

Report



Cabinet

Part 1

Date: 14 October 2020

Subject **Annual Monitoring Report Submission and Local Development Plan Review**

Purpose To report on the 2020 Annual Monitoring Report (AMR) for the Local Development Plan (LDP) and seek endorsement to submit to Welsh Government. Cabinet is specifically asked to endorse the AMRs recommendation to begin the review process for a replacement LDP. Endorsement of the AMR would be the first step to formally triggering a review of the LDP.

Authors Planning Policy Manager

Ward All wards.

Summary The Local Development Plan (LDP) was adopted by the Council in January 2015 and is the development plan for Newport. An Annual Monitoring Report (AMR) is submitted to Welsh Government every October and reports on the progress of the LDP against a set of indicators.

Local planning authorities are required to commence a full review of their LDPs every four years. Newport's LDP has been successful and it was considered that a review was not necessary last year, but the Plan will be six years old in January 2021. The 2020 draft AMR has recommended that a formal review of the LDP is now required and consequently Cabinet approval is sought for this AMR to be submitted to Welsh Government. Submission would be the first step to formally triggering a review.

The review would update policies and legislative requirements that have been introduced since the LDPs adoption (for example the Well-being of Future Generations Act). It would also help to identify new development and regenerations sites to aid Newport's recovery following Coronavirus and promote Newport's growth aspirations in line with the draft National Development Framework. The LDP will also continue to protect Newport's best historical and environmental assets.

Proposal **Cabinet to approve the submission of the Annual Monitoring Report 2020 to Welsh Government and endorse the recommendation to commence a formal review of the Local Development Plan.**

Action by Acting Head of Regeneration, Investment and Housing

Timetable Immediate

This report was prepared after consultation with:

- Chief Executive
- Head of Finance – Chief Finance Officer
- Head of Law and Regulations – Monitoring Officer
- Head of People and Business Change

Signed

Background

The Newport Local Development Plan (2011-2026) was adopted in January 2015 and became the adopted development plan for Newport. In accordance with statutory requirements the performance of the LDP has been monitored on an annual basis with four Annual Monitoring Reports (AMRs) approved by Cabinet Member and published to date. The AMRs assess the extent to which the LDP strategy, objectives and policies are being delivered and implemented. The fifth draft AMR is a matter for this report and approval is sought for its submission to Welsh Government.

To ensure that LDPs are kept up-to-date, local planning authorities are required to commence a full review of their plans at least once every four years following plan adoption, or sooner if the findings of the AMRs indicate significant concerns with a plan's implementation. Following informal discussions with Welsh Government officers, and considering the strong performance of Newport's LDP, a review at four years was not considered necessary. However, the LDP will be six years old in January 2021 and it is considered that a review is now needed in order to ensure that the Plan continues to respond to the challenges and opportunities in Newport for the next fifteen years. Consequently the fifth AMR for 2020 recommends a formal review of the LDP.

Annual Monitoring Report 2020

An AMR monitors the effectiveness of the policies within the LDP and is the main mechanism for reviewing the relevance and performance of the LDP. It identifies whether any changes are necessary. The 2020 AMR is the fifth report produced and focusses primarily on the period 1 April 2019 to 31 March 2020, but also builds on evidence obtained for the last four AMRs.

The evidence collected throughout the AMR demonstrates that the LDP Strategy is still working. Since the start of the Plan period (April 2012), achievements worthy of note are:

- 5,978 new homes have been delivered
- 94% of housing completions have been on brownfield land
- Of the 5,978 new homes built, 1,223 (20%) have been affordable
- Almost 26ha of new employment land has been created in the Plan period

The overall conclusion of the AMR is that significant progress is still being made in Newport, especially with regard to housing growth and employment land and the LDP Strategy, key aims, and objectives are all still being fulfilled. However, some of our larger development sites are now complete or approaching completion and there is a need to find new sites in order to ensure there is a healthy supply of housing in the future. Newport has also been identified as a Centre of National Growth in Welsh Government's Draft National Development Framework, and therefore a refreshed LDP will help to facilitate these growth aspirations and help the economic recovery post Covid. The City Centre retail policies are also considered to be in need of a refresh. New legislation and policies (such as the Well-being of Future Generations Act) have been introduced since the adoption of the LDP and ultimately the LDP will be six years old in January 2021.

It should also be noted that Welsh Government have introduced a policy 'drop-dead date' into legislation clarifying the importance of up to date development plans. An adopted LDP provides certainty to developers and can fend off undesirable development. Endorsing a review now will leave sufficient time for the LDP to be reviewed and a new LDP put in place to meet legislative requirements. To update Newport's LDP will mean that we can continue making effective and consistent planning decisions, by supporting the objectives of a plan-led system this gives a clear steer on the ambitions of the Council and minimises undesirable speculative development.

Review Process

If the review is endorsed, the first key piece of work will be the drafting of the Review Report (RR). Section 69, of the Planning and Compulsory Purchase Act 2004 requires all LPAs to undertake a review of their adopted LDP and report their findings to Welsh Government through a Review Report (RR). The LPA should approve the RR before it is submitted to Welsh Government within six months of triggering the review process.

There are two options for the revision of an LDP; 1: Full Revision and 2: Short Form Revision (SFR). The Review Report will need to conclude which of the revision procedures will be followed. It is worth noting that the SFR procedure could be subject to a higher degree of risk regarding procedural challenges and are not suitable if the LDP requires changes to its strategy or proposes significant changes to the adopted LDP. Snowdonia National Park are the only authority to conduct a SFR to date, all other Authorities are undertaking a full review so far.

The RR will be a key part of the evidence base underpinning the form and context of the reviewed plan. The RR will be informed by the adopted monitoring framework set out in the current LDP as well as the collation and analysis of other evidence to make an informed and robust conclusion. Consultation on the draft RR will be undertaken to ensure that the RR reaches an informed decision on the review procedure and future content of the RLDP.

As a minimum, the RR will need to outline the following:

- What information is considered to inform plan review and why
- How the findings impact on the vision, aims and objectives of the plan, including implementation of the strategy
- A review of each plan topic area clearly identifying what needs to change and which parts of the evidence base require updating to support the changes
- The implications for those parts of the plan not proposed to be amended in terms of coherence and effectiveness of the plan as a whole
- A reconsideration of the Sustainability Appraisal/Strategic Environmental Assessment and Habitat Regulations Assessment
- Explore and explain the opportunities to prepare Joint LDPs with neighbouring LPAs and increase cross-boundary working
- Clear conclusions on why the full, or SFR procedure is to be followed

Delivery Agreement

In addition to the RR, the draft Delivery Agreement (DA) will also be prepared. The DA is a succinct public statement that contains the Community Involvement Scheme (CIS) setting out how and when stakeholders and the community can become involved in the plan making process and a timetable for preparing/revising an LDP. It is an essential project management tool and will need to be prepared to fulfil the requirements of LDP regulations. The DA will also set out the resources available for the work (financial and officer resource), clarifies the scope and influence of the LDP and allows co-ordination with other strategies.

The DA (including the CIS and timetable) must be approved by resolution of the LPA in accordance with LDP Regulation 9 before submission to Welsh Government. The Welsh Government's role is to ensure the DA is robust, realistic and covers the main plan preparation requirements. Agreement of the DA marks the legal formal start of the plan preparation/revision process and is an agreement with WG that the LPA is committed to the stated timescales and consultation processes. The DA will be kept under review and any changes required to the DA will need to be confirmed and agreed with WG. It is important to note that Welsh Government expects plans being reviewed to be prepared in 3.5 years from formal agreement of the DA, with a single additional slippage period of 3 months. Table 1 below illustrates the key stages and anticipated timescales set out in WG guidance.

Table 1: Delivery Agreement Indicative Timescales

Key Stage		Timescales
Definitive		
Stage 1	Delivery Agreement Preparation and submission	Up to 4 weeks for WG approval
Stage 2	Pre- Deposit Preparation and involvement	Approximately 1.5 years
Stage 3	Preferred Strategy Public consultation	
Stage 4	Deposit Plan Public consultation	Approximately 1 year
Indicative		
Stage 5	Submission	Approximately 11 months
Stage 6	Examination	
Stage 7	Inspector's Report	
Stage 8	Adoption	
		Total Plan Preparation 3.5 years

It is proposed to bring the Review Report and Delivery Agreement back to Cabinet in December 2020 for consideration and approval for public consultation. The Review Report and Delivery Agreement will then need to be approved by Full Council before submission to Welsh Government (expected to be April 2021).

Next Steps

To start the review process, it is essential that the LDP contact list is reviewed and updated to ensure that only those interested parties are contacted. The proposal is to contact all current contacts from the Local Development Plan database to inform them that a formal review process has been agreed. They will need to opt-in to remain informed and will be contacted on each key stage of the review and subsequent LDP processes. In addition to those persons on the database it is for any persons or organisations wishing to remain informed of the review process and any subsequent Plan to contact us and ask to be added to the list of consultees. We shall advertise the need to opt in to stay informed through the website, Newport Matters and social media.

In addition, we intend to undertake an informal call for potential development sites to gain an understanding of where the market is looking to invest. This will help the Council in considering its strategy for growth. This will not be a formal stage and the information sought will be very basic (a plan and short description of the proposed uses). An informal call for potential development sites does not commit the Council in any way.

Following the production of the draft Review Report and Delivery Agreement, the documents will be presented to Cabinet in December 2020 seeking approval for public consultation in January 2021. The consultation process will take a minimum of 8 weeks and the responses will be fed back to Cabinet in March 2021 where endorsement of the document will be sought. The documents will then go before Full Council in April 2021 seeking formal approval to submit to Welsh Government.

Financial Summary

The Development Plan process has a project specific budget to cover costs of all resources associated including additional staff, consultations, commissions, examination processes etc. The resources required for the RLDP process are required to be set out in the Delivery Agreement and this will be part of the consideration of the draft DA that will be reported back to Cabinet in December 2020. The cost associated

with the production of the Review Report and Delivery Agreement, as set out in this report, will be met from the current Planning Policy and Local Development Plan budgets and reserve. The table below sets out an estimated cost for the RLDP which has been based on the previous LDP and neighbouring authority costs. The table identifies a budget pressure towards the end of RLDP creation, however it should be noted that estimates used are on the cautious side. We intend to monitor and mitigate as the plan review progresses.

	Year 1 (Start RLDP 2021/22) £	Year 2 2022/23 £	Year 3 2023/24 £	Year 4 2024/25 £	Notes including budgets heads affected
Costs	330,000	250,000	155,000	260,000	Costs include estimated additional staff resource on fixed term contracts which will need to be subject to a business case.
Funded by:					
Revenue Budget	71,600	71,600	71,600	71,600	
LDP Reserve	258,400	178,400	83,400	133,800	
Net Costs	0	0	0	54,600	
(Savings)	(0)	(0)	(0)	(0)	
Net Impact on Budget	0	0	0	54,600	
LDP Reserve (£654,000)	395,600	217,200	133,800	0	

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Not submitting AMR to WG	M	L	Previous AMRs have been submitted without delay, process has been complied with and there is room for feedback through this process.	Planning Policy Manager
Not agreeing to review the LDP	H	L	Providing detailed reporting on the legislative requirements, processes and options available for reviewing including the impact of not undertaking a review.	Head of Service, Development Services Manager
Staff Resources and Budget	H	M	There are resources available for this immediate stage of LDP review. Future resource levels will be dealt with as part	Head of Service, Development Services Manager

			of the Delivery Agreement process.	
Delays arising as a result of Covid-19	M	L	Development of the documents will be undertaken with professional bodies and specialised organisations therefore technological approaches of engagement are satisfactory.	Planning Policy Manager

Links to Council Policies and Priorities

The Local Development Plan is one of the statutory plans the Council has to prepare, the current LDP determines Newport's land use policies to 2026. The LDP covers many topics that impact on other sections of the Council e.g. drainage, tourism, education etc. Liaison with those sections is an essential part of the LDP process. A revised LDP will consider any new Council policy, strategy or priority and its impact on the policy framework for the Council. Since the LDP's adoption in 2015 there have been a number of significant changes to Council policy which will be of relevance to the LDP, particularly the Well-Being Plan for Newport. Newport City Council has a Corporate Plan that runs to 2022 which is also not referenced in the current adopted LDP. The primary objective of the Corporate Plan is 'improving people's lives' and whilst this is not at odds with the aims of the current LDP, a new LDP will help us to better align the four commitments; Resilient Communities, Thriving Cities, Modernised Council; and Aspirational People within the strategy. As a key document outlining the issues and aspirations of the Council this needs to be reflected in a revised LDP. In addition, there are numerous Council strategies and policies that will influence the LDP e.g. Flood Risk Strategy, Public Rights of Way Improvement Plan, Destination Management Strategy, Economic Growth Plan etc. The LDP review process will consider how the LDP helps to deliver the aspirations of these plans and strategies.

Options Available and considered

Approve submission of AMR to Welsh Government, including the recommendation for review, and endorse the next steps of the LDP review process.

Do not approve submission of AMR to Welsh Government, including the recommendation for review, and do not endorse the next steps of the LDP review process.

Preferred Option and Why

To approve submission of AMR to Welsh Government, including the recommendation for review, and endorse the next steps of the LDP review process. This option will provide Newport with an opportunity to update the LDP within its new context of legislation, regulations and social, economic and environmental context to ensure it is providing the most appropriate and ambitious policy framework for Newport. The Council would also be meeting its legislative requirement for a timely review of the LDP. A revised LDP would also ensure the benefits of continuing a strong plan-led approach that provides effective and consistent planning decisions and certainty for investment and minimises undesirable speculative development.

Comments of Chief Financial Officer

The Local Development Plan carries a budget which contributes to a reserve in less active years where no review is required so that there should be sufficient funds to carry out the necessary actions to refresh the LDP when needed. The financial summary above shows how the LDP will be funded over the course of the review and indicates a shortfall in the final year which would need to be met through existing budget in the Regeneration, Investment and Housing service area. Officers have based the estimated costs on a worst case scenario and the shortfall may not materialise but accept that mitigation from other RIH budget areas will be required if it is the case.

Comments of Monitoring Officer

The proposed action is in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended 2015). The legislation requires the Council to keep under review its Local Development Plan and to submit an Annual Monitoring Report (AMR) to Welsh Government before 31st October every year setting out how the objectives in the LDP are being delivered. The legislation and the Regulations require the Council to review the LDP every 4 years. Until now, this has not been necessary as the provisions within the LDP have remained relevant but the current plan is now 6 years old and is in need of revision to reflect legislative changes and the National Planning Framework and to identify new candidate sites for development in the light of increased growth. Therefore, Cabinet are being asked to formally endorse the start of this review process and to agree to the submission of the AMR to Welsh Government to confirm this. The formal process will then commence with the approval of the Review Report (RR) and Delivery Agreement (DA) for submission to Welsh Government. The RR needs to be submitted to Welsh Government within 6 months of triggering the LDP review, following which there needs to be a period of extensive public consultation in accordance with the Regulations. In the meantime, Cabinet are asked to agree to the LDP contact list being updated, in readiness for the formal consultation process and for an informal call for the submission of potential development sites. The RR and DA need to be formally approved and adopted by the Council, in its capacity as Local Planning Authority. Therefore, although Cabinet can agree to trigger the review process and the submission of the AMR to Welsh Government, full Council will need to formally approve the RR and DA in April 2021. The revised LDP will also be a policy framework document that will need to be approved and adopted by full Council in due course.

Comments of Head of People and Business Change

The Newport Local Development Plan (2011-2026) draft Annual Monitoring Report (AMR) assesses the extent to which the LDP strategy, objectives and policies are being delivered and implemented.

In addition, the draft Annual Monitoring Report (AMR) has recommended that a formal review of the LDP be undertaken which will give the opportunity for the Well-being of Future Generations Act (Wales) 2015 to be fully considered as part of the review.

In the cover report, the report writer has detailed how the LDP meets the five ways of working of the sustainable development principle contained in the Well-being of Future Generations (Wales) Act 2015.

From an HR perspective, there are no staffing implications.

Comments of Cabinet Member

The Cabinet Member for Sustainable Development has been briefed on the AMR and the intentions to review the LDP.

Local issues

The LDP will affect all wards in Newport.

Scrutiny Committees

None

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The revised LDP process and in particular the CIS of the Delivery Agreement will set out an engagement approach which will take into account how to link with hard to reach groups and apply techniques that make engagement appropriate for stakeholders e.g. plain English and non-technical versions of reports, documentation provided in Welsh, large print versions provided on request.

Children and Families (Wales) Measure

The Delivery Agreement process will look into the need for targeted consultation and this will include how best to engage children and young people, consultations on such documentation is open to all of our citizens regardless of their age. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

The Well-being and Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into account the impact they could have on people living in Wales, in the future. It should be noted that the planning system is central to achieving sustainable development and the five ways of working are an intrinsic part of the planning system. A plan-led approach is viewed as the most effective way to secure sustainable development. The 5 main considerations are set out below with an explanation of how this work meets their objective:

Long term: A LDP sets out a vision for how places are expected to change in land use-terms and this provides certainty for developers and the public. The monitoring and review process of the LDP provides an opportunity to look back on what has worked and take the time to update the plan to take a look at what Newport will need to plan for over the next 15 years.

Prevention: The aim of the LDP and indeed planning is to create sustainable places. This approach will look to tackle issues such as safety, flood risk, health, air quality, amenity, availability of jobs, energy efficiency and carbon reduction, opportunities for skills and education as well as the protection of cultural facets. All options that will help create spaces which prevent negative impacts on health and wellbeing, environmental and economic factors.

Integration: The LDP will have regard to the local well-being plan and other relevant corporate strategies and policies. The Review process will take into account those council policies and strategies that have been created since the adoption of the LDP in 2015. The influence of the LDP covers many service areas as well as external organisations and these stakeholders will play an important role in the development of the plan.

Collaboration: The LDP has to consider its impact on its neighbouring authorities and there is much work being done within the region which will provide part of the evidence base and influence the policy outcomes for Newport e.g. flood risk impact from the catchment. We will also work with a range of other partners to ensure that we are working together effectively on shared ambitions and aspirations. The LDP review process has to investigate and consider joint approaches to creating an LDP and this will be reported.

Involvement: A key aspect of the LDP process is engagement. The adoption and adherence to the Delivery Agreement and the Community Involvement Scheme is a key element of the process. This approach provides a clear timescale and approach for effective and efficient engagement.

This proposal is in line with the Council's well-being objectives published in May 2018. The LDP will consider the objectives of the Well-Being Plan for Newport and seek to deliver what it can to meet the four well-being objectives for Newport. There are clear links between the LDP and delivering on the Newport offer, creating strong and resilient communities and developing the right skills, providing green and safe spaces as well as making sure there is push towards sustainable travel.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the review of the LDP. One of the objectives will be to ensure that places are secure and safe.

Consultation

The draft Review Report and Delivery Agreement will be subject to consultation following Cabinet approval at the end of the year. The consultation process will take a minimum of 8 weeks and the responses will be fed back to Cabinet in March/April 2021 where endorsement of the documents and approval of their submission to Welsh Government will be sought.

Background Papers

Local Development Plan – DRAFT Annual Monitoring Report 2020



AMR 2020 Draft
25Sep2020 Full Cop

Previous Annual Monitoring Reports:

- [Local Development Plan – Annual Monitoring Report 2019](#)
- [Local Development Plan – Annual Monitoring Report 2018](#)
- [Local Development Plan – Annual Monitoring Report 2017](#)
- [Local Development Plan – Annual Monitoring Report 2016](#)

[Local Development Plan Manual Welsh Government 2020](#)

Dated: 5 October 2020