



## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **CABINET**

**18<sup>th</sup> JUNE 2019**

### **PROPOSALS TO UNDERTAKE A FORMAL REVIEW OF THE COUNCIL'S LOCAL DEVELOPMENT PLAN**

#### **REPORT OF DIRECTOR OF PROSPERITY AND DEVELOPMENT IN DISCUSSIONS WITH THE CABINET MEMBER FOR ENTERPRISE, DEVELOPMENT AND HOUSING, COUNCILLOR ROBERT BEVAN**

**Author:** Simon Gale, Director of Prosperity and Development

#### **1.0 PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to provide Cabinet with information on the need to review Rhondda Cynon Taf's (RCT) Local Development Plan and seek the agreement for officers to commence work on the preparation of a formal Local Development Plan (LDP) Review Report and Delivery Agreement, which it will then recommend to Council, for approval.

#### **2.0 RECOMMENDATIONS**

- 2.1 It is recommended that the Cabinet note the contents of this report on the need to review the RCT Local Development Plan (LDP) and agree for officers to commence work on the preparation of a formal LDP Review Report and Delivery Agreement.
- 2.2 Upon completion, the Review Report and Delivery Agreement will be presented to Cabinet for their consideration. Following this, the report will be recommended to Council in the Autumn 2019.

#### **3.0 REASONS FOR RECOMMENDATIONS**

##### **Local Development Plan**

- 3.1 This report has been prepared alongside the report from Prosperity and Development which recommends proceeding with, and supporting,

a Strategic Development Plan (SDP) for the region. Notwithstanding that recommendation, it has also become necessary to give formal consideration to the implications for the development plan at an RCT level. At present, the development plan for RCT is the Local Development Plan which was adopted in 2011. The plan has an end date of 2021 and Regulations introduced by the Planning (Wales) Act 2015 mean that none of the Plan's policies, allocations or designations will have any status from 1 January 2022. Previous regulations allowed for continued use of the adopted plan up to the point of adoption of its replacement.

#### **4.0 BACKGROUND**

- 4.1 Paragraph 5.40 of the above mentioned parallel SDP report, sets out the timeline for the delivery and adoption of the SDP. It should be noted that the earliest anticipated time the Local Authority will see a draft version of the plan (the 'Deposit Plan') is 2023. This means that given the 31 December 2021 drop date for the LDP RCT will be without any form of a development plan for a period of at least 2 years. Whilst the Council will still be able to rely on national policy for making decisions on planning applications, the absence of a development plan for RCT could present a number of risks and disadvantages.
- 4.2 For example, our policies around the provision of affordable housing on new development sites would fall, as would all of our Supplementary Planning Guidance (SPG) such as the SPG on Houses in Multiple Occupation (HMO) that has recently been successful in resisting unacceptable HMO developments in Treforest. Furthermore, the absence of any allocated sites for development will result in a lack of certainty for investors or could lead to an increase in applications for development on previously unacceptable sites in the countryside.
- 4.3 It is therefore necessary to consider undertaking a review of the RCT LDP in order to provide 'interim' development plan cover whilst the SDP and subsequent LDP 'Lites' (that sit below the SDP once it's adopted in each of the constituent Local Authorities) are being developed. Discussions have taken place with officials at Welsh Government over the form and scope of the review, recognising the importance of complimenting and supporting the work on the SDP rather than duplicating it.

#### **Form of the Review**

- 4.4 Due to the drop dead date of the current LDP in 2021, the Local Authority are essentially required to prepare a replacement LDP through the full review process of the plan, which would need to follow the requirements of the relevant legislation and meet the necessary

tests of soundness. However, there is firstly recognition that in effect, the purpose of the review is essentially to maintain plan coverage (and with it public and investor confidence in the planning system) during the period the SDP is being developed. Secondly, there are many elements of the current LDP that may remain appropriate, and may be carried forward if evidenced as such.

- 4.5 Furthermore, the Council can plan for the shortest plan period that legislation allows (10 years 2020-2030) and be explicit that essentially the Council are focussing on the period up until and soon after the SDP is adopted. At that time, the Council will be required to review the LDP to consider its compliance with the SDP, and if necessary, prepare a new form of LDP 'Lites' which will supplement the SDP at a local level in its place.
- 4.6 One positive knock on effect of this is that the number of new houses the Council are planning for over the period is reflected in the shorter length of time the plan will cover. Recent evidence suggests that the delivery of around 600 houses per year is required in RCT to meet the established need. If the plan period is 10 years and without prejudice to any new evidence that is collected during the review of the LDP then the Council will need to plan for around 6,000 new homes over the period.
- 4.7 Existing commitments including the 1850 dwellings permitted at Llanilid and the 460 at Cefn Y Hendy already account for a half of what the Council need to deliver. It is therefore unlikely that the Council will need a raft of significant new allocations coming into the plan. Furthermore, any pressure for development at a strategic scale, such as the land south of Llanilid (the former 'Valleywood' site) can be promoted through the SDP given their regional and cross border significance.
- 4.8 The review will give the Council the opportunity to recognise emerging issues and properly plan for matters such as the Metro, the expanding tourism offer in RCT, the changing nature of our town centres and raise the bar in terms of our approach to climate change and carbon emissions.
- 4.9 The LDP regulations in Wales are prescriptive about the various stages of an LDP review and what needs to be prepared, consulted upon, approved and submitted to Welsh Government. To carry out all these stages to get to a point when the revised LDP is adopted will go beyond the date of 31 December 2021 and the current plan will cease to exist. However, following discussions with Welsh Government officials and having received legal advice, it is considered that having a plan at draft or 'Deposit Stage' by this time will give the Council a basis to continue to make sound planning decisions.

## **Logistics of the Review**

- 4.10 The LDP Regulations set out the necessary process and elements of reviewing an LDP. The initial elements that Council must approve are the 'Review Report' and 'Delivery Agreement'. In basic terms the review report needs to illustrate what elements of the LDP have worked and have not worked, what needs to change and the potential impacts of these changes. The analysis completed at this stage will help identify what could be carried forward from the current LDP to the new. Depending on the findings of the review report, it may be necessary to consult with statutory bodies such as NRW.
- 4.11 The Delivery Agreement consists of a preparation timetable ('the timetable') which sets out the timescales for preparation of the plan and a Community Involvement Scheme (CIS) which sets out who, how, and when the Council will seek engagement on the LDP preparation process. Welsh Government guidance advises that the delivery agreement must set out clearly all the key dates in the plan process. It should include definitive dates for each stage of the LDP process, and these cannot be vague as they highlight to interested parties when, for example, they can make a contribution to the process. The timetable should also set out the indicative details of each stage of the plan.
- 4.12 The timetable should also demonstrate that there is sufficient staff and financial resources committed to and available to deliver the plan in the timescales set out.
- 4.13 Regulations require that both the Review Report and Delivery Agreement be approved by a resolution of Council prior to them being submitted to Welsh Government.

## **5.0 EQUALITY AND DIVERSITY IMPLICATIONS**

- 5.1 An Equalities Impact Assessment screening exercise has been undertaken that indicates that there are no expected negative impacts on the protected characteristics and a full assessment is not required. However, the scope of the LDP will result in some of these matters being considered further, and if necessary will develop and incorporate policies that may have a positive impact on some of these characteristics.

## **6.0 CONSULTATION / INVOLVEMENT**

- 6.1 The review report and subsequent stages of the Local Development Plan will be subject to broad public and member consultation in line with the Local Development Plan legislation.

## **7.0 FINANCIAL IMPLICATION(S)**

- 7.1 The full anticipated costs of the LDP review will be scoped and presented to Cabinet and Council as part of the Delivery Agreement report in the Autumn. However, at this stage it is recognised that the review, however condensed it can be, will still involve significant staffing. In terms of staffing, two existing and budgeted vacancies will need to be filled (1 x G15 and 1 x G8) and it is likely that a further G11 and G8 technical post will be required.
- 7.2 In terms of financial cost, the Public Examination is likely to be in the region of £150,000 plus further examination costs (£45,000 in 2010). During the last LDP preparation, a further £300,000 was needed just for consultant reports and studies. Further analysis is required to determine what scale of new or updated studies are required to support the review. This may not mean full renewal of all the documents and topics undertaken for the current LDP, however, some will certainly require at least a significant refresh.
- 7.3 Taking into account the previous costs of a Local Development Plan, the estimated total cost will be in the region of **£500k**. This estimated cost can be covered from within existing Council resources.

## **8.0 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 8.1 The following legislation will be the main legislation associated with the preparation of the LDP, although not being limited to this;
- Local Development Plan Manual (2015)
  - Planning Policy Wales Edition 10 (December 2018)
  - Town and Country Planning Wales (Local Development Plan) (2005)
  - Town and Country Planning Wales (Local Development Plan) (Wales) (Amendment) Regulations 2015
  - Planning and Compulsory Purchase Act 2004
  - Planning Act 2015
  - Wellbeing of Future Generations Act 2015

## **9.0 LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT**

- 9.1 The production of a Local Development Plan will help to deliver the Council's three main corporate priorities of building a strong economy, promoting independence and positive lives for everyone and creating neighbourhoods where people are proud to live and work. The production of this land-use plan will help to stimulate the local economy through market and social house building, as well as providing for

employment and retail development across the Capital Region. Working together to shape our communities will instil a sense of pride and allow people to live and work independently, wherever they so choose. The LDP will also help to identify the transport infrastructure that keeps Rhondda Cynon Taf working and moving, in a sustainable way that benefits current and future generations.

9.2 The Local Development Plan will be a key project demonstrating the 5 ways of working in action:

- Integration – the preparation of the LDP will bring together all land use planning issues relevant at a strategic level across Rhondda Cynon Taf, involving our partners, residents, visitors, employers and service providers in the formulation of the Plan.
- Collaboration- the LDP will be a key collaboration project for the County Borough, enabling many of our departments to work together to form a Plan for the area.
- Involvement – preparation of the LDP will provide numerous opportunities to engage with our residents and customers, including the business community and ensuring that we are listening to a wide range of views to inform the plan and decision making process.
- Prevention – the LDP provides an opportunity to understand the root causes of issues and preventing them by being proactive in our thinking and understanding the need to tackle problems at source for example by undertaking needs assessments to inform our priorities.
- Long-term – the LDP will be all about planning for the future and taking a strategic approach to ensure the County Borough is sustainable and that we understand the future need and demand for sustainable development here and how that is best met.

9.3 The LDP will contribute to the seven well-being goals by working together with other public services and third sector organisations to improve the well-being of everybody in Wales. This new approach seeks to improve public services in a sustainable way, for the benefit of all. The LDP will help to ensure:

- A Prosperous Wales – The LDP will promote a productive, creative and low-carbon society that recognises the limits of our resources and global environment, by ensuring that our finite resources are used efficiently and proportionately. It will also help to develop a skilled, well-educated population to work within an economy that generates wealth and provides employment opportunities for all.
- A Resilient Wales – The LDP will help to ensure that RCT maintains and enhances a bio-diverse natural environment with

healthy, functioning ecosystems that support social, economic and ecological resilience with the ability to adapt to change.

- A Healthier Wales – The LDP aims to help build a society in which people’s mental and physical well-being is maximised through access to green space, and helps to foster an understanding of choices and behaviours that benefit future health.
- A More Equal Wales – The LDP will seek to enable people to fulfil their potential no matter what their background or circumstances. It also aims to help communities effectively tackle the loneliness and isolation that can often exist within many of them.
- A Wales of Cohesive Communities – The LDP, via the place-making principle, will help to foster attractive, safe, viable and well-connected communities that improve the well-being of all residents and visitors.
- A Wales of Vibrant Culture and Thriving Welsh Language – The LDP will support a society that promotes and protects our culture, heritage and Welsh language, whilst encouraging people to participate in the arts, sport and recreation.
- A Globally Responsible Wales – The LDP will contribute towards Wales being a nation which, when doing anything to improve our economic, social, environmental and cultural well-being; will take account of whether doing such a thing makes a positive contribution to our global well-being.

9.4 The Planning Directorate in Welsh Government is working on the production of a National Development Framework (NDF), which will set out a 20-year land-use framework for Wales and replace the existing Wales Spatial Plan. Once the final NDF is published (anticipated September 2020), the Strategic Development Plan, which is being proposed to be prepared for the Cardiff Capital Region, will sit under that, whilst the LDP will then need to be in general conformity with the aims and objectives of both the NDF and SDP.

## **10.0 CONCLUSION**

10.1 Having regard to the above, it is considered necessary to move ahead with a review of the RCT Local Development Plan whilst supporting the development of the Strategic Development Plan for the Cardiff Capital Region. It is recommended that the Cabinet note the contents of this report about the need to review the RCT Local Development Plan (LDP) and agree for officers to commence work on the preparation of a formal LDP Review Report and Delivery Agreement, which it will then recommend to Council, for approval.

**Other Information: -**

***Relevant Scrutiny Committee:***

Finance and Performance Scrutiny Committee

***Contact Officer:***

Simon Gale, Director of Prosperity and Development (01443 281114)



**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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**Background Papers**

None

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