

CYNGOR GWYNEDD CABINET



Report to a meeting of Cyngor Gwynedd Cabinet

Date of meeting: 13/06/23

Cabinet Member: Councillor Dafydd Meurig

Contact officer: Gareth Jones, Assistant Head of Environment Department

Contact Number: 34092

Subject: Governance Arrangement for the New Local Development Plan and Planning Policy matters

THE DECISION SOUGHT

Approve the Model of Governance in Appendix 1 for the preparation of the Local Development Plan for inclusion in the Draft Delivery Agreement

Agree to establish a 15-member Planning Policy Working Group with the Terms of Reference (Appendix 2) to support the preparation of the New Local Development Plan.

To delegate authority to the Head of Environment Department in consultation with the Head of Legal Services to make linguistic adjustments and minor editorial corrections to the Terms of Reference.

REASONS FOR THE NEED FOR A DECISION

Following the decisions to bring the formal joint working arrangements with Anglesey County Council on planning policy matters including the preparation of a Joint Local Development Plan (JLDP) to an end, a new governance arrangement needs to be established for the preparation of the New Local Development Plan (LDP) and planning policy issues for Gwynedd Council's Planning authority to commence the process.

INTRODUCTION AND RELEVANT CONSIDERATIONS

1.0 INTRODUCTION

1.1 Preparing and adopting a Local Development Plan is part of the statutory function of formulating the Council's "Policy Framework". Regulations that are reflected in the Constitution frame the functions of the Executive and the Council when preparing the document. Simply, in this case, preparing the Local Development Plan is a duty that is shared between the Cabinet and the Full Council. To summarise the

regulations, the responsibility for developing the Local Development Plan is in the hands of the executive but approval or adoption is the Council's decision. As Gwynedd now prepares its own LDP and the joint working arrangements have come to an end, a different system needs to be established which reflects these governance requirements but also a system that ensures that ownership of the process is cross-authority.

- 1.2 In order to consider any new governance arrangement, it is important to highlight the work of the Planning Policy Service to provide an overview of when decisions / input etc. will be needed from Members.

Local Development Plan

- 1.3 The Council has a statutory duty to prepare a LDP and this is the main area of work of the Planning Policy Service. The process of preparing a plan and the steps that must be followed have been outlined in legislation (Planning and Compulsory Purchase Act Regulation 2004, Planning Act (Wales) 2015 and associated Regulations (Town and Country Regulations (Local Development Plans) (Wales) 2005 (as amended 2015)). The following diagram (Development Plans Manual March 2020) briefly sets out the key statutory steps when preparing a LDP:

Cam Allweddol		Amserlenni
Diffiniol		
Cam 1	Cytundeb Cyflawni Paratoi a chyflwyno	Hyd at bedair wythnos ar gyfer cymeradwyaeth Llywodraeth Cymru (Yn fyrrach fel arfer)
Cam 2	Cyn adneuo Paratoi a chynnwys	Tua 1.5 mlynedd
Cam 3	Strategaeth a Ffefrir Ymgynghoriad cyhoeddus	
Cam 4	Cynllun adneuo Ymgynghoriad cyhoeddus	
Dangosol		Amserlenni
Cam 5	Cyflwyno	Tua 11 mis yn unol â Chanllawiau Gweithdrefnol yr Arolygiaeth Gynllunio
Cam 6	Archwilio	
Cam 7	Adroddiad yr Arolygydd	
Cam 8	Mabwysiadu	
		Cyfanswm amser paratoi'r cynllun tair blynedd a hanner (Yn ogystal ag un cyfnod llithriant o dri mis)

- 1.4 As well as the steps outlined above, background work is also undertaken by the planning policy service, e.g. preparing an evidence base to support the documents that are highlighted in the above steps, engaging with specific groups, organisations and individuals.

- 1.5 As noted above, the Development Plans Manual outlines 3.5 years to prepare a new LDP with one slippage period of three months. This means that there is a need to ensure a governance and reporting arrangement that ensures appropriate input from the members, stakeholders and the public, but also gives the best opportunity to meet the timetable set by the Welsh Government. There is a statutory requirement for **Steps 1 and 8** to be reported to the Full Council for a decision, but governance arrangements need to be in place for decisions / input to all steps in the process.

Monitoring the Local Development Plan

- 1.6 PCPA 2004 (Section 76) and Regulation 37 of the LDP states that LPAs should publish and submit an Annual Monitoring Report to the Welsh Government noting how plan objectives are achieved, or not (by 31 October every year). Agreement is needed from the local authority / Council before sending the Annual Monitoring Report to the Government.

Supplementary Planning Guidance (SPG)

- 1.7 The planning policy service is responsible for preparing SPG that provides further guidance on LDP policies. There may be a reason to prepare new SPG if the need arises, or to amend current guidance if new matters or considerations arise that need to be reflected in planning policy guidance. Any new or amended SPG needs to be the subject of decisions to go out to public consultation and also needs to be adopted by the Cabinet before it is used as a material planning consideration.

General Planning Policy Work

- 1.8 The Planning Policy Service leads on responding to all kinds of consultations in the field of planning, which include consultations that are of corporate importance and, therefore, needs political input and seal of approval before they are submitted.

2. NEW GOVERNANCE ARRANGEMENTS

- 2.1 When examining any new governance arrangement for the new Local Development Plan and planning policy matters, there is a need to try to ensure that the system is inclusive and that the Council and its Members have ownership of those arrangements. It must be noted that the reasoning behind bringing the joint working arrangement with the Isle of Anglesey County Council to an end, emphasises the element of local ownership and decisions being made by Gwynedd Members, in terms of the Local Development Plan.
- 2.2 The governance arrangement being presented here gives recognition to the role of the Cabinet and its constitutional responsibility to prepare and recommend a Local Development Plan to the Full Council. Cabinet has a statutory role in arranging for the preparation of a Local Development Plan to be recommended to the Council. However, the arrangements for the governance are generally based on placing this function within a wider framework of collectively planning the documentation and processes going forward.

- 2.3 To support undertaking this process in accordance with this principle the governance arrangement also proposes the establishment of a Planning Policy Working Group that will have a key role in the work associated with the preparation and maintenance of the Local Development Plan, as well as recognising the importance of the Full Council and the Communities Scrutiny Committee with this work. The aim is to highlight the new governance arrangements in the Delivery Agreement, which will also highlight the wider arrangements to ensure that the process is inclusive. These wider arrangements will include, for example sessions with all elected members, member workshops on specific issues and regular communication with members through the intranet.

The Planning Policy Working Group

- 2.4 It is proposed that the Cabinet establishes a Planning Policy Working Group to take on a key role with the work associated with the preparation and maintenance of the Local Development Plan. It is suggested to have 15 Members in the Working Group, which is the same number as the Planning Committee and similar to the numbers on Council Committees in general. The Working Group will contribute towards and support the process of creating and monitoring the Local Development Plan. The terms of reference have been outlined in appendix 1 but the functions suggested are set out below:

The working group will provide guidance and opinion as required on:

- draft documents prepared by the Planning Policy Service in the process of preparing the Local Development Plan before they proceed to arrangements that lead to seeking public feedback
- comments by the public and any stakeholder group/forum during periods of public engagement or statutory public consultation when preparing the Plan, themes that emerge from these consultations and potential responses of the Planning Policy Service
- draft documents in the process of preparing Supplementary Planning Guidance before they proceed to arrangements that lead to seeking public feedback
- observations by the public and any stakeholder group/forum during periods of public engagement or statutory public consultation when preparing the Guidance, themes that emerge from these consultations and potential responses of the Planning Policy Service
- The LDP's Annual Monitoring Report
- Documents that are prepared as part of the process of reviewing the LDP.

- 2.5 Based on the Council's Political balance adopted in May 2023 the allocation of Members for nomination to the Working Group would be as follows:

Plaid Cymru 9
Independent 5
Labour/Liberal 1

Role of the Cabinet

2.6 As already noted, the Cabinet's constitutional responsibility is to arrange and prepare a Local Development Plan for submission to the Full Council to be considered and adopted in accordance with procedure. Therefore, the Cabinet will make decisions and recommendations on specific steps of the process of preparing the Local Development Plan and with the functions that are highlighted below.

- i) Accept documents on specific steps to be agreed for a public consultation
- ii) Recommend LDP documents for adoption by the Full Council at specific stages of LDP preparation (when appropriate)
- iii) Accept the Inspector's Report and confirm the process to adopt the LDP to the Full Council
- iv) Accept and agree on the Annual Monitoring Report before its submission to the Welsh Government
- v) Accept the Review Report and agree for public consultation

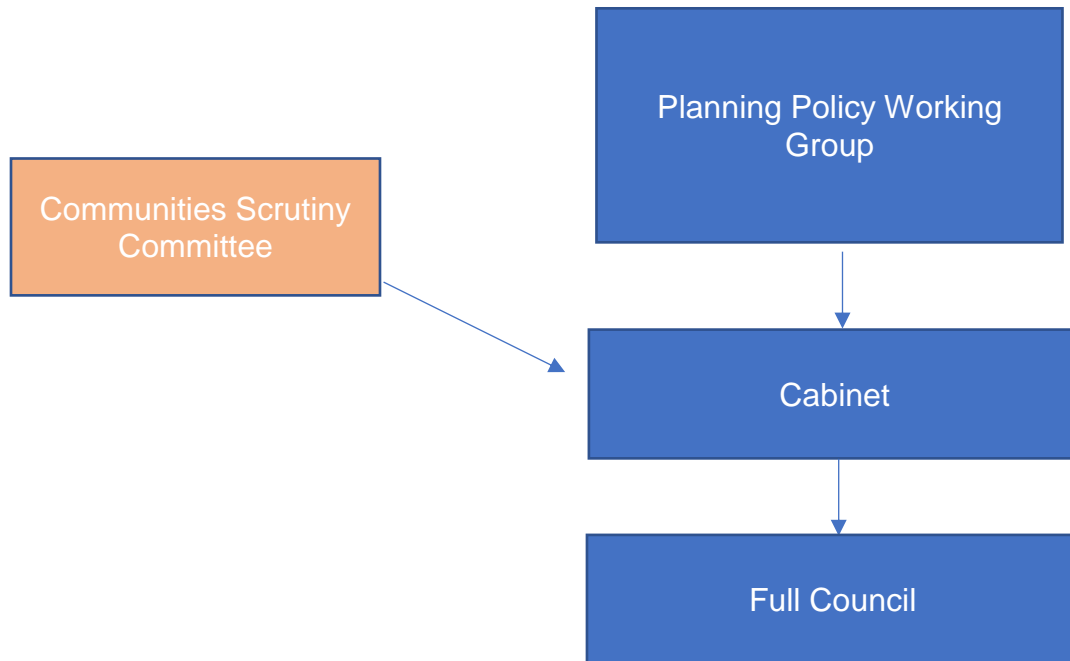
Role of the Council

2.7 The legislation sets out that some decisions in the process of preparing the LDP will need to be made by the Full Council, including agreeing on the Delivery Agreement and Adopting the LDP in its final form after receiving the inspector's report. In order to ensure that all Council members have input and an opportunity to discuss, it was deemed appropriate that the Preferred Strategy document and the step of submitting the Plan for examination should also be submitted to the Full Council. Therefore, although the legislation only requires a decision to be submitted to the Full Council two times, it is intended to report four times, which will include the key steps of the process. As part of the process of reviewing the LDP, the Full Council approves the Review Report.

Communities Scrutiny Committee

2.8 The importance of input from the Communities Scrutiny Committee to the process of preparing the Local Development Plan is noted. It is therefore suggested that the Scrutiny Committee is given an opportunity to scrutinise documents of specific key steps in the process. It is suggested that the Scrutiny Committee scrutinises the Delivery Agreement, Strategic Options, vision and objectives and the Preferred Strategy.

2.9 The following flowchart conveys the new proposed governance arrangement



Reporting Timetable and reporting overview

- 2.10 The table in appendix 2 outlines the the new governance arrangements, in draft form, for the key steps of preparing the new LDP. Further details about these arrangements will be provided within the Delivery Agreement. The table has been prepared when considering the different functions of the new committees and working group referred to above. The aim is to ensure the input of members on the key steps of preparing the LDP and throughout the process, and to also ensure that the timetable to prepare the LDP set out by the Government can be met/delivered.
- 2.11 What is proposed seeks to ensure that the process of preparing the LDP is inclusive, but it must be noted that reporting to several committees/working groups may create a risk of exceeding the period outlined for preparing the LDP. Therefore, this level of reporting may create a risk of a slippage in the timetable of preparing the LDP.

3. CONCLUSIONS

- 3.1 It is considered that the governance procedure set out above provides the best opportunities to ensure that all members can be a part of the process of preparing the LDP, and that this work is done in a timely manner. Also, it will provide the best opportunity to ensure that the Council and the Cabinet have ownership of this statutory work that is a priority in the Council Plan.

Appendices

- 1: Governance Arrangements draft
 - 2: Planning Policy Working Group's Terms of Reference - draft
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Views of the statutory officers

The Monitoring Officer:

I have advised and worked with the Service to establish the recommendations for this initial part of the process that will lead to a Local Development Plan. No comments to add from a proprietary perspective.

Head of Finance Department:

Developing a Local Development Plan is a key task for the Council. I believe that the decision sought offers a way forward to address the need to put robust governance in place for the comprehensive process of developing and adopting the Local Development Plan, whilst recognising the scale of the task which Cyngor Gwynedd faces. I have no objection to the decision sought.
