

<b>MEETING:</b>	<b>The Full Council</b>
<b>DATE:</b>	28 June 2021
<b>CABINET MEMBER:</b>	Councillor Gareth Griffith
<b>TITLE:</b>	The process for reviewing the Local Development Plan
<b>OBJECTIVE:</b>	Report to explain the process for reviewing the Local Development Plan
<b>CONTACT OFFICER:</b>	Gareth Jones - Assistant Head of Department

## 1 Introduction

- 1.1 The Planning and Compulsory Purchase Act 2004 notes that a Local Development Plan needs to be reviewed four years after its adoption. The Joint Local Development Plan (JLDP) was adopted on 31 July 2017 and, therefore, in accordance with the statutory requirement, 31 July 2021 is the date when the reviewing process can commence. This report outlines an overview of the steps required when undertaking a review and then the subsequent revision of the Local Development Plan.

Statutory Review		
1	PCPA 2004 (section 69) and Regulation 41	Statutory plan review at intervals of no longer than 4 years from the date of adoption. This may be triggered earlier if linked to plan end dates, plan preparation timescales or the LPA voluntarily reviewing a plan.

- 1.2 [The Town and Country Planning \(Local Development Plans\) \(Wales\) Regulations 2005](#) and the [Town and Country Planning \(Local Development Plan\) \(Wales\) \(Amended\) Regulations 2015](#) set out the steps that must be taken when preparing a Local Development Plan or revising a Local Development Plan. The regulations set out different steps in order to undertake a short form revision or a full revision of the plan and the relevant steps have been set out in this report. It should be noted that each procedure is quite different and it is not optional which procedure will need to be followed. Welsh Government guidance clearly outlines the circumstances where one or the other procedure should be followed.
- 1.3 Before embarking on a revision of the LDP, the existing plan must be reviewed and a Review Report must be prepared, this initial step has been set out in section 2 below. What will be different when reviewing the existing plan and the subsequent revision is that the process will not be starting from the start in the absence of any evidence. The existing Plan, the evidence base and the Annual Monitoring Reports (AMR) (that outline the performance of the JLDP since its adoption), are all important evidence that will be considered when undertaking the revision of the Plan.

## 2. Initial step

## Review Report

- 2.1 The purpose of the Review Report is to examine all evidence that is relevant to the JLDP and to come to a conclusion regarding the type of revision which will be undertaken. This could be a full revision, which amounts to preparing a new Plan, or a short form revision, which amounts to amending specific elements of the existing Plan.
- 2.2 As outlined in the [Development Plans Manual \(Edition 3\) March 2020](#) a review report should be published within 6 months of the date that is 4 years following the adoption date (6 months from 31 July 2021) in the case of the JLDP by the end of January 2022. The Review Report should be brief and concise and should outline the following:
- What information is considered to inform plan review and why?
  - How the findings impact on the vision, aims and objectives of the plan, including implementation of the strategy
  - A review of each plan topic area clearly identifying what needs to change and which parts of the evidence base require updating to support the changes
  - The implications for those parts of the plan not proposed to be amended in terms of coherence and effectiveness of the plan as a whole
  - A reconsideration of the SA/SEA and HRA
  - Explore and explain the opportunities to prepare JLDPs/JLDPLs with neighbouring LPAs and increase cross-boundary working
  - Clear conclusions on why the full, or SFR procedure is to be followed.
- 2.3 As part of the Review Report preparations and when preparing the amended JLDP, full consideration will need to be given to the following matters:
- Any changes in legislation since the adoption of the Local Development Plan and changes in Government guidelines such as [Development Plans Manual \(Edition 3\) March 2020](#)
  - National and local contextual changes - for example,
    - ['Future Wales': The National Plan 2040](#) (National development framework)
    - the latest situation of the Wylfa Newydd scheme
    - impact and recovery following Brexit and Covid-19 across the Plan area
    - The Strategic Development Plan that will be prepared for the north Wales region during the next few years.
    - the north Wales Growth Bid
    - The research paper on managing the use of dwellings as holiday homes, Second homes – developing new policies in Wales (Dr Simon Brooks) and any other relevant research
  - Any strategies in place by Councils and ensure that the Plan corresponds with them, for example housing strategies, economic development strategies.

- Review the plan policies to ascertain how they are performing and whether they need to be amended or not. Any changes to the Plan must be based on sound evidence.
- All assessments and topic and evidence papers which were prepared to support the adopted plan will need to be re-examined.

2.4 As outlined above, a conclusion will need to be drawn on the type of revision, and whether it will be a full revision (i.e. a replacement Plan) or a short form revision. The evidence base to support the Review Report will mainly be the Annual Monitoring Reports, which outline the performance of the LDP thus far.

### 3. Evidence Base

3.1 The evidence base is the foundation of a development plan. The evidence base should be relevant and proportionate to the matters the plan seeks to address.

3.2 As outlined earlier in this report, the process will not start from scratch without any evidence as there is an adopted Plan in place. Any gaps in the existing evidence will need to be identified and it must be ensured that the evidence is updated. The Annual Monitoring Reports will be part of the evidence base. Background evidence papers will also need to be updated to steer any amendments to the JLDP.

### 4. STEPS TO UNDERTAKE A FULL REVISION OF THE PLAN

4.1 The steps to undertake the revision depend on the conclusions of the Review Report. Should the Review Report conclude that a full revision is required, then the process of preparing a replacement plan must be followed. In accordance with the Town and Country Planning (Local Development Plans) (Wales) 2005, the steps noted below must be followed. The time scales as noted in the Development Plans Manual for a full revision have been included in table 1 below:

Table 1

Full Revision Steps		
Step		Indicative Timetable (Development Plans Manual)
Step 1	Delivery Agreement and Community Involvement Scheme (Regulation 9)	Up to four weeks for Welsh Government approval (usually shorter)
Step 2	Candidate Sites (Regulation 14(2))	Approximately 1.5 years
Step 3	Strategic Options and Preferred Strategy (regulation 14 15)	
Step 4	Deposit Plan (Regulation 17)	Approximately one year

Step 5	Submit the Plan to Welsh Government (Regulation 22)	Approximately 11 months in accordance with the procedural guidelines of the Planning Inspectorate
Step 6	Public examination (Regulation 23)	
Step 7	Publish the Inspector's Report (Regulation 24)	
Step 8	Adoption (Regulation 25)	
		Total time to prepare the plan <b>three and a half years</b> (as well as a three-month slippage period)

More detailed information is provided below regarding the steps referred to in table 1.

### **Step 1 - Delivery Agreement and Community Involvement Scheme**

- 4.2 This is a statutory step that is set out in Regulation 9 of the Town and Country Planning (Local Development Plans) (Wales) 2005. Welsh Government considers the Delivery Agreement (DA) to be an essential project management tool, the DA sets out the timetable to produce the plan following the statutory regulations.
- 4.3 The DA includes the Community Involvement Plan, which outlines how individuals, agents, organisations and others can be part of the process of drawing up the plan and how and when they can contribute. The Delivery Agreement will be subject to a public consultation, and it must be agreed upon by Welsh Government. An agreement from Welsh Government on the Delivery Agreement will note the formal commencement of the revision process. The Councils will be committed to the timetable outlined in the Delivery Agreement. Should the DA need to be revised due to slippage in the timetable, this must be agreed upon by the LPAs and Welsh Government. The Development Plans Manual notes 'An amended timetable when preparing the plan should only be considered under extreme circumstances'
- 4.4 As noted above, the process of preparing a new plan will not commence until the Delivery Agreement has been prepared and agreed by Welsh Government. Following this step, the Development Plans Manual notes a period of 3.5 years in order to prepare the Plan. This timetable will need to be reflected within the Delivery Agreement of the JLDP.

### **Step 2 Candidate Sites**

- 4.5 When preparing the amended plan, depending on the evidence gathered when preparing the Review Report, additional or alternative sites for development may need to be identified. Therefore, the first formal step in the process after the publication of the DA is to call for candidate sites. This is an important part of formulating the plan and site promoters will be required to provide sound evidence to indicate that their sites are sustainable, are able to be progressed and are viable. It is noted that sites

should be submitted during this period, as it is unlikely that sites brought forward outside the process will be included as part of the plan. It will be made clear that submitting a site does not automatically mean that a site is suitable for development and to be included in the plan. There will be an opportunity to submit representations on any site that may be considered for allocation using statutory consultations that are noted in steps 3 and 4 below.

### **Step 3 Strategic Options and Preferred Strategy**

- 4.6 While developing the Preferred Strategy, public involvement will be essential when developing the evidence base, strategic options, associated strategy and proposals, including candidate sites. When developing options, it will be important to ensure that they are genuine, reasonable, reflect the evidence gathered and issues/objectives of the plan and meet the needs of the area, that they are deliverable within the period of the plan, comply with national policies, complement regional or local initiatives and are flexible and sustainable. LPAs should consider how appropriate previously-considered options are, including new alternative options.
- 4.7 As highlighted above, a revision of the LDP will not mean starting from the beginning. The revision process relates to reusing and validating the existing evidence as well as filling gaps in the evidence and developing new options. The document will note the general growth levels, key sites that are necessary to deliver the plan (including a viability assessment). The contents of this document will respond to matters raised in the Review Report and the evidence gathered.
- 4.8 The preferred strategy will be the subject of a statutory consultation, this will be an opportunity for the public, stakeholders, agents and others interested in the process of preparing the LDP to voice their opinions.
- 4.9 It will be necessary to ensure that consideration is given to the current context of the plan area and that the document reflects this. Any change in legislation, changes to national policy must be considered and which policies have proved effective and which have not.
  - Identify the key issues, challenges and drivers for the area (economic, environmental, social and cultural aspects) including the requirements of national, regional and local strategies. Evaluate if the key issues for the adopted plan are still relevant, to what degree and have new issues arisen.
  - Set out a vision for the plan, unique to local circumstances, with overarching objectives that respond to the key issues.
  - The Preferred Strategy must pass the gateway test set out in Planning Policy Wales incorporating the Placemaking approach and site search sequence, a clearly expressed spatial strategy and settlement hierarchy, based on the role and function of places, the Sustainable Transport Hierarchy, need and supply factors and sustainable development.
  - Define the proposed scale of future growth in population, housing and employment, based on an analysis of various growth options and express how it will be delivered, e.g. broad ranges of components (commitments/windfall/small sites/allocations etc.)

- Express housing and economic growth levels in the settlement hierarchy and places.
- Key sites/growth areas to deliver the plan spatially identified on a Proposals Map, supported by master planning principles, concept diagrams and a Constraints Map.
- The broad timing/phasing for housing and economic growth, including infrastructure.
- Key strategic policies to deliver the vision, objectives and strategy.
- Development management policies (retained/amended from the adopted plan).
- Viability assessments for all sites, with detailed appraisals for key sites.
- List of Supplementary Planning Guidance to be prepared and prioritised.

#### **Step 4 - Deposit Plan**

- 4.10 The Deposit Plan is the complete plan which will be submitted to Welsh Government for examination. It will include the strategy, strategic objectives, development control policies, designations for development and monitoring framework. The deposit plan will be required to address key matters and objectives noted throughout previous steps, respond to the matters raised in previous consultations and as outlined above and it will be required to be supported by a sound evidence base. Proposals maps and inset maps will be part of the Deposit Plan, these maps will identify all housing and employment designations.
- 4.11 The Deposit Plan is the plan the Councils consider is sound (that meets soundness tests noted in appendix 1) and intends to submit for examination.
- 4.12 The Deposit Plan will be subject to a statutory consultation stage (at least 6 weeks). This public consultation will be an opportunity make representations on the contents of the document that will be submitted to the Welsh Government for examination. The observations received will be submitted alongside the Deposit Plan and supporting documents to Welsh Government.

#### **Step 5 - Submission**

- 4.13 Among other considerations, prior to submission, it will be necessary to ensure the evidence base is up-to-date, consider whether there is a need to respond to representations received during the deposit period or if there are implications for the Plan. When the Plan is submitted to Welsh Government for an Independent Examination, this step will need to be publicised and ensure that relevant documents are available.

#### **Step 6 - Public Examination**

- 4.14 An Independent Inspector will be appointed by Welsh Government in order to undertake an independent examination of the JLDP. The purpose of the Examination will be to consider whether the Plan is sound and based on sound and accurate evidence. The Inspector will be supported by a Programme Officer, who will be employed by the LPA. The Programme Officer is the contact between the LPA, the

participants and the Inspector. They will operate independently from the LPA and receive guidance and report to the Inspector.

- 4.15 The Inspector sets the timetable for the hearings and the sessions will be based on the themes of the JLDP. The Inspector may need to receive brief written statements from participants and bodies taking part in the hearings. It will be for the Inspector to determine who they wish to invite to the hearings. Written observations will be given the same amount of consideration from the Inspector as those made orally at the examination.

#### **Step 7 - The Inspector's Report**

- 4.16 The Inspector's Report will include specific recommendations and outline whether there is a need to make amendments to the Plan prior to its adoption. It must be emphasised that the Inspector's conclusions in his report are binding and the LPA must accept them and amend the LDP accordingly.

#### **Step 8 - Adoption**

- 4.17 The LPA is required to adopt the LDP within a period of 8 weeks of receiving the Inspector's Report. The LDP will be submitted to the Full Council of Gwynedd Council and the Isle of Anglesey County Council for adoption. After its adoption, the LDP will be used to make planning decisions.

### **5. Impact Assessments**

- 5.1 As part of the process of reviewing the JLDP, it will be necessary to conform to the Sustainability Appraisal requirements. While undertaking a review of the JLDP the Sustainability Appraisal framework which is included in the adopted plan will need to be revisited and amended as required. In accordance with legislation, an assessment of the potential impact of the JLDP on the Welsh language will be included in the Sustainability Appraisal.
- 5.2 As well as the requirements of the Sustainability Appraisal, it will be required to indicate how the JLDP contributes towards the objectives of the Well-being Act and the 5 ways of working that have been identified in the Well-being of Future Generations Act.
- 5.3 A Habitats Regulations Assessment of the JLDP must be undertaken in order to determine if policies and designations included in the Plan are likely to affect European designated sites.
- 5.4 It will also be required to undertake an Equality Impact Assessment, along with a Health Impact Assessment.

### **6. STEPS TO UNDERTAKE A SHORT FORM REVISION**

- 6.1 Should the Review Report (as outlined in section 2) conclude that a short form revision is the appropriate way forward, the steps in table 2 below will need to be followed albeit with a shorter timescale than a full revision:

Table 2

Steps in a Short Form Review		Indicative Timetable (Development Plans Manual)
Step 1	Delivery Agreement and Community Involvement Plan (Regulation 9)	Up to four weeks for Welsh Government approval (usually shorter)
Step 2	Review Report Regulation 26A (1) (Section 4A)	Up to 6 months
Step 3	Call for Candidate Sites (Depending on the conclusions of the RR) (Regulation 26A (6) )	
Step 4	Deposit Plan (Regulation 26B)	
Step 5	Submit the Plan to Welsh Government (Regulation 22)	Approximately 6 months in accordance with the procedural guidelines of the Planning Inspectorate
Step 6	Public examination (Regulation 23)	
Step 7	Publish the Inspector's Report (Regulation 24)	
Step 8	Adoption (Regulation 25)	
		Total time to prepare the plan <b>eighteen months</b> (as well as a three-month slippage period)

More information on the individual steps is included below:

### Step 1 Delivery Agreement and Community Involvement Plan

6.2 This follows the same procedure as noted in paragraphs 4.2-4.4

### Step 2 Review Report

6.3 Unlike the process of a full revision the first step after publishing the RR will be to consult on the Review Report. There will be a need to consider any observations received as part of this consultation and to prepare an initial consultation report and make any changes required to the Review Report and publish it as soon as is practicably possible. Should a Review Report conclude that new allocations designations are required, there will then be a need to call for candidate sites. Namely, step 3 below. If no new allocations are required, it will then proceed to step 4, the deposit plan. What is different while following the short form procedure is that there is no requirement for strategic options or a preferred strategy to be prepared.



### **Step 3 Call for Sites**

6.4 Following the exact process as noted above.

### **Steps 4 - 8**

6.5 These Steps follow the same process as those noted in the Full Revision procedure.

6.6 It should be noted that the short form revision procedure is subject to more risk in terms of procedural challenges. For example, if the scope of the review goes beyond what has been outlined in the Review Report, or if a new national policy means that a substantial changes will need to be made to the existing Plan that have not been highlighted in the Review Report and, therefore, expanding the review.

6.7 It is important to highlight that the Development Plans Manual 3 notes: 'the short form revision procedure should only be considered an option if the issues identified in the Review Report are not of sufficient significance to justify undertaking the full revision procedure.

6.8 That is, if the Review Report conclusions state the following:

- Indicate that the existing strategy remains sound
- Indicate that changes to the strategy or any part of it are not required
- That there is no need to prepare a plan or parts of the plan that would be distinctively different to the adopted plan.
- That changes of a significant scope, number and scale do not need to be made.

## **7. Conclusion**

7.1 The above report outlines the process of preparing a review report. The purpose of the Review Report is to conclude on the type of revision which will need to be followed. It also sets out the statutory procedure that is required when undertaking a full or short form revision of the Joint Local Development Plan.

## Appendix 1: Soundness Tests

<p><b>Preparation Requirements:</b></p> <ul style="list-style-type: none"><li>▪ Has preparation of the plan complied with legal and regulatory procedural requirements? (LDP Regulations, CIS, SEA Regulations, SA, HRA etc.?)</li><li>▪ Is the plan in general conformity with the NDF and/or SDP? (when published or adopted respectively)</li></ul>
<p><b>Test 1: Does the plan fit?</b> (Is it clear that the LDP is consistent with other plans?)</p> <p><b>Questions</b></p> <ul style="list-style-type: none"><li>• Does it have regard to national policy (PPW) and the WSP (NDF when published)?</li><li>• Does it have regard to the Well-being Goals?</li><li>• Does it have regard to the Welsh National Marine Plan?</li><li>• Does it have regard to the relevant Area Statement?</li><li>• Is the plan in general conformity with the NDF (when published)?</li><li>• Is the plan in general conformity with relevant SDP (when adopted)?</li><li>• Is it consistent with regional plans, strategies and utility provider programmes?</li><li>• Is it compatible with the plans of neighbouring LPAs?</li><li>• Does it regard the Well-being Plan or the National Park Management Plan?</li><li>• Has the LPA demonstrated it has exhausted all opportunities for joint working and collaboration on both plan preparation and the evidencebase?</li></ul>
<p><b>Test 2: Is the plan appropriate?</b> (Is the plan appropriate for the area in the light of the evidence?)</p> <p><b>Questions</b></p> <ul style="list-style-type: none"><li>• Is it locally specific?</li><li>• Does it address the key issues?</li><li>• Is it supported by robust, proportionate and credible evidence?</li><li>• Can the rationale behind the plan's policies be demonstrated?</li><li>• Does it seek to meet assessed needs and contribute to the achievement of sustainable development?</li><li>• Are the vision and the strategy positive and sufficiently aspirational?</li><li>• Have the 'real' alternatives been properly considered?</li><li>• Is it logical, reasonable and balanced?</li><li>• Is it coherent and consistent?</li><li>• Is it clear and focused?</li></ul>
<p><b>Test 3: Will the plan deliver?</b> (Is it likely to be effective?)</p> <p><b>Questions</b></p> <ul style="list-style-type: none"><li>• Will it be effective?</li><li>• Can it be implemented?</li><li>• Is there support from the relevant infrastructure providers both financially and in terms of meeting relevant timescales?</li><li>• Will development be viable?</li><li>• Can the sites allocated be delivered?</li><li>• Is the plan sufficiently flexible? Are there appropriate contingency provisions?</li><li>• Is it monitored effectively?</li></ul>