



## Report of the Cabinet Member for Corporate Services & Performance

Council – 6 July 2023

### Swansea Replacement Local Development Plan (RLDP) – Final Delivery Agreement and Next Steps

<b>Purpose:</b>	To inform Members of the outcome of the consultation exercise undertaken on the draft Swansea Replacement LDP Delivery Agreement and Review Report, and seek Council's approval to submit the final documents to the Welsh Government
<b>Policy Framework:</b>	Swansea Local Development Plan (Adopted 2019); Planning and Compulsory Purchase Act 2004 (as amended); Well-being of Future Generations (Wales) Act 2015; Planning (Wales) Act 2015; Environmental Assessment of Plans and Programmes (Wales) Regulations 2004) (SEA regulations); Planning Policy Wales (2021) and related Guidance
<b>Consultation:</b>	Access to Services, Finance, Legal
<b>Recommendation(s):</b>	It is recommended that: <ol style="list-style-type: none"><li>1) The schedule of consultation responses on the draft Swansea LDP Review Report (attached at Appendix A) is noted, and the final Review Report (attached at Appendix B) is approved for submission to the Welsh Government;</li><li>2) The schedule of consultation responses on the draft Swansea Replacement LDP Delivery Agreement (attached at Appendix C) is noted, and the final Delivery Agreement (attached at Appendix D) is submitted to the Welsh Government for approval;</li><li>3) The Head of Planning and City Regeneration, or appropriate delegated Officer, be authorised to make any outstanding typographical, grammatical, presentational or factual amendments to the LDP Review Report and Replacement LDP Delivery Agreement prior to submission to the Welsh Government;</li><li>4) The Head of Planning and City Regeneration, or appropriate delegated Officer be authorised to undertake a Call for Candidate Sites exercise and prepare the necessary supporting background documents, including assessment methodologies, that relate to this stage;</li></ol>

- 5) The Head of Planning and City Regeneration, or appropriate delegated Officer be authorised to undertake the required next steps in the preparation of the Replacement LDP, including engagement with relevant stakeholders on a Strategic Environmental Assessment Screening Opinion and draft Integrated Sustainability Appraisal Scoping Report.

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## 1.0 Background and Context

1.1 The Swansea Local Development Plan (LDP) 2010-2025 was adopted by the Council on 28<sup>th</sup> February 2019 and forms the current statutory development plan for the City and County, under the provisions of Section 38(6) of the Planning Act. The LDP sets out the Council's planning framework for the development and use of land within the county boundary for the period up to January 1<sup>st</sup> 2026.

1.2 The Planning Act requires Council's to undertake a comprehensive review of their adopted LDP no longer than 4 years from the date of its adoption. This is in order to ensure the LDP, and its supporting evidence, is found to be up to date and providing a sound basis for planning decisions. Given the Swansea LDP was adopted in February 2019, the Council was required to commence a review of the Swansea LDP by February 2023 at the latest to consider requirements for a replacement LDP. The 3<sup>rd</sup> Annual Monitoring Report (AMR) on the Swansea LDP was formally submitted to the Welsh Government in March 2023. In summary it concluded that *the statutory four year full review cycle that applies to the LDP should be seen as an opportunity to undertake a more full review of relevant policies and requirements.*

### ***Swansea LDP Review Report***

1.3 A draft Swansea LDP Review Report was presented to Members for consideration at a Council meeting in March 2023, and was approved for a period of public consultation. The Review Report sets out the findings of a detailed appraisal of adopted LDP policies, having regard to the findings of the AMRs.

1.4 The Review Report outlined that whilst the majority of LDP policies and objectives were being implemented effectively there were some indicator and monitoring targets not being achieved, particularly related to housing development. It also highlighted key contextual changes such as the COVID 19 pandemic and BREXIT affecting the economic and socio-economic context and underpinning evidence that needed to be revisited, including matters relating to the future scale of population growth in Swansea, having regard to emerging national data. Similarly, it outlined the national policy context has altered in a number of key areas since adoption of the Swansea LDP such as the impending TAN15 on Flood Risk.

1.5 The Review Report also identified that the range of evidence to be updated is such that this is likely to require amendments to thematic and topic specific policies, such

as: (which is not exhaustive) the need for Gypsy and Traveller provision; affordable housing need; high level financial viability of delivering planning obligations; and tourism accommodation provision. There is a need to consider delays incurred on delivering certain LDP allocated sites, specifically whether this necessitates the identification of any alternative or new allocations to deliver updated housing requirements. This would require a detailed review of undelivered existing allocations and the individual merits and deliverability of other allocations.

- 1.6 Finally the Review Report had to conclude on the most appropriate procedural route to review the plan. It was clear that a so called 'Short Form' review would not be appropriate given there is a need to review the scale and distribution of growth. Rather, the evidence is clear that the Full Revision procedure is the appropriate form of revision process for the Swansea LDP. This must be progressed as an individual authority as there is no scope for a joint plan with other authorities due to differing timescales however, joint working on evidence base will be maximised. Commencing preparation of the Swansea Replacement Local Development Plan (RLDP) using this procedure will ensure that effective local decision making in planning can continue, founded on a comprehensively updated evidence base, in-line with the plan-led approach in Wales required by Welsh Government.

### ***Swansea Replacement LDP Delivery Agreement (DA)***

- 1.7 A key recommendation of the draft Review Report was that the LPA should produce a **Delivery Agreement (DA) for the Swansea RLDP**. A draft DA was approved by members in March 2023 to be issued for public consultation. The document sets out the proposed timetable for the preparation of the RLDP, together with the Community Involvement Scheme (CIS) detailing when, and how the Council will consult on its preparation and with whom.
- 1.8 The preparation of a DA represents a key initial statutory stage in the process to produce a RLDP. Once the final version is approved by the Council and Welsh Government, this will mark the formal start of the RLDP process, and the Council is therefore committed to the stated timetable and CIS contained within it. It is therefore an essential project management tool to guide the preparation of the RLDP.
- 1.9 The DA is split into 3 parts. Part 1 sets out the relevant legislative and policy considerations in preparing the RLDP including evidence base studies required. Part 2 sets out the timetable for delivery and resource requirement to progress the LDP to adoption, and Part 3 sets out the Community Involvement Scheme including principals for engagement, the types of external groups and internal stakeholders who will need to be involved in shaping the RLDP. It is essential that the right people are involved at the right time to build consensus and ensure early and effective stakeholder engagement to shape the spatial strategy, policies and proposals of the plan. The LDP Regulations require the Council to work in partnership with a range of stakeholders in preparing the RLDP including the general public and Specific and General Consultation bodies as appropriate. Elected Members are also a key stakeholder, and the DA emphasises that close engagement throughout the process with members is crucial to ensure as far as possible that the Plan has wider community support. The DA sets out the key consultation periods with details of engagement at each stage, identifying who will be formally involved in the RLDP process and how and when the participation and consultation will occur.

## **2.0 Consultation and Engagement on the Draft Documents**

2.1 The Draft Review Report and Draft DA were subject to public consultation between 9<sup>th</sup> March and 20<sup>th</sup> April 2023. A total of 475 consultees were notified and invited to make comments on the draft documents. These included key specific and general consultation bodies as recommended in the Development Plans Manual. In addition, all members were informed of the consultation together with a targeted list of key officers in the Council representing a range of service areas. A new consultation engagement software system (Opus Consult) was in place for the start of the consultation to facilitate more effective engagement.

2.2 Details of the consultation were widely advertised by the following means:

- Full details published on the Council's Planning webpages and the Have Your Say' consultation pages, with links to the consultation software;
- Press Notice on the Council's website advertising details of the consultation;
- Details of the consultation advertised on the Council's Facebook and Twitter pages;
- Two drop in sessions were held at the Civic Centre on the 27<sup>th</sup> March and 6<sup>th</sup> April (10am-6:30pm) so that members of the public and other stakeholders could have face to face contact and discussions with Strategic Planning officers
- Bilingual Hard copies of the consultation documents available to view at the Civic Centre reception;
- Bilingual summary leaflet of the Delivery Agreement sent to all Council libraries for display with a briefing note advising of details of the consultation;

2.3 A combined total of 32 responses were received during the consultation period on the draft documents. Comments received on the Review Report are summarised in Appendix A of this report and comments received on the DA are summarised in Appendix C. Overall the majority of comments did not object to the approach and contents of both documents and recognise the need to review the LDP. A large number of comments related to matters of detail that will be considered as the plan progresses. However, some changes to the documents were considered appropriate to provide further clarity and to respond to matters raised.

## **3.0 Summary of Responses on the Review Report**

3.1 The consultation has provided valuable feedback on items of detail to be considered as part of the LDP replacement process. In most cases the feedback provided by consultees provides detailed examples (e.g. particular reports or items of evidence) that will need to be considered along with many others and it is not appropriate to put this level of detail in the Review Report itself. Therefore, in these cases, this valuable feedback will be noted and taken forward in the detailed work to come on the preparation of the RLDP. In some cases, where it has been useful to provide greater clarity in the Review Report, minor additions and amendments have been added.

3.2 Valuable offers of assistance and expressions of interest to be engaged in the review of certain topic areas have been received from consultees. This is welcomed and will further enhance the opportunities for collaborative and strategic working in the preparation of the RLDP. Some minor suggestions to improve clarity or to correct

small typos have been identified by consultees and these have been amended to ensure the accuracy of the report.

3.3 Some queries with regard to existing LDP policy and requests for further information have been received which have either been answered in the response schedule or will be picked up on directly with the consultee separately. The comments received from consultees, along with the Council’s response to them, are provided in Appendix A of this report.

#### 4.0 Summary of Responses on the Delivery Agreement

4.1 The proposed timetable for delivery of the RLDP is partly driven by the need to ensure the RLDP could be adopted as expediently as possible and to minimise the period after the current LDP end date on 1<sup>st</sup> January 2026. During early engagement with the Welsh Government prior to the formal consultation stage, the ambitious nature of the timetable was discussed. Notably it was highlighted that the timescale proposed was 3 months shorter than that recommended in the Development Plans Manual.

4.2 Specifically, in the draft DA the time from Deposit to Submission (3 months) was particularly short. Having reflected on this, and with a view to de-risking the likelihood of any ‘slippage’ in the timescale, the final version of the DA has a further three months built in the timeframe to bring it in line with recommended WG guidance. Accordingly, it is now expected that the final Deposit Plan together with any recommended changes will be submitted to the Welsh Government in March 2026.

4.3 Given the nature of the DA as a project management tool, it is unsurprising that there was not a significant amount of comments received. Generally, respondents were supportive of the review process and the document and expressed interest in being engaged throughout the preparation process. Consultees have raised some useful comments, which has led to minor updates to the text and to provide clarity. There have been useful suggestions for additional bodies to be added to the list of general consultation bodies that could potentially have an interest in the preparation of the plan. Where these are considered particularly relevant Appendix 3 of the DA has been amended. However, it is important to note the list is not exhaustive and should additional organisations be identified they can be added to the consultation database to be kept informed of future stages.

4.4 The Final DA Timetable is set out below. The timetable is split into ‘Definitive Stages’ (those under direct control of the Council) and ‘Indicative Stages’ that are dependent on other bodies including Planning and Environment Decisions Wales (PEDW). The table below highlights that the Examination of the plan is anticipated to be in the summer of 2026. Following this, the binding Inspectors Report is expected to be published late in 2026, at which time members will be required to consider recommendations in respect of adopting the Replacement LDP.

<b>Table 1 – Timetable for Swansea Replacement LDP</b>			
<b>Definitive Stages</b>		<b>From</b>	<b>To</b>
<b>1</b>	<b>Delivery Agreement</b> Draft DA Consultation, submission of Final DA to	<b>March/April 2023</b>	<b>July 2023</b>

	Welsh Government for approval		
<b>2</b>	<b>Pre-Deposit Participation</b>  Evidence base preparation  Call for Candidate Sites  Consultation on SA Scoping Report  Preparation and Engagement on Vision, Objectives and Strategic Options	<b>July 2023</b>  <b>Jan 2023</b>  <b>Aug 2023</b>  <b>Aug 2023</b>  <b>Sep 2023</b>	<b>June 2024</b>  <b>Ongoing</b>  <b>Oct 2023</b>  <b>Sep 2023</b>  <b>Jan 2024</b>
<b>3</b>	<b>Pre-Deposit Consultation</b>  Consultation on Preferred Strategy, Initial Sustainability Appraisal Report and Habitats Regulations Assessment Screening Report – 8 weeks	<b>July 2024</b>	<b>August 2024</b>
<b>4</b>	<b>Deposit Participation/Consultation</b>  Consultation on Deposit Plan, ISA, HRA and Initial Consultation Report	<b>June 2025</b>	<b>July 2025</b>
<b>Indicative Stages</b>		<b>From</b>	<b>To</b>
<b>5</b>	<b>Submission</b> Submission of Deposit Plan and all supporting evidence to WG	<b>March 2026</b>	
<b>6</b>	<b>Examination</b>  Pre hearing meeting and Examination Hearing Sessions	<b>April/May 2026</b> <b>June 2026</b>	<b>April/May 2026</b> <b>July 2026</b>
<b>7</b>	<b>Publication of Inspectors Report</b> Local Planning Authority to receive binding Inspectors Report, check for factual errors and to Publish on its website.	<b>November 2026</b>	
<b>8</b>	<b>Adoption</b> Full Council adopts the Replacement LDP	<b>December 2026</b>	

## 5.0 Next Steps

### ***Submission of Delivery Agreement and Review Report to Welsh Government***

5.1 Subject to Council approval, the Review Report and DA will be submitted to the Welsh Government in line with regulations. Once the WG formally approves the

DA, formal preparation of the Replacement Plan will commence. The approved DA will be published on the Council's Replacement LDP webpage on the website soon after.

### ***Call for Candidate Sites***

- 5.2 The first formal stage in line with LDP regulations will be for the LPA to 'request nominations for sites to be proposed in the RLDP'. This will be an opportunity for landowners, members of the public and developers to put forward sites for consideration as part of the process. The Call for Candidate Sites will be undertaken over the summer months in 2023. The Welsh Government suggests a minimum period of eight weeks for interested parties to submit sites for consideration, and therefore this will be the minimum period observed for this stage to allow submissions to be made. A register of candidate sites submitted will be published at a later stage of the process.
- 5.3 The call for sites will be widely advertised, as it will be necessary to generate interest with a range of stakeholders to ensure that appropriate sites are submitted early on in the process to minimise delay in plan preparation. Sites can be put forward for a range of uses such as housing, employment and recreation. To inform this process, officers will need to prepare a range of guidance notes, supporting information and mapping, including the proposed assessment methodology to assist Candidate Sites proposers in submitting sites.

### ***Sustainability Appraisal (incorporating Strategic Environmental Assessment) – The Integrated Sustainability Appraisal***

- 5.4 The RLDP must ensure it contributes to achieving the economic, social, environmental and cultural well-being goals of Wales, as required by the Well Being and Future Generation Act 2015. The RLDP will need to be informed by Sustainability Appraisal (SA) including Strategic Environmental Assessment (SEA), under Regulation 5(2) and (4) of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004) (SEA regulations). As a matter of good practice the SA and SEA processes have been combined into one iterative process. This integrated process will be followed for the preparation of the RLDP and it will be known as the Integrated Sustainability Appraisal (ISA).
- 5.5 The adopted Swansea LDP was subject to SA (including SEA). The SEA Regulations state that all proposed 'minor modifications' to existing Plans require the Council to determine, in consultation with the 'environmental consultation bodies' (Natural Resources Wales and CADW), whether a SEA is required as a result of the modification being likely to have significant effects on the environment. Given the likelihood of a changing environmental baseline since the SA of the LDP, as well as a new national planning policy framework being in place, and the comprehensive nature of the review of the LDP, the RLDP may have likely significant environmental effects and therefore a formal SEA is required, under Regulation 9(1) of the SEA Regulations. Although it is considered the RLDP will need to be subject to SEA (given all RLDP's in Wales have) nevertheless under regulation 9(1) of the SEA regulations the Council as responsible authority must formally determine this. Before making such a determination the Council must consult the consultation bodies, defined in the 2004 regulations as Natural Resources Wales and CADW.

5.6 The second stage of the ISA process will be the preparation of the ISA Scoping Report, preliminary work on which has already commenced. The initial scoping stage of the ISA process is largely an evidence gathering exercise to gain an understanding of the current economic, social, environmental and cultural baseline and gather baseline data to identify and focus on key issues in the area. This will assist in enabling a set of objectives to be developed, which will form the framework to assess the effects of the plans policies and proposals. It is a statutory requirement to consult the defined environmental consultation bodies on the ISA Scoping Report. It is proposed that the consultation is undertaken over a 5 week minimum consultation period in line with guidance. Whilst there is no formal requirement to consult other parties, WG guidance highlights that it is best practice to invite comments from other interested parties and make the scoping report publically available. It is therefore intended that the ISA Scoping Report be made available on the website during the statutory consultation and that key stakeholders be notified should any interested party wish to comment on it.

### ***Evidence Base, Vision & Objectives and Strategic Options***

5.7 Ongoing work is being undertaken on developing the necessary evidence base to support the preparation of the RLDP in a number of technical areas. This work includes utilising specialist advisors and external consultants where necessary. Technical areas include assessments of future growth forecasting, housing need, brownfield land availability and Green Infrastructure assets across the County. Having regard to the emerging evidence base, a draft RLDP Vision and set of overarching Objectives will be produced, and a range of Strategic Options and growth scenarios will be formulated. These will be subject to detailed engagement with stakeholders, including Members, as set out in the DA.

5.8 The formulation of a draft Preferred Strategy for the RLDP is the next key stage of the plan preparation process that requires a statutory full consultation, in accordance with Welsh Government guidelines. The DA highlights that the draft Preferred Strategy is anticipated to be brought to Members for approval to undertake that consultation in July 2024. The document will set out the broad approach to the scale and location of growth for the RLDP to ensure development is planned in a sustainable manner. It will provide the strategic framework for more detailed policies, proposals and specific land use allocations, which will subsequently be included in the full draft (Deposit) RLDP.

5.9 Engagement with Members is an important part of the process, and officers will ensure that Members have the opportunity throughout the process to feed into the full range of work to be undertaken, including evidence gathering work and the ISA process.

## **6.0 Integrated Impact Assessment Implications**

6.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.



- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 6.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 6.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 6.4 An updated IIA screening has been completed for the Swansea LDP Review Report (see Appendix D) following the consultation exercise. This identifies it will result in no impacts on the groups and issues identified and that therefore the Review Report itself does not require an IIA. The Review Report recommends that a Replacement LDP (RLDP) is commenced and IIA will be integrated into the preparation of the Replacement LDP from the earliest opportunity. The Review Report, together with the consultation process, follows legislation and guidance produced by the Welsh Government. This report requests that Council Members now approve submission of the final Review Report to Welsh Government.
- 6.5 An updated IIA screening has been completed for the Swansea RLDP DA (see Appendix D) following the consultation exercise. This identifies that the CIS will facilitate engagement with a number of the selected groups identified in Q2 of the IIA screening. As a result, whilst there are no impacts on certain groups, impacts on a number of selected groups in Q2 of the IIA are considered to be 'medium', as they are specifically listed within the CIS as 'Seldomly Heard Stakeholders'. The impacts of the CIS will therefore be positive, as the CIS seeks to actively engage these groups in the RLDP process through liaison with the Council's coordinator. Given only positive effects are highlighted with no cumulative impacts identified, it is concluded therefore that an IIA is not required. However as referred above IIA will be integrated into the preparation of the Replacement LDP from the earliest opportunity. The DA was subject to a full public consultation exercise in bilingual form allowing engagement from a wide range of stakeholders.
- 6.6 The RLDP will be fully aligned with the Well-being of Future Generations (Wales) Act 2015. It is an integral part of the planning framework and LDP Review process.

## **7.0 Financial Implications**

- 7.1 There are no significant financial implications arising from the publication of the final version of the Review Report. The document production process, including Welsh translation, will be accommodated within existing budgets and staff resources, and utilise largely electronic communication (email and website). The final document will be made available electronically and hard copies will generally only be produced upon request for an appropriate charge in order to recoup costs incurred. As such printing costs going forward will not be significant and can be met within allocated budgets.
- 7.2 The approval of the Swansea RLDP DA for submission to Welsh Government will commit the Council to prepare a RLDP in line with the timetable set out in the document. Once approved by the WG the formal preparation process will commence. A sufficient budget will need to be made available to progress the RLDP to adoption, within the prescribed timetable, in order to discharge the Council's statutory duties. This will cover expenditure relating to all elements of preparation of the RLDP and the independent Examination process.

## **8.0 Legal Implications**

- 8.1 A Statutory plan review is required at intervals of no longer than 4 years from the date of LDP adoption under the PCPA 2004 (section 69) and Regulation 41. The first stage of the process required by WG is the production of a Review Report. The Swansea LDP Review Report has been produced following the WG guidance.
- 8.2 The Swansea RLDP DA has been prepared in accordance with Welsh Government regulations and guidance, including The Town and Country Planning (Local Development Plan) (Wales) Regulations 2015 and the Local Development Plans Manual 2020 Edn 3 (The Manual).
- 8.3 The Council will continue to monitor the current adopted LDP in-line with WG requirements and guidance.
- 8.4 The Council has a duty to seek to continually improve in the exercise of its functions (which include where appropriate powers) in terms of strategic effectiveness, service quality and availability, sustainability, efficiency and innovation pursuant to the Local Government (Wales) Measure 2009.

**Background Papers:** None

### **Appendices:**

Appendix A	Schedule of consultation responses on the Draft Swansea LDP Review Report
Appendix B	Final Swansea LDP Review Report
Appendix C	Schedule of consultation responses on the Draft Swansea Replacement LDP Delivery Agreement
Appendix D	Final Swansea Replacement Delivery Agreement
Appendix E	Integrated Impact Assessment Implications screening Forms