

# **BRIDGEND COUNTY BOROUGH COUNCIL**

## **REPORT TO TOWN AND COMMUNITY COUNCIL FORUM**

**26<sup>TH</sup> JUNE 2018**

### **REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES**

#### **BRIDGEND REPLACEMENT LOCAL DEVELOPMENT PLAN (LDP)**

##### **1. Purpose of the Report**

- 1.1 To report on the stages undertaken to date in progressing the Replacement Bridgend Local Development Plan (2018-233). This report focuses on:
- 1.2 **The Bridgend Local Development Plan (2013) Review Report** (attached as Appendix 1) – this document sets out the proposed extent of likely changes to the existing LDP (2006-2021) and seeks to confirm the revision procedure to be followed in preparing a replacement LDP. It is proposed that the Replacement LDP will cover a plan period up to 2033, which is the end of a 15 year plan period that will commence in 2018; and
- 1.3 **Bridgend Replacement Local Development Plan Delivery Agreement** (attached as Appendix 2) – The Delivery Agreement sets out how and when the local community and other stakeholders can contribute to the preparation of the Replacement Plan and a timetable for its preparation. It is proposed that the Replacement LDP will cover a plan period up to 2033.
- 1.4 Both the Review Report (for the existing LDP (2013)) and the Delivery Agreement for the replacement LDP will be submitted to Welsh Government before the end of June 2018, after being agreed by Council.

##### **2. Connection to Corporate Improvement Objectives/Other Corporate Priorities**

- 2.1 The Bridgend Local Development Plan (LDP) is a high level strategy which must be prepared by the Council. The LDP sets out in land-use terms the priorities and objectives of the Corporate Plan. A future Replacement LDP will be required to express in land-use terms, the wellbeing objectives and priorities of the Bridgend Public Services Board's Well-being Plan.

##### **3. Introduction and Background**

###### *Bridgend Local Development Plan (2013)*

- 3.1 The Bridgend Local Development Plan (LDP) was adopted by Bridgend County Borough Council on 18<sup>th</sup> September 2013 and sets out the Council's objectives for the development and use of land in Bridgend County Borough over the 15 year plan period 2006 to 2021, and its policies to implement them.
- 3.2 An up-to-date LDP is an essential part of a plan-led planning system in Wales. In order to ensure that there is a regular and comprehensive assessment of whether plans remain up-to-date the Council is statutorily required under Section 69 of the Planning and Compulsory Purchase Act 2004 to undertake a full review of the adopted LDP at intervals not longer than every 4 years from the date of adoption. As such, a full review of the adopted LDP was triggered in September 2017.

- 3.4 In accordance with statutory requirements, since its adoption, the LDP has been monitored on an annual basis with the publication of 3 Annual Monitoring Reports (AMRs). The AMR assesses the extent to which the LDP's strategy, policies and allocations are being delivered and how effective it has been in delivering the plan's overall vision and objectives.

#### *Background context – Joint LDPs*

- 3.5 A report was presented to Council on the 28<sup>th</sup> February 2018 outlining the letter and request from the Welsh Government Cabinet Secretary for Energy, Planning and Rural Affairs for Local Planning Authorities (LPAs) to give positive consideration to producing joint LDPs until such time no individual LPA was allowed to progress with their own plan. Council resolved to advise the Cabinet Secretary that given the urgent need for Bridgend to review its Plan that it be allowed to do so unilaterally. The Cabinet Secretary has now responded, and has allowed Bridgend to proceed with its review, subject to receiving receipt of a Delivery Agreement associated with the Replacement Plan within 3 months of receipt of her letter.

### **4. Current Situation**

#### ***Bridgend Local Development Plan (2013) Review Report***

- 4.1 Any revision to an LDP must be preceded by a Review Report which is a statutory part of the full LDP Review process, forming part of the documentation required at the future Pre-Deposit and Deposit stages of a revised LDP and will be submitted for consideration as part of the Replacement LDP's Examination process.
- 4.2 The primary functions of a Review Report are to determine the appropriate procedural route and key issues to be considered when taking the existing LDP forward.
- 4.3 In terms of 'procedural route', in the case of Bridgend, the plan is already the subject to a statutory required 4 year full review, and as such all aspects of the plan will need to be assessed to consider if they remain sound and fit for purpose. This will include the LDP vision, objectives, spatial strategy, policies and land-use allocations, broadly following the same preparation process and stages as the original plan.
- 4.4 The Review Report also considers whether the process of producing a replacement LDP should be undertaken on an individual basis or jointly with neighbouring Local Planning Authorities.
- 4.5 In terms of the role of the Review Report in identifying 'key issues' to be addressed in a replacement Plan, an integral part of this assessment are the findings of the preceding AMRs and consideration of the existing plans underlying evidence base (in terms of whether this needs to be replaced or updated). The Review Report also identifies other significant contextual changes in circumstances and policy context at a national, regional and local level, as these issues are also likely to inform and influence any potential changes and future direction of a Replacement Plan.

#### *Public Consultation*

- 4.6 A report was presented to Council on the 25<sup>th</sup> April 2018 seeking authorisation to undertake targeted consultation on the draft Bridgend LDP Review Report between 30<sup>th</sup> April 2018 and 25<sup>th</sup> May 2018. The Consultation on the draft Review Report was undertaken in conjunction with the draft Delivery Agreement (covered later in this report) and it is proposed to submit

both the final Review Report and Delivery Agreement to Welsh Government before the end of June 2018.

4.7 The consultation was advertised in the following ways:

- The consultation documents were available for inspection with representation forms at the Civic Offices, Angel Street;
- Information on the consultation, including all the documentation, representation forms and the facility to make representations electronically was placed on the Council's website; and
- E-mails and letters were sent to approximately 190 targeted consultees including Community Councils, planning consultants, house builders, housing associations and other relevant external organisations with details on how to respond.

4.8 By the end of the consultation period 11 individuals and external organisations had submitted comments on the draft Review Report. In response, the Council has produced a Consultation Report (which is included as Appendix 7 in the final Review Report) that provides the Council's response to the representations received. However, it has not been necessary to make any significant amendments to the document as a result of comments from the public consultation. Copies of the full representations can be viewed by Members at the Planning Department.

4.9 The main findings of the final Review Report are as follows:-

*Contextual Changes*

4.10 The Replacement LDP will need to be updated to take account of a range of new Acts, Policy Frameworks, initiatives and evidence at a national, regional and local level.

4.11 The most significant in land-use terms in determining the future direction of the Replacement LDP will be evidence base changes associated with Welsh Government Population and Household projections, the work emanating from the National Development Framework (NDF) and regional work associated with the Strategic Development Plan (SDP) and Cardiff Capital Region City Deal, whilst ensuring that any changes and opportunities that this contextual evidence presents is compatible with the objectives of Bridgend's Wellbeing Plan.

*Assessment of Likely Changes Required to the Current LDP*

4.12 The Regeneration-Led Spatial Strategy that underpins the LDP has been broadly successful, especially in bringing forward a number of residential and mixed-use allocated sites (primarily on brownfield land) within the County Borough. The delivery of sites has been especially successful within the Strategic Regeneration Growth Areas of Bridgend and the Valleys Gateway. The implementation of the LDP Strategy has however been less successful in the Strategic Regeneration Growth Areas of Maesteg and the Llynfi Valley and Porthcawl. This has largely been attributed to land-ownership issues and assembly and viability issues especially within the upper areas of the Llynfi Valley.

4.13 In terms of going forward with the LDP's existing Strategy, given that the majority of existing brownfield regeneration sites have been delivered or are committed (and expected to come forward within the next few years especially within Bridgend and the Valley's Gateway Growth Areas), it is likely that the existing Strategy will need to be reconsidered if it is to deliver future housing requirements for the County Borough up to 2033, especially given that the housing land supply within the County Borough has fallen below the 5 year minimum requirement. The

Review Report therefore recognises an urgent need to address a shortfall in the housing land supply by the identification of additional housing sites.

- 4.14 Notwithstanding the need to identify new housing sites to address an identified shortfall, many other policies are performing effectively and are likely to require only minor amendments to reflect contextual changes and updates to national policy.

#### *Review of the Evidence Base*

- 4.15 LDPs have to be based on robust evidence to ensure that critical land-use issues are identified and properly addressed. Some of the evidence base studies that underpin existing LDP policies are out-of-date and need to be updated and/or replaced in order to fully understand the land-use requirements of the County Borough up to 2033.

Some of the critical evidence base studies that will be required to support the Replacement plan are:-

- Population and household forecasts – to inform the LDP’s dwelling requirement up to 2033.
- Local Housing Needs Assessment – to inform the housing requirement tenure type and size of dwelling to match future household type and age profile of the population.
- Employment Land Review Update – to assess the future need of employment land suitable for all employment sectors and regional employment aspirations.
- Retail Needs Assessment – to identify if there is a requirement for additional floorspace to help inform the Council’s approach to manage the vitality and viability of our town centres.
- Renewable Energy – evidence to support carbon reduction targets and mitigate the effect of climate change.

#### *LDP Review Options*

- 4.16 The Review Report makes the recommendation that the Council undertakes a full review of the existing LDP on an individual Local Planning Authority (LPA) area basis, wherever possible working collaboratively with other LPAs to produce a joint evidence base and with the region to prepare a SDP.

#### ***Bridgend Replacement LDP Delivery Agreement***

- 4.17 The Delivery Agreement sets out how and when the local community and other stakeholders can contribute to the preparation of the Replacement Plan and a timetable for its preparation. It is proposed that the Replacement LDP will cover a plan period up to 2033.

#### *Replacement LDP Draft Delivery Agreement - Public Consultation*

- 4.18 A report was presented to Council on the 25th April 2018, which outlined the Cabinet Secretary’s response, which allowed Bridgend to proceed with its LDP subject to a very strict deadline requiring submission of the Delivery Agreement before the end of June 2018. The report also sought authorisation to undertake targeted consultation on the draft Replacement Bridgend LDP Delivery Agreement between 30th April 2018 and 25th May 2018. The

Consultation on the draft Delivery Agreement was undertaken in conjunction with the draft Bridgend Local Development Plan (2013) Review Report.

4.19 The consultation was advertised in the following ways:

- The consultation documents were available for inspection at the Civic Offices, Angel Street;
- Information on the consultation was placed on the Council's website; and
- E-mails and letters were sent to approximately 190 consultees including Community Councils, planning consultants, house builders, housing associations and other relevant external organisations with details on how to respond.

4.20 By the end of the consultation period 8 external organisations had submitted comments on the draft Delivery Agreement. In response, the Council has produced a Consultation Report which is included as Appendix 3 in the final Delivery Agreement that provides the Council's response to the representations received. Copies of the full representations can be viewed by Members at the Planning Department.

4.21 The main changes to the Delivery Agreement recommended by Officers include:

- Updates to the list of Consultation Bodies (attached as Appendix 1 in the Delivery Agreement):
  - It was considered prudent to include all the LPAs in the Cardiff Capital Region rather than just the neighbouring LPAs (Vale of Glamorgan, RCT and Neath Port Talbot) to reflect the importance of collaborative / regional working and Strategic Development Plan preparation.
  - Bridgend Local Health and Bridgend Partnership Board have been deleted as both have been replaced by the Public Service Board.
  - Action on hearing loss has been replaced by RNI Deaf & Hard of Hearing People.
  - The Commission for Racial Equality, Disability Rights Commission and Disability Rights Commission have been replaced by The Equality and Human Rights Commission.
  - Fields in Trust – replaces National Playing Fields Association Wales.
  - Royal National Institute for the Deaf and Hard of Hearing People has been replaced by 'Action on Hearing Loss'.
  - Wales Council for the Disabled has been replaced by Disability Wales.
- An amendment to the timetable (attached at Appendix 2) to the Delivery Agreement) to reflect that Sustainability Appraisal (SA) scoping should be undertaken before substantive LDP proposals are publicly consulted on. All sites submitted in response to a future 'call for sites' will need to be subject to SA in due course, so it would be best to define the LDP SA framework, methodology and information requirements through the SA Scoping Report prior to issuing the call for sites (and any associated site pro-formas). This should help to ensure that site promoters submit sufficient sustainability and environmental information to enable the SA to be undertaken efficiently.
- Paragraph 1.6.2 has been amended to show a degree of linkage between the SA (SEA), the Bridgend Well-being Plan (in accordance with the Well-Being of Future Generations (Wales) Act and Habitats Regulations Assessment (HRA).
- Paragraph 1.6.3 has been expanded to reference the statutory requirement to undertake SEA screening.

- Paragraph 1.6.3 the second and third bullet-points have been combined into a single bullet for clarity purposes.
- Paragraph 1.6.3 the final bullet point has been amended to make clear that the SA Adoption Statement will be published after the adoption of the replacement LDP.

4.22 The final Delivery Agreement consists of 2 parts:-

- A timetable for preparation of the Replacement LDP, and
- A Community Involvement Scheme.

4.23 The timetable sets out the key dates including statutory consultation periods, for each of the different stages of Plan preparation and publication. It also includes key stages for the Sustainability Appraisal, which is an iterative process undertaken as an integral part of the Plan preparation process.

KEY STAGE		TIMESCALE	
DEFINITIVE		FROM	TO
<b>STAGE 1</b>	<b>Update Evidence Base &amp; SA/SEA Baseline Framework &amp; Assessments</b>	April 2018	July 2020
<b>STAGE 2</b>	<b>Delivery Agreement</b> <ul style="list-style-type: none"> <li>• Submission to Welsh Government – June 2018</li> <li>• Response to LPA to be received within 4 weeks</li> </ul>	April 2018	July 2018
<b>STAGE 3</b>	<b>Pre-Deposit Participation &amp; Consultation</b> <ul style="list-style-type: none"> <li>• 6 week statutory consultation</li> </ul>	July 2018	June 2020
<b>STAGE 4</b>	<b>Deposit LDP</b> <ul style="list-style-type: none"> <li>• 6 week statutory consultation</li> </ul>	July 2020	December 2020
INDICATIVE		From	To
<b>STAGE 5</b>	Submission	Winter 2021 (January)	-
<b>STAGE 6</b>	Examination	Spring 2021 (March)	Spring 2021 (April)
<b>STAGE 7</b>	Inspectors Report & Adoption	Summer 2021 (June)	Autumn 2021 (July)
<b>STAGE 8</b>	Adoption	Summer / Autumn 2021 (August / September 2021)	

- 4.24 The timetable of Plan preparation has Definitive and Indicative stages. Definitive stages are up to the Deposit of the Plan and is under the control of the Council. The Council has less control over the progress of the Plan after the statutory Deposit stage, as subsequent stages associated with Examination, Receipt of the Inspector's Report and Adoption is more dependent on external factors from Welsh Government and the Planning Inspectorate (PINS). As such these stages are indicative only.
- 4.25 The Community Involvement Scheme outlines the LPAs principles of community engagement, its approach in relation to who, how and when it intends to engage with the community and stakeholders; how it will respond to representations and how these representations will inform later stages of plan preparation.
- 4.26 The Delivery Agreement also sets out the resources that will be required to prepare the Replacement LDP together with a Risk Assessment identifying areas of uncertainty that may impact on the timetable for Plan preparation and mitigation measures required to keep the Plan on track.
- 4.27 The Delivery Agreement must be approved by Welsh Government and they have 1 month to consider and agree its contents or notify the LPA that it requires more time to consider the document.
- 4.28 Subsequent to its agreement by Welsh Government the Delivery Agreement will be published, with the Replacement LDP prepared in accordance with its contents.

## **5. Effect Upon Policy Framework and Procedure Rules**

- 5.1 The Planning and Compulsory Purchase Act 2004 and regulation 41 of the Town and Country Planning (Local Development Plan) (Wales) Regulation 2005 requires that a Local Planning Authority must commence a full review of its LDP every 4 years from the date of its initial adoption and that such a review must be preceded by a Review Report. The LDP Manual (2015) also advises that the review process should involve engagement with key stakeholders to assist in clarifying the issues to be considered in the review process. In addition, the LDP Manual (2005) states that for the preparation of an LDP Revision, a revised Delivery Agreement is necessary, with the LPA undertaking engagement and/or consultation as it considers appropriate.

## **6. Equality Impact Assessment**

- 6.1 There are no direct implications associated with this report. However the policies contained within any Replacement LDP will require an equalities impact assessment to be carried out.

## **7. Wellbeing of Future Generation (Wales) Act 2015**

- 7.1 The LDP Replacement Plan will be prepared in accordance with the 7 Wellbeing goals and the 5 ways of working as identified in the Act.

## **8. Financial Implications**

- 8.1 The cost of the LDP Review will be met from the Development Planning budget and carried out by development planning staff with expert advice and evidence procured from consultants and through collaboration with neighbouring authorities as required.

## **9. Recommendation**

9.1 That the Town and Community Council Forum note the contents of this report.

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**26<sup>th</sup> JUNE 2018**

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**Background documents**

NA