

CYNGOR GWYNEDD – Report to a meeting of Cyngor Gwynedd Cabinet

Item Title:	Gwynedd Local Development Plan Draft Delivery Agreement
Cabinet Member :	<i>Councillor Dafydd Meurig – Cabinet Member Environment</i>
Contact Office:	<i>Gareth Jones</i>
Date of the meeting:	<i>10 October 2023</i>

1. The decision sought

That the Cabinet

- i) Accept the Delivery Agreement and offer any comments on the contents
- ii) Agree to the Delivery Agreement to undertake a public consultation for 6 weeks
- iii) Delegate the right for the Head of Department to make editorial adjustments for accuracy before the document goes out to public consultation.

2. Reason for the need for a decision:

Cabinet decided in June 2022 to conclude the joint working arrangement on planning policy matters with Anglesey County Council. A report was submitted to Cabinet in June 2023 setting out new Governance Arrangements for the new Local Development Plan (Gwynedd) and other Planning Policy matters. Following Cabinet's decision as per the governance arrangements, a Draft Delivery Agreement (the first step in the process of preparing a new Plan), has been submitted to the new Planning Policy Working Group for comment. This Report is therefore intended to present the draft Delivery Agreement and the Working Group's comments to Cabinet for comments and for a decision to undertake a public consultation.

3. Introduction and rationale

3.1 Background

3.1.1 Members will be aware that a Review Report was prepared and at a meeting of the Full Council in March 2022 members agreed to publish the Review Report and submit it to the Welsh Government. The conclusion of the Review Report was that a new Local Development Plan needed to be prepared following the Full Revision procedure. Following this decision in June 2022 Cabinet decided to conclude the joint working arrangement the Isle of Anglesey County Council and establish a Planning Policy Team for Gwynedd Council who will prepare a new Local Development Plan (LDP) for the Gwynedd Local Planning Authority Area only. The new LDP will cover a period between 2024 and 2039 and, when formally adopted by the Council, will provide the planning policy framework for development and land use within the Gwynedd Planning Authority Area (excluding that part covered by the Snowdonia National Park Authority). While the new LDP is being prepared the Gwynedd and Anglesey Joint Local Development Plan 2011 - 2026 will continue to provide the policy framework for decisions on planning applications.

The Delivery Agreement

3.1.2 The first step in preparing a new Local Development Plan is the preparation of a Delivery Agreement (DA). The DA is in two parts as has stated below :

1. Timetable of key steps for preparing the new LDP; and
2. A Community Involvement Scheme that sets out how and when stakeholders and the public can contribute to the process of preparing the Plan.

3.1.3 The purpose of the DA is to set out a timetable for the preparation of the LDP and also to set out how Gwynedd Council intends to involve the local community and other stakeholders in the preparation of Gwynedd Council's new Local Development Plan. The Delivery Agreement provides details of the different stages of the process and how and when stakeholders and the public are able to participate.

3.1.4 Once agreed by the Welsh Government, the DA commits the Council to preparing LDP within the timetable set out within DA and also to consult in the manner laid out in the document.

Summary of content of draft Document

Timeline

3.1.5 The timetable laid out at the DA is a challenging but realistic one. In drafting the timetable consideration has been given to the Welsh Government's expectations set out in the Development Plans Manual (March 2020), that a Local Development Plan needs to be prepared within 3.5 years. In accordance with the timetable set out below (as can be seen in the draft DA) it is anticipated that the new LDP will be formally adopted in September/October 2027. Keeping to timetable will be important to ensure that a new Local Development Plan is adopted in line with the timetable for the timely introduction of a new planning policy framework.

Stage Number	Stage	Timetable	Key Consultation Periods
Definitive			
1	Delivery Agreement -Prepare - Consult with a key stakeholder - Submit to Welsh Government	September 2023 – March 2024	Public Consultation October -November 2023 Council approval March 2024

			Submission to the Welsh Government March 2024
2	Pre-deposit – preparation and consultation - Vision Paper with strategic options - Demand for sites Specific Background Papers Required	March 2024 - August 2025	Call for March/April 2024 rankings for at least 6 weeks
	Pre-Deposit Consultation Preferred Strategy SA/SEA and HRA Impact Assessments	March 2024 - August 2025	March 2025 to April 2025
3	Deposit Plan	September 2025- August 2026	Public Consultation December 2025 /January 2026
Indicative			
4	Submission	September 2026	N/A
5	Examination	11 months of delivery (target)	Further consultation may be taken following the audit
6	Inspector's Report	August 2027	
7	Adoption	September/October 2027 (must be adopted within 8 weeks of receiving the report)	N/A

3.1.6 As set out in the table above the main stages of preparing a Plan are divided into definitive and indicative stages.

3.1.7 The **definitive** steps include the steps up to the deposit plan, this includes the consultation period on the Deposit Plan. The Council has control over these stages. These stages have been planned out while preparing the DA and this is reflected in the reporting regime which can be found in appendix 3 of the DA. These steps include:

Pre-Deposit Participation

- Review/update the evidence base
- Call for sites
- Prepare a vision and strategic options paper including growth levels and distribution
- Prepare the Preferred Strategy including Sustainability Appraisal/Integrated Sustainability Appraisal, Strategic Environmental Assessment, Habitat Regulations Assessment.
- Consultation on the Vision, Strategic Options and Preferred Strategy
- Consider comments received as part of the consultation and prepare an initial consultation report.

Deposit Plan

- Prepare a Deposit Plan associated documentation and update the evidence base
- Deposit Plan Consultation, including updated Sustainability Appraisal/Integrated Sustainability Appraisal, Strategic Environmental Assessment, Habitat Regulations Assessment.
- Consider comments received as part of the consultation and prepare a consultation report.
- Prepare LDP documents for submission

3.1.8 **Indicative** steps - these steps are those that follow the consultation on the Deposit Plan and the preparation of the documents for submission to the Welsh Government for Examination. The Council has less control over the timetable for these stages because it is influenced by the number of responses received to the Deposit Plan Consultation and on the Planning Decisions and Environment Wales (PEDW) programme of work to carry out the Examination.

Community Involvement Scheme (CIS)

3.1.9 LDP regulations set out the need to consult at specific stages of the LDP preparation process and that it is essential when preparing an LDP to engage people in order to *seek greater consensus and strengthen community involvement in evidence-based plan making* (Development Plans Manual March 2020). The Community Involvement Scheme outlines how individuals, agents, organisations and others can be involved the preparation of the LDP. It sets out the ways in which the Council will engage and when there will be opportunities for people to contribute to the process of preparing the Plan. Appendix 6 of the DA sets out the specific and general consultees, it is not an exhaustive list because it is not possible for the DA to identify all of the local bodies

working within the County. This is not to say that these bodies will not be involved, as consultations which will be held as part of the plan preparation will be highlighted on the Council's website and social media to try to ensure that everyone interested in the process is aware of the opportunities to contribute. The consultation on the DA also gives people the opportunity to inform the Council if there are consultees that are missing or local bodies which need to be identified in the DA. Council has an LDP contacts database from the preparation of the Joint Local Development Plan and those on the database will be notified of the consultation opportunities. Anyone can request to be added to the database at any time and anyone submitting a representation during any of the consultation stages will be added to the database.

Impact Assessments

- 3.1.10 As part of LDP preparation compliance with the Sustainability Appraisal requirements will be required. The Sustainability Appraisal framework included in the adopted Plan will have to be re-visited and revised as necessary. In line with legislation an assessment of the potential impact of the LDP on the Welsh language will be included in the Sustainability Appraisal. Consideration will be given to the preparation of an Integrated SA will take account of sustainability, environmental, health, well-being, equality issues in an integrated way in line with Welsh Government guidance.
- 3.1.11 In addition to the Sustainability Appraisal requirements, it will be required to demonstrate how the LDP contributes towards the objectives of the Wellbeing Act and the 5 ways of working that have been identified in the Well-being of Future Generations Act. The Development Plans Manual (March 2020) states that the requirements of the Well-being of Future Generations Act are an essential part of the development/review of the Sustainability Appraisal framework.
- 3.1.12 A Habitat Regulations Assessment will have to be undertaken to determine if the policies and designations contained in the Plan are likely to affect European designated sites.

Delivery Agreement Consultation

- 3.1.13 There is a statutory requirement to consult statutory and general consultees on the contents of the Delivery Agreement. However, it is also considered appropriate to consult with those on the LDP database together with the public through the details being made available of the public consultation on the Council's website and via social media. This is considered appropriate to raise awareness of the Delivery Agreement and ensure that anyone interested in the LDP is aware that work is commencing on the preparation of the new LDP and when there will be opportunities to contribute.
- 3.1.14 Paragraph 5 below sets out the next steps before the DA is agreed by the Welsh Government. Welsh Government agreement on the DA will mark the formal start of the process of preparing a new LDP. Once the DA has been submitted and agreed by the Government this commits the Council to prepare LDP within the agreed timeframe and follow the consultation processes that have been outlined in the document. If the DA needs to be reviewed due to a slip in the timetable, this will have to be agreed by the Council and Welsh Government. The Development Plans Manual (March 2020) states '*A revised timetable should only be considered in exceptional circumstances in preparing the plan*'

3.2 Rationale and justification for recommending the decision

- 3.2.1 The Planning and Compulsory Purchase Act 2004 requires local planning authorities in Wales to prepare a Local Development Plan (LDP) for their areas. A DA must be prepared before it can progress to the formal process of preparing the LDP. The DA in its final form is an important and legal part of the process of formulating the LDP and forms an official agreement between Gwynedd Council and the Welsh Government. During the Public Examination of the LDP any deviations from the LDP that were not agreed to by the Welsh Government will form an important test of the soundness of the LDP. The Delivery Agreement must be agreed by the Full Council and Welsh Government, following this agreement work will commence on the process of preparing a new Local Development Plan.
- 3.2.2 Before submitting the Delivery Agreement to the Full Council and subsequently the Welsh Government for agreement, a consultation must be carried out on the contents of the document. This is the reason for asking the Cabinet to make a decision to undertake a public consultation on the draft Delivery Agreement. The next steps are highlighted in part 3.3 of this report.

Considering Impacts

- 3.2.3 An Equality Impact Assessment has been undertaken (Annex 2) which concludes that no further action is needed at this time because it is premature as the consultation has not yet taken place. Following the consultation a further assessment will take place. The CC sets this out with whom the Council will consult, how and when. The assessment also notes that if we noticed that certain features had not taken part in the consultation we would consider if there is another need to consult in the next stages of preparing the Local Development Plan.
- 3.2.4 A further assessment will be made once the consultation period has finished and an equality impact assessment will be carried out at all stages of LDP preparation and this is clearly set out in the Delivery Agreement

Well-being of Future Generations (Wales) Act 2015

- 3.2.5 The objectives of this Act are incorporated into Planning Policy Wales (issue 11) and also the Development Plans Handbook (March 2020). Taking into account the 5 ways of working is an important part of the Development Plan system. The Delivery Agreement sets out how we would involve the community and collaborate with stakeholders as the process of preparing the plan progresses. The preparation of a Delivery Agreement means work on the preparation of a new Local Development Plan will commence and this Local Development Plan will consider the needs of people now and into the future. All land use requirements will be planned for the next 15 years to 2037.

General opinion from Planning Policy Working Group

- Satisfied with the general contents of the Delivery Agreement.

- Concern was noted and the fact that the adoption stage is being made following the next election period (that is the responsibility of a new Council) which is not an ideal situation. It has been highlighted that the statutory steps required to be followed in order to prepare a Development Plan mean that it is inevitably going to fall over the course of two different Councils
- Despite the fact that an Integrated Impact Assessment is being promoted by the Government, it was questioned whether it would be possible to consider undertaking individual/independent assessments for the different aspects. It was considered that that would ensure that complete consideration was given to the specific aspects (for example, language, health, sustainability).

General Opinion Communities Scrutiny Committee 5 October 2023

The Scrutiny Committee's comments will be presented orally.

3.3 Next steps

Meeting	Meal	Decision
Cabinet	October 2023	Agreeing the content of the document with agreeing for public consultation
Gweithgor	January 2024	Consider comments received as part of the public consultation
Cabinet	February 2024	Consider the comments received as part of the public consultation and make a recommendation to the Full Council
Full Council	March 2024	It is agreed to submit the Delivery Agreement to the Welsh Government for agreement and we will formally undertake the process of preparing the LDP.

4.0 The views of the statutory officers

4.1 Head of Finance

The Delivery Agreement is a key step in the delivery of a new Local Development Plan so I am supportive of the decision sought. I can confirm the accuracy of paragraph 2.2 which

states that resources are already in place to undertake the work, but a bid would need to be submitted in the normal way if more resources are needed

4.2 Monitoring Officer

The Delivery Agreement represents one of the main steps in the production of a Local Development Plan. It is a key document which not only sets out the governance and timetabling but also the communication processes which are essential. It is appropriately noted that The Full Council will have responsibility for approving the agreement for submission to the Government following a consultation period. I note that the views of the Communities Scrutiny Committee are yet to be included and it is important that the Cabinet has regard to any recommendations received. I am satisfied with the propriety of the decision sought.

Appendices:

Appendix 1 – Draft Delivery Agreement – consultation version

Appendix 2 - Atodiad 2 – Equality Impact Assessment