

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO DEVELOPMENT CONTROL COMMITTEE

10 DECEMBER 2020

### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

#### WELSH GOVERNMENT CONSULTATION DOCUMENT REGULATIONS ESTABLISHING THE PROCEDURE FOR THE PREPARATION OF STRATEGIC DEVELOPMENT PLAN AND ASSOCIATED MATTERS

#### 1. Purpose of report

- 1.1 The purpose of this report is to inform Development Control Committee that Welsh Government are seeking views on their policy intent for the subordinate legislation required to establish the procedure for Strategic Development Plans to be prepared across Wales by Corporate Joint Committees. The consultation document can be viewed by clicking on the link here: [consultation-document-town-and-country-planning-strategic-development-plan-wales-regulations-2021.pdf \(gov.wales\)](https://gov.wales/consultation-document-town-and-country-planning-strategic-development-plan-wales-regulations-2021.pdf)

#### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:-

1. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 2. Background

Local Development Plans and Strategic Development Plans – the current legal framework.

- 2.1 Local Development Plan (LDP) preparation and adoption is governed by provisions in Part 6 of the Planning and Compulsory Purchase Act 2004 (the PCPA). The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, as amended (the LDP Regulations), made under that Part, set out the procedure for the preparation of local development plans (LDPs) by Local Planning Authorities (LPAs). The LDP Regulations have to date facilitated the adoption of 22 initial LDPs and 3 LDP first revisions in Wales.
- 2.2 The Planning (Wales) Act 2015 (PWA) gained Royal Assent on 6 July 2015. Amongst other things, it amends Part 6 of the PCPA for the purpose of introducing SDPs, to be prepared by governance bodies called Strategic Planning Panels (SPPs) on the

basis of either a voluntary approach by two or more LPAs or a Ministerial direction. It also makes additional provision so that LDPs must be in general conformity with the National Development Framework for Wales (the NDF) and any SDP prepared in relation to the geographical area in question, while the SDP itself must similarly be in conformity with the National Development Framework.

- 2.3** The policy intent in respect of SDPs is to introduce a more strategic approach to plan making at a scale greater than individual LDPs. Welsh Government state that there is an identified need to improve how the Planning system addresses issues that cross local authority boundaries to reflect how people live their lives today and in the future. SDPs should provide a more consistent, cost effective and efficient approach to Plan Making with key decisions taken once at the strategic level. This will allow larger than local issues such as housing numbers, strategic housing allocations, strategic employment sites, strategic green infrastructure routes, supporting transport infrastructure which cuts across a number of LPA areas to be considered and planned for in an integrated and comprehensive way. Welsh Government state that this will result in more efficient and effective Planning outcomes for communities.
- 2.4** The Local Government Elections Bill (LGEB) was introduced into the Senedd in November 2019. It introduces Corporate Joint Committees as the Welsh Ministers' preferred means of preparing an SDP in place of SPPs. Accordingly, the Welsh Ministers intend to introduce amendments to the LGEB which will in turn amend Part 6 of the PCPA so that the provisions relevant to SDPs are replicated in all material respects albeit in a new context where the Corporate Joint Committee (CJC) is the sole body responsible for their preparation.
- 2.5** The LGEB confers a power on the Welsh Ministers to establish CJsCs via Regulations. The Minister for Housing and Local Government has confirmed the Welsh Government's intention to establish the first CJsCs as soon as possible. These CJsCs will exercise functions relating to the preparation of an SDP, to the development of Regional Transport plans and in addition, will include a power to promote or improve the economic well-being of its area.
- 2.6** A consultation on the draft Regulations establishing the CJsCs is being undertaken in parallel with this consultation and can be viewed by clicking on the following link: <https://gov.wales/consultations>

### **3. Current situation/proposal**

- 3.1** Welsh Government are seeking views on their policy intent for the subordinate legislation required to establish the procedure for Strategic Development Plans to be prepared across Wales by Corporate Joint Committees. The Regulations will be called the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 (the SDP Regulations).

- 3.2 Once a Strategic Development Plan is adopted an LDP will still need to be prepared. LDPs prepared under an adopted SDP will be more focussed in nature, dealing with local issues and policies and will identify site specific allocations, prepared in general conformity with the adopted SDP.
- 3.3 Welsh Government's consultation document seeks views on 9 specific questions.
- 3.4 Question 1: Do you agree the SDP Regulations should broadly mirror the key stages and plan preparation requirements set out in the LDP Regulations, subject to the exceptions referred too? If not, please explain why
- 3.5 Officer response: Agree.
- 3.6 Question 2: Do you agree with the proposed approach to the Community Involvement Scheme (CIS) and Delivery Agreement (DA)? If not, please explain why
- 3.7 Officer response: Agree.
- 3.8 Question 3: Do you agree with the list of general and specific consultation bodies listed in Annex 1? If not, who else do you think should be considered for inclusion and why?
- 3.9 Officer response: Agree.
- 3.10 Question 4: Do you agree with the two stage preparation and consultation approach proposed at Preferred Strategy and Deposit? If not, please explain why and what alternative approach you would suggest?
- 3.11 Officer response: Agree.
- 3.12 Question 5: Do you agree with the particular elements of the procedures and requirements proposed for SDP preparation including proposals from pre-deposit to Deposit stage? If not, please explain why
- 3.13 Officer response: Agree.
- 3.14 Question 6: Do you agree with the proposed approach for submission, examination and adoption of an SDP? If not, please explain why
- 3.15 Officer response: Agree.
- 3.16 Question 7: Do you agree with the proposed approach to monitoring, review and revision of an SDP? If not, please explain why
- 3.17 Officer response: Agree.

3.18 Question 8: Do you agree with the proposed approach for SDP withdrawal? If not, please explain why

3.19 Officer response: Agree.

3.20 Question 9: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please report them

3.21 Officer response: Whilst the principle of mirroring the current LDP process in a regional strategic plan is generally supported, there is an element of concern that the process was designed specifically for a more local plan and may not reflect the more challenging aspects of strategic policy particularly in terms of engagement. Also, the concept of SDPs is broadly supported but it is also considered that the continued importance of LDPs should not be underestimated as they will still be required at a local level, albeit in a lightened form. As such, it is important that resources remain at a local level to ensure they are adequately undertaken.

#### **4. Effect upon policy framework and procedure rules**

4.1 The establishment of CJsCs will result in the transfer of some functions relating to strategic development planning although the exact detail is yet to be established.

#### **5. Equality Impact Assessment**

5.1 There are no direct implications associated with this report.

#### **6. Well-being of Future Generations (Wales) Act 2015 implications**

6.1 The Well-being and Future Generations (Wales) Act seeks to improve the social, economic, environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into account the impact they could have on people living in Wales, in the future. It should be noted that the Planning system is central to achieving sustainable development and the five ways of working are an intrinsic part of the Planning system. The 5 main considerations of the WBFG Act are set out below with an explanation of how this work meets their objective:

Long term: The SDP will introduce a more strategic approach to plan-making.

Prevention: The aim of the SDP and indeed the LDP is to create sustainable places.

Integration: The preparation of the SDP is required by legislation and will need to be in conformity with national Planning policy.

Collaboration: The SDP will require the South-east Wales Local Authorities to work collaboratively to deliver this project.

Involvement: Like an LDP, plan-making at a strategic level will still require involvement from technical and non-technical stakeholders.

## **7. Financial implications**

- 7.1 Strategic Development Plans will be funded by existing Local Government budget heads although the Minister has indicated there may be initial funding available for start-up costs.

## **8. Recommendation**

- 8.1 That Development Control Committee notes the contents of this report and authorise the Group Manager – Planning & Development Services (in consultation with the Cabinet Member for Communities) to formally respond to the 9 specific consultation questions.

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### **Background documents:**

None.