

Cardiff Capital Region Strategic Development Plan: Responsible Authority - Options Paper

Introduction

This paper has been prepared to consider who should be nominated as the Responsible Authority for the purpose of the Cardiff City Region Strategic Development Plan (SDP). It considers the issue of a 'responsible authority' for the purpose of section 60E, Part 3, of the Planning (Wales) Act 2015 (the Act). It sets out various options for consideration to inform a recommendation to each Council as part of a wider report seeking authorisation to proceed with an SDP for the region.

The responsible authority's role is primarily a coordinator of information and a formal channel for communication between the collective group of local authorities and the Welsh Government. It is envisaged that the majority of background work, such as the technical work to devise a strategic planning boundary, including consultation, would be done on a collective basis by officers from all 10 Local Authorities. The Responsible Authority would then formally submit the proposal on behalf of the whole region to Welsh Government.

The paper has been prepared in consultation with chief planning officers from the Cardiff Capital Region and forms part of a group of papers to be presented to Members on the SDP proposals.

Who decides who is the Responsible Authority?

The decision on who is identified as the Responsible Authority will need to be agreed by each constituent Council.

What is the Responsible Authority?

The Responsible Authority is a nominated Local Authority within the Strategic Planning Area that acts as the main point of contact for the SDP project. The responsible authority's role is primarily a coordinator of information and a formal channel between the collective group of local authorities and the Welsh Government. The Responsible Authority is essentially a purely administrative role and does not infer any degree of authority for decision making in respect of SDP matters that will be the remit of the Strategic Planning Panel.

Welsh Government officials have advised that the purpose of the Responsibility Authority is that of being the 'host' for the processes necessary to enable the Strategic Planning Panel to function, it is not about plan preparation.

Part 3 of the Planning (Wales) Act 2015 (see Annex i) sets out the 'responsible authority' means the Local Authority given a direction by the Welsh Ministers to submit a proposal for an area to be designated as a strategic planning area under section 60D of the Act. Before issuing such a direction, the Welsh Government will first have been notified by the

'responsible authority' of the proposal to prepare a SDP for the region (see template letter at Annex ii) and therefore one of the first tasks in starting the SDP preparation will be to identify a responsible authority to act as the main point of contact and coordinator for the initial stages.

What will the Responsible Authority do?

The Act sets out the various tasks, following the Direction by the Welsh Ministers, that need to be undertaken by the responsible authority (acting in conjunction with the other authorities) within 6 months of the direction or such time specified in the direction. These tasks are listed below:

- Prepare a proposal for an area to be designated as a strategic planning area which must include: a map showing the boundaries of the strategic planning area, a statement of the reasons for proposing that area, and any other information specified by the Welsh Ministers in the direction.
- Consult all other local planning authorities within all or part of the area covered in the proposed strategic planning area, and any other persons specified in the direction.
- Prepare a report about the consultation.
- Submit to the Welsh Ministers the proposal and the report about the consultation carried out.

Once the above has been undertaken, the Minister will make regulations to establish the strategic planning area and establish a strategic planning panel for that area. The Responsible Authority will continue to act as the point of contact and administrator for that process. That Council's legal / finance procedures will be used where applicable during the SDP process.

Identification of Responsible Authority

The decision on who is identified as the Responsible Authority will need to be agreed by each Council. To inform this decision, Chief Planning Officers from across the region have considered the options available based on a willingness and capability to take on the Responsible Authority Role.

Of the 10 Local Planning Authorities in the Cardiff Capital Region, 7 authorities have Local Development Plans (LDPs) that expire in 2021 and as such the majority are working on LDP reviews and replacement LDPs. In this respect, their ability to focus resources within their Strategic Planning Teams towards the SDP is more limited and it would appear logical at this stage that the Responsible Authority is one of those Planning Authorities not working on a new LDP. Furthermore, other Local Authorities in the region who are not actively undertaking LDP work have directed resources away from their Strategic Planning teams and towards Development Management where work pressures are constantly high and this

may pose resource issues for some authorities and their ability to volunteer to be the Responsible Authority.

Consideration has also been given to the joint working arrangements of the Cardiff Capital Region City Deal. The Leader and Managing Director of the Vale of Glamorgan Council are the 'Planning' Representatives on Cardiff Capital Region City Deal. The Vale of Glamorgan is the 'host authority' for the Shared Regulatory Services sub-regional service and therefore has some previous experience of hosting regional working. Having adopted the Vale of Glamorgan LDP in 2017 the Council does have available resource within the Strategic Planning team to undertake the administrative work required by the Responsible Authority during the early stages of the SDP preparation.

The Vale of Glamorgan Council has been acting as the Interim Responsible Authority for the SDP, being the main point of contact and coordinator on the SDP project in the short term. For the same reasons, it is recommended that the Vale of Glamorgan Council are identified as the 'Responsible Authority' for the SDP going forward.

Annex i

Part 3 of the Planning (Wales) Act 2015

60D Power to designate strategic planning area and establish strategic planning panel

- (1) The Welsh Ministers may by regulations—
 - (a) designate an area in Wales as a strategic planning area for the purposes of this Part, and
 - (b) establish a strategic planning panel for that area.
- (2) A strategic planning area must comprise—
 - (a) all of the area of one local planning authority, and
 - (b) all or part of the area of at least one other local planning authority.
- (3) The Welsh Ministers must not make regulations under this section unless—
 - (a) they have given a direction under section 60E(1) to a local planning authority all or part of whose area is included in the strategic planning area to be designated by the regulations,
 - (b) either—
 - (i) a proposal for an area to be designated has been submitted in accordance with section 60E(6), or
 - (ii) the period for complying with section 60E(6) has ended without a proposal being submitted, and
 - (c) they have carried out any consultation required by section 60F(1).
- (4) Paragraphs (a) and (b) of subsection (3) do not apply in relation to regulations that revoke or amend previous regulations under this section.
- (5) Schedule 2A contains provisions about strategic planning panels.

60E Preparation and submission of proposal for strategic planning area

- (1) The Welsh Ministers may direct one or more local planning authorities to submit a proposal for an area to be designated as a strategic planning area under section 60D.
- (2) If the Welsh Ministers give a direction under subsection (1), they must state their reasons for doing so.
- (3) In this section, the “responsible authority” means—
 - (a) where a direction under subsection (1) is given to a single local planning authority, that authority;
 - (b) where a direction under subsection (1) is given to two or more local planning authorities, those authorities acting jointly.
- (4) The responsible authority must prepare a proposal for an area to be designated as a strategic planning area.
- (5) Before submitting the proposal to the Welsh Ministers, the responsible authority must consult—

- (a) each local planning authority, other than one to which the direction under subsection (1) was given, for an area all or part of which is included in the proposed strategic planning area, and
 - (b) any other persons specified in, or of a description specified in, the direction.
- (6) The responsible authority must submit to the Welsh Ministers—
- (a) the proposal, and
 - (b) a report about the consultation carried out under subsection (5).
- (7) A proposal submitted under subsection (6)(a) must include—
- (a) a map showing the boundaries of the area which the responsible authority propose should be designated as a strategic planning area,
 - (b) a statement of the reasons for proposing that area, and
 - (c) any other information specified by the Welsh Ministers in the direction given under subsection (1).
- (8) The responsible authority must comply with subsection (6)—
- (a) before the end of any period specified in the direction;
 - (b) if no period is specified in the direction, before the end of six months beginning with the day on which the direction is given.
- (9) The Welsh Ministers may agree to extend the period for complying with subsection (6) in a particular case.
- (10) The responsible authority must comply with any requirements set out in the direction as to—
- (a) how the consultation required by subsection (5) must be carried out;
 - (b) the form and content of the report about the consultation;
 - (c) how the proposal and the report must be submitted under subsection (6).
- (11) Subsection (12) applies if the Welsh Ministers, having given a direction under subsection (1), decide not to designate a strategic planning area.
- (12) The Welsh Ministers must give notice of their decision and the reasons for it—
- (a) to the responsible authority, and
 - (b) if a proposal has been submitted under subsection (6), to each authority within subsection (5)(a).

Annex ii – Template Letter to Minister

*******DRAFT (Requires Full Council Approval)*******

Julie James AM
Minister for Housing and Local Government
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Dear Julie James AM,

Re: Strategic Development Plan for Cardiff Capital Region

I write to you on behalf of the Cardiff Capital Region as the Responsible Authority for the purpose of Section 60E, Part 3 of the Planning (Wales) Act 2015 (the Act).

I am pleased to advise you that the 10 Councils in South East Wales have formally resolved to prepare a Strategic Development Plan (SDP) for the Cardiff Capital Region, covering the following Local Planning Authority areas:

- Blaenau Gwent
- Bridgend
- Caerphilly
- Cardiff
- Merthyr Tydfil
- Monmouthshire
- Newport
- Rhondda Cynon Taf
- Torfaen
- Vale of Glamorgan

In response to this letter I would be grateful if you could use your powers under the Act to issue a Direction to submit a proposal for the area to be designated as a strategic planning area under section 60D of the Act. Once the Direction is received we will prepare and consult on the proposal for the strategic planning area to enable you to thereafter prepare regulations to designate the area as a strategic planning area and establish a strategic planning panel for the area.

I look forward to hearing from you and working together to prepare a Strategic Development Plan for the Cardiff Capital Region.

Yours sincerely,

On behalf of the Responsible Authority