

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

28 FEBRUARY 2018

REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

INVITATION TO PREPARE A JOINT LOCAL DEVELOPMENT PLAN (LDP) SOUTH EAST WALES – WEST, AND INVITATION TO LOCAL PLANNING AUTHORITIES TO PREPARE A STRATEGIC DEVELOPMENT PLAN (SDP).

1. Purpose of Report

1.1 The purpose of this report is for Full Council to:

- a. Consider and approve the County Borough Council's response to the Cabinet Secretary's invitation to prepare a Joint Local Development Plan with other Local Planning Authorities within the South East Wales – West Area (comprising Bridgend, Caerphilly & RCT) and for the wider region to prepare a Strategic Development Plan (attached as Appendix 1); and
- b. Consider and endorse the Cardiff Capital Region Joint Cabinet and Welsh Local Government Association Executive Board responses to the Cabinet Secretary (attached as Appendices 2 & 3).

2. Connection to Corporate Improvement Objectives / Other Corporate Priorities

2.1 The Bridgend Local Plan (LDP) is one of the high level strategies which must be prepared by the Council. The LDP sets out in land use terms those priorities in the Corporate Plan that relate to the development and use of land provided they are in conformity with national and international policy.

3. Background

- 3.1 On 13 December 2017 the Cabinet Secretary for Energy, Planning and Rural Affairs wrote to the Leader and Chief Executive inviting this Council to give serious consideration to preparing a Joint Local Development Plan (JLDP) with other Local Planning Authorities within the South East Wales – West Area (comprising Bridgend, RCT and Caerphilly). A separate letter inviting Local Planning Authorities to give serious consideration to preparing a Strategic Development Plan (SDP) was also sent on the same day. The Cabinet Secretary's letters are attached at Appendix 4.
- 3.2 The Cabinet Secretary has invited positive responses to both letters to be submitted by 28 February 2018 and until such time Welsh Government will not agree to any plan progressing individually.
- 3.3 The content of the Cabinet Secretary's letters have been discussed by the 10 Cardiff Capital Region Council Leaders and their formal response is attached as Appendix 2. The letter confirms support by all 10 Leaders of the Cardiff Capital Region to the principle of preparing a SDP for the South-East region. It also confirms that there is no consensus amongst the 10 Local Authorities in the Cardiff Capital Region to undertake joint LDPs on the footprints proposed. The letter sets out arguments against such an approach being taken and Council is asked to endorse the Cardiff

Capital Region Joint Cabinet's formal response to the Cabinet Secretary. Furthermore, WLGA Executive Board has formally responded to the Cabinet Secretary raising concern over the proposed joint LDP footprints. Council is also asked to endorse the WLGA Executive Board's Wales wide response (attached as Appendix 3).

- 3.4 It is also important that BCBC also responds on an individual basis to ensure that the 'risks' associated with preparing a Joint LDP for this authority are reported to the Cabinet Secretary's attention. Therefore, the following section of this report sets out the basis of Bridgend County Borough Council's formal response (attached as Appendix 1).
- 3.5 Since receiving the Cabinet Secretary's letters, officers have met with neighbouring counterparts together with regional and national colleagues. The issue of joint LDPs and SDPs have been discussed and debated in depth.

4.0 Current Situation

Joint Local Development Plans (JLDPs) – 'a Bridgend perspective'

- 4.1 The timing of the Cabinet Secretary's letter has significant implications for this Authority given the imperative to start work on the review of its LDP as a matter of urgency to maintain up-to-date policy coverage post 2021 when the current LDP expires. The Bridgend Local Development Plan expires in 2021 which effectively means that the County Borough will not have an up-to-date statutory development plan in place to guide sustainable development and prevent inappropriate forms of development. It is therefore imperative that work commences on a replacement LDP as soon as possible.
- 4.2 Bridgend County Council supports cross boundary working and is committed to exploiting these opportunities in collaboration with the region in a positive fashion, however, the 'size' and complexity of such a large and diverse Joint LDP area, encompassing RCT, Caerphilly and Bridgend presents many challenges and could overly complicate and hinder continuous plan coverage proceeding in a timely manner and reduce the ability of the planning system to deliver 'effective planning outcomes'.
- 4.3 The Welsh Government's rationale for joint LDPs is based on the premise that a Joint Local Development Plan (JLDP) will deliver improved planning outcomes as well as sharing resources and encouraging collaboration. However, no evidence to support this position has been provided by the Welsh Government. It is clear from discussions with the WG's Planning officers that there is no evidence or analysis to support the sub-regional groupings proposed in terms of better planning outcomes, or wider consideration of the benefits of alternative approaches, such as preparing individual plans 'jointly' with the development of shared evidence bases and methodologies.
- 4.4 Therefore, in order to determine the most appropriate way forward for this Council to maintain up-to-date development plan coverage, a number of 'realistic options' have been tested, to determine their impact on a range of planning outcomes. The planning outcomes considered relate to:
- Continuous plan coverage;
 - Housing delivery (including affordable housing delivery);

- S106 contributions;
- Dealing with strategic infrastructure issues;
- Dealing effectively with cross-boundary issues;
- Impact on a future SDP;
- Preparing a sound evidence base;
- Spatial coherence; and
- Planning certainty & investor confidence

4.5 With respect to these planning outcomes, the following 'realistic' options have been considered:-

- Option 1: Local Planning Authorities in the region prepare a SDP only and forego individual reviews of their respective LDPs until the SDP is adopted;
- Option 2: An individual review of Bridgend's LDP whilst simultaneously working collaboratively with the region to prepare a SDP;
- Option 3: Collaboration 'Plus' (an individual review of Bridgend's LDP whilst simultaneously working collaboratively with RCT (& other LPAs) to prepare a joint evidence base and with the region to prepare a SDP;
- Option 4: Joint Local Plan (incorporating Caerphilly, RCT & Bridgend) whilst simultaneously working collaboratively with the region to prepare a SDP; and
- Option 5: Joint Local Plan (Incorporating RCT & Bridgend) whilst simultaneously working collaboratively with the region to prepare an SDP.

4.6 The following section summarises the options appraisal attached as Appendix 5 to this report.

Option 1: Local Planning Authorities in the region prepare a SDP and forgo individual reviews of their respective LDPs.

4.7 Bridgend County Borough Council supports the preparation of a SDP to provide a regional spatial framework for the future development and use of land. However, from a Bridgend perspective, Option 1 presents a significant 'risk' of a 'policy vacuum' for this Authority. Whilst it has been suggested that an SDP could be adopted as soon as 2022, in reality, given that this is a new and untested process, building and maintaining a political consensus and establishing fair and effective governance is likely to delay the adoption of the SDP until at least 2023 and in a worst case scenario 2024. This would leave a period of 2-3 years where Bridgend LPA has a policy vacuum. Furthermore, a relaxation of the plan's end-date (which is also being presented as a solution to avoid a potential policy vacuum by LPAs in the region) beyond 2021 would not provide a temporary solution for Bridgend until such time as a SDP is adopted. Bridgend's LDP has been very successful in delivering a substantial element of its allocated sites and there is an imperative to produce a new plan as soon as possible to replenish housing and investment opportunities and maintain housing delivery, which is an objective of the Welsh Government. A summary of the main 'risks' associated with not having an up-to-date Bridgend LDP in place by 2021 is attached as Appendix 6.

Option 2: An individual review of Bridgend's LDP whilst simultaneously working collaboratively with the region to prepare an SDP; and

Option 3: Collaboration 'Plus' An individual review of Bridgend's LDP whilst simultaneously working collaboratively with RCT (& other LPAs) to prepare a joint evidence base and with the region to prepare a SDP.

- 4.8 Options 2 and 3 would be a relatively simple and 'quick-fix' solution to avoid a policy vacuum in Bridgend post 2021. In essence both options would involve a relatively straight forward refresh of the existing evidence base and identification of new allocations. In the case of 'Collaboration Plus' there would be the opportunity to share evidence base studies with RCT and other LPAs as part of the wider collaboration agenda, substantially reducing the duplication of work and in theory resulting in financial savings.
- 4.9 In the scenario that a SDP is progressed more expediently than expected, work being undertaken to review the Bridgend LDP, could be utilised to prepare a LDP 'Lite'. This would be achievable as the evidence base used to prepare the SDP will be the predominantly the same as the Bridgend LDP Review.

Option 4: Joint Local Plan (Incorporating Caerphilly, RCT & Bridgend) whilst simultaneously working collaboratively with the region to prepare a SDP and

Option 5: Joint Local Plan (Incorporating RCT & Bridgend) whilst simultaneously working collaboratively with the region to prepare a SDP.

- 4.10 Option 4 requires Bridgend (CBC) to prepare a joint LDP with Caerphilly and RCT and Option 5 with RCT (CBC) only.
- 4.11 In theory, both options are achievable. However, the practicalities and potentially lengthy timescales involved in setting up and preparing such a large LDP requires further consideration. Although there are planning merits to working at such a scale, there are undoubtedly practical and logistical issues that could take a considerable time to resolve. For example, establishing a Joint Planning Board or determining alternative suitable governance arrangements, aligning political differences and Officer working practices. It is the view of Bridgend County Borough Council that the benefits of a larger scale footprint to resolve cross-boundary issues should be fully exploited at the SDP regional scale and not at a sub-regional level of Bridgend/RCT and Caerphilly only.
- 4.12 Option 5 would face similar issues as Option 4 however, by virtue of only having one partner the logistical practicalities and political differences would, in theory, be easier to align and manage.
- 4.13 In view of the concerns raised above it is unlikely that a joint LDP on the footprint proposed could be adopted by 2021, therefore, undermining full plan coverage and subsequently resulting in a policy vacuum for Bridgend with all the associated negative planning outcomes that such a situation would result in. Neither would a relaxation of the plan's end date beyond 2021 be an acceptable temporary solution for Bridgend until such time as a new joint LDP is in place.

Why would a relaxation of the plan's end date beyond 2021 be problematic?

- 4.14 Firstly, the evidence that underpins the strategy and policies would also be out of date and could easily be challenged by developers resulting in a situation of 'planning by appeal'.
- 4.15 Secondly, the recently published 2017 JHLAS shows that the County Borough has a housing land supply, assessed against the housing requirement of the Bridgend LDP, of 4.0 years. Where the land supply is less than 5 years, TAN1 states that local planning authorities should consider the reasons for the shortfall and whether the LDP should be reviewed either in whole or in part. It is considered that the most

effective way of rectifying this issue is through an early review/revision of the adopted LDP given the importance attached to the land supply issue.

Why is the 'land supply' issue so important for Bridgend?

- 4.16 In respect of Bridgend, the Annual Monitoring Report evidences that the LDP has been successful in terms of the implementation of the plan's regeneration-led spatial strategy and bringing forward and delivering development sites and opportunities, especially for housing. The housing land supply has only recently fallen below the TAN1 5 year requirement and the current 4 year supply, set against the fact that there is less than 4 years remaining in the plan period is a reasonable position that emphasises that the existing LDP has been successful but also highlights the need to replace the LDP as expediently as possible.

What happens if we don't identify new sites?

- 4.17 The absence of an early LDP Review (which puts in place a replacement plan by 2021) resulting in a policy vacuum, up until either a new joint LDP or SDP is adopted, combined with the lack of 5 years housing land supply based on the fact the majority of LDP housing allocations have been delivered (rather than viability issues) would be ruthlessly exploited by the development industry. There would be significant pressure to release greenfield sites in unsustainable locations and the potential situation of 'Planning by Appeal'. Such a position will result in highly negative planning outcomes which will needlessly divert staff resources and have the potential to undermine a future underlying strategy associated with the SDP.
- 4.18 In addition, the preparation of a joint LDP incorporating RCT and Caerphilly would be a significant distraction from the agreed goal of establishing joint regional working arrangements and governance to facilitate preparation of the SDP.
- 4.19 With a consensus from the region to prepare an SDP, the need for a joint LDP requiring a new evidence base, vision and land-use strategy (a sub-regional approach to planning) is considered unnecessary, unlikely to achieve better planning outcomes and would be a significant distraction from the agreed goal of establishing joint regional working arrangements and governance to facilitate preparation of the SDP.
- 4.20 Also, in the context of the wider Local Government Re-organisation agenda a joint plan area incorporating Caerphilly, RCT and Bridgend would also encompass 3 separate Health Boards – ABM, Cwm Taff and Aneurin Bevan, which is not logical and could present difficulties in alignment and engagement in the joint LDP preparation process.
- 4.21 The Cabinet Secretary has also raised concern regarding the lengthy timescales for preparing plans and has questioned if Local Authorities have the capacity, capability and resilience to undertake reviews of their respective LDPs.

Concern over the lengthy timescales for preparing plans

- 4.22 In response to the Cabinet Secretary's concerns over the lengthy timescales for preparing plans, it is important to emphasise that when the LDP system was enacted in Wales, Bridgend had a very recently adopted UDP (2005), and as such there was no immediate imperative to prepare another development plan so soon after the UDP adoption. In terms of timescales with respect to a replacement LDP the Planning Service is confident that, as a relatively straightforward task if undertaken on an

individual basis, the replacement LDP will be completed in 3 ½ years, before the critical 2021 end-date of the current plan.

Capacity, capability and resilience

4.23 In response to the Cabinet Secretary's concerns over the capacity, capability and resilience of Local Authorities to prepare LDPs, the cost of an individual LDP Review is anticipated to be much lower than for the original plan, given a requirement to 'refresh' much of the original evidence base and a focus on collaboration with other LPA's on as far as possible a joint evidence base. Bridgend also has a dedicated LDP preparation budget and has been 'planning financially' for the costs of a LDP Review by setting aside any unspent funding from this into an earmarked reserve for future spend. The Planning Service is also undertaking a restructure to reinforce and add professional planning capacity to the Development Planning Team.

Summary - the main 'risk' for Bridgend

4.24 A scenario where a policy vacuum exists when the current LDP expires in 2021 presents the most significant threat to Bridgend. A relaxation of the plan's end date beyond 2021 would not be a temporary solution for Bridgend until such time as a new 'joint LDP' or the 'SDP' is in place. This authority has always had 'Development Plan' coverage and, as per the Cabinet Secretary's requirements, it is imperative that this is not compromised.

4.25 A summary of the main 'risks' associated with not having an up-to-date Bridgend LDP in place by 2021 is attached as Appendix 6.

Strategic Development Plan (SDP)

4.26 With respect to what is understood to be Welsh Government's goals of early progress on the SDP and full plan coverage, the joint response by the 10 Leaders of the Cardiff Capital Region considers that the best way to meet these goals is to proceed with the SDP immediately and, where a Council considers it necessary to proceed to review and replace their LDP, they should be allowed to do so on an individual basis or jointly, in order to respond most appropriately to local issues.

Conclusion

4.27 There is no evidence that joint LDPs will deliver the planning outcomes required by Welsh Government and in any event regional issues will be addressed by the SDP. The principle of joint LDPs has been unanimously rejected by the political leadership across Wales and within the Cardiff Capital Region. Furthermore, at an officer level there are concerns that this approach will not result in positive outcomes.

4.28 The most appropriate way forward that responds to local issues, maintains plan coverage and delivers the best planning outcomes, is to proceed immediately with a review and replacement of Bridgend's existing LDP (whilst simultaneously working collaboratively with our neighbours and with the region on the SDP), wherever possible sharing a joint evidence base.

5. Effect upon Policy Framework & Procedure Rules

5.1 The Council has a statutory obligation under section 61 of the Planning and Compulsory Purchase Act 2004 to keep all matters under review that are expected to affect the development of its area.

6. Equality Impact Assessment

- 6.1 There are no direct implications associated with this report. However, any future review of the policies and proposals contained with the Bridgend County Borough Local Development Plan will require an equalities impact assessment to be carried out.

7.1 Financial Implications

- 7.1 The cost of the LDP Review will be met from the Development Planning budget and carried out by existing staff with expert advice procured from consultants as required. An overview of the financial implications will be set out in the 'LDP Review Report' covering report and a future Delivery Agreement associated with any Replacement Plan will be presented to the Development Control Committee / LDP Steering Group and Council. The cost of an individual LDP Review is anticipated to be much lower than for the original plan, given a requirement to 'refresh' much of the original evidence base and a focus on collaboration with other LPA's on as far as possible a joint evidence base. Bridgend also has a dedicated LDP preparation budget and has been 'planning financially' for the costs of a LDP Review by setting aside any unspent funding from this into an earmarked reserve for future spend.

8.0 Recommendation

That full Council:

- 8.1 Approve Bridgend County Borough Council's formal response to the Cabinet Secretary (attached as Appendix 1) and note the contents of the options appraisal attached as Appendix 5;
- 8.2 Endorse the Cardiff Capital Joint Cabinet and Welsh Local Government Association responses to the Cabinet Secretary (attached as Appendices 2 & 3).
- 8.3 Authorise officers of Bridgend County Borough Council to proceed with the preparation of the SDP in conjunction with the 10 Local Planning Authorities in the Cardiff Capital Region; and
- 8.4 Authorise officers to proceed with a review and replacements of Bridgend's existing LDP (whilst simultaneously working collaboratively with other Local Planning Authorities, wherever possible to prepare a shared joint evidence base).

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Background documents

None