

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

15 NOVEMBER 2022

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

REPLACEMENT LOCAL DEVELOPMENT PLAN DELEGATED AUTHORITY

1. Purpose of report

- 1.1 The purpose of this report is to seek Cabinet's agreement to provide officers with delegated authority to act on behalf of the Council should the Inspector propose changes arising out of the examination of the soundness of any aspect of the Replacement Local Development Plan (RLDP) during the examination hearing sessions.

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**:
- **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 Cabinet will be aware that the RLDP was approved for submission to Welsh Government and Planning and Environment Decisions Wales (PEDW) for independent Examination in Public (EiP) by Council at its meeting on 19th October 2022. Following the Council meeting officers submitted the RLDP, along with the supporting background papers and technical evidence based studies on 25th October 2022.
- 3.2 The next key stage in the RLDP's progress is the EiP. This will be conducted by an Inspector appointed by PEDW and will consist of a series of hearing sessions. The agenda for the hearing sessions will be set by the Inspector once they have considered the RLDP and all supporting documentation. The examination will be held in public and anyone who has made a representation seeking a change to the RLDP has the right to appear and be heard.
- 3.3 The overall length of the examination will depend on the complexity of issues the Inspector deems to be worthy of examination. Experience indicates that a full LDP examination can take up to 6 months, but a substantially shorter timeframe is likely if the scope of issues is limited in nature. Initial communication with PEDW has indicated that the hearing sessions will be conducted on-line and commence during the week of 22nd January 2023, but this will be confirmed by the appointed Inspector. Once confirmed, all dates will be advertised on the Council's Examination website.

3.4 Officers will be present at all hearing sessions and a critical factor in ensuring that the EiP runs as efficiently as possible relates to the appropriate level of delegated authority being afforded to officers to agree to changes that are proposed by the Inspector as and when they arise during the examination hearings. The ability for officers to be able to agree to the principle of proposed changes is strongly advised by both PEDW and the Welsh Government.

4. Current situation/proposal

- 4.1 During the course of the hearing sessions, the Inspector will lead a discussion on the issues they feel need clarifying to determine the soundness of the RLDP. If necessary, at the end of each hearing session, the Inspector will confirm with officers any actions they need to take in response to soundness issues raised during the discussion (e.g. to make specific changes to RLDP policies, or to clarify matters in relation to the evidence base). Lists of 'action points' will be published on the Examination website. In addition, officers will be required to maintain a schedule of consequential 'Matters Arising Changes' (MACs) which they propose to make to the RLDP to address the action points.
- 4.2 It should be particularly noted by Cabinet that any changes being proposed will be generated by the Inspector and all that the Inspector will be seeking from Council is an agreement in principle for the proposed change.
- 4.3 In whatever way that agreement in principle is considered and made, it would not disenfranchise either local members or local residents as all changes that emanate from examination hearing sessions must be published as MACs following the hearing sessions and then be the subject of a formal 6 week public consultation exercise, to allow comments to be made and submitted to the Inspector. Further hearing sessions may result depending on the outcome of the response to this consultation.
- 4.4 To provide Members with further reassurance, it is clearly not the Council's position or that of officers that the RLDP needs to change. The recommendation agreed at the meeting of Council on 19th October 2022 was that, following consideration of representations made to the Deposit LDP, no significant changes are proposed as the plan remains 'sound' and is capable of being examined as such and adopted.
- 4.5 This is therefore the stance that officers will take at the EiP. It would only be in the instance that, having discussed the evidence relating to a particular matter at an examination session, that Council would be put in the position by the Inspector that the plan may need to change to remain sound. It is for these (at present hypothetical) situations that delegated authority is required to appropriately respond to the Inspector, in order to maintain the efficient running of the examination.
- 4.6 Delegated authority is therefore sought for the Corporate Director Communities and Group Manager Planning and Development Services (or in her/his absence and for operational expediency, exercised by the Strategic Planning and Transportation Manager and the Strategic Planning Team Leader) to allow them to agree, in principle, to the action points proposed by the Inspector and to propose the appropriate MACs to address them. Clearly any change proposed by the Inspector of any significance, cannot be agreed to in principle by officers without reference to

Cabinet. Further guidance would be provided by the Inspector if such a change was considered necessary.

- 4.7 A key point to reiterate for Members in relation to changes that may emanate from the examination process is that they will be Inspector driven and that any changes which are proposed, as 'MACs', will be subject to a separate, 6-week public consultation process, once the initial round of hearing sessions is completed. There will therefore be ample opportunity for Members and the wider community to respond to any proposed changes as part of this formal consultation.

5. Effect upon policy framework and procedure rules

- 5.1 Town and Country Planning Act (Local Development Plan) (Wales) Regulations 2005 (Regulation 23) as amended requires the Council to publish a formal notice of the examination of the RLDP.

6. Equality Act 2010 implications

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report. There are no direct equalities implications associated with this report.
- 6.2 However, the policies and allocations contained within the RLDP are subject to equalities impact assessment and the social economic duty. An initial Equalities Impact Assessment (EIA) Screening of the RLDP was carried out on 30th October 2020. This identified that the RLDP 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. The recommendation of the full EIA is to continue with the Deposit Plan in its current form as no negative impacts are identified.
- 6.3 Social Economic Duty: the RLDP is intended to help to eliminate inequality and disadvantage in people's lives and that the consultation should inform the process in this respect. The evidence gathered during the preparation of the RLDP has been used to ensure that it's policies have a positive impact on people living in socio-economic disadvantage or contain measures to ensure that any negative impact is mitigated.

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

- 7.1 The RLDP 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 RLDP preparation process including the EiP is funded through the RLDP budget.

9. Recommendation

9.1 That Cabinet agree that delegated authority as described in Paragraph 4.6 of this report be given to the Corporate Director Communities and Group Manager Planning and Development Services or in their absence the Strategic Planning and Transportation Manager and the Strategic Planning Team Leader, to agree amendments to the RLDP as part of the Examination process and to propose the appropriate Matters Arising Changes to address those amendments.

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CORPORATE DIRECTOR COMMUNITIES

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Background documents:

None