

Report of the Cabinet Member for Enterprise, Development and Regeneration

Council - 16 June 2016

SWANSEA LOCAL DEVELOPMENT PLAN (LDP) DEPOSIT FOR PUBLIC CONSULTATION

Purpose:	To endorse the Deposit LDP and supporting documentation for the purpose of public consultation
Policy Framework:	Planning and Compulsory Purchase Act 2004; The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004; Town and Country Planning (Local Development Plan) (Wales) Regulations 2005; Local Development Plans Wales Guidance (2005); Local Development Plan Manual (2006); The Habitats Regulations (Natural Habitats & Conservation) (Amendment) (England & Wales Regulations 2007); Equality Act 2010; Planning Policy Wales 2016 (as amended) and related Ministerial Interim Planning Policy Statements and Technical Advice Notes
Reason for Decision:	To enable a comprehensive public consultation and engagement exercise be undertaken on the Deposit LDP and supporting documentation, in accordance with Regulation 18 of the Town and Country Planning (LDP) (Wales) Regulations 2005
Consultation:	Legal, Finance, Access to Services
Recommendation(s):	<p>i) That the Deposit LDP, comprising written statement and Proposals Map, be approved for the purpose of public consultation</p> <p>ii) That a revised LDP Delivery Agreement is prepared and agreed with the Welsh Government to confirm the timetable for delivery of future stages of the LDP leading up to adoption of the Plan</p> <p>iii) That the findings of the Habitats Regulations Assessment and Sustainability Appraisal are agreed</p>
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1.0 Background

- 1.1 Every local planning authority in Wales is statutorily required to produce a Local Development Plan (LDP), which must be prepared in accordance with requirements and guidelines laid down by the Welsh Government. The Swansea LDP commenced production in 2010 and will, upon adoption, replace the existing Unitary Development Plan. It will be used as the primary strategy and policy document upon which the Council will make decisions in relation to development proposals.
- 1.2 At Council on 12 August 2014, Members agreed to adopt the LDP Preferred Strategy, which confirms the broad scale of growth that the Plan will address and the general approach to be taken to meet this growth. The approach focusses development at a limited number of large 'strategic sites', which were identified within the Preferred Strategy document, plus a range of non-strategic sites at sustainable locations across the County.
- 1.3 At Council on 3 September 2015, Members approved the full list of housing and strategic sites recommended by Planning Committee for inclusion in the Deposit LDP. This decision followed comprehensive periods of public consultation on potential LDP housing sites, undertaken initially throughout 2011 on submitted 'Candidate Sites' and then in early 2015 on initial 'Draft Deposit' allocations. Members' decision on housing and strategic sites was also informed by a detailed Member review process undertaken between June – September 2015, which involved special meetings of planning committee that considered all petitions and significant objections submitted by interested parties in relation to proposed sites.
- 1.4 During February and March 2016, the Strategic Planning Team co-ordinated and facilitated workshops and engagement events with Members, and other key stakeholders, to consider draft LDP policies and to ensure the Plan will address all relevant key issues. A summary of the Member Engagement process and some of the actions arising from the comments made during the sessions is provided at Appendix A of this report.

2.0 The Deposit LDP

- 2.1 The Deposit LDP presents a positive approach to managing the inevitable future growth and change that will occur within the City and County of Swansea. The policies and proposals set out in the Plan address the County's need for new homes, jobs, infrastructure and community facilities to support economic growth and raise standards of living. Policies that promote development are set out alongside those that will ensure future proposals respect and promote the County's cultural heritage, important landscapes and sensitive environments.
- 2.2 The Plan promotes a clear 'Place making' agenda and strategy, and emphasises that future development must accord with the overarching aims of enhancing quality of life and well being. The Plan maintains that these high level aims can be achieved through good design on even small householder

proposals or, at the opposite end of the spectrum, through the creation of new neighbourhoods that are comprehensively masterplanned and provide for a good range of community facilities and recreation opportunities. Planning for growth that is commensurate with the aspirations of a City Region inevitably involves difficult decisions about releasing greenfield land for development, however the Deposit LDP provides the opportunity to ensure that such development is of a quality and nature that will ensure the place that is ultimately delivered provides a proud legacy for future generations.

2.3 The Deposit Plan (see Appendix B of this report) comprises:

- Overview and Strategy
- Policies and Proposals
- Monitoring Framework
- Proposals Map
- Glossary
- Appendices

2.4 Section 1 sets out the Plan's Vision, Strategic Aims and Objectives, and explains the range of options for accommodating forecast growth that the LDP process considered before arriving at its overarching strategy.

2.5 Section 2 forms the main part of the Deposit. It sets out the range of planning policies and proposals that, in combination, comprise the LDP policy framework to address the specific issues and challenges for the City and County. It is these policies and proposals that will be used to guide and inform future development within the administrative area. Their scope is extremely varied, which reflects the County's diverse urban and rural character, and are split into 'Key Strategic', 'Area-Wide' and 'Area Specific' policies as follows:

- **Key Strategic policies** relate to overarching themes of the Plan, including those relating to Sustainability; Housing Strategy; Placemaking; Masterplanning; Affordable Housing; Economic Growth; Regeneration; Health and Wellbeing; Infrastructure; and Transport Measures.
- **Area-Wide policies** are generally of a generic (not place specific) nature, and include topic-based policies that set out criteria against which planning applications will be considered. It is not the purpose of these policies to repeat national planning policy but instead make clear the specific local application of planning themes.
- **Area-Specific policies** relate to site specific proposals, such as key areas of change or protection. These include locally specific policies for development, regeneration schemes and masterplan areas, as well as specific sites for protection and conservation.

2.6 The Deposit includes a monitoring framework that will ensure the Plan is effectively implemented, and that development is delivered appropriately and in a timely manner during the course of the Plan period. The annual monitoring described in the framework will be used to inform LDP review which takes place every 4 years.

- 2.7 The LDP Proposals Map comprises a series of maps covering all areas of the County, and features a variety of designations overlain on an Ordnance Survey base. These include sites and development areas described in the preceding policies and proposals. It also defines the settlement boundaries of the main urban area and key villages, beyond which are the areas considered open countryside, where most forms of development are not favoured. The Proposal Map designations include:
- Housing Sites (allocations and commitments)
 - Strategic Development Areas
 - District Centres and Retail Parks
 - Mineral Safeguarding Areas
 - Green Belt/Green Wedges
 - Special Landscape Areas
- 2.8 Where designations are determined by other mechanisms or bodies (such as Sites of Special Scientific Interest designated by Natural Resources Wales), these are not shown on the Proposals Map and are instead featured on a Constraints and Issues Map published separately. This approach allows the amending and updating of externally set designations more readily during the course of the Plan period to take account of changes that are not determined by the LDP, such as Historic Parks and Gardens and various special environmental protection areas.
- 2.9 The Plan is supported by appendices covering matters such as lists of sites that are referenced within policies.

3.0 Supporting Assessments and Evidence

- 3.1 The Deposit LDP is underpinned by a large amount of technical studies, assessments, evidence and supporting information. This will be made available on the Council's website as supporting documentation for consideration during and after the public consultation period. A list of these is set out in Appendix C of this report which includes links to the documents.
- 3.2 It is a requirement under the Planning and Compulsory Purchase Act 2004 that the LDP is subject to a Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA). The integrated SA ensures the policies and proposals of the Plan reflect sustainable development principles and assess the effect of the plan on the economy, social wellbeing, resource conservation and environmental protection/enhancement. The SA plays an important part in demonstrating that the LDP is sound by ensuring that it reflects sustainable development objectives. The Final Sustainability Appraisal Report and Non Technical Summary are available via the link set out in Appendix C of this report, and will also be formally consulted on as part of the Deposit LDP consultation process. It is recommended that the Council agrees the recommendations of the SA.

- 3.3 As the Competent Authority the Council is also required by the Habitats Regulations (2007) to undertake a Habitats Regulations Assessment (HRA) of the LDP. The HRA will determine the likely significant effects of the plan on European Sites of nature conservation importance and, if applicable, scope what needs further assessment. A Habitats Regulations Assessment Report of the LDP has been undertaken by consultants DTA Ecology Ltd and is available as a Supporting Document to the Plan, which can be viewed via the link set out in Appendix C of this report. It is recommended that the Council agrees the conclusions of the HRA.
- 3.4 An Equality Impact Assessment (EIA) is also being undertaken as part of the Council's legal duty to assess the Plan's policies for their impact on protected groups as defined in the Equality Act 2010. The LDP has been found to be relevant to a number of protected characteristics, including age, disability, the Welsh language, poverty and social exclusion. The EIA, which is currently a draft document and will continue to be updated and revised throughout the LDP process, is a Supporting Document to the Plan and available to view via the links set out in Appendix C.

4. Consultation

- 4.1 Approval of the Deposit LDP will be followed by six weeks formal public consultation between 27 June and 7 August inclusive. There are approximately 7500 separate individuals and organisations on the LDP database that will be notified of the consultation, and the process will also be publicised using media outlets and posters at libraries across the County. The consultation will include a series of special 'roadshow' events at suitable venues within communities, chosen to represent a wide spread of locations across the County, which will also be widely publicised within those areas.
- 4.2 Those making representations on the Deposit LDP will be encouraged to do so on a standard form, setting out clearly the nature of any objection and any relevant information to supplement and justify the objection. These representations, and the Council responses to them, will be considered by the planning inspector to be appointed by the Welsh Government to 'Examine' the Plan (as described below).

5. Future stages

- 5.1 All representations will be carefully considered as to whether they justify an amendment to the Deposit Plan. This includes amendments to the written statement and the Proposals Map. Any amendments required to the Plan, known as 'Focussed Changes', will be duly made and these will be reported back to Council for approval in due course.
- 5.2 Subject to Members approval, the amended Deposit LDP incorporating Focussed Changes, together with associated background documents, will be submitted to the Welsh Government for consideration. The Welsh Government will then appoint a planning inspector to carry out an 'Examination in Public' on the content of the Plan, which will provide an opportunity for all interested

parties to have their representations independently considered. The Examination process will be followed by a binding Inspectors Report being sent to the Council setting out any changes required before the Plan is formally adopted.

6. Delivery Agreement

- 6.1 Subject to the Deposit being approved for public consultation, a revised Delivery Agreement (DA) will be prepared and submitted to the Welsh Government for approval. The DA will make clear the revised timetable for the future stages of LDP preparation up to the adoption of the Plan, based on the following broad timetable:

Stage in LDP Preparation	Time
Public consultation on Deposit	June – July 2016
Review of representations received and creation of Focussed Changes Deposit document	August – November 2016
Submission of Focussed Changes Deposit to Welsh Government	December 2016
Examination in Public	March 2017
Adoption of LDP	December 2017

7.0 Equality and Engagement Implications

- 7.1 A full Equality Impact Assessment is underway, and the LDP process takes full account of the relevant Equality and Diversity considerations.

8.0 Financial Implications

- 8.1 An LDP budget is in place for the present financial year and is considered able to meet the current financial implications of undertaking consultation, preparing for submission of the Plan to Welsh Government. The latter includes costs associated with an Examination Program Officer, who is required to operate as a form of an external 'consultant', at arm's length from both the Council and the Planning Inspectorate.
- 8.2 At this time there is no budget or additional funding set aside for expenditure on any further evidence or assessments required to underpin the Plan. Whilst no such requirement for additional assessments is apparent at this time, if this is subsequently identified as a priority following representations made during consultation then funds will have to be located from within current resources.
- 8.3 Monitoring will be undertaken to assess the resources required in 2017-2018 financial year for the LDP Examination, and this will be considered as part of the Council's budget review process and financial planning procedures.

9.0 Legal Implications

9.1 The Council is statutorily obliged to prepare an LDP in accordance with the Planning and Compulsory Purchase Act 2004, the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 and the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005;

Background Papers:

- Report to Council 12 August 2014 - Swansea LDP Preferred Strategy and Candidate Sites Update
- Report to Council 3 September 2015 - Swansea Local Development Plan (LDP) Proposed Housing and Strategic Site Allocations

Appendices:

Appendix A: LDP Policy Councillor Workshops - February and March 2016

Appendix B: City and County of Swansea Deposit LDP

Appendix C: Links to LDP Supporting Documents, Assessments and Appraisals

Appendix A:

LDP Policy Councillor Workshops - February and March 2016:

Overview

During February and March 2016, a series of six, two hour Councillor engagement workshops were held to discuss the LDP's identified key issues, and the emerging policies for the Deposit Plan that respond to these issues. The workshops involved presentations from Strategic Planning Officers on the various subject areas (listed below), question and answer sessions with Planning Officers and Officers representing specific policy areas, i.e. transport officers, education colleagues, etc, and discussions on the identified issues that included facilitated group work.

Engagement exercises centred around LDP key issues that had previously been identified during consultation and collation of the evidence base. Thoughts and comments were recorded by Councillors during 'post-it sessions' as well as aural feedback. During these sessions Councillors were asked to highlight thoughts about how the issues affected their locality and Swansea more widely. Round table discussions then focused on the potential measures highlighted by contributors to affect change through the land use planning system. Issues that couldn't be addressed by the Planning System were "parked" during the workshop but then passed on to the relevant Council department.

Date	Topic	Attendance
24 th February	Housing	14
26 th February (morning)	Design and place making	9
26 th February (afternoon)	Natural resources	11
29 th February	Gower and countryside	14
1 st March	Retail and Regeneration	11
4 th March	Transport	12

Purpose of Workshops:

- Councillors are key to the process of identifying Swansea specific issues. Addressing Swansea specific issues is a test of 'soundness' to be considered by the Inspector at the Examination on the Plan.
- To give opportunity to Councillors to directly ask Officers about the Local Development Plan process to date.
- The Strategic Planning Team can inform Councillors whether the key issues they have raised can be addressed by Local Development Plan policy, and discuss how best to tackle any concerns via policy.

Outputs from Workshop:

- Amendments to Policies undertaken, as set out in the following table with summary of issues raised and actions taken.
- Councillors who had "parked" issues were put in touch with relevant Council Officers.

Summary of Issues Raised and Actions Taken

Issue	Actions Taken / Comment
Water Quality Concerns	<p>1, DCWW have been consulted on all proposed allocations. Ensure LDP Policy requires DCWW to build requirements into their future investment plans. [DCWW have 5 year investment programmes called Asset Management Plans (AMP). AMP 7 is scheduled to begin review in 2019 and will cover the period 2020 to 2025 and will take account of development proposals contained in local development plans adopted at the time of the AMP.]</p> <p>2, In advance of improvements programmed in the AMP, developers may serve DCWW with a requisition notice for the provision of a new water main or sewer and/or associated works, required for domestic purposes only. DCWW has a duty under the Water Industry Act 1991 to comply with such a notice. Ensure that LDP policy includes text to clarify the AMP process. Specifically, ensure that LDP Policy on Safeguarding Public Health and Natural Resources, Water Pollution and the Protection of Water Resources both address water quality concerns.</p>
Minerals: Unconventional Gas Exploration	<p>1, LDP Policy on Sustainable Development of Mineral Resources amended following steer from Councillors on the exploration of unconventional gas within legislative guidelines.</p>
Flood risk – coastal areas draining into estuary, issues with outfalls blocking drainage at high tide	<p>1, This is a drainage capacity issue that will be addressed by WWDC. Waste water infrastructure capacity will be improved through compensatory surface water removal and DCWW Asset Management Plan (AMP).</p>
Protection of Natural Environment: Landscape (not just Gower)	<p>1, Ensure that landscape is protected in LDP Policy on Landscape Protection and is included as a consideration within many policies, i.e. the overarching policies on PM01 Sustainable Settlements, PM02 Placemaking and Place Management, SD02 Masterplanning Principles and specific policies on minerals.</p>
Protection of Natural Environment: protection of SINCS	<p>1, Ensure that designated Sites of Importance for Nature Conservation highlights locally important sites, attempting to maintain natural aspect of site but can't prevent development if mitigation is shown to be possible. Clarification that SINC status does not preclude development.</p>
Transport: on street parking	<p>1, Key policy on Transport Measures and Infrastructure introduces appropriate parking as a requirement.</p> <p>2, Amend detailed Parking Policy to specifically addresses this issue within the policy and the issues of "on street parking" are now specifically detailed in the amplification.</p>
Transport: Non adopted roads and refuse collection	<p>1, Ensure that within the amplification of LDP Policy on Design Principles for Transport Measures and Infrastructure a User Hierarchy is set out, to ensure developers consider</p>

	<p>the road users inclusive of service vehicles (such as refuse and emergency services).</p> <p>2, Ensure that within the LDP Policy on Design Principles for Transport Measures and Infrastructure contains criteria to ensure the design of any roads conforms to best practice standards with regards to road layout and design.</p>
Good transport links needed on strategic sites	<p>1, Ensure master planning policies include links as a main consideration of design and define the nature, layout and speed limits for “spine roads” through the sites.</p> <p>2, Ensure that LDP Transport policies emphasises a clear streets hierarchy.</p>
Transport: Garage size	<p>1, This size is set by Transportation colleagues based on guidance and current policy.</p>
Retail & Leisure: City Centre Parking	<p>1, LDP policy on Parking amended to be flexible to take account of City Centre Strategy and the impact of public transport links on parking requirements.</p>
Retailing and City Centre – how can we stop retail development going to areas not in the main shopping streets of the city centre	<p>1, LDP policy will set out a clear retail hierarchy that emphasises the Swansea Central Area ‘Retail Centre’ sits at the top of the hierarchy – and that significant retail development must be directed towards this location. Policy will still provide support for appropriate retail development at retail parks i.e. retailing that does not undermine the vitality and viability of the Retail Centre.</p>
Housing: avoid over concentrations of Houses of multiple occupancy and location of student accommodation	<p>1, Guidance on Houses of Multiple Occupation and Residential Conversions within Settlements sets out clear criteria for houses of multiple occupancy.</p> <p>2, Clarify wording of LDP Policy to ensure Student Residential Accommodation - purpose built accommodation for students – is focussed on existing campuses or the City Centre.</p>
<p>Housing: Affordable housing</p> <ul style="list-style-type: none"> • deficit in Gower and West needs to be addressed. • Affordable Housing on all sites irrespective of area! 	<p>1, Further work has been carried out as part of the update to the Affordable Housing Viability Study to assess the viability of affordable housing contributions across the county and specifically of Affordable Housing allocations within Gower.</p> <p>2, Ensure that LDP Policies are drafted to ensure that the contribution of all housing development to affordable housing has been maximised whilst taking account of the need to ensure that developments remain viable.</p>
<p>Accessible housing</p> <ul style="list-style-type: none"> • Shortfall of accessible properties • Lifetime Homes – accessible properties suitable for future need 	<p>1, Affordable Housing policies have been drafted to address the issue of both affordable housing for local needs (ensuring that housing is provided for people who meet the Council’s defined occupancy criteria) and housing which meets the need identified in rural areas for housing which addresses issues arising from high second home or holiday home ownership, and the difficulties for the ageing population to access opportunities to downsize into appropriate properties.</p>

Building sustainable communities through design.	1, PM01: Sustainable Places, PM02: Placemaking and Place Management, SD02 Masterplanning Principles all incorporate the principles of sustainability.
The LDP should have a clear statement such as Policy R11 in the UDP to be realistic and to safeguard local environment i.e. realistic	1, Renewable Policy in LDP needs to be criteria based, and is inclusive of the local environment. 2, Policy amplification also considers the cumulative effects.
Executive housing seems to be the predominant part of the mix in certain areas. How do we control this?	1, The Plan is founded on a holistic placemaking approach to deal with this issue. Ensure that Plan policies require delivery of a mix of housing to create sustainable, balanced communities.
Key need to support wind and solar energy within the LDP	1, Amend Plan to include specific Policy on Renewable and Low Carbon Energy Technology in New Development.
Do not build on high quality farmland which is productive and part of a green wedge. You use greenfield sites of Grade 4 or 5 agricultural land	1, The best and most versatile (BMV) agricultural land has been protected where possible. However, this needs to be assessed against the need for sustainable development. In some instances the development of Sustainable Development Areas will involve BMV agricultural land and in such locations the need for the development outweighs the need to protect BMV agricultural land. 2, Green Wedge boundaries are reviewed as part of the Development Plan preparation process. Boundaries can be adjusted to accommodate the required growth in the area.
Caravan sites should have sufficient shrubbery and screening to ensure they are not visually prominent	1, Agree that this is a significant problem, particularly in terms of landscape impact. Unfortunately there are little planning control over existing sites, particularly those with certificates of lawful existing use. 2, Owners are encouraged to improve landscaping and if a planning application is submitted on a site, a landscaping condition is attached where relevant. 3, A design guide for new caravan and camping sites is being produced which will address the issue in respect of new sites. It is hoped to adopt the guide as SPG.
Support for Policy on the heritage led regeneration of the Hafod Morfa Copperworks site. Suggestion that the site become a strategic development area to include the regeneration of the wider Tawe Riverside	1, Agree – Amend Plan to include a Strategic Site policy on the Hafod Copperworks area, which is combined with sites along the Tawe Riverside to become a Strategic Development Area for mixed use.

Appendix B: City and County of Swansea Deposit LDP

Copies of the City and County of Swansea Deposit LDP can be downloaded from the planning webpages via the following web link <http://www.swansea.gov.uk/ldpdeposit>

Appendix C: Links to LDP Supporting Documents, Assessments and Appraisals

The Local Development Plan is supported and underpinned by a wide range of background documents, studies, appraisals and assessments. These can be found on the City & County of Swansea's Local Development Plan website via the following web links:

Sustainability Appraisal/Strategic Environmental Assessment undertaken throughout the LDP process is available via: <http://www.swansea.gov.uk/ldpsasea>

Habitat Regulations Assessment undertaken throughout the LDP process is available via: <http://www.swansea.gov.uk/ldphra>

LDP Supporting Evidence and Background Papers (listed below) are available via: <http://www.swansea.gov.uk/ldpbackgroundpapers>

Strategic and Topic based assessments

- Economic Growth and Employment Land Assessment
- Strategic Flood Consequences Assessment
- Health Impact Assessment
- Equalities Impact Assessment
- Population and Household Projections
- Affordable Housing Viability Assessment
- Joint Housing Land Availability Studies
- Strategic Housing Market Assessment
- Previously Developed Land Capacity Study
- Special landscape areas assessment
- Strategic Transport Assessment
- Strategic Retail Assessment
- Gower Landscape Character Assessment
- Stage I & II Gower Landscape Capacity Study for Caravan and Camping Sites
- Open Space Assessment

Topic papers

- Affordable Housing
- City Centre and Waterfront
- Culture and Heritage
- Design
- Environmental Constraints and Pollution
- Green Infrastructure (incorporating Open Space Assessment)
- Housing
- Minerals

- Natural Heritage and Countryside
- Physical Infrastructure
- Retail and Leisure
- Spatial Options Assessment
- Strategic Growth Options Assessment
- Tourism
- Transport and Accessibility
- Waste

Other supporting evidence

- Ward Profiles
- Issues Papers