

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

16 NOVEMBER 2021

### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

#### BRIDGEND LOCAL DEVELOPMENT PLAN (LDP) – REVISED DELIVERY AGREEMENT

#### 1. Purpose of report

- 1.1 The purpose of this report is to advise Cabinet of the necessity to revise the LDP Delivery Agreement (DA), and for Cabinet to agree the revised DA and to recommend that Council approve the amendments to the LDP Timetable and approve submission of the revised DA to Welsh Government for agreement. It is imperative that the Local Planning Authority continues to progress with the statutory review of the LDP, to prevent ad hoc development coming forward outside the development plan system. The planning system is based on a 'plan-led' principle as this approach is best way to manage land use change and ensure the most sustainable and well connected development is forthcoming for our communities.

#### 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. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.

#### 3. Background

- 3.1 Part 6 of the Planning and Compulsory Purchase Act 2004 places a duty on each local authority in Wales to prepare an LDP for its area. The LDP will set out the Council's land use strategy for the period 2018 – 2033 and the first stage of the process required the Council to prepare a DA for approval by WG.
- 3.2 The DA is a mandatory requirement of the LDP process and is considered to be a key tool for the speedier production of land use plans. It comprises the following two elements:
- **The Timetable** – this sets out how the Council will manage the programme for preparing the LDP. It identifies the key stages of the LDP process where the public and other interested parties will be given the opportunity to comment on the strategy, objectives and policies contained within the Plan.

- **The Community Involvement Scheme (CIS)** – this sets out who, when and how the Council will consult and engage with various stakeholders, including the general public, during the production of the LDP.

- 3.3 Public consultation on the Council's Draft DA was undertaken during April and May 2018 and Council approved the document for submission to WG, which subsequently approved the final DA on the 25<sup>th</sup> June 2018.
- 3.4 In July 2020, WG wrote to Local Planning Authorities to advise them to undertake a review of the technical evidence base underpinning the replacement LDP alongside the preferred strategy and policies in terms of sensitivity to the consequences of the Coronavirus pandemic. WG also advised that DA's should be adjusted to account for any necessary changes to the LDP timetable in light of delays caused by the pandemic. This also included any necessary amendments to the CIS given the need to adjust to new patterns of working and alternative methods of stakeholder engagement brought about by the need to maintain social distancing. As a result, the Council approved a revised DA on 16<sup>th</sup> September 2020, which was subsequently approved by WG on 5<sup>th</sup> October 2020.
- 3.5 Since that date, Bridgend County Borough Council has prepared the LDP Deposit Draft (LDPDD), which Cabinet approved for consultation on 18<sup>th</sup> May 2021 along with 18 supporting background papers and 40 technical evidence based studies. Public consultation on the LDPDD was held for 8 weeks between 1<sup>st</sup> June and 27<sup>th</sup> July 2021.
- 3.6 Progress towards the next key stage of the replacement LDP, submission of the LDPDD (originally scheduled for September 2021) to WG and the Planning Inspectorate, has been delayed and this is the subject of the necessary changes to the DA set out below.

#### **4. Current situation/proposal**

- 4.1 The Council now need to prepare a new DA with WG following the LDPDD consultation. The reason for this is that the LDP's supporting evidence base needs reviewing and refining as a result of the representations received from our communities and key stakeholders. In accordance with the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, the Council is required to consider, formulate and publish a response to each of the representations received to the LDPDD. The Council has been in receipt of over 1,200 representations and dealing with this volume of correspondence has presented a significant logistical and administrative exercise. Only once this task has been completed can officers collate all responses and present Cabinet with a Consultation feedback report.
- 4.2 In addition to responding to the individual representations made during the consultation period, the LDP evidence base needs to be reviewed and refined as a result of new information coming to light, changes to legislation, updated national planning guidance and the completion of supporting technical information.
- 4.3 Whilst not an exhaustive list, the strands of work set out below need more time to resolve and address before the LDPDD can be submitted:

- Technical Advice Note 15 – Development & Flood Risk (TAN15): WG published the revised TAN15 and accompanying Flood Maps on 28th September 2021. The new guidance comes into effect on 1<sup>st</sup> December 2021. This will require site allocations to be reviewed in light of the updated guidance and the Bridgend Strategic Flood Consequences Assessment to be updated;
- Gypsy and Traveller Accommodation Assessment: This is awaiting WG approval, which is required ahead of submission of the LDPDD;
- Strategic Transport Assessment: Further refinement work has been completed relating to strategic site mitigation measures for the highway network. The apportionment of related costs will need to feed into updated site viability assessments; and
- Former Ford Site: Further work to investigate future site options and establish masterplanning principles is ongoing.

4.4 The proposed revisions to the Timetable are illustrated in Table 1 as follows:

Table 1 Key Stages and Timescales

KEY STAGE		TIMESCALE	
DEFINITIVE		FROM	TO
<b>STAGE 1</b>	<b>Update Evidence Base &amp; SA/SEA Baseline Framework &amp; Assessments</b>	April 2018	May 2021
<b>STAGE 2</b>	<b>Delivery Agreement</b> <ul style="list-style-type: none"> <li>• Submission to Welsh Government – June 2018</li> <li>• Revised – October 2020</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 (October – December 2019)</li> </ul>	Aug 2018	May 2021
<b>STAGE 4</b>	<b>Deposit LDP Preparation &amp; Consultation - Ongoing</b> <ul style="list-style-type: none"> <li>• 8 week consultation (June – July 2021)</li> </ul>	June 2021	June 2022
INDICATIVE		FROM	TO
<b>STAGE 5</b>	<b>Submission</b>	Summer 2022 (Jun)	-

<b>STAGE 6</b>	<b>Examination</b>	Autumn 2022 (Sept)	Winter 2022 (Dec)
<b>STAGE 7</b>	<b>Inspectors Report &amp; Adoption</b>	Winter 2023 (Jan)	Winter 2023 (Feb)
<b>STAGE 8</b>	<b>Adoption</b>	Spring 2023 (Mar - Apr)	

- 4.5 Members will note that it is now anticipated that the LDP Deposit Plan will be submitted in June 2022. The final adoption of the LDP is likely to be delayed by up to 12 months as a result, though the dates relating to the stages following submission of the plan to WG are indicative. Prior to submission, amendments to the LDPDD can be made (including final site selection) as a result of the issues raised during the public consultation and prior to being reported to Council to seek approval to submit the plan for independent examination in public (EIP). In addition, Council will also need to formally adopt the plan post the EIP.
- 4.6 Members will be aware that the existing LDP expires this year, and whilst it will remain as the extant development plan until the Replacement LDP has been adopted, the material weight attached to the existing LDP and its evidence base will progressively diminish from 2021 onwards. This will place the Council in an increasingly tenuous position and open to challenge from the development industry. It is therefore imperative that the Local Planning Authority continues to progress with the statutory review of the LDP.
- 4.7 Fundamentally, the Replacement LDP will avoid ‘planning by appeal’ and ad hoc development coming forward outside the development plan system and not in accordance with the Plan’s strategy. This will strengthen the Council’s framework for determining planning applications and provide enhanced certainty to communities in this respect.
- 4.8 Of equal importance is the need to ensure that the plan is robust and fit for purpose with all the necessary evidence and that any potential risk is addressed. As such the issues raised above will require additional time to consider and delay in submission needs to be balanced against the potential for challenge further on in the process.
- 5. Effect upon policy framework and procedure rules**
- 5.1 The Planning and Compulsory Purchase Act 2004 and regulations of the Town and Country Planning (Local Development Plan) (Wales Regulations 2005) requires that a Local Planning Authority (LPA) must commence a full Review of its LDP every 4 years.
- 5.2 The LDP Manual (Edition 3, 2020) states that for the preparation of an LDP Revision, a revised DA is necessary, with the LPA undertaking engagement and/or consultation as it considers appropriate.
- 6. Equality Act 2010 implications**
- 6.1 There are no direct equalities implications associated with this report. However, the policies and allocations contained within the Replacement LDP are subject to

equalities impact assessment and the social economic duty. An initial Equalities Impact Assessment Screening of the Replacement LDP was carried out on 30<sup>th</sup> October 2020. This identified that the Replacement LDP could have a high to medium impact on people from the following protected characteristics: Age, Disability, Race and Welsh Language. As such, it was determined that a full EIA was required to support the Deposit Plan prior to it being published for public inspection and consultation. This was completed in April 2021 and the recommendation of the EIA (attached as Appendix 2) is to continue with the Deposit Plan in its current form as no negative impacts were identified.

- 6.2 Social Economic Duty: the replacement LDP is intended to help to eliminate inequality and disadvantage in people's lives. The evidence gathered during the preparation of the Replacement LDP has been used to ensure that the policies contained within have a positive impact on people living in socio-economic disadvantage or contain measures to ensure that any negative impact is mitigated.
- 6.3 The Replacement LDP places a focus on redeveloping key brownfield sites and directing growth to accessible locations, whilst also supporting community-based regeneration in the Valleys. This will provide a range of opportunities to safeguard and improve physical and mental health and wellbeing. Simultaneously, development of Sustainable Growth Areas and Regeneration Growth Areas will help to meet existing community needs and unlock new opportunities (e.g. through appropriate infrastructure provision and community facilities) whilst accommodating population growth. This will ensure new development is integrated with its surroundings, helping to tackle area-based deprivation and catalyse socio-economic renewal.

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

- 7.1 The LDP has full regard to the provisions of the Well-being of Future Generations Act 2015 and to the well-being goals. The promotion and recognition of well-being was interwoven into the early conversations held regarding Plan preparation with a range of stakeholders via the Public Service Board (PSB). The theme of well-being and the provisions of the Well-being of Future Generations Act 2015 is considered through the Sustainability Appraisal (SA) process and reflected in the use of the local well-being goals in framing the strategic objectives and the strategic policies.

## **8. Financial implications**

- 8.1 The cost of the LDP review will be met from the LDP 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(s)**

- 9.1 That Cabinet note and agree the content of this report and recommend that Council approve the revisions to the timetable and authorise the Group Manager Planning & Development Services to submit the revised Delivery Agreement (attached at Appendix 1) to Welsh Government;

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**Background documents:** None