



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

### **CABINET**

**28<sup>TH</sup> JULY 2020**

#### **PROPOSALS TO APPROVE AN AMENDED DELIVERY AGREEMENT FOR THE PREPARATION OF THE RHONDDA CYNON TAF REVISED LOCAL DEVELOPMENT PLAN.**

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

AUTHOR: OWEN JONES, DEVELOPMENT SERVICES MANAGER, PLANNING POLICY, PROSPERITY AND DEVELOPMENT

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

- 1.1 On the 27<sup>th</sup> November 2019, Council approved the Delivery Agreement (DA) for the Revised Local Development Plan (LDP), for Rhondda Cynon Taf. This set an official start date of June 2020.
- 1.2 The DA sets out the proposed timetable and proposed community involvement scheme for the preparation of a Revised LDP. Due to the Coronavirus pandemic, it has not been possible to formally start the preparation as set out in this DA.
- 1.3 The purpose of this report is seek Cabinet approval for, an amended DA. This DA proposes a postponement of the official start date by 3 months, to now start in September. It also gives further consideration of how community engagement, involvement and consultation can take place given ongoing social distancing restrictions.

#### **2.0 RECOMMENDATIONS**

It is recommended that Cabinet;

- 2.1 Approve the proposed amended DA for the Revised LDP for Rhondda Cynon Taf (attached as Appendix 1 of this report). This outlines the revised timetable and method of community involvement and engagement for the revision preparation process.

2.2 Once Full Council approval is subsequently sought, the DA will then be submitted to Welsh Government for approval.

### **3.0 Background**

3.1 The statutory Rhondda Cynon Taf LDP was adopted in March 2011 and has formed the basis for decisions on new development in the County Borough since then (excluding the area within the Brecon Beacons National Park); with the plan having an end date of 2021.

3.2 A Review Report was prepared in 2019, to determine how the LDP had performed to date. This concluded that a Revised LDP is required and the decision to revise the LDP was approved by Council in November 2019.

3.3 Delivery Agreements (DA's) are prepared in accordance with legislation and are project management tools for the preparation of a Revised LDP. They consist of two key parts; the Timetable and the Community Involvement Scheme (CIS).

3.4 It is considered that the Council approved DA was thoroughly prepared. This also involved necessary consultation with key external stakeholders. No adverse comments were forthcoming on the main content of the DA, with a small amendment proposed by WG relating to the preparation period around the examination. This was agreed by Council.

3.5 In accordance with the DA, we would have sought WG approval of the DA in May to begin the preparation of the Revised LDP in June.

3.6 It was anticipated that in the months prior to this formal start we would be undertaking the necessary steps to allow us to 'hit the ground running' in June. This included the setting in place of procedures to begin updating the broad LDP evidence base, appointing additional staff into the team, procuring an appropriate database for the various stages of the Revision process and setting in place the early stages of Community Involvement.

3.7 However, the Coronavirus pandemic has significantly compromised this activity.

3.8 Formal, clear advice was then issued by Welsh Government on the 18th of March, outlining the approach and considerations that Local Authorities should be taking with regards to preparing LDP's and their revisions. The key advice for was (as taken from a letter from Neil Hemington, Chief Planner, WG);

*LDP's due to formally commence replacement plan preparation;*

*For those LDP's who are currently, or are about to consult on a draft DA, careful consideration should be given to the formal start date of the LDP preparation. The exceptional circumstances may mean that the commencement of plan preparation may have to be postponed for several months to enable effective engagement in the plan preparation process, as set out in the CIS and DA. A revised DA will be required at a future date.*

This advice was taken on board and it was clear that the original plan could not progress under the circumstances brought about by the Coronavirus and that a new formal start date for the revision of the LDP needs to be considered.

#### **4.0 Reasons for Recommendations**

- 4.1 Whilst staff in the LDP team have worked well from home, preparing a series of Background Topic Papers to help inform the evidence base and preparatory stages, as well as undertaking research for the major Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) process the ability to successfully procure external consultants to undertake key pieces of evidence base work has been compromised.
- 4.2 More crucially, it has not been possible to commit to the crucial early engagement with the public and other stakeholders in the process.
- 4.3 It is therefore recommended that Council agrees to a new formal start date for the revision of the LDP September 2020, resulting in a 3 month delay to the programme
- 4.4 It is considered that we would be able to get back some of the time lost as a result of the extensive preparation work undertaken during lockdown resulting in a Revised LDP being in place just after the time we had originally agreed (early 2024).
- 4.5 The 3 months postponement takes into account the Local Government Elections in May 2022. With this option, a key public consultation exercise on the Preferred Strategy would end in December 2021, having moved back from September 2021. A later postponement, would result in key consultations and decisions falling close to and within the pre-election period. To set a timetable so that the Preferred Strategy consultation took place after the 2022 elections would, as a result of the logistics of the plan preparation regulations, result in a 12 months delay to the LDP.
- 4.6 Given the role the LDP plays in providing confidence for our communities in the planning system and the huge part it plays in giving

certainty to developers and investors it is not recommended that this is an option that should be pursued.

- 4.7 Should Council agree to the proposed September 2020 start date then the amended Delivery Agreement will be submitted to WG in early August.

**5.0 Proposed Changes to the Council Approved Delivery Agreement**

- 5.1 If the 3 month postponement is approved, there are some key amendments that need to be made to the approved DA. These are set out in detail in the revised DA, attached as Appendix 1 of this report. A summary of these changes is set out below;
- 5.2 The stages of DA preparation are amended to incorporate the proposed postponement, although cannot be completed until Council approval is given.
- 5.3 There is reference in the introduction and general reference throughout to the coronavirus pandemic and how it is likely that there will be effects on the Revised LDP preparation process. The risk management section of the DA also sets out the risks that the Coronavirus could have on the preparation of the Plan.
- 5.4 The section on key outcomes of the preparation of a Revised LDP has been fully updated to replicate the new WG LDP Manual that was published in March 2020. The SA/SEA process is also updated in the Manual.

**Timetable**

- 5.5 The most significant of the proposed changes to the DA are those to the approved Timetable. This is essentially, a push back of all stages of the preparation of the Revised LDP by three months. Below is a table showing the dates when the key stages will now take place;

Key Stage	Timescale
<b>Definitive</b>	
Delivery Agreement	Submission to Welsh Government - August 2020
Commence Pre-deposit Preparation	September 2020
Preferred Strategy (Pre-Deposit) Consultation	November/December 2021
Deposit LDP Consultation	October /November 2022
<b>Indicative (subject to further liaison with the Planning Inspectorate closer to the time)</b>	

Submit Revised LDP to the Welsh Government	April 2023
Independent Examination	August / September 2023
Adoption	March 2024

### **Community Involvement Scheme**

- 5.6 The approved DA already set out how methods of public involvement and consultation have evolved since the preparation of the current LDP; particularly so through digitally based methods. The amended DA does however emphasise that there will need to be greater use and reliance upon online methods and presence whilst uncertainty remains over the coronavirus. Nevertheless, the methods proposed will be designed to ensure anyone who wishes to engage in the preparation of the plan can do so.

### **Resources and Budget**

- 5.7 No change from the budget agreed for the preparation of the Revised LDP in November 2019.

### **6.0 EQUALITY AND DIVERSITY IMPLICATIONS**

- 6.1 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.

### **7.0 CONSULTATION / INVOLVEMENT**

- 7.1 The initial approved Delivery Agreement has been prepared in consultation with various internal Council departments. Further detailed consultation has taken place with targeted stakeholder bodies following Cabinet agreement. There has been no public consultation on the Draft Delivery Agreement, although the final Welsh Government approved report will be made public during the pre-deposit stage of revised LDP preparation. Further informal consultation has taken place with these targeted stakeholder bodies with regards to any comments on a 3 months postponement.

### **8.0 FINANCIAL IMPLICATION(S)**

- 8.1 The overall cost of the preparation of the LDP (non staffing resources) is estimated to be £600,000. Considering banked reserves and

continuing budgets, there is sufficient budget to cover these costs. A further £39,233 per annum is then required to part fund an identified necessary new post in the team structure.

## **9.0 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 9.1 The LDP will be prepared in accordance with The Planning and Compulsory Purchase Act (2004), the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended 2015), Planning Policy Wales 2018, the Planning (Wales) Act 2015 and the Strategic Environmental Assessment (SEA), Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA).

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

***How the subject of the report will contribute to the delivery of the Council's Corporate Priorities?***

- 10.1 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 County Borough. 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 deliver the transport infrastructure that keeps the Rhondda Cynon Taf working and moving, in a sustainable way that benefits current and future generations.

**How the Sustainable Development principle, i.e. the five ways of working has been considered?**

- 10.2 The Local Development Plan will be a key project demonstrating the 5 ways of working in action:
- Integration - the preparation of the LDP will be bring together all land use planning issues across the County Borough, 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 region enabling stakeholders including residents to work together to form a Plan for the County Borough.

- 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 in the region and how that is best met.

**How the subject of the report seeks to maximise the Council's contribution to seven national well-being goals?**

10.3 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 the region 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.

**Any other national strategies the subject of the report is seeking to address.**

- 10.4 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 Local Development Plan will need to be in general conformity with the aims and objectives of the NDF, which sits above the LDP in the development plan hierarchy within Wales.

**11.0 CONCLUSION**

- 11.1 It is recommended to approve the proposed amended DA for the Revised LDP for Rhondda Cynon Taf (attached as Appendix 1 of this report). This outlines the revised timetable and method of community involvement and engagement for the revision preparation process. This DA proposes a postponement of the official start date of 3 months, to now start in September. It also gives further consideration of how community engagement, involvement and consultation can take place given ongoing social distancing restrictions.



**Other Information: -**

***Relevant Scrutiny Committee***

Overview and 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**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**Cabinet**

**28<sup>TH</sup> JULY 2020**

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**Item:**

**Background Papers**

Appendix 1 - The Proposed Amended Delivery Agreement

Officer to contact:

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