

Committee: **Regeneration Scrutiny Committee**

Date of meeting: **8<sup>th</sup> September 2020**

Report Subject: **Replacement Local Development Plan – Revised Delivery Agreement**

Portfolio Holder: **Councillor D Davies, Executive Member Regeneration & Economic Development**

Report Submitted by: **Richard Crook, Corporate Director Regeneration and Community Services**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
11/08/20	19/08/20	25.08.20			08/09/20		24/09/20	

**1. Purpose of the Report**

The purpose of this report is to seek Scrutiny’s support and then Council approval for a Revised Delivery Agreement (DA) for preparing the replacement Local Development Plan (RLDP) and a Covid-19 Assessment of the plan’s evidence base, strategies and policies.

**2. Scope and Background**

**Background**

- 2.1 The Blaenau Gwent Local Development Plan (LDP) (2006-2021) was adopted in November 2012. To ensure the Plan is up to date, the Council was required by Welsh Government regulations to undertake a full review of the LDP at the end of 2016. Accordingly, a full review of our LDP was undertaken which culminated in a Review Report. Council considered the report on the 27<sup>th</sup> September 2017 agreeing to review the LDP through the full revision process.
- 2.2 As a result of Welsh Government requesting all councils to consider joint working and preparation of a Strategic Development Plan the Delivery Agreement for the RLDP was not approved by Council until the 6<sup>th</sup> September 2018. The Delivery Agreement was then submitted to Welsh Government who approved it on the 19<sup>th</sup> September 2018.
- 2.3 Members will be fully aware that progress on the Plan commenced in line with the Delivery Agreement timetable. Pre-participation events were held with Members and stakeholders to agree the issues, vision and strategy for the Plan culminating in the preparation of the Preferred Strategy. There was a slight delay in presenting the Preferred Strategy to Council due to concerns raised by Welsh Government regarding the strategy. However, the Preferred Strategy was agreed by Scrutiny on the 4<sup>th</sup> of November and Council on the 12<sup>th</sup> of December 2019. Pre-Deposit Public Consultation commenced on the 16<sup>th</sup> January and ran for 6 weeks to the 27<sup>th</sup> of February 2020. A report on the

comments received and changes to be made will be presented to Scrutiny and Council prior to agreement of the Deposit Plan.

- 2.4 Although the preparation of the Plan was running 3 months behind schedule it was within the 3 month slippage allowed for by the Delivery Agreement. The Development Plans team was preparing to go out for consultation on the 2<sup>nd</sup> Call for Candidate Sites and further information on existing sites when the Covid-19 pandemic hit.

**Welsh Government Letter – Covid-19 Pandemic and need to put on hold LDP preparation**

- 2.5 On the 18<sup>th</sup> of March 2020 Welsh Government wrote to all Chief Planning Officers in Wales regarding the implications of the Covid-19 pandemic and the preparation of Local Development Plans. The letter identified that it was important not to progress plans that could be in conflict with legal requirements set out in the Community Involvement Scheme in their Delivery Agreements. A conversation with a senior officer at Welsh Government confirmed that we should not proceed with the planned 2<sup>nd</sup> call for candidate sites.

- 2.6 Though work on the Plan has proceeded in terms of building up the evidence base and considering comments received at Preferred Strategy Stage, the loss of one member of the team (that only comprises 2.5 FTE's) to Covid-19 related redeployment and limits placed in terms of site visits has delayed certain work streams.

**Minister for Housing and Local Government Letter – Planning and the Post Covid-19 recovery**

- 2.7 On the 7<sup>th</sup> July 2020 the Minister for Housing and Local Government wrote to all Local Authority Leaders and Chief Executives regarding the Corona virus pandemic reflecting on the impact on those in our community who have least and the exacerbation of social, economic and environmental inequalities. The Minister advised that our approach going forward must focus on addressing longstanding inequalities by taking a values based approach to recovery which promotes social, economic and environmental justice. The Minister identified the planning system as being central to shaping a better future for Wales and that it is essential that all levels of government ensure that plans, policies and procedures improve the wellbeing of our people and the resilience of our environment. It is her strongly held view that we must not sacrifice the principles of sustainable development and place making in the pursuit of economic recovery at any cost.

- 2.8 The Minister considers that as LDPs are evidenced based the result of the pandemic and resulting downturn in the economy will mean that much of the evidence on which LDPs are based is likely to be out of date. This she considers is particularly the case for economic and social evidence covering areas such as the need for social and market housing, viability, economic forecasts and transport modelling.

- 2.9 To address these concerns she advised that LDPs currently undergoing

review should undertake an assessment of the evidence, strategy and policies in terms of sensitivity to the consequences of the pandemic. Robust conclusion should be reached on the need for new evidence and any consequential changes to strategy and policy before progressing plan preparation. The Assessment is to be submitted to the Welsh Government with requests to extend the Delivery Agreement.

- 2.10 The letter also addressed the need for changes to the Delivery Agreement’s Community Involvement Scheme (CIS), which sets out who, when and by what means communities and other stakeholders will be engaged in the plan preparation process. With many buildings temporarily closed, stakeholders inability to attend consultation events and issues arising from social distancing, existing CISs cannot be complied with. For these reasons, the CIS will need to be adjusted in light of the latest Government advice and social distancing principles to enable plan preparation to progress.

### Scope

- 2.11 This report is seeking approval for two documents, the Revised Delivery Agreement (See Appendix 1) and the Covid-19 Assessment of the Replacement Local Development Plan evidence base, strategy and policies (See Appendix 2).

### 2.12 Delivery Agreement - Timetable

The Delivery Agreement timetable needs to be amended to reflect:

- the Covid-19 delay
- the need for longer consultation periods

Covid-19 will result in a 7 month delay as proposed consultation on the 2<sup>nd</sup> Call for Candidate Sites will not be able to proceed until October 2020 at the earliest. The need for longer consultation periods adds a further 2 weeks to the process. The statutory Deposit of the Plan will now take place in June 2021 rather than October 2020. The Plan is now unlikely to be adopted until Autumn 2022. A more detailed project plan is attached as appendix 3 to the Delivery Agreement document.

- 2.13 Key Milestones for delivery are set out in the table below:

Stage		Timescale	
Definitive		From	To
<i>Revise Delivery Agreement</i>		<i>May 2018</i>	<i>October 2018</i>
		<i>Council consideration October Submission to WG October</i>	
<i>Pre-Deposit Participation</i>		<i>October 2018</i>	<i>October 2019</i>
		<i>Update evidence base Hold participation events Prepare Reports Prepare Preferred Strategy Political reporting on Preferred Strategy</i>	
<i>Pre-Deposit Public Consultation</i>		<i>November 2019</i>	<i>May 2021</i>
		<i>Consultation on Preferred Strategy – 6 week consultation</i>	

	Prepare Report of Consultation Prepare Deposit Plan Political reporting of Draft Deposit Plan	
Statutory Deposit of Proposals	June 2021	November 2021
	Consultation on Deposit Plan – 6 weeks Prepare responses to comments Political reporting of responses	
<b>Indicative</b>		
Submission of LDP for Examination	Winter 2021	
Examination and receipt of Inspector's Report	Spring 2022	
Publication of Inspectors Report	Summer 2022	
Adoption	Autumn 2022	

2.14 The current LDP runs until 31<sup>st</sup> December 2021 at which time it will 'drop dead' i.e. will cease to have any weight and there will be no local planning framework for decisions on planning applications. This will result in all policies allocations designations, settlement boundaries and Supplementary Planning Guidance becoming redundant. As the replacement plan will not be in place until Autumn 2022 there will be a policy vacuum for 10 months. The lack of a local planning policy framework would be a significant risk to decision making and would result in uncertainty for investors, businesses, stakeholders and our local communities. Although the Minister in her letter said that she would continue to explore opportunities to introduce legislation to ensure that current LDPs that have passed their end date continue to enjoy the development plan status for decision making purposes there is uncertainty that this will be possible due to the legislative requirements involved.

#### **Delivery Agreement – Community Involvement Scheme**

2.15 The Community Involvement Scheme (found in part 3 of the document attached as Appendix 1) sets out how the Council proposes to proactively involve the community and stakeholders in the preparation of the replacement Plan. This has been updated to enable:

- a longer consultation period for the deposit plan (8 rather than 6 weeks)
- clarification on the availability of documents (libraries and council offices if open)
- use of neighbour notification letters to make people aware of allocations
- sending out electronic or hard copies of documents where required
- the use of larger consultation venues to enable social distancing
- the availability of pre-arranged individual appointments with officers
- increased use of web based technologies (short video clips and electronic presentations)

#### **Covid-19 Assessment Report**

2.16 The introduction (section 1) of the Covid-19 assessment report sets out the purpose of the document. It then provides the background (section 2) as to

why to the work stopped on the RLDP and how we can now proceed. It also sets out relevant extracts from Welsh Government's Building Better Places, The Planning System Delivering Resilient and Brighter Futures, Placemaking and Covid-19 Recovery (WG July 2020) so that it is clear what Welsh Government are expecting from Local Development Plans moving forward. Section 3 of the document provides an overview of the impact of Covid-19 at UK level and then Blaenau Gwent looking at economic, social and environmental impacts.

- 2.17 Section 4 of the document provides an overview of the assessment of the evidence base and concludes that generally the evidence base is either as good as it can be due to the lack of new trend data or that it can be updated and will be used to inform the Deposit Plan. The full assessment of the evidence is in appendix 1 of the document.
- 2.18 Section 5 reviews the Blaenau Gwent Preferred Strategy and policies. Again generally the strategy which is about reducing inequalities between Blaenau Gwent and the rest of Wales is in alignment with the Welsh Government Building Better Places document and though it has an economic focus it does not do this at the expense of social and environmental considerations. An assessment of the objectives for the Plan show that they are in line with the Welsh Government Building Better Places document.
- 2.19 Similarly the strategic policies are found to be sufficiently flexible to deal with what are unknown times and providing a monitoring framework is put in place to reflect associated uncertainties the Plan will be sufficiently robust whilst setting out a clear distinct vision of what we want for Blaenau Gwent.
- 2.20 It is the deposit plan which will also include land allocations, designations and development management policies that tends to be more restrictive. These are yet to be agreed but will need to provide flexibility.

### **3. Options for Recommendation**

#### **3.1 Option 1:**

Support the Revised Delivery Agreement and Covid-19 Assessment Report as presented in this report.

#### **Option 2:**

Support the Revised Delivery Agreement and Covid-19 Assessment Report subject to amendments.

- 3.2 DMT approved the Report on 17<sup>th</sup> August 2020 agreeing Option 1.

33 The Preferred option is Option 1 - for Members to support the Revised Delivery Agreement and Covid-19 Assessment. This is to ensure that the statutory requirement to have a Local Development Plan for the area is met and requirements of Welsh Government in terms of the submission of a Covid-19 assessment of the evidence base, strategy and policies.

- 3.4 Option 2 would enable members to suggest amendments to the Delivery

Agreement and Covid-19 Assessment.

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

**Corporate Plan**

4.1 The Council's core vision of "Proud Heritage, Strong Communities and Brighter Future" is intrinsically linked to land use planning and is therefore key to the delivery of the LDP. Accordingly the Community Involvement Scheme of the Delivery Agreement is based on the five core values of: Proud and Ambitious, Trust and Integrity, Working Together, Raising Aspirations and Fair and Equitable. The LDP supports the Corporate Plan Priorities of:

- Protect and enhance our environment and infrastructure to benefit our communities
- Support a fairer sustainable economy and community.

4.2 In particular it will play a key role in delivering a variety of homes, potential energy opportunities and ensuring the long term future of town centres. It will also help deliver on the new areas of activity identified in the refresh including the ambition to become a low carbon Council and Borough, the successful deployment of technology to improve how we work and the impact we have, on the environment.

**Blaenau Gwent Well-being Plan**

4.3 The Local Development Plan will seek to deliver the land use requirements of the Well-being Plan. The Local Development Plan will influence how communities develop over the next 15 years and will impact on the following objectives:

- The best start in life for everyone
- Safe and friendly communities
- To look after and protect the environment
- To forge new pathways to prosperity
- To encourage and enable people to make healthy lifestyle choices in the places that they live, learn, work and play.

**Statutory Responsibilities**

4.4 There is a statutory responsibility in primary legislation (Planning Act 2015) for the local planning authorities to prepare a development plan within the framework set by national policy in Planning Policy Wales.

5. **Implications Against Each Option**

5.1 ***Impact on Budget (short and long term impact)***

**Option 1: Support the Revised Delivery Agreement and Covid-19 Assessment**

It was previously estimated that the cost of producing a replacement LDP

would be in the order of £280,000+. This covered the cost of studies (£150,000) and the examination in public (£130,000). New evidence requirements and the need for updates are likely to increase the cost of studies to above the £150,000 estimate. We have already committed to spend £154,157 and further evidence is required and updates are now necessary. The reserve built up to cover the costs (£192,166.54) is dwindling and in addition there are likely to be increased costs due to Welsh translation requirements, the need to print more documents than previously expected, and the costs associated with the extra consultation work. The budget pressure previously identified for the financial year 20/21 totalling £132,000 is likely to increase but will now be spread over two financial years (20/21 and 21/22).

The long-term impact of the Development Plan should be positive as it will enable the delivery of housing which will increase the Council tax revenue. Also a population increase will improve the Council's settlement from WG.

**Option 2: Support the Revised Delivery Agreement and Covid-19 Assessment**

Assuming any proposed changes would not have a financial cost then the impact on budget would remain the same as above.

**5.2 Risk including Mitigating Actions**

**Option 1: Support the Revised Delivery Agreement and Covid-19 Assessment.** Appendix 3 of the Delivery Agreement identifies the risks and mitigating actions in relation to the preparation of the Replacement Local Development Plan. There is a risk of delay if Welsh Government does not agree with the conclusions in the Covid-19 Assessment or the extension required in the Delivery Agreement. We have minimised the delay as far as is possible given the limited capacity of the team.

**Option 2: Support the Revised Delivery Agreement and Covid-19 Assessment subject to changes.**

It is unlikely that revisions will change the risks set out in Appendix 3 of the Delivery Agreement significantly.

**5.3 Legal**

**Option 1: Support the Delivery Agreement and the Covid-19 Assessment**

There is a statutory requirement to prepare a Local Development Plan.

**Option 2: Support the Delivery Agreement and Covid-19 Assessment subject to changes.**

There is a statutory requirement to prepare a Local Development Plan, regulations to follow, soundness tests to meet and guidance on what how a Plan should be prepared.

## 5.4 **Human Resources**

### **Option 1: Support the Delivery Agreement and Covid-19 Assessment**

A Planning Assistant was appointed on a short term contract to assist the team though this has now finished. Though ideally this should be extended financial pressures mean that this is unlikely. However, we are seeking to secure support internally.

### **Option 2: Support the Delivery Agreement and Covid-19 Assessment subject to changes.**

This is likely to be the same as above.

## 6. **Supporting Evidence**

### 6.1 **Performance Information and Data**

Welsh Government measures the success of the planning policy team in terms of:

- Is there an adopted development plan in place that is within the plan period?; ( Good)
- Deviation from the dates specified in the original Delivery Agreement in months; (Good)
- Annual Monitoring Reports produced annually; (Good)
- Time between triggering Regulation 41 and submission of a Delivery Agreement to review the plan, in months (Improve)
- Local Development Plan (LDP) revision deviation from dates specified in the original Delivery Agreement, in months (Good currently but will change to Improve)
- Current housing land supply (5 year requirement) (Improve).

Performance is mixed. On the positive side: there is currently an adopted plan in place; and even with the delay of Covid-19 we will be within a 12 month slippage of the DA timetable; and we regularly submit our AMR. On the other hand we took much longer than a year to submit our Delivery Agreement. This was frustrating as we were held up by Welsh Government's request for joint working. The requirement to prepare a plan in 3 years and 6 months with a 3 month slippage was another target we were meeting until Covid-19 caused a delay. It is hoped that this target will be amended to take account of lockdown. We perform poorly against the 5 year housing supply requirement being well under the requirement.

### 6.2 **Expected outcome for the public**

The Delivery Agreement sets how, when and where the public can expect to be involved in the preparation of the replacement Local Development Plan. The Local Development Plan will provide clear guidance on what developments will happen in the Borough over the 15 year plan period. The Plan is about ensuring people: live in decent homes; in clean safe neighbourhoods; with access to parks, countryside and other public spaces. It

is also about securing enough sites for industry, offices, shops, community facilities, sports and leisure, to make sure there are enough job opportunities to help create a better Blaenau Gwent.

### **6.3 *Involvement (consultation, engagement, participation)***

Involvement is a key element of the Delivery Agreement. Part 3 of the document sets out the Community Involvement Scheme. This includes the Council's approach, who we will involve, how we will involve people, and what we expect from them. It also sets out the purpose, when, who, how and the reporting mechanism for each stage of plan preparation.

### **6.4 *Thinking for the Long term (forward planning)***

The Delivery Agreement is only concerned with the period of Plan preparation. However, the Local Development Plan is all about forward planning and long term thinking for the development of Blaenau Gwent. The Plan will have a 15 year plan period.

### **6.5 *Preventative focus***

The Delivery Agreement seeks to prevent delays in preparing the Local Development Plan. Preparation of the replacement Local Development Plan seeks to prevent inappropriate development. This can vary from poor design to stopping development in flood risk areas or areas required for other uses. The Plan is subject to a Sustainability Appraisal which will assess the impact of the Plan on the environment, society and economy and will seek to minimise negative impacts.

### **6.6 *Collaboration / partnership working***

Much of the work on the evidence base has been undertaken on a regional basis with South East Wales Strategic Planning Group and with Torfaen and Monmouthshire who are progressing plans in the same timeline as us (where savings can be made) to ensure a consistent of approach.

### **6.7 *Integration(across service areas)***

The Local Development Plan will need to include the land use requirements of all service areas across the Council and other public service area requirements. It will require input from colleagues in housing, economic development, highways, ecology, education, environmental health, leisure and estates.

### **6.8 *EqIA(screening and identifying if full impact assessment is needed)***

An initial integrated sustainability appraisal of the Preferred Strategy has been undertaken and an integrated sustainability appraisal will be undertaken for the deposit plan. This incorporates an equalities impact assessment.

## 7. Monitoring Arrangements

- 7.1 The Preparation of the Plan will be monitored through the Annual Performance Report on Planning and through Business Planning reporting process. Once the Plan is adopted it will be monitored through an Annual Monitoring Report.

### **Background Documents /Electronic Links**

- Appendix 1: Revised Delivery Agreement
- Appendix 2: Covid-19 Assessment
- [Welsh Government letter to all Chief Planning Officers in Wales 18<sup>th</sup> of March 2020](#)
- [Minister for Housing and Local Government letter to all Local Authority Leaders and Chief Executives 7<sup>th</sup> July 2020](#)
- [Building Better Places – The Planning System Delivering Resilient and Brighter Futures – Placemaking and the Covid-19 recovery \(WG July 2020\)](#)