



## Report of the Head of Planning and City Regeneration

Planning Committee – 24 October 2023

### Adoption of the Swansea Local Development Plan 4<sup>th</sup> Annual Monitoring Report 2022-23 (AMR 4)

<b>Purpose:</b>	To inform Members of the findings of the 4 <sup>th</sup> LDP Annual Monitoring Report (AMR) covering the period 2022-23, and to seek approval to formally submit it to Welsh Government
<b>Policy Framework:</b>	Swansea Local Development Plan (Adopted 2019); Planning and Compulsory Purchase Act 2004; Well-being of Future Generations (Wales) Act 2015; Planning (Wales) Act 2015; 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 findings of the 4<sup>th</sup> AMR, as summarised in this report and set out in full in the AMR document (attached at Appendix A), be noted;</li><li>2) The final version of the 4<sup>th</sup> AMR be approved for submission to Welsh Government in accordance with statutory requirements;</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 4<sup>th</sup> AMR prior to its submission and publication.</li></ol>
<b>Report Author:</b>	Tom Evans
<b>Finance Officer:</b>	Aimee Dyer
<b>Legal Officer:</b>	Jonathan Wills
<b>Access to Services Officer:</b>	Rhian Millar

#### 1.0 Introduction

- 1.1 The Swansea Local Development Plan (LDP) was adopted by the Council on the 28<sup>th</sup> February 2019. It forms the statutory development plan for the City and County of Swansea, under the provisions of Section 38(6) of the Planning Act. It is a requirement of the statutory development plan process that, following Plan adoption, the Council is required to prepare an Annual Monitoring Report (AMR). The purpose of the AMR is to quantify how the objectives of the LDP are being achieved, and how its strategy, key policies, allocations and infrastructure requirements are all

being delivered. It also serves to identify any challenges, opportunities and contextual changes in which the Plan operates. The Council is required to approve and submit the AMR to Welsh Government (WG) by 31<sup>st</sup> October each year.

- 1.2 This latest AMR is the fourth to be prepared since adoption of the LDP. It is focused on the period 1 April 2022 to 31 March 2023 and is referred to from this point onwards in this report as AMR 4.
- 1.3 It should be noted that last year's AMR 3 highlighted identified that a comprehensive review of the LDP was required to commence by February 2023 at the latest. It recommended that a LDP Review Report be prepared in-line with the process prescribed by Welsh Government guidance and legislation. In accordance with these requirements the Swansea LDP Review Report was produced and following consultation a final version approved by Council and submitted to the Welsh Government in July 2023. The Review Report concluded that a Full Review procedure should be undertaken for the Swansea LDP to fully consider the strategic issues and key policy matters identified, and to fully update the evidence base on which the LDP is based. Fundamentally this highlighted that a Replacement LDP needs to be prepared for the period 2023 to 2038, following the same full procedures as were used in preparing the adopted LDP.
- 1.4 During 2023, a Delivery Agreement for the Replacement LDP was also produced and following consultation a final version was approved by Council and agreed with Welsh Government in July 2023. The Delivery Agreement sets out the timeline and stakeholder and public engagement opportunities for the preparation of the Replacement LDP.
- 1.5 It should therefore be noted that AMR 4 has been prepared in the context that a full statutory 4-year review has now commenced of the LDP which provides the opportunity to address issues identified in the monitoring. Evidence gathering is now underway to inform the preparation of the Replacement LDP. This evidence will provide a new baseline of information on which to use for monitoring going forward.

## **2.0 Background and Context**

- 2.1 The LDP Monitoring Framework is set out in Section 4.2 of the LDP. It was developed based around the Strategic Policies of the Plan, with indicators to measure the effectiveness of the policies in meeting identified targets and trigger points beyond which further analysis, guidance, or remedial action may be required if targets are not met. The AMR also integrates the findings of the Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) monitoring of the Plan, to identify any unforeseen adverse effects on the environment and enable appropriate remedial action to be taken in-line with the SEA regulations. The Final SA Report of the LDP identified a set of indicators to be used to monitor LDP progress on sustainability issues, which are interlinked with the LDP monitoring indicators. The adopted monitoring framework was based on the WG guidance extant at that time.
- 2.2 It should be noted that the WG guidance has been updated since the adoption of the Swansea LDP, with the publication of the Development Plans Manual (DPM) Edition 3 (March 2020). The updated WG guidance identifies the indicators required in all Development Plan monitoring frameworks. The majority of these were already covered in the Swansea LDP, but the DPM has introduced some new additional

indicators, including significant changes to the method used for monitoring housing delivery. These were added to the Swansea LDP monitoring framework used in AMR 1, and have also been used for all subsequent AMRs. Table 1 of the AMR summarises how the monitoring framework in the AMR fulfils the WG guidance and where it has been updated to reflect the latest requirements.

- 2.3 The monitoring indicators have a target, which relates to the Plan’s strategy, objectives and policy outcomes; and a trigger point which sets the parameters against which policies should deliver. Table 1 sets out the options available to the Council with respect to each LDP monitoring indicator, when monitoring against the target and trigger point. These are in-line with the updated WG guidance.

**Table 1: Adopted LDP Monitoring Options**

<b>ASSESSMENT</b>	<b>ACTION</b>
<b>Continue Monitoring (Green)</b>	
Indicators suggest that the Plan policies are being implemented effectively and there is no cause for review.	No further action required, other than to continue monitoring.
<b>Training Required (Blue)</b>	
Indicators suggest that the Plan Policies are not being implemented in the intended manner.	Officer and/or member training may be required.
<b>Supplementary Planning Guidance Required (Purple)</b>	
Indicators suggest the need for further guidance in addition to those identified in the Plan	Publish additional Supplementary Planning Guidance
<b>Further Research (Yellow)</b>	
Indicators suggest the Plan Policies are not being effective as originally expected.	Further research and investigation required, including looking at contextual information about the County or topic area.
<b>Policy Review (Orange)</b>	
Indicators suggest that Plan policy/ies are not being implemented.	Full investigation into why the Plan policies are not being implemented which may lead to a formal review of the Plan policy/ies.
<b>Plan Review (Red)</b>	
Indicators suggest the Plan strategy is not being implemented.	Full investigation into why Plan strategy is not being implemented which may determine a formal review of the Plan is required.

### 3.0 Consultation and Engagement

- 3.1 The WG guidance has requirements for mandatory stakeholder engagement on the monitoring of housing delivery as part of the AMR preparation. In-line with this guidance, the production of AMR4 involved close and regular dialogue with developers and RSLs on sites being promoted for development. The process also benefited from engagement during regular Council facilitated Developer Forum meetings. Also, the LPA has engaged with site promoters specifically on forecasted delivery rates and also undertook direct consultation with the development sector through the Home Builders Federation (HBF) Wales.

## **4.0 Summary of Main Findings in the AMR**

4.1 In-line with the WG guidance, the AMR is structured as follows:

- Chapter 1 - introduction
- Chapter 2 – review of any changes affecting the context in which the LDP operates, including legislation/national policy and guidance; social, economic and environmental factors.
- Chapter 3 – analysis of the LDP monitoring indicators.
- Chapter 4 – analysis of the SA indicators.
- Chapter 5 – conclusions and recommendations.

### **Chapters 1 and 2**

4.2 The AMR identifies that the full review of the LDP includes an examination of changes in legislation and national, regional and local policy. It also considers changes in socio-economic and environmental factors and other aspects of the LDP evidence base that have an impact on the current LDP. Relevant changes in wider national and regional policy (e.g. impending changes to TAN 15, emerging proposals of the SW Wales Metro, and the latest Local Wellbeing Plan) and also the scope of evidence gathering required to inform the Replacement LDP are set out in detail in the LDP Review Report. Monitoring of changes in LDP context will be ongoing in the preparation of the Replacement LDP.

### **Chapters 3 and 4**

4.3 Chapter 3 of the AMR confirms that the LDP indicators have been reviewed against the relevant targets, trigger points, and WG guidance. AMR 3 previously indicated that some of the monitoring indicators relating to policies of the Swansea LDP are under performing, and that the statutory 4 year LDP review (which identified the need for the Replacement LDP) provides an opportunity to address these areas. Key strategic planning issues in this respect are those relating to delivery of new housing on some LDP allocations, the delivery of new pitches required to meet the accommodation needs of Gypsies and Travellers, provision of land for mineral supply requires review, and the need for policies to be updated to reflect new national guidance expected on flood risk. The statutory 4 year Plan review provides the opportunity to review these policies and to gain an understanding of any reasons why some policies have not been implemented as expected.

4.4 These same issues are again reflected in the monitoring for AMR 4. Table 2 summarises the outcome for all the indicators and shows that nonetheless the vast majority are green i.e. they are considered to reflect positive policy implementation, thereby providing an indication that the LDP is delivering many significant benefits to communities across the County.

**Table 2: LDP Monitoring Summary for 2022-23 – AMR 4**

<b>Assessment</b>	<b>Action</b>	<b>Number of Indicators</b>
Indicators suggest that the Plan policies are being implemented effectively and there is no cause for review	Continue Monitoring (Green)	94
Indicators suggest that the Plan Policies are not being implemented in the intended manner.	Training Required (Blue)	0
Indicators suggest the need for further guidance in addition to those identified in the Plan	SPG required (Purple)	0
Indicators suggest the Plan Policies are not being effective as originally expected.	Further investigation/ research required (Yellow)	5
Indicators suggest that Plan policy/ies are not being implemented.	Policy Review (Orange)	19
Indicators suggest the Plan strategy is not being implemented.	Plan Review (Red)	7

- 4.5 As in AMR 3, whilst the AMR confirms that the majority of LDP policies and objectives are ‘green’ where no action is required other than continued monitoring, there are some key policy indicator targets and monitoring outcomes not being achieved (red or amber), which primarily relate to the delivery of housing and employment related development. Significant time lags in the pre-construction periods have been encountered on key residential led development sites when compared to that allowed for in the forecasted trajectory in the LDP. On the basis of the latest site forecasts formulated through engagement with developers and site promoters, the updated forecasted housing supply illustrates that it is expected to again fall below the average annual projected rate in the next 12 months on the basis of the sites with planning consent. However, Strategic site allocations have now started to comprehensively get underway and are expected to deliver significant numbers of new homes in 2023-24 and onwards. AMR 4 has recorded that during 2022-23, development has commenced on the first phase of SD C Land at Parc Mawr, Penllergaer and the developer has set out forecasted builds for 2023-24. Development is also expected to commence early in 2024 at both SD B Land at Garden Village and SD D West of Llangyfelach Road, Penderry. In addition, other sites identified in the updated trajectory will have progressed through the development pipeline to begin delivery of new homes.
- 4.6 There have been highly exceptional circumstances that have influenced the above outcome over the last 3-4 years. In particular, dwelling completions have been significantly impacted by the COVID 19 crisis affecting site operations (closure of sites and social distancing), while labour supply issues, rising costs of materials and extended lead in times due to supply chain problems are also impacting the housebuilding industry. It is also the case that new national legislation and regulations have affected the housebuilding industry, and its ability to bring forward sites with speed. This is not specific to Swansea and has been experienced across the country. The impact of sustainable drainage requirements, and associated requirements for achieving biodiversity enhancements at all scales, have posed huge challenges for developers and have had to be incorporated into the masterplanning process on sites.

This in turn has impacted on the financial viability of schemes, and in some cases delayed deliverability. The challenges posed by these new requirements have equally needed to be faced by the Council, and has required new ways of working and co-ordination across departments to ensure proposed developments can progress to delivery on site.

- 4.7 It is important to note that delays in the delivery of housing requirements are being experienced across Wales and this issue is not confined to Swansea, and shortfalls in delivery have been reported by Councils such as Cardiff, Neath Port Talbot, Bridgend and Newport. In the most recently published AMR for the Cardiff LDP, it is highlighted that completion rates are below targets for housing sites and the adoption of that LDP predates the current Swansea LDP by several years. These delays are attributed by that Council to a combination of similar issues relating to site assembly, legal and logistical factors experienced by landowners/ developers along with the time required to secure the necessary consents. However it is encouraging that the Cardiff AMR also notes that once their major strategic sites have started to deliver new homes, and that this has begun to deliver a significant step change in the number of total housing completions in the County, much like what is forecast to take place in Swansea.
- 4.8 It is important to note that in Swansea, whilst allocated strategic sites have taken longer than originally anticipated to progress to a stage that will enable delivery of homes on site, very significant progress has been made on these proposals. The LPA has continued to engage closely with the relevant site promoters and developers since the LDP was prepared and adopted, including at pre-application, application and post application stages. The picture is increasingly positive in this regard with a number of key strategic development areas and housing sites now benefitting from planning permission, and others very close to submitting planning applications with the benefit of many years gearing up to reach that milestone stage. The AMR provides details of these, including those developments that are now on site.
- 4.9 The 4th AMR (as it did in AMR 3) also highlights that a small number of indicators have flagged a specific need for further investigation and research on certain topics or issues, in some instances alongside policy review. This research will be important as an updated evidence base to inform the Replacement LDP for Swansea. It includes investigating residential windfall site rates; Gypsy and Traveller need and the current availability of pitches; high level viability testing for infrastructure and affordable housing provision; and assessing up to date housing need and housing and employment land requirements. The AMR has also identified that the LDP policy on provision of land for mineral supply requires review, and that policies should be updated to reflect significant new national policy, including that relating to flood risk. The work to prepare the Replacement LDP will address these issues.
- 4.10 Overall, the AMR concludes that the statutory four year full review cycle that has now commenced provides the mechanism to undertake a full review of relevant policies and requirements including the issues identified in the monitoring of LDP indicators, in order to gain the fullest understanding of the reasons why some policies have not been implemented as expected. Nonetheless, the vast majority of indicators are green i.e. they are considered to reflect positive policy implementation, thereby providing an indication that the LDP is delivering many significant benefits to communities across the County. Annual monitoring will need to continue during the preparation of the Replacement LDP in order to maintain an up to date evidence base where relevant.

## **5.0. Integrated Impact Assessment Implications**

- 5.1 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.
- 5.2 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'.
- 5.3 By following an Integrated Impact Assessment (IIA) process, this ensures the AMR has 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.
- 5.4 An IIA screening was carried out and this demonstrated that a full IIA was not necessary. The results of the screening are set out in Appendix B. The screening identified low impacts on the protected groups identified. The IIA screening was an update to that undertaken for previous AMRs, which also identified low impacts. Overall, the AMR has concluded that the statutory four year full review cycle that has now already commenced provides the mechanism to undertake a full review of relevant LDP policies and requirements including the issues identified in the monitoring of LDP indicators, in order to gain the fullest understanding of the reasons why some policies have not been implemented as expected. The Replacement LDP work, which is separate to this AMR report, will itself be subject to the IIA process.
- 5.5 It should be noted that the AMR is based on the LDP monitoring framework which is adopted in the Plan and cannot be altered, except to conform with updates to WG national policy and guidance. The LDP monitoring framework was examined by independent Inspectors during the preparation of the LDP and found to be sound. The LDP was also assessed for its conformity to national legislation and policy, including the Well-being of Future Generations Act (Wales) 2015, and was subject to a Sustainability Appraisal (SA) process which incorporated an Equalities Impact Assessment therefore the Plan has already been assessed in this respect. The AMR provides a factual report on the implementation of the LDP.

- 5.6 In preparing the AMR, the Council has fulfilled the mandatory consultation requirements of the WG guidance for preparing the AMR. The final AMR will be made available to view on the Council's website and will be provided bilingually to maximise opportunities for people to use the Welsh language and to comply with the Welsh Language Standards.
- 5.7 This report being presented to Planning Committee is not recommending any fundamental actions or any changes to the adopted Plan.
- 5.8 On the basis of the above, it has been concluded that a full IIA is not necessary.

## **6.0 Financial Implications**

- 6.1 There are no financial implications arising from the publication of this AMR. The developer consultation process and document production has been accommodated within existing budgets and staff resources, and utilised electronic communication (email and website). The final document has been made available electronically and hard copies will generally only be produced upon request for an appropriate charge in order to recoup costs incurred.

## **7.0. Legal Implications**

- 7.1 The Council are required to submit an Annual Monitoring Report to Welsh Government under section 76 of the Planning and Compulsory Purchase Act 2004.
- 7.2 The Council will continue to monitor the LDP in-line with WG requirements and guidance.
- 7.3 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:**

Swansea Local Development Plan 3rd Annual Monitoring Report - Period 2021-22 (AMR3)  
Swansea LDP Review Report, July 2023

### **Appendices:**

Appendix A: Swansea Local Development Plan 4<sup>th</sup> Annual Monitoring Report – Period 2022-23 (AMR 4)

Appendix B: Integrated Impact Assessment Implications Screening Form