

**SUBJECT: MONMOUTHSHIRE REPLACEMENT LOCAL DEVELOPMENT
UPDATE IN LIGHT OF COVID-19**
MEETING: CABINET
DATE: 17 JUNE 2020
DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

- 1.1 The purpose of this report is to provide Cabinet with an update on the preparation of the Replacement Local Development Plan (RLDP) in light of the current COVID-19 pandemic. It invites Cabinet to review the Issues, Vision and Objectives that form the foundations of the Plan's strategic direction, and seeks Cabinet's endorsement that the Issues, Vision and Objectives hold true and that the RLDP should continue to progress including completing the Preferred Strategy consultation and second call for candidate sites. This report invites Cabinet to note the delay in RLDP preparation associated with COVID-19, which will necessitate Council approval of a revised Delivery Agreement in coming months, and highlights the significant issues now posed by the LDP 'drop dead' provisions.

2. RECOMMENDATIONS:

- 2.1 Cabinet endorses the RLDP Issues, Vision and Objectives and the strategic direction of the RLDP in the light of the COVID-19 pandemic, that it remains relevant and appropriate and approves that work on the RLDP should continue.
- 2.2 Cabinet writes to the Minister for Housing and Local Government to amend the Planning (Wales) Act 2015 to remove the 'drop dead date' legislative provisions to prevent a policy vacuum and allow for decisions to be taken in accordance with the existing LDP until the adoption of the RLDP, unless newer national policy or evidence indicates otherwise.

3. KEY ISSUES:

Background

- 3.1 The Council is preparing a Replacement Local Development Plan (RLDP) for the County (excluding the area within the Brecon Beacons National Park) to cover the period 2018-2033, and is currently at the Preferred Strategy stage of the process. Cabinet will recall that Council endorsed the Preferred Strategy for statutory consultation/engagement and stakeholder involvement on 5th March 2020. Public consultation and engagement on the Preferred Strategy commenced on Monday 9th March for a statutory 6 week period, with the consultation due to end on 22nd April 2020. A number of Preferred Strategy public engagement events, along with officer attendance at Area Committees and Area Cluster meetings, were scheduled during the 6 week consultation period. Public engagement events ('drop-in sessions') were held at Monmouth (11th March 2020) and Raglan (12th March 2020) but the decision was made to cancel subsequent events due to the change in circumstances caused by COVID-19 and in particular the emerging advice to avoid large groups and to socially distance. The second call for candidate sites commenced

at the same time as the Preferred Strategy consultation for a 12 week period and was due to end on 3rd June 2020.

- 3.2 In light of the changing circumstances surrounding COVID-19, the decision was taken on 17th March 2020 to postpone the RLDP Preferred Strategy engagement events until further notice and to keep open, with an extended deadline, both the Preferred Strategy consultation period and the second (final) opportunity to submit candidate sites for inclusion in the RLDP. The closing date has not yet been set.
- 3.3 On 18th March 2020, the Welsh Government issued a letter to all Chief Planning Officers in Wales regarding the implications of the COVID-19 pandemic on the preparation of Local Development Plans (**Appendix 1**). The letter suggested that the current consultation on Monmouthshire's RLDP Preferred Strategy should stop in light of the current situation. Officers reviewed their position and reaffirmed the decision that the Preferred Strategy consultation period and opportunity to submit candidate sites will remain open. The consultation and site submission deadlines will be extended accordingly to provide a full six week consultation once restrictions are amended to enable engagement events to recommence. This will provide stakeholders with an extended time period to submit consultation responses and candidate sites. We will reschedule all of the community involvement events, as well as attendance at virtual Community Council Clusters and Area Committees or suitable alternatives taking into account social distancing and other adjustments needed to ensure the safety of colleagues and our communities.
- 3.4 It is difficult to confirm a timescale for these rearranged events and for the new consultation submission deadlines at present due to the ongoing uncertainty associated with the pandemic and future lockdown relaxations. However, we anticipate reporting a revised Delivery Agreement, setting out revised dates for future key stages of the RLDP and an updated Community Involvement Scheme, to Council in July 2020. Updates will be posted on our website as the situation becomes clearer and all parties on our RLDP stakeholder database will be notified. Welsh Government will shortly be providing guidance on the development of RLDPs given the impact of COVID-19 which will further inform our progress. These changes inevitably and unavoidably delay adoption of the LDP, which has a series of further implications considered later in this report.

RLDP Issues, Vision and Objectives Update

- 3.5 The key issues, challenges and opportunities facing Monmouthshire are set out in the RLDP Issues, Vision and Objectives Papers. The original January 2019 Paper set out 38 issues and 17 objectives. The issues have been informed by a wide range of evidence including:
- Monmouthshire Public Service Board Well-being Plan
 - Corporate Business Plan 2017-2022
 - LDP Annual Monitoring Reports (2015 – 2018)
 - LDP Review Report long
 - National guidance/legislation
 - Cardiff Capital Region City Deal.
 - key sustainability matters which are included in the Integrated Sustainability Appraisal/Strategic Environmental Assessment (ISA/SEA) of the RLDP.
- 3.6 The Paper was amended in July 2019 to fully reflect the Council's Climate Emergency declaration made in May 2019. It was updated again in March 2020 to add the spatial element associated with the Preferred Strategy. The RLDP Issues, Vision, Objectives set the foundations for the strategic direction of the RLDP and shaped the Preferred Strategy. It is therefore essential that they remain relevant and appropriate in light of the current COVID-19 pandemic. Officers have therefore revisited the RLDP Issues,

Vision and Objectives to consider their continued relevance for the County and if any additional issues/challenges/opportunities should be identified and addressed by the RLDP.

- 3.6 Overall, it is considered that the RLDP Issues, Vision and Objectives remain relevant to Monmouthshire and RLDP strategy remains appropriate to address and deliver them. Appendices 2 and 4 set out in full the issues and objectives and consider their relevance in light of COVID-19. A number of issues and objectives are now considered to have increased emphasis and importance, as detailed in the table below. Accordingly, no changes are proposed to the RLDP Issues, Vision and Objectives or the Preferred Strategy, which is currently subject to public consultation and engagement.

RLDP Issue & Objective	Increased Emphasis in Light of COVID-19	RLDP Response
<p>Economy and Employment Issues 1-9 Objectives 1-2</p>	<p>Given the potential increase in agile and home working over the longer term, employment land demand/ requirements may change, while unemployment is likely to increase in the short-term. However, the RLDP will continue to need to provide a range of sites to meet employment needs to 2033 to support the Council's ambitions and to support the local economy. This is likely to include local business hubs with printing or meeting room facilities for agile workers to utilise on demand. Increased agile/home working will mean businesses have greater choice over where to locate, with quality of life and environment potentially becoming increasingly important, to Monmouthshire's benefit.</p> <p>High streets will continue to change especially in the short-term due to the increase in online shopping associated with COVID-19, and there is a clear need for flexible planning policies in our central shopping areas to enable a 're-imagining' of our high streets across the County. Increased agile/home working might result in increased expenditure within our towns. The community goodwill encapsulated by the COVID-19 response should help support local businesses and retailers.</p> <p>The importance of the local tourism economy will increase given Monmouthshire's desirable tourism offer, increased demand for 'staycations' rather than holidays abroad, and with a particular emphasis on self-catering accommodation in the short-term.</p>	<p>The RLDP will provide a positive planning policy framework to support and enable sustainable economic growth, including in relation to our high streets and tourism sector, over the Plan period.</p>
<p>Green Infrastructure, Biodiversity and Landscape and Health & Well-being Issues 11, 12, 18-21 Objectives 3 and 8</p>	<p>Lockdown has emphasised the value and importance of place-making and of the provision of locally accessible open/green spaces for health and well-being and recreation. This is essential to our core purpose of building sustainable and resilient communities. The likely increase in home/agile working will increase this importance and quality of life/environment are likely to become increasingly important factors in decisions on where to live and locate businesses.</p>	<p>The RLDP will provide a positive planning policy framework to support and enable place-making and the provision of locally accessible open /green space and to protect/enhance our natural environment.</p>

<p>Housing Issues 25-28 Objective 10</p>	<p>High house prices and associated affordability are likely to remain significant issues in the County and could be exacerbated by the impacts of COVID-19 (e.g. increase in unemployment, homelessness resulting in increased demand for affordable housing solutions). The Welsh Government expectation is that permanent accommodation will be provided for homeless people accommodated during COVID-19. Even if house prices drop in the short term, they remain well above the Wales average and disproportionate to incomes of those who work within the County. The likely increase in home/agile working and increased importance of quality of life/environment will influence decisions on where to live making Monmouthshire an even more attractive proposition.</p>	<p>The RLDP will ensure /enable a range and choice of homes (housing mix) in future housing developments to address these affordability issues and to build sustainable and resilient communities. The Preferred Strategy allows for a level of growth and for affordable housing-led sites: this remains critical to addressing the issues and objectives.</p>
<p>Population and Demography Issues 22-24 Objective 9</p>	<p>The current pandemic has clearly demonstrated the importance of ensuring our communities are balanced and socially sustainable, particularly in terms of demography. Community volunteers comprised of the younger age groups have been crucial in supporting the needs of our older self-isolating population during this period. The level of growth identified in the RLDP Preferred Strategy seeks to address our demographic challenges by enabling a more balanced demographic in the County. Whilst there continues to be growth in the over 60 age groups, there is also significant growth in the established households age-groups, 35-44 age group and also the under 19 age groups over the Plan period. In addition, there is a levelling out of the age profile with growth coming from a broader cross section of the demographic.</p> <p>Conversely, a low growth option would not respond to our demographic challenges or achieve one of the RLDP's key objectives of creating balanced communities in Monmouthshire. Growth based on the WG 2014-Based Principal Projection (low growth option) would have significant negative implications on the age profile of the County over the Plan period. Whilst there would be a low level of growth in the 35-44 age groups, the majority of population growth would be from the over 60 age groups with all other age groups experiencing negative growth, resulting in an unbalanced demographic. The future impacts of seeking community support from a smaller cohort of younger age groups to support a much larger cohort of older generations if a low growth option were pursued would be unsustainable. This is illustrated in the graphs at Appendix 3.</p> <p>This demonstrates that the level of growth identified in the Preferred Strategy will enable positive demographic change over the Plan period to support social sustainability and balanced communities. A low growth option would fail to address this key issue and would be detrimental to our core purpose of creating sustainable and resilient communities.</p>	<p>The RLDP growth levels will deliver positive demographic change over the Plan period that is essential to support and enable the provision of balanced communities throughout the County.</p>

<p>Infrastructure Issues 29–31 Objective 14</p>	<p>Likely to be an increased emphasis on digital infrastructure and active travel options due to the increase in agile/home working. If successful, the trial measures being drawn up to support our High Streets and enable social distancing might become permanent if they are successful.</p> <p>There has been anecdotal evidence that there has been a spike in the sales of electric bicycles, which given Monmouthshire’s topography and rurality could be a key way of encouraging active travel. The RLDP should support the provision of enabling charging infrastructure. (It is already supporting active travel and will influence and reflect the emerging new Integrated Network Maps).</p>	<p>The RLDP will ensure digital and charging infrastructure provision is in place or can be provided to accommodate new development and will support active travel opportunities.</p>
<p>Climate Change Issues 36-38 Objective 17</p>	<p>Likely to be an increased emphasis on local renewable energy generation/demand linked to enhanced self-sufficiency in the County. Increased agile/home working could reduce commuting patterns and reliance on private car use, certainly in the short term, reducing congestion and improving air quality.</p>	<p>The RLDP policy framework will support and enable renewable energy generation and provide opportunities for active travel and integrated sustainable transport solutions.</p>

3.7 The RLDP Vision clarifies the core purpose of the Plan and reflects the key issues and challenges facing the County. The objectives seek to address the issues and deliver the vision.

By 2033 Monmouthshire will be a place where:

- (1) People are living in sustainable, resilient communities that support the well-being of current and future generations and are more inclusive, cohesive, prosperous, vibrant and balanced demographically. Both urban and rural communities are well-connected with better access to local services and facilities, open space and employment opportunities.
- (2) Communities and businesses are part of an economically thriving and well-connected County.
- (3) The best of the County’s built heritage, countryside, landscape and environmental assets have been protected and enhanced to retain its distinctive character.
- (4) People enjoy healthier, more sustainable lifestyles with improved access to public transport and active travel opportunities and have a minimised impact on the global environment.

The spatial implications of achieving this Vision will be that by 2033:

Monmouthshire will have grown sustainably, with a proportionate distribution of new homes and employment focused on the most sustainable urban and rural settlements, supported by infrastructure and delivering affordable housing focused on the areas of greatest need.

Development will have contributed to facilitating more sustainable lifestyles by delivering high quality places that promote low carbon developments with an appropriate mix of uses and that are well-connected to the wider area in terms of character, environment and movement by public transport, walking and cycling.

- 3.8 It is considered that the vision remains relevant and effectively reflects the key issues, challenges and opportunities, including those with increased emphasis in light of the current pandemic. Through the review no new issues have been identified that are not already adequately covered within the documents and there are no amendments to the RLDP vision proposed to Cabinet.

RLDP Revised Timescale and Community Engagement Options

- 3.9 A revised Delivery Agreement (DA) will be prepared, setting out a revised timetable for the remaining stages of Plan preparation and an updated Community Involvement Scheme (CIS) detailing our revised consultation and engagement arrangements. The manner in which public engagement events will take place will be reviewed in line with the Coronavirus Regulations (2020) to ensure social distancing measures can be put in place when conducting any public events. The Council will also review digital options to provide communities with information and the ability to engage with the preferred strategy consultation. It is intended that the amended DA and associated CIS will be reported to Council in July 2020 for endorsement for submission to the Welsh Government (WG) for their agreement. Following this, all stakeholders will be informed of the revised deadline for submitting comments on the Preferred Strategy and the new consultation and engagement arrangements, together with the revised deadline for candidate site submissions. Work will continue on the preparation of the RLDP in accordance with the revised DA.
- 3.10 The amended DA will result in significant delay to the delivery of the RLDP until at least September 2022. This new timetable will result in the adoption of the RLDP being after the 2022 local elections. This introduces risks in terms of any new administration's acceptance of and buy-in to the RLDP. The delay in the timetable will also impact on the Council's ability to address the issues and objectives and puts pressure on the deliverability of the housing and employment figures over the Plan period, with more reliance on delivery towards the end of the Plan.

'Drop dead' date of existing LDP

- 3.11 The current LDP runs until 31st December 2021 and due to a 2015 legislative provision (Wales Planning Act 2015) referred to as the 'drop dead date', after this time the current LDP ceases to have any weight at all and there will be no local planning policy framework within Monmouthshire until the RLDP is adopted. During this period of time (December 2021 – September 2022) there will be a local planning policy vacuum and decisions will have to be taken based on national planning policy only. This results in all site allocations, local designations, settlement boundaries and planning policies within the existing LDP becoming redundant. All existing housing and employment site allocations without planning consent would cease to be a land use allocation. There would be no development boundaries around settlements and therefore no urban windfall sites. There will be no local policies to protect existing employment sites or town centres. The Council's enabling tourism policies would be absent from the decision making process and policies that enable the council to seek financial contributions towards infrastructure and affordable housing provision would also not be sustained.
- 3.12 This could result in significant consequences such as the Council not being able to support sustainable development proposals that would benefit the people of Monmouthshire in terms of economic growth and housing provision. The local policy vacuum could also result in the submission of speculative planning applications on land

that we would not seek to promote development, although the implications of the recent removal of the five year housing land availability requirement are unclear in this regard. The lack of a local planning policy framework would be a significant risk to decision making within the County and would result in uncertainty for investors, businesses, stakeholders and our local communities.

- 3.13 Welsh Government Officials have advised that the ‘drop dead’ date is outlined within primary legislation with the Planning Act 2015 and it is set with the purpose of ensuring plan coverage across Wales. MCC Officers have informally requested that WG review and remove the drop dead date in light of the delays that COVID-19 has put on the preparation of RLDPs. However this has not happened to date and as a result Monmouthshire’s LDP will cease to exist on 31st December 2021.
- 3.14 If the drop dead date remains in place, there is a significant risk that the County will not be able to adequately support sustainable forms of development that could benefit the prosperity of the County and it could potentially result in undesirable forms of development achieving planning consent. It is therefore recommended that Cabinet members seek to formally write to the Minister for Housing and Local Government to seek amendment of the legislation regarding the ‘drop dead date’ provisions and to prevent a local planning policy vacuum.

4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

- 4.1 The Planning and Compulsory Purchase Act (2004) sets out the requirement for all LDPs to be subject to a Sustainability Appraisal (SA). All stages of the RLDP will be subject to an Integrated Sustainability Assessment (including Strategic Environmental Assessment (SEA), Well-being of Future Generations (WBFG), Health Impact Assessment (HIA), Equality Impact Assessment (EqIA), and Welsh Language Impact Assessment (WLIA)), whose findings will be used to inform the development of the Replacement LDP strategy, policies and site allocations in order to ensure that the Plan will be promoting sustainable development. The Initial ISAR is published alongside the Preferred Strategy.
- 4.2 A Future Generations Evaluation (including equalities and sustainability impact assessment) is attached to this report at **Appendix 5**.

Safeguarding and Corporate Parenting

- 4.3 There are no safeguarding or corporate parenting implications arising directly from this report

5. OPTIONS APPRAISAL

RLDP Issues, Vision and Objectives Update in Light of COVID-19

Option	Benefit	Risk	Comment
<p>Cabinet endorses the RLDP Issues, Vision and Objectives and the strategic direction of the RLDP in the light of the COVID-19 pandemic, that it remains relevant and appropriate and no changes needed.</p>	<p>This will enable the Plan preparation process to progress in a timely manner in accordance with the revised Delivery Agreement (likely to be reported to Council in July 2020). Consultation on the Preferred Strategy can continue, along with the second call for candidate sites. Progression of the RLDP will ensure that the Council has an adopted RLDP in place as soon as possible in 2022, minimising the negative implications associated with the policy vacuum that has been created by WG legislation.</p>	<p>The RLDP is prepared in the absence of full evidence of the implications of COVID-19. This may trigger an early Plan review if the long-term implications of COVID-19 impact on the delivery of the RLDP. However, this evidence will only be known once medium term trends are established. The RLDP cannot feasibly be delayed this long.</p>	<p>The Issues, Vision and Objectives, as drafted, are considered to remain relevant to the County in light of COVID-19, albeit some are considered to have increased emphasis (as set out above). The strategic direction of the RLDP is considered to be appropriate to address and deliver the identified issues, vision and objectives, which assists in addressing the demographic and affordability challenges facing the County and seeks to deliver the Council's core purpose to build sustainable and resilient communities that support the well-being of current and future generations.</p> <p>This is the preferred option.</p>
<p>The RLDP Issues, Vision and Objectives require amendment in light of COVID-19. Amendments are needed to the RLDP Issues, Vision and Objectives.</p>	<p>If it is considered that COVID-19 raises new issues which are not currently adequately addressed, this is an opportunity to rectify that.</p>	<p>Any amendments to the Issues, Vision and Objectives would lead to a significant delay in the RLDP preparation process and in adopting the Plan with resultant implications, including a significant policy vacuum as the Council would be without a development plan for a considerable period of time, and associated lack of certainty for communities and investors.</p>	<p>As above, the Issues, Vision and Objectives, as drafted, are considered to remain relevant to the County in light of COVID-19, albeit some are considered to have increased emphasis (as set out above). The strategic direction of the RLDP is considered to be appropriate to address and deliver the identified issues, vision and objectives, which assists in addressing the demographic and affordability challenges facing the County and seeks to deliver the</p>

Option	Benefit	Risk	Comment
			Council's core purpose to build sustainable and resilient communities that support the well-being of current and future generations. It is not considered necessary to amend the Issues, Vision and Objectives in light of COVID-19.
Pause the preparation of the RLDP until the implications of COVID-19 are fully known.	The RLDP is prepared having full regard to the evidence associated with the long-term implications of COVID-19. However, a revisit of the RLDP Issues, Vision and Objectives has demonstrated that these remain relevant in light of COVID-19 and the Plan's strategic direction of travel remains appropriate.	It is likely to be some time before the long-term implications of COVID-19 are fully known and supporting evidence is available. Pausing the preparation of the RLDP would lead to a significant delay in Plan progress. It is likely that earlier stages of the RLDP would need to be revised and additional associated evidence gathering needed. This would also have time implications in relation to the ISA and HRA processes. This would lead to a significant delay in preparing further stages of the RLDP and in adopting the Plan with resultant implications, including a policy vacuum as the Council would be without a development plan for a considerable period of time, and associated lack of certainty for communities and investors.	As above, the Issues, Vision and Objectives, as drafted, are considered to remain relevant to the County in light of COVID-19, albeit some are considered to have increased emphasis (as set out above). The strategic direction of the RLDP is considered to be appropriate to address and deliver the identified issues, vision and objectives, which assists in addressing the demographic and affordability challenges facing the County and seeks to deliver the Council's core purpose to build sustainable and resilient communities that support the well-being of current and future generations. It is not considered necessary to pause preparation of the RLDP in light of COVID-19.

Risk of ‘Drop dead’ date on local planning policy framework

Option	Benefit	Risk	Comment
That Cabinet writes to the Minister for Housing and Local Government to amend the legislation to remove the ‘drop dead date’ legislative provision to prevent a policy vacuum and allow for decisions to be taken in accordance with the existing LDP until the adoption of the RLDP, unless newer national policy or evidence indicates otherwise.	Unless newer national policy or evidence indicates otherwise, planning decisions would continue to be made in accordance with the existing LDP and the Council would be able to continue to support sustainable forms of development in accordance with the current local planning policy framework whilst resisting unwelcome development proposals.	Limited risk of taking action to write to the Minister for a change in the legislation.	The drop dead date would cause a local planning policy vacuum that would impair decision making within the county and result in uncertainty for our local communities. This is the preferred option.
Do nothing.	All decisions would be made in accordance with national planning policy and the loss of a local planning policy framework would enable focus to be retained on delivering the RLDP. It could result in additional speculative planning applications that are appropriate for the County.	We would not have a local planning policy framework until the adoption of the RLDP. Restricts the council in being able to manage development proposals appropriately and to support the provision of housing and economic opportunities that would benefit people and local communities. It could thwart other objectives, for example the loss of employment sites to other types of development.	The drop dead date would cause a local planning policy vacuum until the adoption of the RLDP.

6. RESOURCE IMPLICATIONS

- 6.1 Officer and consultant time and costs associated with the preparation of a Revised DA and associated CIS. The CIS may result in additional time and resources given the need to engage with communities with social distancing regulations. Any costs will be met from the Planning Policy budget.

7. CONSULTEES

- Planning Policy team
- Cabinet
- Enterprise DMT
- SLT

8. BACKGROUND PAPERS

- RLDP Preferred Strategy (March 2020)
- Growth and Spatial Options Background Paper (March 2020)
- Issues, Vision and Objectives Paper (January 2019, as amended June 2019 and March 2020)

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APPENDICES:

APPENDIX 1: Welsh Government Letter 18/05/2020

APPENDIX 2: RLDP Issues – Revisit in Light of COVID-19

APPENDIX 3: Population and Age Dependency Graphs

APPENDIX 4: RLDP Objectives – Revisit in Light of COVID-19

APPENDIX 5: Future Generations Evaluation (including equalities and sustainability impact assessment)