



## COUNCIL – 19TH JANUARY 2021

**SUBJECT: 2<sup>ND</sup> REPLACEMENT CAERPHILLY COUNTY BOROUGH  
LOCAL DEVELOPMENT PLAN UP TO 2035 – DRAFT  
DELIVERY AGREEMENT**

**REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES**

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### **1. PURPOSE OF REPORT**

- 1.1 To seek Council approval to consult on the 2nd Replacement Caerphilly County Borough Local Development Plan up to 2035 Draft Delivery Agreement for nine weeks, commencing Monday 25<sup>th</sup> January 2021 and concluding Monday 29<sup>th</sup> March 2021.

### **2. SUMMARY**

- 2.1 The Council resolved to commence a full revision of the Caerphilly County Borough Local Development Plan up to 2021 (Adopted LDP) at the Council meeting held on 23 October 2019.
- 2.2 The first stage in the preparation of the 2nd Replacement Caerphilly County Borough Local Development Plan up to 2035 (2RLDP) is to prepare a Delivery Agreement (DA) which includes:
- The timetable for the delivery of the 2RLDP;
  - The Community Involvement Strategy (CIS) – which sets out who will be consulted and when.
- 2.4 The Draft DA is required to be the subject of consultation and Members will recall that Council gave approval to consult on a Draft DA for consultation for six weeks, commencing March 2020. However, due to the unprecedented circumstances surrounding COVID-19, the consultation was cancelled.
- 2.5 A revised Draft DA, including a new CIS and timetable for delivery of the 2RLDP, has been produced. To reflect recent Covid-19 restrictions, it is proposed to publish this Draft DA for consultation for nine weeks, to allow more time for engagement in the process, commencing Monday 25<sup>th</sup> January 2021 and concluding Monday 29<sup>th</sup> March 2021.

### **3. RECOMMENDATIONS**

- 3.1 That Council agrees the Draft DA for consultation;
- 3.2 That the Draft DA be subject of a nine-week consultation period commencing Monday 25<sup>th</sup> January 2021 and concluding Monday 29<sup>th</sup> March 2021.

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

- 4.1 To comply with the requirements of Regulation 9 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended).

### **5. THE REPORT**

#### **Background**

- 5.1 Members will be aware that the Council resolved to commence a full revision of the Adopted LDP at the meeting on 23<sup>rd</sup> October 2019. The preparation of a new plan is a time and resource intensive exercise and Welsh Government guidance requires plans to be prepared within three and a half years from commencement, with the option of a single slippage period of three months.
- 5.2 The Council is required to prepare a DA as part of the 2RLDP that sets out the timetable for delivery and identifies who will be involved and when they will be involved in the process. The DA is required to be the subject of consultation and the Draft DA has been prepared as the vehicle for this consultation.

#### **The Draft Delivery Agreement**

- 5.3 The preparation of the Draft DA is a key requirement in preparing the 2RLDP. The Draft DA is a succinct public statement that contains:
- A Timetable for preparing the 2RLDP  
This details when various stages of plan preparation will take place. The timetable is included in Part 2 of the Draft DA which is appended to this report as Appendix 1.
  - A Community Involvement Scheme (CIS)  
This sets out the Council's principles, strategy and mechanisms for full, early and continuous community and stakeholder engagement throughout the 2RLDP preparation process. Once approved, the Council will need to comply with the requirement for community engagement set out in the CIS. The CIS is included in Part 3 of the Draft DA which is appended to this report as Appendix 1.
- 5.4 The DA forms an important and legal part of the 2RLDP preparation process. Delivery of the 2RLDP in accordance with the DA will be an important test of the 'soundness' of the Plan. Both the content of the DA and the way in which the Council implements it are, therefore, fundamental to the overall success of the 2RLDP.
- 5.5 In respect of the level of consultation required, Paragraph 3.16 of the Development Plans Manual (Edition 3, 2020) states:

*Local Planning Authorities should consider the most appropriate level and form of involvement for their DA to suit the local context and in particular, ensure the WBFGA 2015 collaboration and involvement ways of working are duly addressed.*

- 5.6 A Draft DA was previously approved by Council for consultation in March 2020. However, due to the devastating effects of COVID-19, which meant the timetable and CIS were no longer deliverable, the consultation was cancelled.
- 5.7 Whilst the future and on-going effects of COVID-19 are still unknown, there is an urgent need to progress the 2RLDP to assist in the regeneration of the county borough and to provide a robust and up-to-date policy framework to guide development decisions.
- 5.8 The Draft DA attempts to address the risks and issues that may occur as a result of COVID-19 and the Regulations that may be in place to control the virus, including social distancing and seeking innovative methods to consult during this time. Should additional opportunities arise during the plan preparation process, especially where restrictions continue to be lifted, every effort will be made to respond to these.
- 5.9 Whilst the 2020 Draft DA version proposed a six-week consultation, in response to Covid-19 and the latest restrictions, it is proposed to undertake a nine-week consultation to allow more time for engagement, commencing Monday 25<sup>th</sup> January 2021 and concluding Monday 29<sup>th</sup> March 2021. The Draft DA consultation will be publicised as follows:
- Information and all documentation will be placed on the Council's website and advertised through social media channels;
  - Leaflets will be delivered to every household within the county borough advising of the 2RLDP process and how to get involved;
  - We will directly contact specific consultees, general consultees, Community and Town Councils, planning consultants, house builders, Registered Social Landlords and other organisations with details on how to respond.
- 5.10 Following the conclusion of the consultation a Report of Consultation will be prepared and the Draft DA will be amended to reflect any comments where appropriate. The final, amended DA will be reported to Council in June 2021 seeking the Council's approval of the document and agreement to forward it to Welsh Government for its approval in accordance with the LDP regulations.
- 5.11 Welsh Government has four weeks to consider the DA and to issue its decision. The approval of the DA by Welsh Government marks the formal start of the period for preparing the 2RLDP and the Council is then committed to the 3½ year timetable and the consultation processes set out in the DA.
- 5.12 In summary the timetable for preparation of the 2RLDP is as follows:

Definitive Stages	Timescale
<b>Delivery Agreement</b>	<b>Nov 2020 – July 2021</b> 9-week consultation (25 <sup>th</sup> January – 29 <sup>th</sup> March, 2021) Final DA reported to Council – June 2021 Submission to WG by June 2021 (response to Local Planning Authority to be received within 4 weeks)

<b>Pre-Deposit Participation</b>	<b>July 2021 – July 2022</b> Report to Council on draft Preferred Strategy and Integrated Strategic Assessment (ISA) – June 2022
<b>Preferred Strategy (Pre-Deposit) Consultation</b>	<b>June – July 2022</b> Preferred Strategy – 6-week consultation (with optional additional 2 weeks if required) Report to Council on draft Deposit Plan and ISA – January 2023
<b>Statutory Deposit Plan Consultation</b>	<b>February – March 2023</b> Deposit Plan – 6-week consultation (with optional additional 2 weeks if required) Prepare the Report of Consultation Report to Council on submission of Deposit 2RLDP and ISA to Welsh Government for examination – January 2024
<b>Indicative Stages</b>	
<b>Submission of 2RLDP to Welsh Government</b>	<b>February 2024</b>
<b>Independent Examination</b>	<b>March - October 2024</b>
<b>Inspector's Report</b>	<b>November 2024</b>
<b>Adoption</b>	<b>December 2024</b> (must be adopted within 8 weeks of receiving the Inspector's binding report) Publication of ISA Adoption Statement

## Conclusion

- 5.12 Council agreed to a full review of the Adopted LDP in October 2019.
- 5.13 The DA is an important and integral part of the 2RLDP preparation process. Members approved a Draft DA consultation in March 2020. However, this consultation was cancelled as a result of COVID-19 and the inability to adhere to the Draft DA CIS and timetable for delivery.
- 5.14 A revised DA, comprising an updated CIS and timetable has now been produced and approval is sought to undertake a nine-week consultation on this revised DA in a manner that adheres to COVID-19 Regulations and guidelines.
- 5.15 Following this, a final DA will be reported to Council, along with a Report of Consultation, in June 2021 for approval and agreement to submit the DA to Welsh Government.

## 6. ASSUMPTIONS

- 6.1 No assumptions have been made in this report.

## 7. LINKS TO RELEVANT COUNCIL POLICIES

7.1 The following Council plans and policies are relevant:

### **Corporate Plan 2018-2023.**

7.2 As the key land use planning document for the Council, the 2RLDP assists in delivering the 6 Corporate Plan Objectives:

#### Objective 1 - Improve education opportunities for all

The 2RLDP will provide the local planning framework to assist in the delivery of the land use aspects associated with this objective, including:

- Tackling poverty
- Providing economic conditions to encourage economic growth and skills development
- Assist in the delivery of the City Deal Digital Strategy
- Providing the land use framework to deliver the right schools in the right places

#### Objective 2 - Enabling employment

The 2RLDP will identify land to facilitate the development needs of new employers and the expansion of existing businesses.

#### Objective 3 - Address the availability, condition and sustainability of homes throughout the county borough and provide advice, assistance or support to help improve people's well-being

The 2RLDP will set out the local framework to deliver the range and quality of housing to meet this objective and its outcomes through policies supporting sustainable levels of housing development to meet the needs of all residents.

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

The 2RLDP will provide the local level framework that will assist in the delivery of the South East Wales Metro programme, which seeks to deliver a transformative transport system that increases accessibility throughout the County Borough and the wider region.

#### Objective 5 - Creating a county borough that supports a healthy lifestyle in accordance with the sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015

The 2RLDP will set out the local policy framework that will facilitate the creation of healthier places, providing opportunities to create environments that engender healthy lifestyles, whilst ensuring access to much needed housing and employment opportunities.

#### Objective 6 - Support citizens to remain independent and improve their well-being

The 2RLDP will set out the local policy framework that will facilitate the support infrastructure and services necessary to support the residents of the county borough. It will also set out requirements as for new homes, job opportunities that will provide employment and homes for the county borough's residents, assisting them to remain independent as well as improving their well-being.

## **Adopted Caerphilly County Borough Local Development Plan up to 2021**

- 7.3 The Adopted LDP is the Council's principal land-use strategy and sets out the principles of how the county borough will develop and grow in the future. Council resolved to commence a full revision of the Adopted Caerphilly County Borough Local Development Plan up to 2021 at the Council meeting held on 23 October 2019. The 2RLDP will supersede the Adopted LDP as the Council's statutory corporate land use strategy document. The DA sets out the delivery timetable and mechanisms for the 2RLDP preparation process.

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

- 8.1 The LDP is the strategic land use document for the county borough setting out how and where sustainable development will be delivered. It is a cross-cutting plan that considers issues around housing, employment, transport, infrastructure, community facilities, education facilities, leisure and tourism, heritage and environmental assets. The 2RLDP will set a framework to deliver all seven 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

- 8.2 The five ways of working are integral to the preparation of the 2RLDP. The 2RLDP will demonstrate the five ways of working:

- Long Term – The preparation of the 2RLDP is about planning for the future (typically a 15-year plan period) in a sustainable way.
- Prevention – plan preparation is built on a robust evidence base which considers key issues and how to respond to them in a manner that prevents any issues deteriorating and seeks to address key land use matters
- Integration – the preparation of the 2RLDP will be bring together all land use planning issues relevant at a local level involving our partners, residents, visitors, employers and service providers in the formulation of the Plan. The 2RLDP will also need to be in general conformity with other planning tiers, including Future Wales – The National Plan 2040 and the Strategic Development Plan (SDP).
- Collaboration – the preparation of the 2RLDP will be a key collaboration project reflecting the land use priorities of multiple Council departments and Public Service Board Partners, as well as external stakeholders.
- Involvement – preparation of the 2RLDP will provide numerous opportunities to engage with our stakeholders, residents and customers, including the business community and will ensure that a wide range of views inform the plan and decision-making process.

## **9. EQUALITIES IMPLICATIONS**

- 9.1 It is a requirement that the 2RLDP is the subject of an integrated impact appraisal that will include Strategic Environmental Assessment, Sustainability Appraisal, Health Impact Assessment, Equalities Impact Assessment and Welsh Language Impact Assessment, among others. As such equality issues will be addressed as part of the ISA for the 2RLDP.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 There are no direct financial implications arising as a result of this report.

## **11. PERSONNEL IMPLICATIONS**

- 11.1 There are no personnel implications arising as a result of this report.

## **12. CONSULTATIONS**

- 12.1 All responses from consultees have been incorporated into the report.

## **13. STATUTORY POWER**

- 13.1 The Town and Country Planning Act 1990 (as amended) and the Planning and Compulsory Purchase Act 2004 require the Council to prepare and keep under review the LDP for the County Borough to act as a single framework for the control and use of land within its administrative boundary.
- 13.2 The Local Government Act 1998. The Local Government Act 2003. The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended). The Planning (Wales) Act 2015.

Author: Lisa James, Principal Planner, Strategic Planning  
jameslm@caerphilly.gov.uk

Consultees: Cllr Sean Morgan, Deputy Leader and Cabinet Member for Economy and Enterprise  
Cllr Roy Saralis, Chair of Planning Committee  
Cllr Andrew Whitcombe, Chair of Housing and Regeneration Scrutiny Committee  
Cllr Christine Forehead, Vice-Chair of Housing and Regeneration Scrutiny Committee  
Christina Harray, Chief Executive  
Mark S Williams, Interim Corporate Director Communities  
Steve Harris, Head of Financial Services and Section 151 Officer  
Robert Tranter, Head of Legal Services & Monitoring Officer  
Keri Cole, Chief Education Officer  
Sue Richards, Head of Education Planning & Strategy  
Lynne Donovan, Head of People Services  
Rhian Kyte, Head of Regeneration and Planning  
Marcus Lloyd, Head of Infrastructure  
Rob Hartshorn, Head of Public Protection, Community and Leisure

Services

Mark Williams, Interim Head of Property Services

Shaun Couzens, Chief Housing Officer

Kath Peters, Corporate Policy Manager

Anwen Cullinane, Senior Policy Officer, Equalities, Welsh Language and Consultation

Ryan Thomas, Planning Services Manager

Dave Lucas, Team Leader, Strategic Planning

Appendices:

Appendix 1 – 2<sup>nd</sup> Replacement Caerphilly County Borough Local Development Plan up to 2035 - Draft Delivery Agreement, January 2021