

CYNGOR SIR POWYS COUNTY COUNCIL.

21st October 2015

REPORT AUTHOR: Paul Griffiths - Strategic Director, Place

SUBJECT: Powys Local Development Plan – Revised Delivery Agreement

REPORT FOR: Decision

1. Summary

1.1 To revise the Delivery Agreement for the preparation of the Powys Local Development Plan in order to change the indicative dates to definitive dates and to reflect changes introduced by the LDP Amendment Wales Regulations 2015.

2. Proposal

2.1 Adoption of the Powys Unitary Development Plan on 1st March 2010 enabled the Council to commence the process of preparing its replacement plan, the Powys Local Development Plan (LDP) (excluding the Brecon Beacons National Park).

2.2 The LDP Delivery Agreement (DA) sets out the preparation process for the LDP including a timetable to completion and proposals for community involvement in the plan making process.

2.4 The Council is required by the LDP Regulations to keep the DA under regular review and to revise the DA when necessary. It was last reviewed in February 2015 and in accordance with Welsh Government's LDP Manual it must be revised following the Deposit consultation stage (June to July 2015) to change the indicative dates to definitive dates. The revised Delivery Agreement is attached as Appendix 1 to this report, and amendments resulting from amended LDP Wales Regulations 2015 have also been included.

2.5 The key date changes to the dates published in the current Delivery Agreement are shown below. Officers in conjunction with the LDP Working Group will be considering the deposit representations and the preparation of Focussed Changes in response to some of the representations, plus the undertaking of the necessary informing assessments, before reporting to Cabinet. Officers have also liaised with Welsh Government officers over the amended dates in the timetable.

- **Stage 1** The Delivery Agreement (*Feb 2008 – Dec 2010, Revised March 2013 and February 2015*)
- **Stage 2** Evidence Gathering and Objective Setting (*Jan 2011 - on-going*)
- **Stage 3** Pre-Deposit Participation (*Oct 2011 – Jan 2012*)
- **Stage 4** Pre-Deposit Consultation (*Mar – April 2012*)
(Following Stage 4, the Council will prepare the Deposit Version of the plan)
- **Stage 5** Deposit of LDP Proposals (*June – July 2015*)
- **Stage 6** Consultation on Site Allocation Representations (*Sept – Oct 2015; Indicative*, Note: stage removed by The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015.
- ~~(Optional Stage 7 Consultation on focussed changes (*Dec 2015 – Jan 2016; Indicative*)) (Jan – Feb 2016)~~
- **Stage 8** Submission of LDP to National Assembly (~~*Dec 2015; Indicative*~~) (*Jan 2016*)
- **Stage 9** Independent Examination (~~*April May 2016; Indicative*~~)
- **Stage 10** Inspector's Report (*Nov 2016; Indicative*)
- **Stage 11** Adoption (*Dec 2016; Indicative*)
- **Stage 12** Annual Monitoring and full LDP Review at least every 4 years

2.14 The LDP Regulations require any revision of the DA to be approved by resolution of the Council prior to its submission to the National Assembly for its agreement. The revised Delivery Agreement was reported to the LDP Working Group on the 19th October 2015 and any recommendations made by the Working Group will be reported verbally to Council.

2.15 If Council approves the revised timetable, the full DA will be revised and submitted to Welsh Government and subject to its agreement published on the Council's website and deposited in the 4 main Council offices.

3.0 One Powys Plan

3.1 The One Powys Plan 2014-17 sets out 5 priorities:

- Integrated health and adult social care.
- Children and Young People.
- Transforming learning and skills.
- Stronger, safer and economically viable Communities.
- Financially balanced and fit for purpose public services.

3.2 The LDP can support and facilitate each of the above priorities, as well as some of the actions and outcomes of the One Powys Plan where there are land use and development implications. Specific reference is made in the One Powys Plan to the LDP under the priority of **Stronger, safer and economically viable communities** which states the following action: "Align the Local Development Plan to ensure it provides a sustainable infrastructure that underpins the delivery of the One Powys Plan". The LDP will also be tested at Public Examination to ensure it has had regard to the One Powys Plan.

3.3 The principal risks are the failure to prepare the LDP in accordance with the Delivery Agreement and the various statutory regulations covering LDP preparation and assessments. This could leave the LDP and its preparation process open to a legal challenge and costs. It could leave the Council without an adopted development plan so that future decisions on planning applications are potentially based on out-of-date policies that do not reflect the needs of the County.

4.0 Options Considered/Available

4.1 The LDP Delivery Agreement requires revision because it is no longer up to date, so the Council has little option other than to revise the Delivery Agreement.

5.0 Preferred Choice and Reasons

5.1 To revise the Delivery Agreement as set out in Appendix 1.

6.0 Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc

6.1 The LDP's policies and proposals are informed by statutory assessment processes (Sustainability Appraisal, Strategic Environmental Assessment, Habitats Regulatory Assessment, Equalities Impact Assessment) to ensure that the plan has been prepared having regard to its impact on sustainability, the environment, equalities, etc. The plan for instance aims to contribute to sustainable development and to enhance the environment. It also includes policies that seek to support Welsh Language in Welsh speaking strongholds and to reduce crime through good design.

6.2 The LDP will be subject to Public Examination by a Planning Inspector who will test the plan for 'soundness'. The soundness tests include tests on sustainability and consistency with other relevant strategies.

7.0 Children and Young People's Impact Statement - Safeguarding and Wellbeing

7.1 The plan will include objectives and policies that seek to facilitate healthy, sustainable living environments and places for the wellbeing of the County's population as a whole. The protection and provision of play and open spaces are one example where the LDP can support the well-being of children. Preparing and testing the Powys LDP through the assessment processes ensures that human health and wellbeing are considered.

8.0 Local Member(s)

8.1 The Powys LDP will directly affect all those Members with wards, either wholly or partly, located in Powys outside the Brecon Beacons National Park. Those Members with wards entirely within the National Park may be indirectly affected by nearby proposals.

9.0 Other Front Line Services

9.1 The LDP has the potential to impact on all service areas in a number of possible ways e.g. where services have a 'land use' requirement, or where service delivery is impacted on by the levels of development and growth being planned. Three Portfolio Holders are represented on the LDP Working Group. Some of the evidence base also involves the support of and reliance upon other service areas.

10.0 Support Services (Legal, Finance, Corporate Property, HR, ICT, BPU)

10.1 The Principal Solicitor (Planning) has commented as follows: The content of the report is noted and I can confirm that regulation 9(1) (a) & (5) of The Town & Country Planning (Local Development Plan) (Wales) Regulations 2005 requires that the Delivery Agreement (or any revision) must be approved by resolution of the Local Planning Authority, namely, Powys County Council.

10.2 Finance comment: The finance business partner notes the contents of the report, the revenue finances needed to support the LDP are in place.

11.0 Local Service Board/Partnerships/Stakeholders etc

11.1 The Deposit Local Development Plan has the potential to impact on the Local Service Board, partnerships and stakeholders in many ways e.g. where services have a 'land use' requirement, or where service delivery is impacted on by the levels of development and growth being planned. The LDP process is a statutory process which provides informal and formal opportunities for engagement and involvement. The individual partnership organisations of the LSB will have the opportunity to comment on the Deposit Draft LDP during its public consultation period. The community involvement scheme within the delivery agreement sets out the involvement opportunities.

12.0 Corporate Communications

12.1 Communications comment: The report is of significant public and service user interest and requires news release and social media activity to publicise the decision.

13.0 Statutory Officers

13.1 The Solicitor to the Council (Monitoring Officer) has commented as follows: I note the legal comment and have nothing to add to the report.

13.2 The Strategic Director Resources (S151 Officer) notes the comments made by Finance. The funding will need to be established as and when the detailed expenditure requirements are known. An activity such as delivering the LDP is a key corporate activity and funding sources will include the use of appropriate reserves.

Members' Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Resolution: To approve the revised LDP Delivery Agreement (Appendix 1).	Reason for Recommendation: As required by Regulation 9 of The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 To enable submission of a revised DA to the Welsh Government for its agreement.
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Relevant Policy (ies):	N/A		
Within Policy:	Yes	Within Budget:	Yes
Relevant Local Member(s):			
Person(s) To Implement Decision:	Peter Morris		
Date By When Decision To Be Implemented:	21st Oct 2015		
Contact Officer Name:	Tel:	Fax:	Email:
Peter Morris	01597 827773		peter.morris@powys.gov.uk

Background Papers used to prepare Report:

Full Council Report 11/2/2015
LDP Revised Delivery Agreement, February 2015.
Legislation, Regulations, Planning Policy Guidance, etc
One Powys Plan

Appendices:

Appendix 1 – Revised LDP Delivery Agreement, Oct 2015