

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

18 SEPTEMBER 2013

REPORT OF THE INTERIM CORPORATE DIRECTOR – COMMUNITIES

THE BRIDGEND LOCAL DEVELOPMENT PLAN – INSPECTOR’S REPORT AND ADOPTION

1. Purpose of Report.

- 1.1 This report presents the Inspector’s Report on the Examination into the Bridgend Local Development Plan (LDP) and requests the LDP’s formal adoption as amended by the changes recommended within the Inspector’s Report. The adopted LDP will form the Development Plan for Bridgend County Borough and will be the basis for decisions on land use planning in this area.

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

- 2.1 The Bridgend Local Development Plan (LDP) is one of the high level strategies which must be prepared and approved for the County Borough. The LDP should express, in appropriate land-use terms those community priorities (expressed in the Community Strategy and its successor, the Single Integrated Partnership Plan) that relate to the development and use of land provided they are in conformity with national and international policy.

3. Background.

- 3.1 Part 6 of the Planning & Compulsory Purchase Act 2004 places a duty on each Local Authority in Wales to prepare a Local Development Plan (LDP) for its area. The LDP will set out the Council’s land use strategy for the period 2006-2021.
- 3.2 Members will be aware that the LDP was submitted for independent examination to the Planning Inspectorate on the 31 July 2012 in order to determine whether the Plan satisfies procedural tests including being prepared in accordance with the Delivery Agreement and whether it is sound.
- 3.3 Examination hearings commenced on the 20 November 2012 and the appointed Inspector, Mr Robert Mellor, published his preliminary findings in January 2013. The Council responded by proposing a series of changes to the Plan which were approved by Council on 29 January 2013. Examination hearings subsequently concluded on 16 May 2013.
- 3.4 The Local Planning Authority received the final Inspector’s Report on 26 July 2013. The Regulations provide for adoption by the Council within an eight week period, ending on 20 September 2013.

- 3.5 In accordance with the requirements of the Delivery Agreement, all members have been made aware of the availability of the Inspector's Report, and a copy has been placed in the Members Room for information.
- 3.6 The availability of the document has also been communicated more widely to participants, consultees and other interested parties involved in the LDP process, published on the Council's Local Development Plan and Examination websites and placed in the County Borough's deposit locations, including the Civic Offices and all local libraries.

4. Current Situation.

4.1 The Inspector's Report concludes that subject to his recommended changes the Bridgend Local Development Plan 2006-2021 is sound and provides an appropriate basis for the planning of the County Borough up to 2021. The Inspector considers that the Council has provided sufficient evidence to support the LDP strategy and that through the Examination process has demonstrated that it has a realistic prospect of being delivered.

4.2 The Inspector's Report is attached at **Appendix 1**. The main changes that the Inspector considers are needed to meet legal and statutory requirements are summarised as: -

- Increasing the amount of housing within mixed use allocations, including housing in one other previous employment allocation and allocating two additional sites, all to ensure that the LDP delivers sufficient housing to meet the needs of the County Borough.
- Reducing the over-supply of employment land to bring it closer to likely needs during the Plan period.
- Defining on the Proposals Map the extent of a number of development allocations and policy designations that were only shown as indicative symbols in the submitted Plan.
- Deleting references to 'Areas of Historic Importance' which are nowhere defined in the Plan and substituting references to the protection of local character.
- Clarifying references to mineral aggregate supply and reserves.
- Clarifying that Policy ENV11 on mineral extraction would apply to all forms of underground gas.
- Amending Policy ENV12 on coal extraction to accord with national guidance and to align with policy for other minerals in Policy ENV11.
- Amending Policy ENV18 and its supporting text to clarify the sequential approach to siting wind farm development and to accord with national guidance.
- Ensuring that policies and text relating to office development have regard to national policy in terms of the sequential test which includes a first preference for development in town centres.
- Amending policies and text on retail and commercial development to address uncertainties in the wording.
- Adding text references to the need to take account of viability when negotiating affordable housing provision under Policy COM5 and which can allow exceptionally for direct provision off-site or the use of commuted payments towards off-site provision by others.

- Amending Policy COM11 and the supporting text to include references to negotiation in the provision of outdoor recreation facilities for housing developments and to have regard to the availability of existing facilities. Also deleting a requirement in the supporting text for a fixed 10% public amenity space provision which is not part of the policy and which lacks evidential support. Provision of appropriate green space would remain as a design consideration.
- Deleting allocations for a number of community facilities that have either been developed already or which are not expected to be delivered.
- Amending the Chapter 7 Monitoring Schedule to ensure that it includes clear mechanisms for monitoring.

4.3 It should be noted that the changes recommended and endorsed by the Inspector, are only those based on proposals put forward by the Council in response to his preliminary findings and matters discussed during the Examination. The Inspector considers that the recommended and endorsed changes do not alter the thrust of the Council's overall strategy. These changes, and allocated sites in the plan, have also been subject to a Sustainability Appraisal. The amended LDP, incorporating the changes recommended and endorsed by the Inspector is attached at **Appendix 2**. This final document also includes the consequential changes required in terms of policy and paragraph numbering.

4.4 The Inspector's Report and its recommendations are binding if the Plan is to be considered sound. The Council is required to adopt the LDP as amended by the Inspector's binding report by a resolution of Council and this must be done within 8 weeks of receipt of the Inspector's Report. Should the Council fail to adopt the LDP as amended by the recommendations in the Inspector's Report the National Assembly for Wales has powers to adopt the plan itself and to charge the Council for any expenditure incurred in so doing.

4.5 In accordance with regulations, when a Local Planning Authority adopts its Local Development Plan it is required to produce and publish an Adoption Statement which also incorporates a statement relating to Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA). This document is attached as **Appendix 3**. The final Sustainability Report and Habitats Regulations Assessment, are also required to be published alongside the adopted LDP, and these can be viewed in the members Room and on the Council's website at the following link:-

<http://www1.bridgend.gov.uk/services/planning/local-development-plan/ldp-adoption-page.aspx>

The final Sustainability Appraisal Report and Habitats Regulations Assessment have been updated to take account of the Inspector's recommended changes.

5. Next Steps.

5.1 Subject to a resolution from Council to formally adopt the LDP, and in accordance with Regulations and the Delivery Agreement, notification of the adopted LDP and its supporting documentation will be published by means of statutory notice and advertised in the local press. Notification and/or documentation will also be sent to interested parties, stakeholders and consultees who have been involved in the plan preparation process. The adopted Plan and supporting documentation will also be

made available at the Council's deposit locations including all of the County Borough's libraries, the Civic Offices and via the Council's website.

- 5.2 Once adopted the Local Development Plan becomes the Development Plan for Bridgend County Borough and the Bridgend Unitary Development Plan (UDP) will cease to have effect.
- 5.3 The Council has a number of adopted Supplementary Planning Guidance documents (SPGs) which were prepared to supplement the policies contained in the UDP. In order to ensure conformity with LDP policies, a review of these will be carried out as soon as is practicable following adoption of the LDP. In the interim it is proposed that these will be carried forward for the use in determining planning applications. Additional SPGs and Development Briefs etc. will also be required following adoption of the LDP.
- 5.4 Following the LDP's adoption the Council must submit an Annual Monitoring Report (AMR) on the LDP to Welsh Government. This will examine whether the Plan's policies are being properly implemented and land-use allocations are being delivered, and whether any policies need to be reviewed. The Council must review the plan 4 years after adoption, that is no later than September 2017.

6. Effect Upon Policy Framework and Procedure Policy.

- 6.1 The Bridgend Local Development Plan Delivery Agreement (revised September 2012) is in place and has been approved by the Welsh Government.

7. Equality Impact Assessment.

- 7.1 An Equality Impact Assessment Screening on the LDP has been undertaken and is available as a separate document on the Council's website at the following link: <http://www1.bridgend.gov.uk/services/planning/local-development-plan/ldp-adoption-page.aspx>

8. Financial Implications.

- 8.1 Printing and advertising costs associated with the adoption process will be met out of departmental budgets.

9. Recommendations.

- 9.1 Council is recommended to:-
 - 9.1.1 Adopt the LDP as amended by the changes recommended and endorsed by the Inspector with immediate effect;
 - 9.1.2 Endorse the contents of, and authorise the Interim Corporate Director, Communities to notify and publish, the adopted LDP, the Inspector's Report, the Adoption Statement, final Sustainability Appraisal Report and Habitats Regulations Assessment.
 - 9.1.3 Resolves that existing SPGs are carried forward for use in the determination of planning applications, until such time as they may be formally reviewed.

**MARK SHEPHARD
CORPORATE DIRECTOR – COMMUNITIES
20th AUGUST 2013**

Contact Officer:

Susan Jones - Development Planning Manager

Telephone Number: (01656) 643169,
e-mail: susan.jones@bridgend.gov.uk

Background documents