

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**POWYS COUNTY COUNCIL**

**3<sup>rd</sup> March 2022**

**REPORT AUTHOR: Head of Property, Planning and Public Protection**

**REPORT TITLE: Approving a Delivery Agreement for the Powys Replacement Local Development Plan and agreeing its submission to Welsh Government**

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**REPORT FOR: Decision**

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**1. Purpose**

1.1 The Council is asked to consider and agree:

- i) the Powys Replacement Local Development Plan (RLDP) Delivery Agreement as revised following public consultation; and
- ii) the submission of the RLDP Delivery Agreement to Welsh Government.

1.2 The Delivery Agreement (DA) (Appendix 1) is a project plan which contains two main parts consisting of the Timetable for the replacement plan preparation and the Community Involvement Scheme.

1.3 The current adopted Powys Local Development Plan (LDP) (2011-26) has an end date of 31<sup>st</sup> March 2026. The DA timetable for the Powys RLDP spans three and half years (with an additional three-month contingency allowance) and is drawn up to ensure that the current LDP is superseded by the RLDP on or before its expiry date.

**2. Background**

2.1 The Council has recently undertaken a statutory review of the current LDP and, following a consultation stage, the revised LDP Review Report (February 2022) has now been approved by Powys County Council Cabinet for publication and submission to the Welsh Government.

2.2 The Review Report concluded that the LDP should be subject to a full revision which will result in a replacement LDP. The reasons for this include the results of the Annual Monitoring Report 2021 which assessed the performance of the current LDP and identified strategic issues that needed to be addressed. Equally, the national context has changed since 2018 including the need to plan for the post-Covid 19 pandemic recovery, and to take account of the adopted National Development Plan – *Future Wales – The National Plan 2040* – which came into force in February 2021.

2.3 Another significant factor in determining a full revision is that the current adopted LDP will expire on 31<sup>st</sup> March 2026 after which it will cease to be a development plan.

2.4 The first step in producing a Replacement Local Development Plan is the production of the DA setting out a Timetable and a Community Involvement Scheme for the Plan's preparation.

2.5 A DA Consultation Draft was subject to public consultation between 6<sup>th</sup> January 2022 and 1<sup>st</sup> February 2022. The consultation received the following number of comments:

Document	No. of Comments Received
Delivery Agreement	19

2.6 The LDP Working Group and the Cabinet have considered the comments and the Council responses to these. On 22<sup>nd</sup> February 2022, the Cabinet resolved to:

- i) Recommend the revised Powys RLDP Delivery Agreement to Full Council for approval.

2.7 The Powys RLDP DA is attached in Appendix 1.

2.8 The approval of Full Council to the DA is required under Regulation 9 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended) (known as the LDP Regulations) before the DA can be submitted to the Welsh Government for agreement

### **3. Advice**

3.1 The Powys LDP was adopted in April 2018 and sets out the Council's policies for the development and use of land in Powys (except for the area within the Brecon Beacons National Park) up to 2026.

3.2 A review of the development plan must be undertaken at least every four years. The review process has determined that the LDP is ready for a full revision.

3.3 A full revision means that a RLDP will be prepared. A replacement plan is essential to provide the continuity of development plan coverage across the Powys Local Planning Authority area. Approval of the DA, and subsequent adherence to the timetable, is necessary to ensure a replacement plan is adopted prior to the existing LDP end date of 31<sup>st</sup> March 2026.

3.4 The Council proposes that a RLDP would be prepared for the period 2022-2037, a 15-year Plan period. Whilst the DA explains how evidence gathering and stakeholder involvement in the RLDP process is due to start in 2022, the policies and proposals in the RLDP only take effect from adoption, scheduled for 2026.

3.5 In keeping with the requirement across Wales, the Mid Wales spatial planning region, which comprises Powys and Ceredigion, will be developing a regional-level Strategic Development Plan (SDP). However, this is prepared under a separate process to the RLDP, albeit the process does broadly mirror that of an LDP in terms of the statutory stages. When Mid Wales has an adopted SDP, Local Development Plans will be able to be replaced by “LDP Lites”. The SDP focuses only on issues, topics, or places of regional scale/significance with the LDP Lite being a shorter, focussed plan dealing with land allocations and local policies.

3.6 Full Council’s approval of the DA is a requirement of the LDP Regulations. The DA must then be agreed by the Welsh Government before it is published and deposited for public inspection marking the start of the replacement plan preparation schedule.

3.7 The Council intends to submit the DA to the Welsh Government by 1<sup>st</sup> June 2022 enabling the Council’s RLDP preparation to start from 1<sup>st</sup> July 2022 in line with the proposed timetable.

3.8 It is recommended that the Council approve the DA as proposed by the Cabinet resolution.

#### **4. Resource Implications**

4.1 The DA sets out an overview (*see paras 2.8-2.13 Appendix 1*) of resource requirements for the RLDP, including staffing and finance. It also includes a risk assessment.

4.2 Funding as shown below was requested as part of the 2022-23 budget setting process, within the Finance resource model. The budget including the Finance resource model was considered by Full Council on 24<sup>th</sup> February 2022.

<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>Total</b>
360,030	222,640	293,310	295,030	1,171,010

4.3 Once the DA is agreed and the RLDP process commences, it will be of significant public and service user interest and requires news release and social media activity to publicise the decision. Engagement exercises held during Plan preparation are also expected to need the input of the Communications department.

4.4 The work will require significant communication and translation support to deliver the replacement LDP, to promote the process, consultation opportunities and provide bilingual material throughout the different stages of the process.

4.5 The preparation of the RLDP is a cross-cutting process that will impact across the Council in many portfolio and service areas. This includes the need to align to other corporate plans such as the Well-being Plan, the Local

Housing Strategy and Regional Transport and Economic Frameworks. It will be important that other Council Officers remain engaged with the preparation process and engage as stakeholders for evidence gathering and policy making in topics such as the Economy and Employment, Tourism, Housing, Regeneration, the Environment and Climate Change, Habitat Protection, Renewable Energy and Green Infrastructure/Open Space. Sharing research on population change and arising household needs will also be essential. There is a new requirement for an Infrastructure Plan to support the RLDP that will require cross-departmental working.

4.6 Due to the requirement to “deposit” RLDP documents at physical location(s), namely the Council's principal office (i.e. County Hall, Llandrindod) there is a need to retain public access to this building and ensure that a Customer Service Advisor is available to signpost users to the library/document section. This need for a physical building will also be important at the Examination stage when the Council is obliged to provide access to hard-copy papers at an Examination Library. The Community Involvement Scheme also names 12 main libraries across Powys where it is intended to make consultation documents available for inspection.

4.7 The Head of Finance (Section 151 Officer) notes the content of the report and that the funding to support the development of the RLDP is included in the Revenue Budget over the next 4 years.

## **5. Legal implications**

5.1 The RLDP DA is a statutory requirement prepared in line with the Planning and Compulsory Purchase Act 2004 and The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended).

5.2 It is important that the RLDP DA is approved so that preparation commences this year (summer 2022) in time to enable the RLDP to be adopted by Spring 2026 or sooner, prior to the adopted LDP reaching its end date.

5.3 The Principal Solicitor (Shire) recognises the importance of the delivery agreement for the proposed replacement LDP and as such recommends that it is supported.

5.4 The Head of Legal and Democratic Services (Monitoring Officer) has commented as follows: “ I note the legal comment and have nothing to add to the report”.

## **6. Data Protection**

6.1 The service will continue to engage with the Information Compliance team to ensure that information continues to be processed and managed appropriately going forward.

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

Not applicable.

## **8. Impact Assessment**

8.1 An assessment is not required at this stage.

8.2 Preparation of the RLDP's policies and proposals will be informed by statutory assessment processes (Integrated Assessment and Habitat Regulation Assessment) as set out in the DA. This ensures the plan is prepared having regard to its impact on sustainability, the environment, equalities, health, Welsh language etc.

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

## **9. Recommendation**

9.1 It is recommended that Powys County Council:

i) Approves the Powys RLDP Delivery Agreement (Appendix 1) and agrees to its submission to the Welsh Government.

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## **Appendices:**

**Appendix 1:** Powys RLDP (2022-2037) Delivery Agreement