

SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN
MEETING: COUNCIL
DATE: 10 MAY 2018
DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

- 1.1 The purpose of this report is to seek Council's approval to submit the Monmouthshire Local Development Plan (LDP) 2018-2033 Delivery Agreement (DA) to the Welsh Government for agreement. Approval of the DA by the Welsh Government triggers the commencement of Monmouthshire's new LDP.

2. RECOMMENDATIONS:

- 2.1 That Council endorses the Delivery Agreement for submission to the Welsh Government.

3. KEY ISSUES:

Background

- 3.1 At its meeting on 19th March 2018, Monmouthshire County Council (MCC) approved the commencement of a full revision to its Local Development Plan, which will result in a brand new LDP for Monmouthshire for the period up to 2033. At the same meeting, MCC endorsed the Draft Delivery Agreement (DDA) for targeted consultation with specific consultation bodies.
- 3.2 Before substantive work can commence on the Revision of the LDP, a Delivery Agreement has to be prepared by the Council and agreed by the Welsh Government. The purpose of the Delivery Agreement is to set out the timetable for Plan preparation and a Community Involvement Scheme (CIS) which clarifies how and when stakeholders and the community can contribute to the preparation of the Revised LDP.
- 3.3 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 the Delivery Agreement.
- 3.4 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 the Delivery Agreement.

Draft Delivery Agreement Consultation

- 3.5 The Draft Delivery Agreement was published for targeted consultation with specific consultation bodies, including Town and Community Councils, for 4 weeks between 21st March and 18th April 2018. A full list of those consulted on the Draft Delivery Agreement is provided at **Appendix A**.

3.6 A total of 9 responses were received in response to the consultation (from 6 respondents) and are summarised, together with the Council's draft response, in the Report of Consultation at **Appendix B**. These responses include statements of support and general comments which on the whole are not considered to require any changes to the Delivery Agreement.

3.7 The response from the Welsh Government does, however, suggest that the Delivery Agreement timetable should be adjusted to reduce the overall Plan revision timetable from 3 years 9 months to 3 years 6 months to conform with the requirements set out in the Cabinet Secretary's letter of 29 March 2018. As background, the Council received a response from the Welsh Government Cabinet Secretary in relation to her request to progress joint LDPs confirming that Monmouthshire may proceed with its own LDP, rather than a joint LDP. With regard to timescales for Plan preparation, the letter (attached as **Appendix C**) states that:

"...I will be expecting receipt of Delivery Agreements (DAs) within 3 months from the date of this letter [29.03.18], to ensure plan coverage is maintained. I will also expect DAs to demonstrate that plan preparation can be achieved within 3.5 years from formal commencement of the process, with a single additional slippage period of 3 months. This will be monitored through the Annual Performance Reporting (APR) process. I should state quite clearly due to the reassurances received I will not be minded to agree any further extensions to the DA beyond the initial agreement itself."

3.8 The 3 year 9 month Plan preparation timetable set out in the Draft Delivery Agreement was considered to be a challenging timescale to deliver a new LDP for Monmouthshire. Reducing the timescale to 3.5 years is considered to be highly challenging and potentially unrealistic, given the significant processes involved in delivering the new LDP. In view of this, further advice has been sought from the Welsh Government Planning Division to clarify the evidence and rationale for the 3.5 year timeframe set out in the Cabinet Secretary's letter. The advice received to date has been to look at the Delivery Agreement timetables submitted by Conwy and Pembrokeshire Councils, both of which are proposing timetables within the parameters set by the Cabinet Secretary. However, this does not provide us with the evidence needed to demonstrate that the revised LDP can actually be delivered within a 3.5 year timeframe. The Welsh Government has been asked to share the rationale behind the stated time period or any model Delivery Agreement they may have based that on, and invited to suggest areas where time could be saved on our original timetable. Unfortunately no proper reply has been received, only a demand that we comply with the Cabinet Secretary's timescale. This is an unsatisfactory position to be in, but it is clear that WG will not support a Delivery Agreement that exceeds 3.5 years. An attempt to submit the original DA will in all likelihood be rejected, which will set us back by time that we do not have. We have therefore sought to focus our attention on the objective of delivering Monmouthshire's LDP in the most expeditious way possible.

3.9 Consequently, it is recommended that the Delivery Agreement timetable be amended to accord with the 3.5 year timescale required by the Cabinet Secretary. This is primarily because failure to accord with this requirement could result in the Welsh Government not agreeing the Delivery Agreement which would result in the LDP timetable being pushed back further. This would significantly increase the risk of a gap in Plan coverage between the expiry of the current LDP at the end of December 2021 and the adoption of the new LDP. This would be contrary to our objective of ensuring full Plan coverage. Despite being a highly challenging timescale, delivery of the new Plan within this timeframe should enable adoption at the end of December 2021 which would coincide with the expiry of the current Plan thereby reducing the risk of a gap in Plan coverage. The condensed timetable has been achieved by:

- Reducing the time scheduled for certain stages of the Plan preparation process, including the identification/assessment of the vision, issues and objectives and adoption (both stages reduced by 1 month). This has subsequently enabled some other stages to be brought forward;
- Overlapping stages of the Plan preparation process so that an additional process commences whilst a previous stages is ongoing, for example, commence preparation of the Preferred Strategy during the consultation on options; commence analysis of the Preferred Strategy consultation responses during consultation on the Preferred Strategy; commence assessment of Candidate Sites during the call for Candidate Sites.

As a result of these adjustments the timetable has been condensed by 3 months to 3.5 years to accord with the requirements set out in the Cabinet Secretary's letter. The revised timetable is included in the final Delivery Agreement which is attached at **Appendix D**.

3.10 A further revision to the Delivery Agreement timetable has been made in relation to the Candidate Sites process. A Candidate Sites methodology is currently being prepared by the South East Wales Planning Group (SEWSPG) with the intention of all local planning authorities in the region using this methodology to ensure a consistent approach. In the Draft Delivery Agreement timetable there is one call for Candidate Sites which is scheduled for July to October 2018, with subsequent assessments programmed later in the process. Based on recent discussions, however, it is considered that a 2-stage Candidate Sites process would be the most effective method of dealing with such sites. In brief, the following process is proposed:

- 1) Stage 1 – initial call for Candidate Sites. This would involve the submission of a map with a red line boundary and indication of possible housing numbers which would give an indication of site availability and subsequently inform the Preferred Strategy. This stage continues to be timetabled for July to October 2018.
- 2) Stage 2 – further call for Candidate Sites and request for submission of detailed site information for those sites submitted during the initial Candidate Site call that are compatible with the Preferred Strategy. This would enable landowners/promoters to submit additional sites once they know what the Preferred Strategy is, and importantly would enable detailed site information to be requested/submitted at this stage once it is clear that a site is compatible with the strategy, thereby reducing risk/costs for landowners/promoters. This additional stage is timetabled for December 2019-March 2020.

This proposed change also addresses a query raised at Council on 19th March 2018 regarding the sequence of events for submission of candidate sites and assessment prior to deciding on the Preferred Strategy.

Next Steps

3.11 It is recommended that the timetable is amended as follows and that the Delivery Agreement is submitted to the Welsh Government for agreement:

- The timetable for Plan preparation is amended to 3.5 years, rather than 3.9 years, for the reasons set out in paragraph 3.9.
- The timetable relating to the call for Candidate Sites is amended to reflect a 2-stage process, with the initial call scheduled for July to October 2018 and the more detailed stage scheduled for December 2019-March 2020 (as detailed in paragraph 3.10).

Once the Delivery Agreement is agreed by the Welsh Government, work can formally commence on the new LDP in accordance with the Delivery Agreement.

4. OPTIONS APPRAISAL

- 4.1 In considering the preparation of the final Delivery Agreement, the following options were considered:
- a) Approve the Delivery Agreement for submission to the Welsh Government without any amendments.
 - b) Approve the Delivery Agreement for submission to the Welsh Government with the recommended amendments to the timetable as set out in paragraphs 3.9-3.10 above, in relation to overall timescales and Candidate Sites.
 - c) Approve the Delivery Agreement for submission to the Welsh Government without the suggested amendment from the Welsh Government in relation to the 3.5 year timescale, as set out in paragraph 3.9.

5. EVALUATION CRITERIA

- 5.1 **Option b)** is the preferred option, namely to approve the Delivery Agreement for submission to the Welsh Government with the recommended amendments to the LDP preparation timetable, as set out in paragraphs 3.9-3.10 above. Fundamentally, failure to accord with this requirement could result in the Welsh Government not agreeing the Delivery Agreement which would result in the LDP timetable being substantially delayed. Furthermore, reducing the timescale for Plan preparation to 3.5 years, whilst highly challenging, would enable Plan adoption at the end of December 2021 which would coincide with the expiry of the current Plan, thereby reducing the risk of a gap in Plan coverage. The inclusion of a 2-stage approach to the Candidate Sites process is considered to be the most effective method of dealing with such sites, as detailed in paragraph 3.10.
- 5.2 Option a) is not considered to be an appropriate way forward. The recommended amendments to the Delivery Agreement timetable are considered necessary to ensure that the Plan revision process can commence as soon as possible and to deal with Candidate Sites in an effective manner.
- 5.3 Option c) to retain the 3.9 years timetable for LDP preparation, whilst more realistic, is not considered to be appropriate because failure to accord with the requirement for a 3.5 year timescale set out in the Cabinet Secretary's letter could result in the Welsh Government not agreeing the Delivery Agreement. This would result in the LDP timetable being pushed back which would significantly increase the risk of a gap in Plan coverage between the expiry of the current LDP at the end of December 2021 and the adoption of the new LDP.

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 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, i.e. a new LDP. Monmouthshire County Council (MCC) has approved the commencement of a full revision to its Local Development Plan which will result in a brand new LDP for Monmouthshire for the period up to 2033.
- 3.2 Before substantive work can commence on the Revision of the LDP a Delivery Agreement has to be prepared by the Council and agreed with the Welsh Government. The purpose of the Delivery Agreement is to set out the timetable for plan preparation and a Community Involvement Scheme (CIS) which clarifies how and when stakeholders and the community can contribute to the preparation of the Revised LDP. Following targeted consultation, the Delivery Agreement has been amended, as detailed in paragraphs 3.9-3.10, for submission to Welsh Government.

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. Separate Cabinet Member approval has been sought to create a fixed term additional post in the Policy Team funded from existing budgets.

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 E**.

Equalities

- 8.3 The LDP will be subjected to an Equality Challenge process and due consideration given to the issues raised. 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

- 8.4 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 will be considered as those projects progress.

9. CONSULTEES

- SLT
- Specific consultation bodies were consulted on the Draft Delivery Agreement.
- The Democratic Services Committee was invited to comment of the draft Community Involvement Scheme.

10. BACKGROUND PAPERS:

- Monmouthshire Adopted LDP (February 2014)
- Monmouthshire LDP Review Report (March 2018)

11. AUTHORS & CONTACT DETAILS:

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Evaluation Criteria – Cabinet, Individual Cabinet Member Decisions & Council

Title of Report:	Monmouthshire Local Development Plan – Approval of Delivery Agreement for Submission to the Welsh Government
Date decision was made:	10th May 2018
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 preparation of a replacement Local Development Plan (LDP) for Monmouthshire, the first stage of which is to prepare a Delivery Agreement for submission to the Welsh Government. The purpose of the Delivery Agreement is to set out the timetable for plan preparation and a Community Involvement Scheme (CIS) which clarifies how and when stakeholders and the community can contribute to the preparation of the Revised LDP.

The desired outcome is to ensure that the Delivery Agreement is agreed by the Welsh Government in a timely manner. This will enable the Council to formally commence the preparation of the revised LDP and to seek to meet the requirements set out in the Delivery Agreement.

Delivery of the new LDP will be measured against the timetable set out in the Delivery Agreement.

Once adopted, the LDP 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 by:

- Delivery of the LDP in accordance with the timetable set out in the Delivery Agreement
- Engagement/involvement of stakeholders and the community throughout the LDP revision process in accordance with the Community Involvement Scheme.

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.

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.