

Meeting of:	Council
Date of Meeting:	13 MARCH 2024
Report Title:	ADOPTION OF THE REPLACEMENT LOCAL DEVELOPMENT PLAN 2018-2033
Report Owner / Corporate Director:	JANINE NIGHTINGALE, CORPORATE DIRECTOR - COMMUNITIES
Responsible Officer:	RICHARD MATTHAMS, STRATEGIC PLANNING AND TRANSPORTATION MANAGER
Policy Framework and Procedure Rules:	There is no impact on the policy framework or procedure rules.
Executive Summary:	For Council to consider and adopt the Replacement Local Development Plan (RLDP), which has been subject to a rigorous, independent public examination process (Examination) by Planning and Environment Decisions Wales (PEDW).

1. Purpose of Report

- 1.1 This report has been prepared to seek formal adoption of the Replacement Local Development Plan (**RLDP**) as required by Regulation 25 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended). It advises Council of the binding Inspector's Report on the Examination into the Bridgend RLDP 2018 – 2033, which details recommended changes needed to ensure the Local Development Plan (**Plan**) is sound, while meeting legal and statutory requirements.

2. Background

- 2.1 An up-to-date Local Development Plan (**LDP**) is an essential part of a plan-led planning system in Wales. It sets the framework to ensure that the planning system contributes towards the delivery of sustainable development in a co-ordinated manner, enabling a wider, problem-solving outlook than would be possible by dealing with local issues in isolation. Without an up-to-date LDP, it would become progressively difficult for the Council to focus on integrating and addressing multiple

land use concerns and the local planning process would become fragmented, un-coordinated and reactive.

2.2 The Local Planning Authority (**LPA**) 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 no longer than every 4 years from the date of adoption. As such, a review of the existing adopted LDP (2006-2021) was triggered and a Review Report was published in 2018. That Review Report recognised an urgent need to address the shortfall in the housing land supply through the identification of additional housing sites, whilst reviewing other significant contextual changes in circumstances and policy at a national, regional and local level.

2.3 Over the course of its extensive preparation, the RLDP has progressed through the following key stages:

- **Delivery Agreement and Community Involvement Scheme (CIS) (April - June 2018)**

The Delivery Agreement (later revised) consisted of two parts: (i) a timetable for preparation of the RLDP and (ii) a CIS. The timetable set out the key dates including statutory consultation periods, for each of the different stages of Plan preparation and publication. The CIS outlined the LPA's principles of community engagement and its approach to engagement with the community and stakeholders.

- **Call for Candidate Sites (September – November 2018)**

The public, developers and landowners were invited to nominate Candidate Sites to the LPA for consideration when preparing draft land use proposals for the RLDP.

- **Pre-Deposit Participation (January – July 2019)**

Focussed engagement was undertaken with certain specific consultation bodies (including statutory bodies) to consider a range of strategies and options, whilst gaining further insight into their different implications, as set out in the **Initial Consultation Report**.

- **Pre-Deposit (Preferred Strategy) Consultation (September – November 2019)**

The Preferred Strategy was published for consultation from 30th September to 8th November 2019, following a period of pre-deposit plan preparation and engagement, which influenced its development. The Preferred Strategy set out the Plan's vision, strategic objectives and spatial strategy to guide the level of future development and growth in Bridgend County Borough, including a set of strategic policies that were relevant to the main priorities for the Plan. This provided the strategic context for the preparation of more detailed

policies, proposals and land use allocations for subsequent inclusion in the Deposit RLDP (**Deposit Plan**).

- **Deposit Consultation (June – July 2021)**

The Deposit Plan was published for consultation from 1st June until 27th July 2021. It built upon the Preferred Strategy and Initial Consultation Report, and, in doing so, provided an updated strategic framework to underpin the RLDP. The Deposit Plan contained the strategy, policies and allocations, supported by relevant background evidence. It provided: enhanced spatial definition; a full suite of site allocations to meet identified needs; an enhanced policy framework (including development management policies); and delivery and monitoring mechanisms.

2.4 Following completion of these key stages, Council will recall that a resolution was made on 19th October 2022, to submit the RLDP to the Welsh Government and the Planning Inspectorate (**PEDW**) for independent examination. This was to determine whether the Plan satisfied the procedural tests and could be considered sound in accordance with the Tests of Soundness. The RLDP was submitted to PEDW on 25th October 2022. PEDW appointed Planning Inspector Nicola Gulley, MA, MRTPI (**Inspector**) on 1st November 2022, to conduct the independent Examination in Public into the soundness of the RLDP.

2.5 A rigorous and robust public Examination process then commenced, with a series of topic-based public hearing sessions taking place from 28th February 2023 to 29th March 2023. The Inspector duly considered all representations made both up until and during the hearing sessions. In response to the matters and issues raised by the Inspector during the hearing sessions, the LPA proposed a series of Matters Arising Changes (**MACs**) to the Plan. These changes were deemed necessary to make the Plan sound. The MACs Schedule was subject to public consultation from 31st July 2023 until 11th September 2023, following which a MACs Consultation Report was published. That MACs Report listed the representations made about each of the proposed MACs, provided a summary of the main issues raised and outlined the LPA's responses. All duly made representations were considered by the Inspector. A further final public hearing session was held on 24th January 2024, prior to the Inspector's Report being published on 23 February 2024, which is legally binding on the Council.

3. Current situation/ proposal

Summary of Inspector's Report

3.1 Regulation 25 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended), requires the Council to adopt the RLDP within eight weeks of receipt of the Inspector's Report. The Inspector's Report concludes that, subject to the binding recommended changes, the Bridgend RLDP satisfies the

requirements of section 64(5) of the Planning and Compulsory Purchase Act 2004 and meets the Welsh Government's tests of soundness.

- 3.2 A copy of the Inspector's Report is attached at Appendix 1. All duly made representations and the matters raised at the Examination hearings were considered by the Inspector prior to publication of this Report. The Inspector's recommended changes, needed in order to meet legal and statutory requirements and to ensure that the Plan is sound, are binding on the Council and are set out in Appendix A to the Inspector's Report. A non-technical summary is included on page 3 of the Inspector's Report, which summarises the key changes made to the RLDP as a result of the Examination.
- 3.3 Almost all the recommended changes were put forward by the LPA in response to matters discussed during the Examination. Most changes relate to policy wording clarifications, revision of targets to reflect updated evidence / trajectories and the inclusion of additional detail provided to the Inspector during the Examination.
- 3.4 There have been two notable alterations to specific housing site allocations. Land at Parc Afon Ewenni, Bridgend has been de-allocated as a residential allocation due to significant flood constraint that proved unresolvable during RLDP preparation. Removal of this allocation gave rise to concerns that there may be a shortfall in housing supply over the Plan period. In order to address these concerns and ensure that sufficient flexibility exists within the housing supply, land at the Former Cooper Standard Site, Ewenny Road, Maesteg was proposed as a housing allocation. This site had been identified originally as a long-term regeneration allocation upon which the housing land supply was not dependent. However, this position changed substantially over the course of RLDP preparation. Evidence was provided to demonstrate funding has been secured to undertake remediation works at this site, all constraints can be effectively addressed, and the development can be delivered in the Plan period. Re-designation of this site as a housing allocation was therefore considered necessary by the Inspector to ensure the robustness of the housing land supply and to provide additional flexibility in housing provision.
- 3.5 Minor Editorial Changes (**MECs**) have also been identified by the LPA, which are not the subject of a binding recommendation. As such, they are not identified in the main body of the Inspector's Report as they are not considered necessary for soundness. They do, however, improve the usability of the final Plan document. The LPA is authorised to make such necessary MECs to the Plan arising from inclusion of the changes recommended for soundness. These include minor typographical or factual corrections, consequential changes or presentational matters required in the production of the final adopted version of the RLDP.
- 3.6 A 'marked up' version of the RLDP Written Statement is included as Appendix 2 to this report. This illustrates, for ease of reference, how the Deposit RLDP has been altered to incorporate the Inspector's binding changes and subsequent MECs. Composite versions of the RLDP Written Statement and Proposals Map are also

included as Appendices 3 and 4 to this report, which, together, will form the basis for the final adopted version of the RLDP.

Plan Adoption, Monitoring and Review

- 3.7 Following Council approval, the LPA is required to publish the adopted RLDP Written Statement and Proposals Map, an “**Adoption Statement**” and the Full Sustainability Appraisal (**SA**), incorporating Strategic Environmental Assessment (**SEA**). The latter process was undertaken throughout plan preparation to identify likely significant adverse effects from the RLDP and ensure their avoidance through incorporation of mitigation and enhancement measures. The Adoption Statement and SA, incorporating SEA, have been included as Appendices 5 and 6 to this report.
- 3.8 Notification of the RLDP’s adoption and the availability of documents will be published on the Council’s website, via local advertisement and sent to all consultees who have requested to be kept informed. The adopted RLDP and associated documents will be published on the Council’s website and made available to view at deposit locations.
- 3.9 Once adopted, the Bridgend RLDP 2018-2033 will become the statutory Development Plan for the County Borough and the existing LDP 2006-2021 will cease to have effect. From the date of adoption, the RLDP will be subject to a six week challenge period to the High Court under section 113 of the Planning and Compulsory Purchase Act 2004 and as referenced within the Adoption Statement.
- 3.10 Following the adoption of the Replacement LDP, the LPA must publish and submit to Welsh Government an Annual Monitoring Report (**AMR**) under Regulation 37 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended). The first AMR is required to be submitted by 31st October in the year following adoption of the LDP (i.e. 2025). This will assess the extent to which the RLDP’s strategy, policies and key site allocations are being delivered. The results will also identify any challenges, opportunities and possible ways forward for revising policies and proposals at a future Plan review. In this respect, the LPA must undertake a mandatory full Plan review 4 years following its adoption to ensure that the RLDP remains up to date. This will be due to take place in March 2028.
- 3.11 Council Members are advised that while a basic version of the RLDP Written Statement and Proposals Map will initially be made available (i.e. Appendices 3 and 4 to this report), a graphically designed version will be published as soon as reasonably practicable following adoption.

Supplementary Planning Guidance

- 3.12 There are several existing adopted Supplementary Planning Guidance documents (**SPGs**), which were prepared to supplement the policies contained in the existing adopted LDP (2006-2021). These are due to be replaced or withdrawn as necessary following adoption of the RLDP (2018-2033), in order to ensure conformity. In the

interim, it is proposed that the existing adopted SPGs will be carried forward for their use as material considerations in the determination of planning applications.

- 3.13 Two SPGs were published during RLDP preparation (*'SPG 16 - Educational Facilities and Residential Development'* and *'SPG 5 - Outdoor Recreation Facilities and New Housing Development'*) and will be updated as necessary post adoption of the RLDP. These will be supplemented by additional SPGs, which are scheduled to be prepared within the first two years of RLDP adoption, to cover the following thematic policy areas:

SPG	Timescale
Education Facilities and Residential Development	Within 6 months of adoption
Outdoor Recreation Facilities and New Housing Development	Within 6 months of adoption
Affordable Housing	Within 6 months of adoption
Planning Obligations	Within 6 months of adoption
Biodiversity and New Development	Within 1 year of adoption
Design Guide	Within 1 year of adoption
Design of New Schools	Within 1 year of adoption
Development in the Countryside	Within 1 year of adoption
Employment Land	Within 1 year of adoption
Flood Risk	Within 1 year of adoption
Green Infrastructure	Within 2 years of adoption
Health and Wellbeing	Within 2 years of adoption
Masterplans for Long Term Regeneration Sites	Within 2 years of adoption
Parking Standards	Within 2 years of adoption
Renewable Energy and Decarbonisation	Within 2 years of adoption
Southern Bridgend Gateway	Within 2 years of adoption
Sustainable Construction and Design	Within 2 years of adoption
Trees and Development	Within 2 years of adoption

- 3.14 These forthcoming SPGs will be derived from respective RLDP policies or site allocations. They will provide important guidance to expand on topic based policies, cover further detail on the type of development expected and provide numerical guidelines/thresholds to assist with implementation of the RLDP. The table above represents a substantial body of future work in the short to medium term and will prove key to clarify, interpret and expand on policies in the RLDP.

4. Equality implications (including Socio-economic Duty and Welsh Language)

- 4.1 There are no direct equalities implications associated with this report. However, the policies and allocations contained within the RLDP have been subject to a full Equality Impact Assessment (EIA). The EIA considers the impact of the RLDP on the

nine protected characteristics, the Socio-economic Duty and the use of the Welsh Language.

- 4.2 An initial Equalities Impact Assessment Screening of the RLDP was conducted 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. This is attached as Appendix 7. The recommendation of the full EIA is to continue with the RLDP in its current form as no negative impacts are identified.
- 4.3 With regard to the Socio-economic Duty, the RLDP is intended to help to eliminate inequality and disadvantage in people's lives and the extensive consultation stages have informed the process in this respect. The evidence gathered during the preparation of the RLDP has been used to ensure that its policies have a positive impact on people living in socio-economic disadvantage and/or contain measures to ensure that any negative impact is mitigated.
- 4.4 The RLDP also places a focus on directing growth to accessible locations, while 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), while accommodating population growth. This will ensure new development is integrated with its surroundings, helping to tackle area-based deprivation and catalyse socio-economic renewal.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

- 5.1 The RLDP has full regard to the provisions of the Well-being of Future Generations (Wales) Act 2015 and to the "*Well-being Goals*". The promotion and recognition of well-being was interwoven into plan preparation from the outset, through effective stakeholder engagement via the Public Service Board. The theme of well-being and the provisions of the Well-being of Future Generations (Wales) Act 2015 are considered through the SA process and reflected in the use of the local Well-being Goals in framing the RLDP's Strategic Objectives and the Strategic Policies.
- 5.2 The RLDP will provide the framework to deliver against all 7 "*Corporate Wellbeing Objectives*" by enabling delivery of new homes, jobs, education facilities, recreation provision, highways improvements, active travel provision and a wide range of other supporting infrastructure. The RLDP will function as a catalyst to lever significant investment into Bridgend County Borough; approximately £116,000,000 in private sector investment together with 1,711 affordable homes over the life of the Plan.

5.3 The RLDP will also enhance strategic direction and contribute to the full suite of goals within the Well-being of Future Generations (Wales) Act 2015, most notably:

- A prosperous Wales – sustainable, placemaking-led development will reduce the reliance on costly transport, promote active travel opportunities, enable new jobs and support town centres within the County Borough.
- A resilient Wales – provision of good quality market and affordable housing alongside new employment provision will increase the resilience of both individuals and communities.
- A Wales of cohesive communities – enabling well-connected, mixed-use and multi-tenure developments will foster sustainable, socially cohesive communities.

6. Climate Change Implications

6.1 The RLDP sets a framework for mitigating the impacts of climate change through Policy SP4. In order to do so, Policy SP4 requires that all development makes a positive contribution towards tackling the causes of, and / or adapting to, the impacts of climate change. Proposals must: reflect sustainable transport and access principles; have low / zero carbon energy requirements; utilise local materials and supplies; encourage the development of renewable and low / zero carbon energy generation; be of a design that helps wildlife and habitats adapt to climate change and assist in cooling the urban environment; use resources more efficiently; and direct development away from areas of flood risk. The RLDP's approach to mitigating the impact of climate change has been deemed robust and consistent with the requirements of national policy by the Independent Inspector.

7. Safeguarding and Corporate Parent Implications

7.1 There are no Safeguarding and Corporate Parent Implications from this report.

8. Financial Implications

8.1 There are no financial implications arising from this report. The RLDP preparation process has been funded through the LDP budget.

9. Recommendation(s)

That Council:

- a) Note the findings of the binding Inspector's Report attached at Appendix 1 and approve adoption of the Bridgend RLDP 2018 – 2033.
- b) Authorise the Corporate Director - Communities and Group Manager - Planning and Development Services to make minor typographical or factual corrections,

presentational changes or consequential amendments to the RLDP arising from the Inspector's recommended changes in accordance with paragraph 12.1 and Appendix A of the Inspector's Report (Appendix 1).

- c) Authorise the Corporate Director - Communities and Group Manager - Planning and Development Services to make the necessary arrangements to publish the RLDP, including making the Plan available on the Council's website and at deposit locations in accordance with Regulation 25 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended).
- d) Authorise continued use of adopted SPGs prepared to supplement the policies of the existing adopted LDP (2006-2021) as material considerations in the determination of planning applications until these SPGs are replaced or otherwise withdrawn.

Background documents

Appendix 1 Inspector's Report on the Examination into the Bridgend RLDP 2018-2033

Appendix 2 RLDP Written Statement (Marked Up Changes Version)

Appendix 3 RLDP Written Statement (Composite Final Version)

Appendix 4 RLDP Proposals Map (Composite Final Version)

Appendix 5 RLDP Adoption Statement

Appendix 6 The Full SA of the RLDP

Appendix 7 The Full EIA of the RLDP