monmouthshire County Council to formally agree to be part of the Cardiff Capital Region Strategic Development Plan (SDP).

The desired outcome is to secure a robust and effective planning policy framework for Monmouthshire that supports delivery of the Council's purpose of helping build resilient and sustainable communities that support the well-being of current and future generations. The policy framework will deliver appropriate levels of economic and physical growth with associated infrastructure to sustain the County and its communities while protecting the best of our built and natural environment. The new LDP will reflect the needs and desires of our communities and our future, with effective engagement and buy-in.

*Delivery of the new LDP will be measured against the timetable set out in the Delivery Agreement. The SDP would have its own Delivery Agreement.*

*Once adopted, both Plans would be monitored annually to identify if the desired outcomes are being achieved.*

### 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)

This will be measured in different ways at different stages:

- Delivery in accordance with the timetable set out in the Delivery Agreement
- Sustainability Appraisal (including well-being and health impact assessments) and key stages during Plan preparation
- The LDP is found to be sound at examination and is adopted by the Council
- Subsequent annual monitoring show that the Plan is delivering on its objectives and a five year housing land supply is maintained.

*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.

It is intended that costs associated with the preparation of the new LDP will be met via the existing budget and LDP reserve. The current LDP cost approximately £770,000 excluding staff time, but it is expected that updating existing evidence and working collaboratively with Torfaen/neighbours will reduce costs. Costs and resources relating to the SDP are currently unknown and will need to be subject to further political reporting in due course.

*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.*