



## SPECIAL CABINET – 16TH DECEMBER 2020

**SUBJECT: DRAFT RESPONSES TO THE SOUTH EAST WALES CORPORATE JOINT COMMITTEE REGULATIONS 2021 AND THE TOWN AND COUNTRY PLANNING (STRATEGIC DEVELOPMENT PLAN) (WALES) REGULATIONS 2021**

**REPORT BY: CORPORATE DIRECTOR- EDUCATION AND CORPORATE SERVICES**

### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present to Members, for their consideration, the proposed draft responses to the regulations that establish Corporate Joint Committees and the associated regulations that establish the procedure for the preparation of Strategic Development Plans. The closing date for return for each of the consultations is the 4<sup>th</sup> January 2021.

### 2. SUMMARY

2.1 The Regulations currently being consulted on by Welsh Government implement the stated intention to create a regional Corporate Joint Committee (CJC) to deliver three functions:

- The function of preparing, monitoring, reviewing and revising of a **Strategic Development Plan (SDP)**. These functions are set out in Part 6 of the Planning and Compulsory Purchase Act 2004 (as amended by the Local Government and Elections (Wales) Bill).
- The function of developing a **Regional Transport Plan (RTP)** – that is the function of developing policies for transport in, to and from the CJC area and developing policies for implementing the Wales Transport Strategy. These functions are set out in the Transport Act 2000.
- The **economic well-being function** as provided for in Part 5 the Local Government and Elections (Wales) Bill. That is the power to do anything which the CJC considers is likely to promote or improve the economic wellbeing of its area.

2.2 The CJC will operate over the same geographical area as the Cardiff Capital Region City Deal area, with the inclusion of the Brecon Beacon National Park for the strategic development function. The intention being to allow Councils to evolve the current regional approaches to City Deal and Growth Deals into the CJC structures.

2.3 The regulations for the CJs are a set of ‘establishment’ regulations and will be followed by ‘Regulations of General Application’ and guidance. Taken together the

regulations enable a CJC to:

- Employ people (directly, and via loans or secondments)
- Procure and commission services
- Enter into contracts, service level agreements, memoranda of understanding
- Hold funds and budgets, pay grants (including holding budgets / funds on behalf of Welsh Government)
- Procure, receive, hold, dispose of and manage assets, land etc
- Participate in companies,
- Cooperate with others, including the constituent principal councils
- Receive assistance in performing its functions / discharge functions through other people, including but not limited to one or more of the constituent principal councils
- Discharge functions through other bodies, people, staff
- Bring legal proceedings.
- Have / hold insurance (to indemnify itself, its members and its staff)
- Reimburse expenses.

2.4 Welsh Government see CJCs as an opportunity to align a number of collaborative approaches already in statute, reducing the need for (and therefore the costs associated with servicing) multiple separate boards. Set-up costs, yet to be defined, will be made available. CJCs are required to appoint a number of statutory posts to enable them to fulfil the functions; a Chief Executive, a Monitoring Officer, a Chief Financial Officer, and a Chief Governance Officer. The consultation document and regulatory impact assessment suggest that other staffing might be considered covering finance, legal, HR, administrative and facilities functions and specific staffing for strategic development and regional planning e.g. a Head of Strategic Planning and Head of Transport plus their teams. Staffing arrangements are either directly employed or loaned/seconded by the constituent councils.

2.5 CJCs must hold their first Annual General Meeting before the end of September 2021 and must replicate local government arrangements for governance with an Overview and Scrutiny Committee and a Governance and Audit Committee. They will be subject to similar audit and accounting arrangements as local authorities.

2.6 An associated set of Regulations defining how the regional Strategic Development Plan must be prepared are being consulted upon at the same time. The draft response to these is also appended.

### **3. RECOMMENDATIONS**

3.1 That Members note the contents of this report and endorse the appended draft responses.

### **4. REASONS FOR THE RECOMMENDATIONS**

4.1 To allow a response to both sets of draft regulations to be submitted by the consultation end date, the 4<sup>th</sup> January 2021.

### **5. THE REPORT**

5.1 Corporate Joint Committees have been in discussion as part of the Local

Government and Elections Bill over the past 12 months. Welsh Government have described them, as 'part of the local government family' with similar powers and duties as local government. Throughout the development of the Bill they have been seen as an alternative to local government reorganisation which has been an element of previous Green and White papers since 2015. Caerphilly County Borough Council have previously agreed that CJsCs offer options for collaboration between councils but had disagreed with mandation over what functions should be delivered regionally and how they should be delivered. This view echoed that of the WLGA and previous responses from officer groupings like SOLACE, Lawyers in Local Government and the Society of Welsh Treasurers. However, more recently, there has been a consensus reached among local authority Leaders and Welsh Government on the responsibilities of CJsCs as set out in the draft regulations.

5.2 The draft CJC regulations reflect previous discussions with the Minister of Housing and Local Government. In summary they include that:

- CJsCs will be made up of Leaders but can co-opt members
- Constituted on a 'one member one vote' basis but can be changed in standing orders
- CJsCs can set up sub-committees to lead on specific functions
- CJC's must appoint statutory officers, however these could be provided by a constituent authority
- CJC's will be accountable to constituent principal councils and members will report back to principal councils

A subsequent set of regulations, the Regulations of General Application, will deal with the detail of how they will work, and how, existing local government legislation will apply to them.

Previous consultations have included schools improvement as part of the suite of functions to be transferred to CJsCs. This is not included in the regulations, as drafted, but is part of the Bill and may come back on to the agenda as a CJC function after next year's Senedd elections.

5.3 The timeline for the formation of the CJC is that it must hold its first AGM by the end of September 2021. The timelines for the production of the Strategic Development Plan and Regional Transport Plan are not set out in the establishment regulations. Set-up costs are promised from Welsh Government, thereafter all functions will need to be funded by the constituent councils.

5.4 It is acknowledged that the expansion of the role of the City Deal Regional Cabinet would be the most efficient and effective way to establish the CJC for South East Wales subject to a strengthening of capacity for the additional functions; in particular, around different governance agreements. The draft response does raise some concerns related to the creation of an additional government tier, the fact that as a South East Wales area we have collaborated well on the functions without the creation of an additional structure, and clarity about the roles, structure and funding in respect of the democratic split between regional and local delivery and planning.

5.5 The regulatory impact assessment assesses that over 6 years (set up plus 5 years planning timeframe) CJsCs will cost less than the existing legislative arrangements to deliver a SDP and RTP when combined with the cost of the Cardiff Capital Regional City Deal. Making the case that these functions would need to happen in each organisation, albeit acting in collaboration, anyway.

- 5.6 The cost assessment covers a range of scenarios, including part-time roles, seconded staff and shared functions between CJsCs and constituent councils, with a minimum 6-year cost of between £10million and £16million across Wales. Breaking this down the costs for each CJC are estimated as:

Appointment of statutory posts	£79K to £366K	(part or full time)
Support functions	£57K to £619K	(part or full time)
Administrative costs	£837K	
Audit costs	£21K to £34K	
Meetings cost	approx. £2k	
Strategic Planning function	Head of SDP plus team of 5	
Regional Transport function	Head of Transport plus team of 2	
Consultancy support	£250k for two years	

The Economic well-being function is seen as being subsumed as part of the City Deal costs. The figures above relate to adapting the current City Deal Regional Cabinet to meet the governance requirements of the CJC, specifically the appointment of statutory officers and associated governance functions. In addition the core support needed to take on the legal functions around the SDP and RTP.

The cost assessment considers that by year 3 the CJC will have stabilised and compares the maximum and minimum costs of the 'do nothing' option and the CJC creation option.

Cost Type	Do Nothing	Do Nothing	CJCs	CJCs
	Minimum	Maximum	Minimum	Maximum
<b>Economic Development</b>	£690,807	£690,807	£690,807	£690,807
<b>Transport</b>	£364,023	£1,380,112	£220,346	£220,346
<b>Strategic Plan Functions</b>	£760,000	£760,000	£721,479	£721,479
<b>Member Time</b>	£522	£2,608	Not Inc.	Not Inc
<b>WG SDP Support</b>	£57,790	£57,790	£57,790	£57,790
<b>Senior Officers</b>	Not Inc	Not Inc	£79,356	£366,257
<b>Corporate Body Function</b>	Not Inc	Not Inc	£36,344	£619,677
<b>Building, Admin &amp; IT</b>	Not Inc	Not Inc	Not Inc	£112,640
<b>Meetings</b>	Not Inc	Not Inc	£6,977	£27,192
<b>Audit</b>	Not Inc	Not Inc	£21,000	£34,000
<b>Total</b>	<b>£1,873,141</b>	<b>£2,891,317</b>	<b>£1,834,099</b>	<b>£2,850,188</b>

WLGA have stated that more time would be needed to analyse the costs in detail, in particular around the costs for the regional transport function, there is no cost being incurred for this work currently as it is being done through collaboration.

- 5.7 The matter was discussed at the City Deal Regional Cabinet meeting on the 7th of December which set out how the proposals for the creation of a CJC spanning the City Deal region could be encompassed within the City Deal collaborative arrangements using the Regional Cabinet as a springboard into the governance arrangements for the CJC. The proposals are that between January 2021 and September 2021 the current model would be refined to fit the CJC legislation, joint working arrangements would be agreed, legal structures, resourcing and sub-committees would be developed and the transition process would be set out.

5.8 In relation to the draft regulations for Strategic Development Plans these include the work that was already underway to develop a City Region Strategic Development Plan to produce a more consistent, cost effective and efficient approach to plan making with key decisions taken once at the strategic/regional level. This will allow larger than local issues such as housing numbers, strategic housing allocations, strategic employment sites, strategic green infrastructure routes, supporting transport infrastructure which cuts across a number of Local Planning Areas (LPAs) to be considered and planned for in an integrated and comprehensive way. However, there is significant potential for the SDP to cross into matters that are more appropriately set out at Local Development Plan (LPDP) level, such as housing or employment land apportionment to individual LPAs, or elements of waste management or minerals, which could give rise to potential conflicts between the two tiers of development plan. To avoid potential conflict the Regulations should set out the matters that will be addressed by the SDP and those that will be the responsibility of the LDPs.

5.9 Whilst the timely preparation of an SDP is fully supported, this needs to be in a realistic timescale. Evidence from the experience of LDP preparation across Wales indicates that it is difficult to prepare an LDP for a single LPA within a 4-year period. The preparation of the SDP will undoubtedly be more complex, due to the number of local planning authorities involved, and will require a substantial evidence base to support it, much of which will be new or will require amending to ensure comparability across the region. Furthermore, the procedural elements (for example the translation of documentation into the Welsh language), will prove to be a further challenge to the timescales. It is highly likely that a very significant number of representations will be received from a range of stakeholders across a wide geographical area which will require significantly more time to administer and process than the time taken for an individual LPA. Given these additional factors, 4 years is not considered to be a realistic timeframe within which all of this work can be undertaken.

#### 5.10 **Conclusion**

The report and appended draft responses set out the implications of the new regulations for Caerphilly County Borough Council and explain how the current City Deal arrangements can be adapted to include the new functions. The drafts have been shared with Group Leaders and with Chairs and Vice-chairs of Scrutiny Committees. Welsh Government have requested responses by the 4<sup>th</sup> of January 2021. Cabinet are asked to comment on the draft responses.

### 6. **ASSUMPTIONS**

6.1 No assumptions have been made in preparing this report or the draft responses.

### 7. **LINKS TO RELEVANT COUNCIL POLICIES**

#### 7.1 **Corporate Plan 2018-2023**

The functions to be delivered by the CJC for economic well-being, strategic development planning and regional transport planning will support the following well-being objectives:

Objective 1 - Improve education opportunities for all

Objective 2 - Enabling employment

Objective 4 - Promote a modern, integrated and sustainable transport system that increases opportunity, promotes prosperity and minimises the adverse impacts on the environment

## **8. WELL-BEING OF FUTURE GENERATIONS**

8.1 The functional areas that will be the responsibility of the constituent councils of the CJC are wide ranging and will take a long-term view of improving the prospects of people living and working in the South East Wales region in collaboration. This activity is likely to contribute to the following well-being goals:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh Language
- A globally responsible Wales

## **9. EQUALITIES IMPLICATIONS**

9.1 The draft responses consider the Equality Act 2010 and comment is made in the relevant sections.

## **10. FINANCIAL IMPLICATIONS**

10.1 The available detail in the regulatory impact assessment is summarised briefly at paragraph 5.6 above. The CJC will be required to produce a budget by the 14<sup>th</sup> February in the preceding financial year and a draft budget by the 30<sup>th</sup> November before that.

## **11. PERSONNEL IMPLICATIONS**

11.1 There are no imminent personnel implications that related to the appended consultation responses. However, in increasing the capacity of the CJC and acting in collaboration there will be personnel implications at a later date. These are likely to be subject to separate reports to the City Deal Regional Cabinet.

## **12. CONSULTATIONS**

12.1 The views of all consultees to this report have been included in the draft response.

The Leader of the Plaid Group expressed a view, that it was agreed would be reflected here; that councils have always collaborated, and that local government is perfectly capable of cooperation, at whatever scale the matter demands, for the good

of local populations. Further, that the creation of the CJC appears to be a level of bureaucracy that offers little, if any, value to what local government was already undertaking. If anything, taking into account discrete audit and other costs the proposals would be detrimental to value for money. Local government should be about delivery efficient quality services. This extra bureaucracy is just not needed.

### 13. **STATUTORY POWER**

#### 13.1 Local Government Acts 1972 and 2000 and Local Government (Wales) Measure 2011

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Consultees: Cllr Colin Gordon, Cabinet Member for Corporate Services  
Cllr Colin Mann, Leader of the Plaid Group  
Cllr Graham Simmonds, Leader of the Independent Group  
Chairs and Vice-Chairs Scrutiny Committees  
Christina Harray, Chief Executive  
Richard Edmunds (Ed), Corporate Director for Education and Corporate Services  
Mark S Williams, Interim Corporate Director for Communities  
Dave Street, Corporate Director for Social Services and Housing  
Rhian Kyte, Head of Regeneration and Planning  
Marcus Lloyd, Head of Infrastructure  
Robert Tranter, Head of Legal Services  
Stephen Harris, Interim Head of Business Improvement Services & S151 Officer  
Lynne Donovan, Head of People Services

Background Papers: Welsh Government Consultation- Regulations to Establish Corporate Joint Committees

Welsh Government Consultation- Strategic Development Plan Regulations

Appendix 1 Draft response to CJC Regs

Appendix 2 Draft response to SDP Regs

## Appendix 1

<b>CONSULTATION RESPONSE FORM</b>	Caerphilly County Borough Council  Response submitted by Kathryn Peters, Corporate Policy Manager (peterk@caerphilly.gov.uk)
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### Summary of consultation questions

#### *Consultation Question One:*

**a) *What are your views on CJsCs being subject to broadly the same powers and duties as principal councils?***

The Cardiff Capital Region City Deal has proven that high-level collaboration is possible and can work well across several authorities working collectively for the good of larger populations. The Cardiff Capital Region has had 4 years of regional public investment and has developed the structures, funds and systems of governance that make it well placed to further evolve and act as a 'pioneer region'. Caerphilly County Borough Council is fully committed to strengthening and extending the role and remit of the City Deal arrangement to encompass the new powers and accountabilities under the South East Wales Corporate Joint Committee.

Regional collaboration has long been practiced in South East Wales, particularly in the preparation of Local Development Plans (LDPs) and more recently on the developing governance arrangements for the preparation of the Cardiff Capital Region Strategic Development Plan (SDP). The Regional Transport Authority is proven to be working well as did the previous regional South East Wales Transport Authority approach. Local authorities already collaborate closely through a multitude of regional and sub-regional working groups, some more formal than others, in the undertaking of their functions and the sharing of good practice. We see the creation of the Corporate Joint Committee as an extension of the strong track record of collaboration in South East Wales.

There are some risks to creating another tier of 'local government' in Wales that removes decision-making further away from local communities. CJsCs will be a creature of local government but to act in the same way, with appropriate governance and oversight, necessitates replicating governance structures that already exist at local geographies. This could be a detraction from current capacity whether that is by diverting expertise and democratic oversight to the regional level or by re-creating the same structures but taking resources from local authorities to do so. In establishing the new Corporate Joint Committee



we will need to be mindful of the risks in ensuring the local democratic mandate but would wish to do so with the aim of minimizing the detraction of resources from the local authority. The extension of the City Deal Regional Cabinet arrangements, which are working effectively, will help us to do this.

For CJs to function effectively, openly and transparently we agree that they should be subject to broadly the same powers and duties as principal Councils. The challenge will be to adequately address the requirements that will be placed on them to act regionally while remaining engaged with local communities. We have already seen benefits in elevating some functional areas to a regional level, with a national horizon on planning and delivery. We will need to develop our understanding of what, structurally and functionally, should be understood to be at which level, and; importantly how the communication will work between the local authority and the CJC to the satisfaction of local communities so that our residents, businesses and communities feel that they are having services delivered for them that affect their daily lives. Members of the CJC will need to have an effective mechanism to gauge and reflect the views of their council. The CJC will be bound by collective decision-making, this is probably one of the most challenging aspects; would the average person in the street understand and have a vested interest in an additional regional tier of local governance? Clarity and ongoing communication will be needed so that local democracy and accountability is not eroded.

Officer expertise has long been shared in collaboration on regional projects and it is obvious that some planning needs to be done at geographies greater than the local authority boundary. While it is probably the case that the duties of CJs could have continued to be delivered in this way in South East Wales, the creation of the CJC offers us opportunities to improve the consistency and governance around this work.

The Cardiff Capital Region City Deal and the Regional Cabinet gives us the bedrock on which to develop the structures and governance to enable and facilitate regional planning and delivery.

***b) Do you agree that CJs should have broadly the same governance and administrative framework as a principal council provided that this is proportionate? Please give your reasons.***

Yes, we agree. The functions to be delivered by CJs will need to be supported by governance at a regional level. To avoid this being a diversion, and similarly to avoid the capacity being diverted back to local governance as needed, it must be properly set up and resourced. Given that CJs will have the ability to set a budget, incur expenditure, charge fees, acquire and dispose of property, employ staff etc. then a sufficient administrative framework should be developed to support them. However, we see the CJC primarily as a decision-making body and would look to support some of this work, and especially the delivery work, with our staff working regionally as part of their day-to-day role.

We would hope that, for South East Wales, we will be able to build upon the governance and structures already in place for the City Deal. This will take some thought and conversation over the next 10 months to ensure that the resourcing is fully understood and that the constituent authorities, and Brecon Beacons National Park, have a broad agreement amongst themselves before taking the matter through local decision-making. To do this we will need to refine the current City Deal model to meet the CJC Regulations, agree our joint working arrangements and articles, set our legal structures, governance arrangements and consider our resourcing. We will also need to establish our sub-committee structure and build in links to other partnerships. Much of this work will need to begin soon. We note that the CJC will not be able to meet formally until the Regulations are made in April but would hope that we can agree to begin this work early in the New Year.

**c) Do you agree that members of CJsCs should have appropriate discretion on the detail of constitutional and operational arrangements? Please give your reasons.**

Yes, we agree. However, this should be within defined parameters and to enable structures for constitutional and operational arrangements to be put in place we hope to have sight of the draft Regulations of General Application and guidance as soon as possible.

**Consultation Question Two:**

***These CJC areas have been agreed by local government Leaders as the most appropriate to reflect the functions being given to CJsCs by these Establishment Regulations. Do you have any comments or observations on these CJC areas in relation to these functions or the future development of CJsCs?***

We agree that the City Deal area is the right fit for the functions of the current proposed CJC and we recognise that the governance capacity of the City Deal will have to be increased to meet the requirements of the new Regulations.

If, as is the stated intention, schools improvement consortia will be considered as a mandated function in the future we again see the linkages with the skills agenda to economic development and well-being at the regional level. Bringing the Regional Skills Partnership closer to the business and economic growth partnerships will help align opportunities for research and innovation. At the front end, working directly with schools, we do have some concerns that a 10-authority schools improvement service would create too much internal competition for the expertise on offer and that a larger organisation covering wider geographies would struggle to recognise the different needs of so many schools in a tailored and constructive way. We would need to recognise that we have a schools improvement service that is set up differently to others in Wales, through a company limited by guarantee, and would need to understand what would be direct school support and what would support the

regional skills agenda. There may be some opportunities to bring direct school support back more locally, something we would be keen to explore at a later date.

Issues of alignment may materialise for the Brecon Beacons National Park (BBNP) as it will span three CJC areas. For example, BBNP will be required to produce its own Local Development Plan. Taking account of applicable plans and strategies, particularly those at a higher spatial scale and for adjoining areas, is an inherent part of LDP preparation, ensuring consistency with three potentially very different SDPs may give rise to strategic conflict. The CJC may decide that the BBNP could not be part of the SDP for this reason, yet the national park would still be part of the governance of the SDP. This issue should be addressed in the guidance.

### **Consultation Question Three:**

**a) Do you agree with the approach to the development of the regulations for CJCs as outlined in this consultation? Please give your reasons.**

Yes, we agree with the approach and that local government Leaders, assisted by WLGA, and officer groupings have been involved in the development of the Regulations. It is unfortunate that the COVID pandemic has interrupted dialogue and development time. We would urge that the draft Regulations of General Application are available to us as soon as possible. Local government is already on a tight timescale to establish the CJC structure. Any delay in the next set of Regulations could hamper progress. We are keen that the CJC has the time to agree its vision, substance and implementation.

**b) We have indicated throughout this document what may be included in the Regulations of General Application, subject to the outcome of this consultation. Whilst the Regulations of General Application are not the subject of this consultation, in order to inform their development we would welcome your views on anything else which should be covered?**

While we have some clarity on the expectations for governance, finance and staffing for the CJC and expect that some matters will be left to local agreement i.e. committee structure, voting, staffing etc., we would like early clarification on matters such as the funding requirement, equitable and proportionate split, how disputes over these matters are to be resolved, the length of financial commitments (electoral term or annual), what set-up costs might be available, the role of the Wales Audit Office, when a Strategic Development Plan or Regional Transport Plan might be required by, whether a Corporate Plan and annual report will be a requirement in addition to annual accounts, self-assessment, any requirement for an annual governance statement, how the Brecon Beacons National Park will consider differences in the CJC areas it will cover, clarity over what matters will be local in terms of development and transport planning and what might be regional, how the CJC will be expected to engage and consult with local communities, any minimum requirements for sub-committees over and above the Overview and Scrutiny

Committee and Governance and Audit Committee, minimum member training, member support, Code of Conduct guidance, expected links back into local authority accountability structures including reports to Cabinet, Council etc on particular issues.

**Consultation Question Four:**

**a) Do you agree with the proposed approach to membership of CJs including co-opting of additional members? Please give your reasons.**

We agree that the model should follow the City Deal Regional Cabinet with the Executive Leader being the senior representative and should follow the one member one vote arrangement currently in place in the first case. Given that the remit of the City Deal Cabinet will be widened significantly we do see a risk that backbenchers becoming members of several CJC Scrutiny Committees will divert local democratic capacity. We note that no member remuneration would be payable, this may be a disincentive for local elected members. Attracting the right talent to CJC democratic structures will be important.

Co-option of members is something that we actively encourage our own scrutiny committees to consider in order to bring a diversity of views and expertise to the scrutiny function. We agree with the quoracy and voting restrictions in the Regulations which will need to be replicated in the standing orders and terms of reference for each committee. However, we are concerned about the voting power of co-opted members and are likely to request that they have no voting rights. They will not be democratically elected and are less likely to have any connection to our local communities. CJs are responsible to constituent councils and so the voting power of co-opted persons must not override the democratically elected members.

**b) What are your views on the role proposed for National Park Authorities on CJs, as described above?**

The Cardiff Capital Region covers 10 unitary authorities, but 11 local planning authorities. Areas of the Brecon Beacons National Park, which is its own local planning authority, overlap with areas of Monmouthshire and the Valleys. At the Cardiff Capital Region Strategic Development Plan workshops held in July 2018, discussions mainly considered whether the Brecon Beacons National Park area should be within the area, partially within it, or wholly outside it. Considering the advantages and disadvantages of each option, consensus was reached that the Strategic Planning Area should consist of the 10 local planning authority areas within the Cardiff Capital Region and exclude those parts of the Brecon Beacons National Park that overlap with areas of Monmouthshire and the Valleys. The Brecon Beacons National Park Authority indicated that it agreed with this approach and did not wish to be part of the Strategic Planning Area or be covered by the SDP.

**Consultation Question Five:**

**a) What are your views on the proposed approach of 'one member one vote' and the flexibility for CJsCs to adopt alternative voting procedures?**

This appears to work relatively well in the City Deal Regional Cabinet arrangements where members are considering the whole of the region in terms of economic development. However, we note that funding is often a contentious issue and the proportionate split based on population is often a difficult one to get through local decision-making, we have experienced this it trying to set in place the regional governance arrangements for the South East Region Strategic Planning Panel. We note that other models, such as the Fire Authority take a population-based approach to voting power. The proposed Strategic Development Panel had already considered the weighting of its membership and voting rights. At this point in time we are content with the one member one vote arrangement but would be keen that this matter is resolved as soon as discussions around governance can begin.

**What are your views on the proposed quorum for CJsCs?**

We agree. We supported a 70% quoracy for the Strategic Planning Panel and believe that a high level of quoracy will be needed for any decisions of the CJC.

**b) What are your views on the proposed approach to voting rights for co-opted members to a CJC?**

We do not believe that co-opted members should have voting rights for the reasons set out and point a) above. Our view would be that the CJC should restrict the number of co-opted members on each committee and should properly consider the skills and knowledge gaps it may have to fill a limited number of roles. Remuneration of co-opted members will need to be considered.

**Consultation Question Six:**

**What are your views on CJsCs being able to co-opt other members and/or appoint people to sit on sub-committees?**

We agree that sub-committees will be required. The range of business that is to be devolved to CJsCs will not be able to be dealt with by the Executive Member plus a deputy alone. These are senior members with a significant role within the local authority. The appointment of backbench members is very likely to be required. It will be important that the democratic mandate is maintained in sub-committees, representing the political make-up of constituent councils, and we would not want to see such committees heavily weighted toward co-opted members simply because of the capacity of elected representatives to service them alongside their other duties as elected members.

**Consultation Question Seven:**

- a) Do you agree that the approach to co-option of members would enable wider engagement of stakeholders in the work of a CJC?**

Yes, we agree. We look forward to clear guidance on this matter, co-option of members is an area that we already encourage our scrutiny committees to consider.

- b) What might be needed to support CJC members in the involvement and engagement of appropriate stakeholders in their work?**

Member development will be an important aspect of the role of the CJC. We would like the guidance to offer assistance on this aspect also. Particularly the difference between acting as a representative of constituency areas in comparison with a regional multi-authority role and working in partnership and collaboration to develop shared objectives.

Some functions, such as the SDP function, carry significant stakeholder engagement requirements. Support will need to be considered on an issue by issue basis.

**Consultation Question Eight:**

- a) Do you agree that members and staff of a CJC should be subject to a Code of Conduct and that the code should be similar to that of Principal Councils? Please give your reasons.**

We agree. Members will be acting in a different capacity to their usual local Council role and, in addition, will be acting on a regional basis. Members are subject to the same Code of Conduct, regardless of which Council they represent, subject to some very minor variations, so that position should continue. A staff Code of Conduct should be no less than those in the constituent local authorities and should be based on one of them.

This should be part of the standing orders of the CJC and agreed at one of its early meetings. This point highlights the fact that a significant amount of development work will be required at the officer and statutory officer level even before the first CJC meeting. The appointment of statutory officers will take time and the seniority of such people means that, if the employment model is taken, they are highly likely to be contracted under long notice periods. An agreement to resource the CJC may be needed in advance of the first formal meeting in September 2021.

- b) What are your views on the adoption of a Code of Conduct for co-opted members?**

Co-opted members should be subject to the same Code of Conduct as elected members, which is the same position in the constituent local authorities.

**c) *Should all co-opted members be covered by a code i.e. those with and without voting rights?***

Yes, which is the same position as the current Members' Code of Conduct. Even without voting rights co-opted members will be hearing and contributing to the scrutiny discussions.

***Consultation Question Nine:***

**a) *What are your views on the proposed approach for determining the budget requirements of a CJC?***

The timeline to produce a budget within two months of the first meeting will be a challenging one. The CJC will not yet have set the extent of its ambitions, established all of its staffing or considered other issues related to its business. However, it is unlikely to be able to begin business without a budget in place. As the cost associated with the CJC will be mainly administrative and governance related costs in the first year especially, there may be a case for setting a minimum annual budget to cover these for the 5-year term.

In ensuring the CJC is ready to conduct business from the first meeting onwards there is likely to be significant expertise required from the local authority. We note that set-up costs will be available. These must fully cover the seniority of officer input that will be required pending the appointment of the statutory posts. Given the complex issues local government is currently dealing with; Brexit, COVID, disruption to education, recovery planning etc we are concerned that our most talented staff will be struggling to provide the necessary input. We note that the larger authorities may be expected to contribute more to this effort, an issue that is of concern to us. Early agreement will be needed to broker who will provide what expertise. Longer term we do recognise that the CJC may be an attractive employment option for capable and experienced staff, we would be keen to see salaries that are not inflated above those of similar posts in constituent councils, that is at a broadly similar grade for similar posts. As stated above we would very much see us allowing our staff to contribute to regional strategic development and transport planning and would not necessarily see the need for large regional teams to do this work.

**b) *What are your views on the timescales proposed (including for the first year) for determining budget requirements payable by the constituent principal councils?***

Please see above.

***Consultation Question Ten:***

- a) **Do you agree that CJs should be subject to the same requirements as principal councils in terms of accounting practices? Please give your reasons.**

Yes, we agree for the reasons set out in the Consultation Document.

- b) **Do you agree that the detail of how a CJC is to manage its accounting practices should be included in the Regulations of General Application? If not what more would be needed in the Establishment Regulations?**

Yes, we agree. However, we would like the content of these to be concluded as soon as reasonably practicable and that the guidance offers as much assistance as possible.

***Consultation Question Eleven:***

***What are your views on the proposed approach to staffing and workforce matters?***

We note the staffing structure that has been proposed and used for costing in the Regulatory Impact Assessment. Appointing a Chief Executive, Finance Officer and Monitoring/Governance Officer along with finance, legal, HR, facilities and admin support, as well as a Head of Strategic Development Planning, and Head of Transport plus their support staffing all comes at a significant cost. These costs have been compared with the 'do nothing' option and are shown to be cheaper than producing a Strategic Development Plan and Regional Transport Plan under the current local structures, working in collaboration. We are not convinced that will be the case. Currently we are incurring no costs for collaboration on regional transport planning so are not clear why they would reduce significantly on moving to the CJC. We are also concerned that the comparable costs for economic development/well-being are taken at an average level that is well below the current City Deal costs, £690K instead of £1.1 million. The local authority paying to fund a new tier of local government strips out this funding from the direct provision of services and while set up costs will be provided (yet to be confirmed at what level) there needs to be serious consideration to an increase in local government funding to fulfil the wishes of Welsh Government. Work on local development and local transport planning will still be needed as the CJC will not be able to consider the granularity of delivery over such a wide area. Working with our partner local authorities we will endeavour to keep the costs of the CJC to a minimum and will look to use the proportionate financial contribution models that were used to create the City Deal and Strategic Planning Panel. Multi-year funding agreements will be needed for stability and to provide clarity for local financial planning. We suggest that this is included in the Regulations of General Application, however this is a difficult issue in the current model of single year settlements provided by Welsh Government.



It is probable that there may be a mixed pattern of employment within the CJC with some direct appointments but other roles either seconded or loaned to the CJC on a task and finish basis with some possible backfilling of those posts internally covered by the CJC budget. The main concern in this arrangement is that the patchwork of staffing will be difficult for the corporate body to manage while still ensuring that the statutory requirements are fulfilled. Allowing our statutory officers, and other loaned staff to 'help out' either long term, or while the CJC is forming, will place a drain on internal capacity but would be preferable to creating a large employment model for delivery functions. We would be concerned about splitting off the staffing capacity of the local authority to fulfil another purpose for another body and would far prefer allowing our staff to commit to regional working as part of the day-to-day role where at all possible, recognising that small core teams may be needed to take a wider view and broker agreements. Elevating these functions to a regional level will still require input on local issues and contact with, and input from, local staff. Terms and conditions of the constituent principal councils, while broadly similar, do differ. Job evaluation and salary scales being one such issue. Therefore, staffing the CJC with a settled workforce could be difficult, the challenge is likely to be more to do with capability than capacity as experienced and knowledgeable staff will be required to make the CJC as effective as possible in a short space of time.

***Consultation Question Twelve:***

***What are your views in relation to CJCs being required to have or have access to statutory "executive officers"?***

The size and scope of the transfer of functions to the CJC will require this level of knowledge and expertise. It is possible that these would not be full time positions, as recognised in the Regulatory Impact Assessment. Although, if, as intended by the enhanced City Deal proposals, the staffing would become part of the City Deal structures there may be some cross benefits in supporting across the three functions; strategic development, economic well-being and regional transport planning. We would hope to have an early agreement among the constituent councils on what additional staffing would be required to support strengthening of the City Deal arrangements to meet the new functions.

***Consultation Question Thirteen:***

***Do you have any other views on provision for staffing or workforce matters within the establishment regulations?***

No other views.

***Consultation Question Fourteen:***

***a) Is it clear what functions the CJCs will exercise as a result of these establishment regulations? If not, why?***

Yes, broadly. The Regulations of General Application, or the associated guidance, need be clear on the delivery of the economic well-being function at the local authority level and at the CJC level. While this does enable us to loop in the current City Deal arrangements to the CJC we need to understand the split and where the democratic mandate lies for any decisions.

The economic well-being function is not currently clear in its definition. It makes no distinction between local authority level interventions and regional level ones. The CJC could conceivably impose their view on what should happen locally over a constituent authority. This would not be acceptable.

**b) *Do the establishment regulations need to say more on concurrence, if so what else is needed, or should that be left to local determination?***

No. The Establishment Regulations are just that and give enough scope for the CJC to determine its own direction and standing orders. We would expect any further detail to be in the Regulations of General Application and guidance.

Within the context of strategic development planning while such flexibility is welcomed and agreement desirable, it is not inevitable. Likewise, in the context of the broad, potentially far reaching area of economic well-being, which will impact on LDP's and SDP's and Regional Transport Plans. Practical guidance will assist.

**c) *In your view are there any functions which might be appropriate to add to these CJs in the future? If yes, what?***

Minerals are already considered on a regional and sub-regional basis and local authorities are grouped together when considering mineral demand. The apportionment of mineral extraction and the responsibility for the revision of the Regional Technical Statements would seem to be a logical issue for CJs to address.

Please see above for our concerns on the school improvement function.

***Consultation Question Fifteen:***

***Do you think the regulations should provide for anything to be a decision reserved to the CJC rather than delegated to a sub-committee? If so what?***

We agree with the suggestions in the consultation document i.e. agreement of budgets; the adoption or approval of plans or strategies (including the Regional Transport Plan and Strategic Development Plan); and consideration of any reports required by statute. This is similar to our Cabinet and Scrutiny arrangements and the importance of the functions should be agreed by executive members, or their deputies. The sub-committee structure should act as scrutineers to these functions.

### **Consultation Question Sixteen:**

#### **What are your views on the approach to transfer of the exercise of functions to these CJsCs?**

We believe that the CJC will need significant development time before it is able to effectively and efficiently able to transfer functions in. Set up implications over the first part of 2021 will be a challenge for our capacity and will mostly likely have to be largely undertaken within existing structures acting in collaboration. It is unlikely that the CJC will be in position to consider taking on the Regional Transport Plan immediately. We would be aiming for a seamless a transfer as possible, however this will be over ten local authorities and this will inevitably bring scheduling issues, local decision delays, difference in the maturity of transport plans etc that will need to be overcome in combining them.

There are significant differences in the local transport plans and what might be in a Regional Transport Plan. Historically regional plans have considered the principle strategic highway network, the rail network, strategic bus travel and long-distance cycle routes. They do not consider local transport issues related to the local road network, active travel plans and local bus travel. There is a risk that local transport policy will be lost as it would be practically impossible for a regional plan to go down to this level of detail. Local transport plans may still need to be a function of local authorities.

The final Wales Transport Strategy, '*Llwybr Newyd – New Path*', and guidance will be needed, however, the local authority transport officers concerned have extensive experience of working jointly and resourcing regional working should not be significant issue. The Strategic Development Plan would ideally be well-developed so that the Regional Transport Plan can take account of it.

Strategic Development Plans do not exist yet but the constituent authorities will have already been acting in collaboration on cross-border issues. That is not to say that the flag can be raised from day one as the same differences as set out above will need to be overcome.

The request therefore for both strategic development and regional transport planning is to set a realistic timeline that takes account of their interdependencies and for an immature organisation that will have accountability back to ten local authority areas. Our view is that the CJC will not be mature enough to begin some of this work until some months after creation.

For the economic well-being function the request would be that Welsh Government implement the recommendations of the OECD in 'The Future of Regional Development and Public Investment in Wales'. As stated above there should be a demarcation of the economic well-being function between local authorities and the CJC. We consider that some issues are best dealt with at a local level and early agreement on this will be needed.

We do see that the Shared Prosperity Fund should be de-centred to the Cardiff Region City Deal and consequently the CJC. Locally attuned initiatives are more

likely to be supported by the economic well-being function and there are clear links to strategic development and transport planning. We would like to see as much decision-making and prioritisation transferred to the region as possible. The CJC will have the size, scope and remit to administer this funding on behalf of UK Government.

***Consultation Question Seventeen:***

***What are your views on CJCs being subject to wider public body duties as described above?***

We agree that the CJC should be subject to the same public body duties as the constituent councils e.g. Well-being of Future Generations, Equality Act (the new socio-economic duty is particularly relevant), Welsh Language Standards etc. The high-level nature of the strategic planning requirements must not lose sight of equalities issues that can be right down at the local community level, particularly for socio-economic impacts.

We note that nowhere in the Regulations or consultation documents has consultation, engagement and co-production with communities and stakeholders been mentioned. This must be part of planning and a capacity needs to be included for this.

We agree that the Regulations of General Application would be a suitable legislative tool to implement this.

***Consultation Question Eighteen:***

***a) The Welsh Government is keen to continue working closely with local government and others on the establishment and implementation of CJCs. Do you have any views on how best we can achieve this?***

We are a little concerned by the words 'short period of time' after set up for necessary decisions to be taken. We envisage that fully adopting the functions could take up to 12 months after September 2021. We welcome the commitment to set up costs but are concerned about the ongoing costs and how this will impact on local authority finances, but more importantly the detraction from use of this money within the local authority area for functions under more local democratic accountability. Welsh Government support up beyond Sept 2021 will be required. This may need to be an early release of set-up costs so that preparatory work can begin as soon as the Regulations are implemented. What would also be useful is set-up review sessions with Welsh Government to help inform any future challenges or modifications required.

***b) In your view, what core requirements / components need to be in place to ensure a CJC is operational, and exercising its functions effectively?***

A shared understanding and agreement across the ten local authorities and the BBNP will need to be brokered in advance of September 2021. Beginning from that date will not help efficient and effective transfer of functions. We will,

subject to agreement, need to refine the current City Deal model, develop standing orders, establish sub-committees and formal partnerships, undertake member development, set in place legal structures, agree multi-year financing, staffing, and the transition process.

**c) *In particular, what do you think needs to be in place prior to a CJC meeting for the first time, on the day of its first meeting and thereafter?***

See above.

**Consultation Question Nineteen:**

**a) *Do you think it would be helpful for the Welsh Government to provide guidance on the establishment and operation of CJCs?***

Yes.

**b) *Are there any particular areas which should be covered by the guidance?***

We agree with the proposals in the consultation document, that is, constitution, governance, finance and staffing. We also think that Welsh Government need to be as transparent as possible with the electorate on the reasons for setting up and role of CJCs. Most people already struggle to understand the split between local government, Welsh government and national government functions. CJC's introduce another tier that the average person in the street will find it difficult to understand. CJC's might be a creature of local government but they have very much been led by Welsh government so far. Clear, simple, explanatory information is needed so that local authorities can consistently explain to their electorate why CJC's exist.

Clarity is needed in the economic well-being function i.e. are CJCs intended to complement the local function. Guidance is also needed on the implementation of the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021. It would be sensible for some of this to be incorporated into the existing national policy framework e.g. Planning Policy Wales and Technical Advice Notes which would be helpful in setting out how different levels within the development plan structure are expected to address different policy areas. Guidance will also be necessary on SDP preparation stages and practical issues that are likely to arise, and Chapter 10 of the Development Plans Manual may need to be revisited in the light of this new set of Regulations.

CJCs are separate bodies not subsidiary to councils and so accountability is through the Leader only. To ensure appropriate political support for key decisions will inevitably mean that councils may need to consider and endorse regional plans prior to them being agreed at the CJC. Although the decision-making powers will be transferred from Councils Leaders will wish to exercise those powers with full support. However, Leaders will be bound by collective responsibility and could potentially be out-voted. This inherent political and relationship risk should be covered in the guidance.

**Consultation Question Twenty:**

**a) How can the Welsh Government best support principal councils to establish CJsCs?**

See above for comments on guidance and ongoing review during set-up.

It should be noted that the City Deal region had already made significant progress towards setting up a Strategic Development Panel for the preparation of the SDP, with eight constituent authorities already having agreement to do so.

The single most useful form of support is to recognise that the ongoing costs of the CJC, beyond set up costs, will be significant and this must be reflected in annual settlements. The South East Wales SDP costs were estimated at £3.1 million towards the end of 2019, this equated to an annual cost over 5-years of around £80k. We would have funded this from Corporate Reserves. The costs of the RTP have not yet been determined as closely.

**b) Are there areas the Welsh Government should prioritise for support?**

Governance and finance should be a priority for guidance. Financial support in set up costs and beyond are also a priority. During set up, and longer-term, loaned staff will create holes in local authority capacity and expertise. Backfilling of these posts will be needed. We could be faced with a situation where we are diverting budget to the CJC then need to reclaim it back for backfilled posts. Consideration of this and guidance on avoiding unnecessary bureaucracy is needed.

**c) Is there anything that CJsCs should/should not be doing that these Establishment Regulations do not currently provide for?**

No.

**Consultation Question Twenty-One:**

**a) Do you agree with our approach to, and assessment of, the likely impacts of the regulations? Please explain your response.**

Conveniently the assessment of the cost of CJsCs is assessed as less than the 'do nothing' option. We don't agree that this is the case. The demonstrated saving is largely achieved by the 'do nothing' cost of the development of the SDP over 5-years, now estimated at £3.8 million and the wide range of estimated cost in the production of the JTP (£3 million to £8.5 million) coupled with the democratic process needing to occur in each local authority. However, there was already significant collaboration on the development of an SDP and regional transport in South East Wales and the City Deal arrangements plus collaboration between local authorities may have been able to bear some of the costs.

The independent assessment noted that much of this modelling will depend on the scale, scope and ambition of each CJC and, therefore, we interpret that the regulatory impact assessment is only a best guess. One which we are concerned about.

The staffing cost associated with the 'CJC option' do not include overheads or the provisions of equipment and assets at the minimum level. This is neither fair nor realistic and so the maximum level should be considered. The statutory roles are costed from one day per week to full time. While we appreciate that it might be difficult at this stage to quantify the time commitment we think it would be near the upper end in the initial set-up stages and this should be factored in to any set-up costs. Other staffing costs are likely to come into play closer to the September 2021 date.

- b) Do you have any additional/alternative data to help inform the final assessment of costs and benefits contained within the Regulatory Impact Assessment? If yes, please provide details.**

See above. We have not been able to estimate costs accurately enough and in the time available. Much of this will depend on the views of our partner councils and the collective agreement.

## **Welsh Language Questions**

### **Consultation Question Twenty-Two:**

- a) We would like to know your views on the effects that establishment of CJCs would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.**

No views, although translation costs will need to be built into the budget of the CJC which should be based on a compliance notice from the Welsh Language Commissioner.

- b) What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

No views.

### **Consultation Question Twenty-Three:**

**Please also explain how you believe the proposed policy for the establishment of CJCs could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use**

***the Welsh language and on treating the Welsh language no less favourably than the English language.***

No views.

***Consultation Question Twenty-Four:***

***We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:***

No further comments



## Appendix 2

**PLEASE NOTE- THIS FORM WAS CREATED BY WELSH GOVERNMENT AND DOES NOT MEET THE ACCESSIBILITY REQUIREMENTS FOR INFORMATION PUBLISHED ON THE COUNCIL'S WEBPAGE.**

### CONSULTATION FORM

#### **The Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021**

This consultation is seeking your views on the policy approach for the subordinate legislation required to establish the procedure for Strategic Development Plans (SDPs) to be prepared across Wales by Corporate Joint Committee (CJCs) and associated matters. The Regulations will be called the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021.

If you have any queries on this consultation, please email:

[planconsultations-b@gov.wales](mailto:planconsultations-b@gov.wales) or telephone: 0300 025 3882.

#### **Data Protection**

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

**CONSULTATION FORM**

<b>The Town and Country Planning (Strategic Development Plan)                      (Wales) Regulations 2021</b>		
<b>Date:</b>		
<b>Name</b>	Dave Lucas	
<b>Organisation</b>	Caerphilly County Borough Council	
<b>Address</b>	Tredomen House, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7WF	
<b>E-mail address</b>	ldp@caerphilly.gov.uk	
<b>Telephone</b>	01443 866768	
<b>Type</b> (please select one from the following)	Business	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency / Other Public Sector	<input type="checkbox"/>
	Professional Bodies / Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self-help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

Q1	<b>Do you agree the SDP Regulations should broadly mirror the key stages and plan preparation requirements set out in the LDP Regulations, subject to the exceptions referred to?</b>	<b>X</b>
	To assist with your response please see paragraphs 4.1 - 4.4 of the consultation document	
	<b>Agree</b>	<b>X</b>
	<b>Disagree</b>	
<b>If not, please explain why</b>		
Agreed in principle, as the existing process is understood by many existing stakeholders.		

Q2	<b>Do you agree with the proposed approach to the Community Involvement Scheme (CIS) and Delivery Agreement (DA)?</b>	<b>X</b>
	To assist with your response please see paragraphs 4.6 - 4.7 of the consultation document on SDP Stage 1	
	<b>Agree</b>	<b>X</b>
	<b>Disagree</b>	
<b>If not, please explain why</b>		
Agree with the proposed approach, as it reflects the current approach for LDPs We support the use of electronic communications where possible, but also welcome the requirement for hard copies of key documents to be available at principal offices and key locations. This should include locations within each local authority area within the SDP geographical area to ensure that those that are digitally excluded are still able to participate in the plan-making process.		

Q3	<b>Do you agree with the list of general and specific consultation bodies listed in Annex 1?</b>	<b>X</b>
	To assist with your response please see paragraphs 4.6 - 4.7 and Annex 1 of the consultation document	

<b>Agree</b>	
<b>Disagree</b>	<b>X</b>
<b>If not, who else do you think should be considered for inclusion and why?</b>	
<p>Network Rail is listed as a specific consultation body. As the Core Valleys Lines network was transferred from Network Rail to Transport for Wales earlier in 2020, it is considered that Transport for Wales should also be listed as a specific consultation body, specifying where relevant.</p> <p>Under the specific consultation, 'Local Health Board' is listed. In the South East Wales Region, there are 3 Local Health Boards covering this area so this should be pluralised to 'Local Health Boards.'</p>	

<b>Q4</b>	<b>Do you agree with the two stage preparation and consultation approach proposed at Preferred Strategy and Deposit?</b>	
	To assist with your response please see paragraphs 4.11 - 4.13 of the consultation document on SDP Stages 2 - 4	
	<b>Agree</b>	<b>X</b>
	<b>Disagree</b>	
<b>If not, please explain why and what alternative approach you would suggest?</b>		
<p>As per question 1, agree with the process as it reflects the process used for LDPs.</p> <p>It must be acknowledged, however, that the use of the same terminology for both SDP and LDP (e.g. Preferred Strategy, Deposit) may lead to confusion for some stakeholders, particularly where the preparation of an SDP and an LDP for an area are being prepared concurrently, or where LDP Lites are being prepared where the specific absence of a Preferred Strategy stage is likely to cause confusion. Retitling the SDP stages would make it clearer.</p> <p>It is welcomed that the call for candidate sites for the SDP has been identified as the 'call for strategic locations and sites' as it would be hoped that this would assist site promoters in differentiating between the strategic sites that would support an SDP and non-strategic sites, which could be addressed through the LDP. Guidance, or clarification through the SDP Regulations, in respect of thresholds or parameters for identifying what Strategic Locations and Sites are would be welcomed.</p>		

<b>Q5</b>	<b>Do you agree with the particular elements of the procedures and requirements proposed for SDP preparation including proposals from pre-deposit to deposit stage?</b>	<b>X</b>
	To assist with your response please see paragraphs 4.8 - 4.13 of the consultation document on SDP Stages 2 - 4	
	<b>Agree</b>	<b>X</b>
	<b>Disagree</b>	
<b>If not, please explain why</b>		
As above, it is logical to mirror the existing process for LDPs.		

<b>Q6</b>	<b>Do you agree with the proposed approach for submission, examination and adoption of an SDP?</b>	<b>X</b>
	To assist with your response please see paragraphs 4.14 - 4.20 of the consultation document on SDP Stage 5	
	<b>Agree</b>	<b>X</b>
	<b>Disagree</b>	
<b>If not, please explain why</b>		
As above, it is logical to mirror the existing process for LDPs.		

<b>Q7</b>	<b>Do you agree with the proposed approach to monitoring, review and revision of an SDP?</b>	<b>X</b>
	To assist with your response please see paragraphs 4.21 - 4.23 of the consultation document on SDP Stage 6	
	<b>Agree</b>	
	<b>Disagree</b>	<b>X</b>
<b>If not, please explain why</b>		

Agree with the broad approach for monitoring, review and revision of the SDP as it reflects the process for LDPs.

However, Paragraph 4.23 states that the SDP regs will set out the requirement for the CJC to review its LDP no longer than 4 years from the date of adoption. This is the same time period as LDPs and this could lead to the situation where an LDP is being reviewed twice in quick succession where the LDP has been recently adopted before the SDP has been adopted. This situation could repeat itself any number of times. Keeping the review period for SDPs the same as that for LDPs also undermines the principle that the SDP should be setting a strategic framework and, as such, should extend beyond LDP timescales in order to effectively deliver that framework. It could be argued that, given its strategic nature the SDP should have a review period set at a third of the overall SDP period. In question 9 below it is suggested that the SDP plan period should be 20 years, which would effectively mean a review period for the SDP of 7 years, which would provide a sound strategic basis for the LDPs below it.

<b>Q8</b>	<b>Do you agree with the proposed approach for SDP withdrawal?</b>	<b>X</b>
	To assist with your response please see paragraphs 4.24 - 4.27 of the consultation document on SDP withdrawal	
	<b>Agree</b>	<b>X</b>
	<b>Disagree</b>	
<b>If not, please explain why</b>		
Agree with the proposed approach, as it reflects the current approach for LDPs		

<b>Q9</b>	<b>We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please report them</b>	
<p>Paragraph 4.10 of the consultation document states that <i>“Four years is considered a reasonable time to prepare a robust evidence base and allow opportunities for public engagement to test and seek views on the issues and options, spatial strategy, proposed allocations and supporting evidence in a robust and transparent manner, including alignment and integration with SA and Welsh language requirements.”</i></p> <p>Whilst we fully support the timely preparation of the SDP, timescales need to be realistic. Evidence from the experience of LDP preparation across Wales indicates</p>		

that it is difficult to prepare an LDP for a single LPA within a 4-year period. An SDP will undoubtedly be more complex, due to the number of local planning authorities involved, and will require a substantial evidence base to support it, much of which will be new or will require amending to ensure comparability across the region.

Furthermore, the procedural elements (for example the translation of documentation into the Welsh language), will prove to be a further challenge to the timescales. It is highly likely that a very significant number of representations will be received from a range of stakeholders across a wide geographical area which will require significantly more time to administer and process than the time taken for an individual LPA. Given these additional factors, 4 years is not considered to be a realistic timeframe within which all of this work can be undertaken.

The consultation document makes no reference to the plan period for the SDP. This is considered a matter that the Regulations should address. The Development Plans Manual (Edition 3) indicates that the Welsh Ministers may make regulations regarding this, and the intention would be for it to be 25 year minimum, with an operational period of 20 years when submitted for public examination.

We would support the identification of a long plan period (25 years) to provide long term policy direction in respect of key strategic areas. It is not considered necessary, however, so an operational period to be identified, as any delays in plan preparation between the base date of the plan and the submission for examination may result in an SDP that is well-progressed not meeting the regulations.

SDPs aim to introduce a more strategic approach to plan making, addressing issues that cross local authority boundaries, providing a more consistent, cost effective and efficient approach with key decisions taken once at the strategic level. This will allow larger than local issues such as housing numbers, strategic housing allocations, strategic employment sites, strategic green infrastructure routes and strategic transport infrastructure that cuts across a number of LPA areas to be considered and planned for in an integrated and comprehensive way. However, there is significant potential for the SDP to cross into matters that are more appropriately set out at LDP level, such as housing or employment land apportionment to individual LPAs, or elements of waste management or minerals, which could give rise to potential conflicts between the two tiers of development plan. To avoid potential conflict the Regulations should set out the matters that will be addressed by the SDP and those that will be the responsibility of the LDPs

**Q10**

**Other questions**

**We would like to know your views on the effects that the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh**

**language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

It should be acknowledged that the requirements of the Welsh Language Standards in respect of bilingual documentation, will have a significant impact on the timescales for plan preparation due to the need to factor in sufficient translation time for key documents. This is particularly difficult in respect of those parts of the evidence base that are long and/or technical in nature. This may potentially lead to a reduction in the publication of evidence base material, at the detriment to all representors.

This could be addressed by a clear statement that, in respect of technical parts of the evidence base, only an executive summary would be required to be published bilingually.

**Q11 Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

The four-year timescale should be extended to account for the additional time for the translation of documentation.

As above, the regulations should be clear that only the executive summaries of technical documents should be bilingual.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here

### **How to respond**

Please submit your comments by 4 January 2021 in any of the following ways:



Email	Post
<p data-bbox="220 275 695 342">Please complete the consultation form and send it to:</p> <p data-bbox="220 360 676 394"><a href="mailto:planconsultations-b@gov.wales">planconsultations-b@gov.wales</a></p> <p data-bbox="220 434 711 577">[Please include '<b>Strategic Development Plan (SDP) Regulations Consultation</b>' in the subject line]</p>	<p data-bbox="774 275 1385 342">Please complete the consultation form and send it to:</p> <p data-bbox="774 360 1453 647">Strategic Development Plan (SDP) Regulations Consultation Plans Branch Planning Directorate Welsh Government Cathays Park Cardiff CF10 3NQ</p>