

BRIDGEND COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL PEN-Y-BONT AR OGWR
REPORT TO CABINET EQUALITIES COMMITTEE

12TH JANUARY 2009

REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

REGENERATION AND DEVELOPMENT

BRIDGEND LOCAL DEVELOPMENT PLAN (LDP)

1. Purpose of report: -

- 1.1 The purpose of the report is to update the Cabinet Equalities Committee on how the Development Planning Process and in particular the Local Development Plan addresses equality issues.

2. Connection to Corporate Improvement Plan / Other Corporate Priority: -

- 2.1 The Bridgend Local Development Plan (LDP) is one of the four 'high level' strategies which, under the Assembly Government's Plan rationalisation, must be prepared and approved for the County Borough. The other three being the Council's Community Strategy, the Health, Social Care & Wellbeing Strategy, and the Children and Young People's Plan.

- 2.2 The LDP should express, in appropriate land use planning terms, those elements of the Community Strategy that relate to the development and use of land provided that they are in conformity with national and international policy and obligations.

3. Background:-

3.1 The status of the Development Plan in Making Planning Decisions

- 3.1.1 The statutory development plan will continue to be the starting point in the consideration of planning applications for the development or use of land. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise (section 38(6) of the 2004 Act). The development plan, therefore, provides the essential framework for rational and consistent decision making.

- 3.1.2 The planning system is intended to help protect the amenity and environment of towns, cities and the countryside in the public interest while promoting high quality, sustainable development.

- 3.1.3 The planning system does not exist to protect the **private interests** of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.
- 3.1.4 When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the **substance of local views must be considered**, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting a planning permission; objections, or support, must be based on valid planning considerations.

3.2 Local Development Plan (LDP)

3.2.1 The Planning and Compulsory Purchase Act 2004 requires the Council to prepare a Local Development Plan (LDP) setting out its objectives for the development and use of land in Bridgend over the plan period to 2021, and its policies to implement them.

3.2.2 The LDP should:

- deliver sustainable development;
- build upon, and add value to the Wales Spatial Plan, and have regard to the national planning policies and guidance produced by the Welsh Assembly Government;
- reflect local aspirations for the County Borough, based on a vision agreed by the local community and other stakeholders;
- provide a basis for rational and consistent development control decisions;
- guide growth and change, while protecting local diversity, character, and sensitive environments; and
- show how and where change will occur over the plan period.

3.2.3 The Delivery Agreement (DA) for the Bridgend Local Development Plan (LDP) sets out the process, community involvement scheme and timetable for plan preparation, which has been agreed with the WAG and approved by the Council. The full DA can be viewed on the Council's web site at:

<http://www.bridgend.gov.uk/Web1/groups/public/documents/services/015233.hcsp#TopOfPage>

3.2.4 The approved DA sets out a clear commitment to maintain the interests of Equalities in LDP preparation.

The Welsh Language Act 1993 (DA para 2.3.1)

3.2.5 In preparing the LDP, the Council will publish proposals and consult with the public in English and Welsh in accordance with its approved Welsh Language Scheme whenever it is practicable to do so, and make provisions for representations and communications to be carried out in both languages. This may not always be possible, however, due to the technical nature of some documents.

The Race Relations (amendment) Act 2000 (DA para 2.4.1)

- 3.2.6 In preparing the LDP the Council will comply with the general duty in the above Act to promote race equality. It will, therefore, have due regard to the need to eliminate unlawful racial discrimination, and it will seek to promote equality of opportunity and good relations between persons of different racial groups in accordance with the Council's 'Equalities Agenda'.

Disability Discrimination Acts 1995 and 2005 (DA para 2.5.1):

- 3.2.7 In preparing the LDP the Council will comply with the general duty in the Disability Discrimination Act 2005 to promote disability equality. It will, therefore, have a due regard to the need to promote equality of opportunity between disabled persons and other persons; to eliminate unlawful discrimination and harassment of disabled persons; promote positive attitudes towards disabled persons; encourage participation of disabled persons in public life; and take steps to take account of disabled persons disabilities. This will include full consideration of the access and communication needs of disabled people to ensure they can access relevant information and participate in consultation.

The Community Involvement Scheme (CIS) – Aims of the CIS

- 3.2.8 A main objective of the new system of Local Development Plans is to improve the quality of stakeholder and community involvement in plan-making. Early and continued community involvement should help in addressing contentious issues, and assist in resolving conflicts throughout plan preparation. It can also help in identifying common ground, and shared goals.
- 3.2.9 By engaging people and organisations in planning the future of Bridgend, the CIS will, therefore, seek to:
- (a) detail how the LDP will be prepared, developed, monitored and reviewed in partnership with the community and other stakeholders in a structured, effective, and inclusive way;
 - (b) improve the process of plan preparation by engaging with the public, involving them fully, effectively and inclusively in the preparation of the LDP.....

The Community Involvement Scheme (CIS) – Principles of Community Involvement

- 3.2.10 To achieve the aims of the CIS, and to fulfil its vision for LDP preparation, the Council adopts the following basic principles for public involvement:
- (i) *A culture of engagement*
Everyone should be confident that they are welcome to take part in the planning process, and that decision-makers are really interested in their views. As a part of this two way process, the outcomes of community involvement exercises should also be conveyed as feedback to the community.

(ii) Frontloading

The community should be involved from the earliest stages in the preparation of the Local Development Plan, but in particular during the pre-Deposit stage of plan preparation.

(iii) Ownership and continuing involvement

By their early participation in plan preparation and continued involvement throughout the process, ownership of the LDP will become more valued, embedded, and fostered in the communities of the County Borough.

(iv) Reaching Out

All community involvement activities, including stakeholder participation in land use planning, should also be an essential part of the Council's wider community planning process.

(v) Fit for Purpose

Arrangements for consultation need to be fit for purpose, appropriate to people's experience and needs, and capable of being properly resourced, in terms of officers' and members' time and funding, by the Council.

(vi) Clarity and Transparency

The planning process and information on planning issues should be clear, readily available, transparent and accessible so that everyone can participate in a timely and effective way.

(vii) Local Democracy

Community involvement should be integrated with the established democratic process. Elected members should have clearly defined roles in the preparation of the LDP.

(viii) Formal Representations

The statutory requirements for the content of the CIS and public participation and consultation, as set out in the Regulations, represent a minimum level of community involvement in order to provide the opportunity for people to be consulted and make representations on the formal proposals set out in the LDP. The Council will meet and exceed these basic requirements.

3.2.11 The Council will seek to understand and respond to customer needs through the consultation process on the LDP; the objective being to forge and maintain effective links and structures with all stakeholders.

3.2.12 The CIS will provide the framework for everyone with an interest in the future planning of Bridgend County Borough, and consequently the LDP process, to have an opportunity to become actively involved in plan preparation.

3.2.13 To ensure the process is inclusive, an important part of the CIS is to establish measures and procedures that will enable every person or group, regardless of their background, to realise that opportunity in the plan process and the decisions which will affect them.

3.2.14 To enable full community involvement the Council will:

- Encourage, support and empower disadvantaged and hard-to-reach groups and individuals to fully participate through forums, focus groups, and local partnerships in line with the Council's agreed Equalities Agenda;
- Encourage and support other organisations that work in partnership with the Council, or receive funding from the Council, to pursue similar policies on equality of opportunity; and
- Target resources accordingly.

3.2.15 There are several key partnerships, operational and other groups, and forums that are already in existence within the corporate structures of the Council. Many of these local partnerships and stakeholder groups are members of the LDP Key Stakeholder Forum.

3.2.16 Forums and methods for sharing information, establishing common ground where possible, and agreeing the requirement for further intelligence will all be part of the consultation process which should foster consensus building. Differences of opinions will, of course, continue to occur, but the sharing and explicit nature of the information to be provided should assist in enabling opposing viewpoints to be understood and respected. In this respect, expectations will be managed and aspirations will be realistic.

4. Current situation / proposal:-

4.1 Pre-Deposit Proposals

4.1.1 The Council is currently at Key Stage 3 of the plan preparation process – **the Pre-Deposit LDP Participation and Consultation.**

4.1.2 At this stage, the Local Development Plan Regulations require that, before finally determining the content of its Local Development Plan (LDP) for deposit, the Council must publish its Pre-Deposit Proposals for public inspection and comment. The Pre-Deposit Proposals should include the vision, objectives, strategic options, preferred strategy, strategic policies and the initial sustainability appraisal report, and must be consulted on for a minimum of six weeks. The consultation methods which will be used to gain public opinion on the Pre-Deposit Proposals are set out in Section 4.2 of this report.

4.1.3 The Pre-Deposit Proposals set out the key elements of the local development plan over the period up to 2021 to which the full Deposit Plan will conform. The preferred strategy provides a basis for meeting the economic, social and environmental needs of the County Borough. It is acknowledged that the LDP needs to be built on an understanding of the dimensions of diversity and equality that are relevant to the area. Therefore diversity and equality are at the very heart of this process, helping define sustainable and inclusive communities with community involvement and understanding local needs and issues being one of the key themes underpinning the plan making process.

- 4.1.4 As Members will be aware, in order to achieve the Vision and Objectives of the LDP the Council has chosen to implement the **Regeneration-Led Spatial Strategy (incorporating the Trend-Based Growth Option and the Medium Employment Growth Option)**.
- 4.1.5 The Regeneration Led Strategy will require the Council to focus development across the County Borough in accordance with its Regeneration priorities. This will necessitate directing development to those areas currently subject to area based Regeneration Strategies and other priority areas where regeneration and investment is needed to address an identified and acknowledged decline in the social, economic and physical environment and provide much needed new development and facilities. An underlying principle of this strategy is to reduce inequalities within different parts of the County Borough by spreading prosperity and opportunity through Regeneration, especially to the more deprived Valley communities.

4.2 Consultation Arrangements on the Pre-Deposit Proposals

- 4.2.1 This section details the consultation methods which will be used when ascertaining public opinion of the Pre Deposit Proposals.
- 4.2.2 It is sometimes more difficult to engage the public on 'higher level' land use planning policies and objectives than when detailed land allocations are made where it is easier to decipher how proposals will directly affect people (and where they live). However, it is considered that the following consultation methods strike the right balance in informing the public about the suite of documentation out for consultation, whilst proactively seeking their views on the contents:

- **Statutory Notices**

A requirement of the LDP Regulations is for the Pre Deposit Proposals consultation to be advertised locally. This will be fulfilled by a statutory notice to be published in a local newspaper the week before the consultation is due to commence and during the first week of the consultation period.

- **LDP Newsletter**

Working with the Council's Communications and Marketing Team, officers will produce a short, simplified summary of the Pre-Deposit Proposals which will be distributed to every household in the County Borough. It will outline where the full documentation can be inspected.

- **Notification Letters to Consultees on LDP Consultation Database**

Every individual and organisation on the LDP Consultation Database (c. 1,000 entries) will be informed of the availability of the documents to view.

- **Documentation to Statutory Consultees and Stakeholders**

Statutory consultees and LDP Stakeholders (including every Town and Community Council in the County Borough) will receive full copies of the documentation on CD, with hard copies available on request.

- **Media Releases**
A media release will be issued to local newspapers, radio and television and the national planning professional journals.
- **LDP Key Stakeholder Forum**
A week before the public consultation, a meeting of the LDP Key Stakeholder Forum will be held. This will serve two purposes: firstly to fully brief members of the Forum on the contents of the documentation so they may relay this information to the people / organisations which they represent; and secondly, to ascertain their initial views on the documentation before they subsequently make any written comments.
- **'Deposit' Locations for documents**
All of the consultation documents will be made available to view in the libraries in the County Borough including the mobile libraries. It is also a statutory requirement that the documentation is available for inspection at the LPAs principal office. This will be fulfilled by the documentation being available to view at the Council's Customer Service Centre at the Civic Offices.
- **Website / Online Consultation**
Another statutory requirement is for all documentation to be viewable on the Council's website. Officers will be working with the Council's Communications and Marketing Team to ensure that appropriate and visible links are displayed which easily direct the public to the appropriate pages. Working with the Policy and Performance Management Unit, officers will also make available a facility to submit comments and representations to the documents online.
- **Poster campaign**
Posters will be produced and distributed across the County Borough highlighting the consultation and where documentation may be viewed.
- **LDP Community Drop-in Sessions**
A series of LDP Community Drop-in Sessions will be held in the first few weeks of the consultation period. Officers will be available to provide information and answer any questions from the public. It is envisaged that every sub-area as defined in the Pre-Deposit Proposals document will have, as a minimum, one LDP Community Drop-in Session within its boundaries.
- **Roadshows / Exhibitions**
In conjunction with the above, a series of exhibitions will be touring the County Borough throughout the first few weeks of the consultation period. The exhibition will provide summary information on the contents of the Pre Deposit Proposals document. Full copies of all the documentation will be available to view.

When considering potential locations it is important to choose venues which will proactively engage the public. For example, supermarket and public building foyer areas will be used to catch the interest of members of the public who might not normally engage in the development planning process. Exhibitions will also be held within Bridgend, Maesteg and Porthcawl town centres on Saturdays.

Once the exhibition has completed its tour, it will be placed within the Customer Service Centre area of the Civic Offices for the remainder of the consultation period.

- **Officer Availability**

Throughout the consultation period Officers will be contactable by phone, email, or in person at the Civic Offices (during normal office hours) to answer any queries or provide information on any aspect of the consultation / documentation.

4.2.3 The consultation period will be held, for a minimum six week period, before the end of March 2009.

5. Effect upon Policy Framework& Procedure Rules:-

5.1 The Bridgend Local Development Plan Delivery Agreement (Revised October 2008) is in place and has been approved by the Welsh Assembly Government.

6. Legal Implications :-

6.1 The requirements of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 are being met in the preparation of the Bridgend LDP.

7. Financial Implications :-

7.1 None.

8. Recommendation: -

8.1 It is recommended that the Cabinet Equalities Committee notes the progress made on the Bridgend Local Development Plan (LDP).

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Background documents

File: 31A158A – LDP Delivery Agreement.

File: 31A158C – LDP Sustainability Appraisal/SEA/AA.

File: 31A158D – LDP Visioning & Strategic Options.

File: 31A158E – Pre-Deposit Proposals