



COUNCIL – 1ST JUNE 2021

SUBJECT: ADOPTED CAERPHILLY COUNTY BOROUGH LOCAL DEVELOPMENT PLAN UP TO 2021: REVIEW REPORT

REPORT BY: CORPORATE DIRECTOR FOR ECONOMY AND ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To report to Council the outcome of the consultation on the Draft Review Report and to obtain Council endorsement of the amended Review Report and agreement to submit it to Welsh Government as the Council's formal Review Report.

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 LDP Regulations require that a Review Report be prepared by the Council that needs to consider:
- 1 How the plan strategy, aims and objectives are being delivered;
 - 2 Any significant changes in circumstances brought about by changes to the evidence base or contextual framework;
 - 3 How the policy framework and allocations in the plan are being delivered;
 - 4 The 6 Annual Monitoring Reports [AMR]; and
 - 5 Whether a revision of the plan is necessary and what options for the revision should be taken.
- 2.3 It is a requirement for the Council to consult their stakeholders in the preparation of the Review Report and therefore the Draft Review Report was the subject of a 3-week consultation process starting on the 24 February 2020 which concluded on 16 March 2020.
- 2.4 A total of 16 submissions were received that raised 50 substantive comments, 9 of which were in support. Amendments have been made to the Draft Review Report and this report seeks the Council's endorsement of the Final Review Report and agreement to submit it to Welsh Government in accordance with the LDP

Regulations.

3. RECOMMENDATIONS

- 3.1 That Council endorses the amended Review Report and agrees for its submission to Welsh Government.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To comply with the requirements set out in the Town and Country Planning (Local Development Planning) Regulations 2005 (as amended).

5. THE REPORT

- 5.1 As members will be aware the Council resolved to commence a full review of the Adopted Caerphilly County Borough Local Development Plan (LDP) in October 2018. Regulation 41 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended) [LDP Regs] requires that a local planning authority [LPA] must prepare and approve a Review Report following a decision by the Council to commence a review of the LDP.

- 5.2 The purpose of the Review Report is to set out the reasons for taking the decision to review the plan and the justification for what form the review of the plan would take. In addition, the Review Report is required to consider:

- The plan strategy, its aims and objectives;
- Any significant changes in circumstances brought about by changes to the evidence base or contextual framework;
- The policy framework and allocations in the plan;
- The 6 Annual Monitoring Reports [AMR]; and
- The options for undertaking a revision to the plan.

- 5.3 It is a requirement for the Council to consult with stakeholders in the preparation of their Review Report, although there is no prescribed format or duration for the process. On 12 February 2020 the Council resolved to consult on the Draft Review Report for a three-week period from 24 February 2020 to 16 March 2020.

Public Consultation

- 5.4 The public Consultation was publicised on the following ways:
- Letters or emails were sent directly to the Specific and General Consultation Bodies (set out in the Delivery Agreement), which include Welsh Government, Natural Resources Wales, our PSB partners, Cadw the CCR authorities, local & neighbouring community and town councils and other stakeholders.
 - The consultation was placed on the LDP consultation web page and received 57 page views/hits

- The Council's Communications Team published a news story on the Council's website ("Land use blueprint under review") that received 666 page views/hits. Further to this links to the news story were placed on the CCBC Facebook page that reached 3589 followers.
 - The Council's Communications Team published a second news story on the Council's website ("Local Development Plan Consultation") that received 360 page views/hits. Further to this links to this news story were placed on the CCBC Facebook page that reached 5481 followers.
 - All Draft DA information, including an online representation form, was published on the Council's website. There were 9908 views on LDP pages, of which 864 clicked on the LDP consultation page.
- 5.5 Following the consultation on the Draft Review Report the first Covid lockdown was imposed and progress on the Review Report was stalled to reflect the situation. It was intended to run the Review Report and the Delivery Agreement processes together and submit them at the same time to Welsh Government as they are both part of the initial phase of the LDP preparation process. However, the Draft Delivery Agreement consultation had only just started when the Covid Lockdown was implemented and that meant the consultation on the Draft Delivery Agreement had to be abandoned. Due to the rapidly changes circumstance surrounding Covid, the Draft Delivery Agreement consultation was held in Abeyance until 25 January 2021.
- 5.7 As a result of the consultation 16 submissions were made in respect of the Draft Review Report. These submissions raised 50 substantive comments, 9 of which were in support. These comments are summarised in the Report of Consultation on the Draft Review Report which is attached as Appendix 1.
- 5.8 The Report of Consultation summarises the issues raised as part of the consultation, provides an officer response to the issues and recommends a course of action in respect of each of the issues. A large number of the issues related to the proposed policy content of the 2nd Replacement LDP. The Review Report is not the vehicle for considering the policy content of the emerging plan and, as such these issues did not give rise to any changes to the Draft Review Report.
- 5.9 Of those issues that addressed the content of the Review Report two amendments are proposed relating to the issue of Area Assessments in respect of Green Infrastructure. It should also be noted that, due to the legislative and background changes that took place since the consultation on the Draft Review Report, the report required changes to update the factual content to reflect the current position for the emerging LDP. A summary list of changes to the Draft Review Report are set out in Section 5 of the Report of Consultation (Appendix 1). The amended version of the Review Report is also attached to this report as Appendix 2.
- 5.10 Whilst not directly relating to the content of the Review Report, one of the main issues raised related to the commencement of the LDP review before work had commenced on the Strategic Development Plan. The reasons for undertaking the immediate review of the LDP are set out in the Council Report that was considered and agreed by Full Council in October 2019. There are 3 tiers to the complete development plan system in Wales, namely the National Development Framework at national level (Future Wales), the Strategic Development Plan at regional level and the LDP at local authority level. As part of their preparation a lower tier plan must be in general conformity with the tiers above it, so in this way the SDP needs to be in general conformity with Future Wales and the LDP needs to be in general conformity

with both the SDP and Future Wales.

- 5.11 As Future Wales was published in February 2021, the LDP will need to ensure it is in general conformity with it. Work has yet to commence on the SDP and it is highly unlikely that work on the SDP will be concluded before the emerging LDP is adopted. Consequently, conformity with the SDP is unlikely to be an issue for the emerging LDP. However, the emerging content of the SDP will be taken into account in the preparation of the LDP to ensure that the LDP is, as far as is possible, in conformity with the emerging SDP. In doing so it is hoped that the emerging LDP will be in general conformity with the SDP when it is adopted, and this will ensure that the LDP would not need to be reviewed immediately after the adoption of the SDP.
- 5.12 The Review Report, once agreed by Council, is required to be submitted to Welsh Government to satisfy the requirements of the LDP Regulations.

Conclusion

- 5.13 The Council resolved to commence a full review of the LDP in October 2019.
- 5.14 The Draft Review Report was prepared and was the subject of a 3-week consultation period from 24th February to 16th March 2020. As a result of the consultation 16 submissions raising 50 issues were received. The issues are addressed in the Report of Consultation on the Draft Review Report (Appendix 1)
- 5.15 Due to the impacts of the Covid lockdown and the cancellation of the initial consultation on the Draft Delivery Agreement, progress on the Review Report had been held in abeyance. Consultation on the Draft Delivery Agreement was commenced in January 2021 and progress on the Review Report was restarted.
- 5.16 Amendments have been made to the Draft Review Report as a result of the issues raised during consultation and to reflect changing circumstances since the Draft Review Report was prepared. The amended Review Report is included as Appendix 2 to the report and it is this document that the report seeks the members endorsement on. Following endorsement from Council the Review Report will be submitted to Welsh Government in accordance with the LDP Regulations.

6. ASSUMPTIONS

- 6.1 No assumptions have been made in respect of this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 The Review Report is a factual document that sets out what a replacement plan will need to address as part of its preparation. The Review Report does not contain any actions, policies or proposals that could give rise to the potential for adverse impact on any of the IIA.
- 7.2 The Review Report references the relevant parts of the IIA as matters that the emerging LDP will need to take into account through its preparation, as well as identifying the requirement for the emerging plan to be the subject of an Integrated Sustainability Appraisal (ISA).
- 7.3 The Review Report was the subject of consultation and changes to the report have been made in respect of the submissions received. Documents were made available

on the website and as hard copy on request in both Welsh and English.

7.4 Overall the Review Report does not give rise to any issues in respect of the IIA.

Link to full Integrated Impact Assessment

https://www.caerphilly.gov.uk/CaerphillyDocs/IIA/IIA_ReviewReportAdoption_Mar2021

8. FINANCIAL IMPLICATIONS

8.1 There are no financial implications directly arising from the report.

8.2 The Council resolved in October 2019 that budgetary provision be made available where necessary to fund the preparation of the 2nd Replacement Local Development Plan.

9. PERSONNEL IMPLICATIONS

9.1 There are no personnel implications arising from this report.

10. CONSULTATIONS

10.1 All responses from consultees have been incorporated into this report.

11. STATUTORY POWER

11.1 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, a development plan to act as a single framework for the control and use of land within its administrative boundary.

11.2 The Planning (Wales) Act 2015 and the Town and Country Planning (Local development Plan) (Wales) Regulations require the Council to prepare, consult on and submit Welsh Government a Review Report following the Council decision to commence a Review of the Adopted LDP.

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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 Harrhy, Chief Executive
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Keri Cole, Chief Education Officer
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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
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Background Papers:

None

Appendices:

- Appendix 1 Caerphilly County Borough Local Development Plan up to 2021 – Draft Review Report – Report of Consultation
- Appendix 2 Caerphilly County Borough Local Development Plan up to 2021 – Review Report