

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**CABINET EXECUTIVE**

**14 September 2021**

**REPORT AUTHOR:** County Councillor Iain McIntosh  
Portfolio Holder for Economic Development, Planning  
and Housing

**REPORT TITLE:** Approval of the Powys Local Development Plan Annual  
Monitoring Report 2021 for submission to Welsh  
Government, and to commence the LDP Review process

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**REPORT FOR:** Decision

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**1. Purpose**

1.1 To approve the Powys Local Development Plan Annual Monitoring Report (**AMR**) 1st April 2020 to 31st March 2021 [AMR 2021] in readiness for its publication and submission to the Welsh Government no later than 31<sup>st</sup> October 2021, plus two informing background papers.

1.2 To seek approval to formally commence the Review process of the Powys Local Development Plan (**LDP**) and, accordingly, to commence work on the preparation of a Review Report.

**2. Background**

2.1 The Powys Local Development Plan is a 15-year statutory development plan spanning the period 2011 to 2026. It was adopted by the Council in April 2018. Under current legislation it will cease to be the development plan for the Powys Local Planning Authority area after its end date on 31<sup>st</sup> March 2026.

2.2 Legislation states that an LPA must publish and submit to Welsh Government an Annual Monitoring Report (AMR) setting out how the objectives of the plan are being achieved.

2.3 The AMR assesses the extent to which the plan's strategy and key policies, sites and infrastructure requirements are being delivered. By basing each AMR on the results and commentary of the preceding year, trends can be identified, and it becomes clear how policies and proposals are delivering year on year.

2.4 The Welsh Government's Development Plans Manual: Edition 3 (2020) affirms that AMRs are the key mechanism to assess the delivery and implementation of a plan's strategy. They provide transparency in the planning process by keeping stakeholders and the community informed regarding the performance of the plan against the issues it has identified. AMRs must be

approved by the LPA and submitted to Welsh Government by 31st October of the respective year.

2.5 AMR 2021, attached for approval as Appendix 1 to this report, covers the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021 and is to be submitted by the end of October this year as the statutory AMR. As monitoring is a continuous cycle, AMR 2021 is supported by two background papers (supplied for information – neither of these documents were required to be submitted to Welsh Government) which contain the earlier monitoring results of the adopted Powys Local Development Plan from its adoption date:

- Background Paper 1 is the Monitoring Review - applicable to the period 17<sup>th</sup> April 2018 to 31<sup>st</sup> March 2019. (Appendix 2 to this report).
- Background Paper 2 is AMR 2020 – applicable to the period 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020. (Appendix 3 to this report).

2.6 The AMR also includes the Strategic Environmental Assessment (SEA) monitoring of the Plan.

2.7 The AMR must be approved by the Cabinet before it is submitted to the Welsh Government. Alongside submission, the AMR must be published on the Council's website by 31<sup>st</sup> October each year.

2.8 The Council's internal LDP Working Group met in August to consider AMR 2021 and have recommended its approval to Cabinet and for its submission to Welsh Government.

### **3. Advice**

#### **AMR 2021 Findings**

3.1 The Powys LDP is assessed against the Monitoring Framework set out in Chapter 5 of the adopted LDP. The AMR is based on the adopted Monitoring Framework but has been updated/modified where necessary to take account of new national policy requirements arising since plan adoption in April 2018. Where this has happened, the AMR explains what changes have been made to the original Framework and why. Implementation is shown visually using a colour coded system.

3.2 The AMR 2021 demonstrates that the LDP is largely delivering and meeting the monitoring targets, pointing to successful policy implementation. Of the 62 monitoring indicators, 37 are "Green" where the monitoring is on target or completed and the action required is for monitoring to continue. Three are "Blue" with the recommendation that further training is required; eight are "Yellow" identifying that further investigation/research is required; three are "Amber" suggesting that a Policy Review is required; and four are "Red" indicating that a Plan Review is required as they relate to the delivery of the strategy. AMR 2021 identifies the remaining seven indicators as not applicable during this monitoring year.

3.3 The performance of the LDP against each monitoring indicator is fully explained in the AMR (Appendix 1). The seven indicators indicating plan or policy reviews (which are colour coded red or amber) are:

<b>Reference No.</b>	<b>Monitoring Indicator</b>	<b>Relevant LDP Policies</b>
<b>AMR2a</b>	The annual level of housing completions monitored against the Average Annual Requirement. (AAR)	Strategic Policy SP1 – Housing Growth
<b>AMR2b</b>	Total cumulative completions monitored against the anticipated cumulative completion rate.	Strategic Policy SP1 – Housing Growth
<b>AMR4</b>	Total housing units permitted on allocated sites (HA) as a % of overall housing provision.	Strategic Policy SP1 – Housing Growth Topic Based Policy H2 – Housing Sites
<b>AMR5</b>	Total housing units completed on Housing Allocations (HA).	Strategic Policy SP1 – Housing Growth Topic Based Policy H2 – Housing Sites
<b>AMR36</b>	Number of developments permitted within Town Centres, which would result in less than: 75% of units within a Primary Shopping Frontage; 66% of units within Secondary Shopping Frontage; being for A1 and A3 uses.	Topic Based Policy R3 – Development Within Town Centre Areas
<b>AMR55</b>	The amount (ha) and type of public open space provision secured in connection with major residential developments permitted.	Development Management Policy DM3 – Public Open Space
<b>AMR56</b>	The area of public open space (ha) that would be lost and gained as a result of development granted planning permission.	Development Management Policy DM3 – Public Open Space

3.4 The growth strategy of the adopted Plan is primarily led by housing growth and the AMR identifies under-performance against the anticipated housing completions target rate. The cumulative number of net additional dwellings delivered since 2011 is 2,101 dwellings against the anticipated 2,659 dwellings. With five years left of the Plan period it is unlikely that the Plan's dwelling requirement figure of 4,500 new dwellings will be achieved over the Plan period (2011 – 2026) as the "catch-up" build rate for the period 2021 – 2026 would require 480 new homes to be built each year. (See Table 9 in AMR 2021).

3.6 The under-delivery of allocated housing sites is identified as an area of concern. As set out in AMR 2021, of the 80 Housing Allocation (HA) sites in the LDP, 53 (66%) still do not have any form of planning permission.

3.7 Within the AMR is a detailed assessment of the performance of the LDP against the statutory Strategic Environmental Assessment (SEA) monitoring objectives.

### **The LDP Review Process**

3.8 AMR 2021 concludes with a recommendation that a review of the LDP should be commenced for the following reasons:

#### **“Statutory Reasons to Review the Plan**

7.3.1 Statutory reviews are invoked to ensure that adopted development plans remain up to date as it is considered that the evidence becomes dated beyond four years. Section 69 of the Planning and Compulsory Purchase Act 2004 together with the LDP Regulations require the Council to undertake a full review of the adopted LDP at intervals not longer than every four years from the date of adoption. The legislative framework means that a prescribed review of the Powys LDP is due in 2022.

7.3.2 The publication of Future Wales: The National Plan 2040 in February 2021 also triggered a statutory duty under section 68A of The Planning (Wales) Act 2015 for the Powys LPA to “consider whether to carry out a review” of the adopted LDP.

#### **Other Reasons to Review the Plan**

7.3.3 The Powys LDP (2011-2026) will cease to be operational as a statutory development plan at its end date 31<sup>st</sup> March 2026. To avoid a policy vacuum, it is therefore important that the next LDP is successfully adopted by 1<sup>st</sup> April 2026, to take effect as soon as the current LDP ends. The Development Plans Manual Edition 3 (2020) states that Plan preparation should take three and a half years, with a single additional slippage period of three months. Based on these calculations work should commence on the next LDP in July 2022.

7.3.4 The findings of this AMR have raised concerns about the implementation of the plan’s strategy and policy effectiveness in relation to the under-delivery of housing. For four monitoring indicators, the trigger has been reached and an action of Plan Review recommended. A further three monitoring indicators recommend an action reviewing an LDP policy.”

3.9 As a consequence, it is recommended to Cabinet that the statutory LDP review process should commence which will entail the preparation of a LDP Review Report and in due course a Delivery Agreement with the aim of commencing the preparation of a replacement LDP from July 2022.

## **4. Resource Implications**

4.1 The publishing and submission of the AMR does not have any additional resource implications.

4.2 The review itself has no financial implications but the review will almost certainly recommend starting a replacement LDP (Local Development Plan). Additional resource will be required to undertake the replacement LDP; it is

currently estimated that £1.309 million will be required to complete the LDP, requiring approximately £327,442 per year for four years. The funding required is included in the Integrated Business Plan of Property, Planning and Public Protection.

4.3 The Head of Finance (Section 151 Officer) notes the contents of the report. The recommendation to approve the AMR can be supported without the need for additional financial resource. The further development of the LDP will however require additional funding and this will be considered as the Council develops its revenue budget and Medium Term Financial Strategy.

## **5. Legal implications**

5.1 The Principal Solicitor (Shire) recommends that Cabinet approves Powys Local Development Plan Annual Monitoring Report and commencement of the LDP Review process and thereby enables the Council to comply with its statutory duties in that regard.

5.2 The Monitoring officer – no comments have been received.

5.3 It is a requirement of the Planning and Compulsory Purchase Act 2004 (Section 76) and LDP Regulation 37 that the LPA prepares and submits an AMR to Welsh Government.

5.4 In accordance with Section 69 (S69) of the 2004 Act, a review of an LDP is required at intervals not longer than every four years from initial adoption to ensure that there is a regular and comprehensive assessment of whether a plan remains up-to-date or whether changes are needed.

5.5 The publication of Future Wales: The National Plan 2040 in February 2021 has also triggered a statutory duty under section 68A of The Planning (Wales) Act 2015 for the Authority to “consider whether to carry out a review” of the adopted LDP.

5.6 In terms of risks, it is considered that there are significant risks to the Authority should Cabinet decide not to approve the recommendations in this report. The Authority is required under the Planning Act (Wales) 2015 and the 2004 Act referred to above to produce and maintain an up-to-date Local Development Plan. Such a Plan forms the basis for land-use planning and sustainable place-making within the LPA geographical area and is key in delivering sustainable development, promoting well-being, and ensuring that Powys remains a great place to live, learn, work and play.

## **6. Data Protection**

6.1 The proposal does not involve the processing of personal data.

## **7. Comment from local member(s)**

7.1 The current adopted LDP and any subsequent replacement apply to all of Powys except those areas within the Brecon Beacons National Park.

7.2 The Council's internal LDP Working Group has been involved in the preparation of AMR 2021, its accompanying background papers, and in considering how the Council should address the results arising from the annual monitoring process.

7.3 The process of preparing an LDP is regulated and opportunities are available to engage with the preparation process through formal consultation stages.

## **8. Impact Assessment**

8.1 An assessment is not required in this instance as the process of preparation and submission of an AMR is a statutory requirement upon the Council.

## **9. Recommendation**

9.1 It is recommended that Cabinet approve:

1. AMR 2021 with Annex 1 and Annex 2 together with its accompanying two informing background papers in order for the AMR to be submitted to the Welsh Government by 31<sup>st</sup> October 2021 in accordance with the relevant legislation. It will be published concurrently on the Council's website.
2. The commencement of the LDP Review process.

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## **LIST OF APPENDICES**

**Appendix 1:** Powys Local Development Plan Annual Monitoring Report 2021 (1 April 2020 to 31 March 2021)

**Appendix 1a:** AMR 2021 Annex 1

**Appendix 1b:** AMR 2021 Annex 2

**Appendix 2:** Background Paper 1: Monitoring Review 17 April 2018 to 31 March 2019

**Appendix 3:** Background Paper 2: Powys Local Development Plan Annual Monitoring Report 2020 (1 April 2019 to 31 March 2020)  
**Appendix 3a:** Background Paper 2 AMR 2020 Annex 1  
**Appendix 3b:** Background Paper 2 AMR 2020 Annex 2