

Report



Cabinet

Part 1

Date: 16 December 2020

Subject Replacement Local Development Plan: Consultation of Review Report and Delivery Agreement

Purpose To report on the draft Review Report and Delivery Agreement for the Replacement Local Development Plan (LDP) and seek approval for public consultation. This is the first stage of the review process of the LDP and will set the direction of travel, timetable and engagement strategy for the Replacement LDP.

Authors Planning Policy Manager

Ward All wards

Summary Following Cabinet's decision to progress with a review of the LDP, a Review Report (RR) and Delivery Agreement (DA), required by regulation, have been drafted and are ready for public consultation.

The Review Report is a key part of the evidence base. In summary, it sets out the key legislative, national and policy changes that have occurred since the adoption of the LDP in 2015 and includes an assessment of the current LDP to evaluate what policies are working and which policies may need review.

The Delivery Agreement comprises two key elements. A timetable setting out how the Council will manage the programme for preparing the LDP, and the Community Involvement Scheme (CIS) which sets out who, when and how the Council will consult and engage during the production of the LDP.

Proposal **Cabinet is asked to approve the draft Review Report and Delivery Agreement for public consultation in January 2021. Feedback from the consultation and any revisions to the documents will then be reported back to Cabinet (March 2021).**

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

Review Report

Section 69 of the Planning and Compulsory Purchase Act 2004 requires all Local Planning Authorities (LPA) 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. The Council agreed in October 2020 that a formal review of the LDP is to begin, and this draft RR sets out the first stage in this process.

The draft RR is structured as recommended in national guidance and contains the following sections:

- **Contextual Changes** including the key legislative, national and local policy changes and evidence base that have occurred since the adoption of the LDP in 2015, which are important considerations to inform the review of the LDP.
- A summary of the main findings of the past five **Annual Monitoring Reports (AMR)**, outlining the associated implications for review of the LDP.
- An assessment of the current LDP and the potential changes in terms of the **Vision and Objectives Development Strategy and Policies** to inform the review process.
- The areas of **evidence base** that would need to be reviewed/updated in preparing a Replacement LDP.
- The potential options for review of the LDP and opportunities for collaboration and a conclusion on the appropriate **form of plan revision** and outlines the next steps.

The RR is a key part of the evidence base underpinning the form and context of the reviewed plan. The RR has been informed by the adopted monitoring framework set out in the current LDP, contextual changes to legislation and relevant strategies, as well as the collation and analysis of other evidence to make an informed and robust conclusion. There is much to celebrate about the achievements of the current LDP, but there have been a lot of contextual changes which have a direct impact on the plan. In addition, the evidence base behind the original plan is in need of a refresh. The implications of being designated as an area of national growth in the draft National Development Framework will also have clear implications on the level of growth for Newport.

There are two options for the revision of an LDP; 1: Full Revision and 2: Short Form Revision (SFR). **The Review Report has concluded that a Full Revision of the current LDP is required.** The SFR procedure could be subject to a higher degree of risk regarding procedural challenges and is not suitable if the LDP requires changes to its strategy or proposes significant changes to the adopted LDP.

Consultation on the draft RR is required to maximise the robustness of the RR and justify its conclusions. Responses are used to inform the chosen review procedure and future content of the replacement LDP. The responses and proposed alterations to the Review Report will be reported back to Cabinet in March 2021. Provided Cabinet are satisfied; the intention will then be to seek Full Council's endorsement in April 2021 and send the Delivery Agreement to Welsh Government. This would legally mark the commencement of the LDP.

Delivery Agreement

The Delivery Agreement (DA) is a mandatory requirement of the LDP process and is considered to be a key tool for the speedier production of land use plans. It is an essential project management tool and needs 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), a risk management register, the Tests of Soundness against which the plan will be assessed, clarifies the scope and influence of the LDP, identifies the role of the Integrated Assessments required and allows co-ordination with other strategies. It comprises the following two elements:

- **The Timetable** – this sets out how the Council will manage the programme for preparing the LDP. It identifies the key stages of the LDP process where the public and other interested parties will be given the opportunity to comment on the strategy, objectives and policies contained within the Plan.
- **The Community Involvement Scheme (CIS)** – this sets out who, when and how the Council will consult and engage with various stakeholders, including the general public, during the production of the LDP.

Table 1 below illustrates the key stages and anticipated timescales proposed for the Newport Replacement LDP. A detailed timetable is set out in Appendix B of the draft Delivery Agreement (see background papers for more information):

Table 1: Delivery Agreement Proposed Timetable

Key Stages		Definitive Timescales
Stage 1 Delivery Agreement	Public Consultation Full Council Approval and Submission to WG Approval from WG	January – March 2021 April 2021 May 2021
Stage 2 Pre-Deposit	Candidate Site Stage Consultation on Integrated Sustainability Appraisal (ISA) Vision and Objective/Growth Options Prepare Preferred Strategy Full Council reporting Preferred Strategy	June – Sept 2021 June – August 2021 July 2021 – Jan 2022 Jan – July 2022 July 2022
Stage 3 Preferred Strategy	Public Consultation Prepare Deposit Plan Full Council reporting Deposit Plan	August - October 2022 January – August 2023 September 2023
Stage 4 Deposit Plan	Public Consultation Full Council approval for submission to WG	October – December 2023 April 2024
Indicative		Timescales
Stage 5	Submission	May 2024
Stage 6	Examination	June 2024
Stage 7	Inspector’s Report	January 2025
Stage 8	Adoption	February 2025
		Total Plan Preparation 3.5 years (plus 3 months slippage period)

The Community Involvement Scheme (CIS) sets out how the Council proposes to proactively involve the community and other stakeholders in the preparation of the Replacement Local Development Plan (RLDP). Whilst it is the responsibility of the Council to produce the RLDP, one of the aims of the development plan system is to produce a plan based on effective community involvement. This process of building consensus on the context of the RLDP is a key aspect of this CIS and the five ways of working prescribed by the Well-Being of Future Generations Act. The Delivery Agreement sets out when and how interested parties can influence the RLDP. The document identifies stakeholders that are required to be informed as outlined by regulation, but it also sets out local groups and people, including the identification of those hard to reach groups where specific engagement is required.

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 binds the LPA into delivering within the stated timescales and using agreed 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.

Next Steps

Following the approval of the draft Review Report and Delivery Agreement, the documents will be made available for an 8-week public consultation starting in January 2021. Recommendations for amendments to the documents and details of the responses received will be fed back to Cabinet in March 2021. Providing Cabinet are satisfied, Full Council will be asked to approved the DA for submission to Welsh Government in April 2021.

Financial Summary

The RLDP 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 set out in the Delivery Agreement. The cost of consultation 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 potential budget pressure towards the end of RLDP process, however it should be noted that the 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 approving content of RR or DA	M	L	The documents have been prepared in line with national regulations and guidance and engagement with relevant stakeholders to influence content.	Planning Policy Manager
Not approving documents for public consultation	M	L	Justification for consultation: To maximise the robustness of the RR & DA and justify its conclusions and proposed processes, consultation with specific and general consultation bodies on its findings and conclusions should be undertaken.	Planning Policy 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 of the Delivery Agreement process.	Head of RIH/ Development Services Manager
Delays arising as a result of Covid-19	M	L	The consultation will be undertaken utilising electronic means where possible. Letters shall be sent where this has been indicated as the preferred method of contact and copies made available at the information station.	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 and this is set out in the draft Delivery Agreement. A revised LDP will consider any new Council policy, strategy or priority and its impact on the policy framework for the Council and this is explained in the draft Review Report. 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 draft RR reports on the implications of these changes since adoption and sets out how it is proposed that the Replacement LDP will help to deliver the aspirations of these plans and strategies.

Options Available and considered

- 1) Approve the draft Review Report and draft Delivery Agreement for public consultation.
- 2) Do not approve the draft Review Report and Delivery Agreement for public consultation.

Preferred Option and Why

- (1) - To approve the draft Review Report and Delivery Agreement for public consultation. 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. 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. The Delivery Agreement clearly sets out the methods and timing of engagement and provides clarity to those interested in the RLDP process of their role and opportunities to inform and influence the outcome of the plan. This engagement, although not a regulatory requirement, will mean that the Council is confident it has undertaken its duty under the Well-being for Future Generations Act in terms of Integration and Collaboration.

Comments of Chief Financial Officer

The Local Development Plan carries a base budget which contributes to a reserve in less active years where no review/cost is required so that there should be sufficient funds to carry out the necessary actions to refresh the LDP when needed. The reserve 'smooths' / funds the cyclically increased costs here and enables the base budget to remain consistent over time.

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. 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. Previously, Cabinet were asked to approved the Annual Monitoring Report for submission to Welsh Government, which triggered the commencement of the LDP Review. The creation of a Review Report and Delivery Agreement are the next stages in reviewing the LDP. Cabinet is asked to approve these documents for public consultation in January 2021.

The Review Report (RR) and Delivery Agreement (DA) then 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 LDP review process, 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 Review Report and Delivery Agreement are the next stages in the LDP review process which was approved by Cabinet last month.

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.

The Delivery Agreement sets out the proposed staff resource for delivering the revised LDP. It is noted that a dedicated LDP budget is in place to fund the additional resource required.

Comments of Cabinet Member

The Cabinet Member for Sustainable Development has been briefed on the draft documents and proposal for public consultation process.

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 replacement LDP process and in particular the CIS of the Delivery Agreement sets out an engagement approach which takes into account how to engage with stakeholders including 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 sets out the need for targeted consultation and this includes engagement with 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: An 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 draft Delivery Agreement will be subject to a minimum of 8 weeks consultation started in January 2021 and the responses will be fed back to Cabinet in March 2021.

Background Papers

Local Development Plan – Draft Review Report



Draft Review
Report 23NOV20.doc

Local Development Plan – Draft Delivery Agreement



Draft Delivery
Agreement 24NOV20.doc

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

Dated: 24 November 2020