

FLINTSHIRE COUNTY COUNCIL

REPORT TO: CABINET

DATE: TUESDAY, 18 JUNE 2013

REPORT BY: DIRECTOR OF ENVIRONMENT

SUBJECT: FLINTSHIRE LOCAL DEVELOPMENT PLAN
DELIVERY AGREEMENT

1.00 PURPOSE OF REPORT

- 1.01 To seek Members approval of the Flintshire Local Development Plan Delivery Agreement, and to allow it to go out for stakeholder and public consultation. Members should note that all Members have received, for their information, a copy of the draft Delivery Agreement following its consideration and as recommended by the Planning Strategy Group, who met on 16 May 2013. Given the size of the document, Members are requested to refer to the copy already provided, and/or alternatively reference copies available in Members Services.

2.00 BACKGROUND

- 2.01 The requirement for each Local Planning Authority to produce a Local Development Plan (LDP) is set out in Part 6 of the Planning and Compulsory Purchase Act, 2004. Procedural requirements are explained in the Town and Country Planning (Local Development Plan) (Wales) Regulations, 2005. A whole raft of other relevant guidance relating to the production of the LDP exists, and is referenced within the attached Delivery Agreement document.
- 2.02 LDPs re-emphasise the importance and commitment placed on providing a Plan-led system in Wales, where the LDP will set out the Council's policies and proposals in respect of the development and use of land. In replacing Unitary Development Plans, the LDP system aims to achieve the following objectives:
- Informing LDP production through **Sustainability Appraisal**, incorporating **Strategic Environmental Assessment**;
 - Basing LDP production on **effective community involvement** – to consider a wide range of views, with the aim of building a wider consensus on the strategy and policies for the LDP;
 - Ensuring **policy integration** – at national, regional and local levels;

- Delivering a **faster more responsive** approach to plan-making;
 - Making plans that are more **strategic, concise and distinctive**.
- 2.03 These objectives are translated via the above referenced Acts, guidance, and regulations into a process for plan making, which has prescribed key stages and requirements that have to be met, and that form part of the plan's eventual examination to test its soundness. Appendix 1 shows the LDP process diagrammatically.
- 2.04 The preparation of a Delivery Agreement is one of the first formal stages in the LDP process. The Delivery Agreement is a public statement that contains a timetable for LDP production (this is in effect the Council's project plan) and the Community Involvement Scheme, setting out how and when stakeholders and the community can contribute to the preparation of the LDP and its Sustainability Appraisal/Strategic Environmental Appraisal. The Community Involvement Scheme will be important in supporting and developing the aims, scope and priorities for the LDP, setting out appropriate forms of involvement to facilitate structured dialogue with Members, key stakeholders, and the community about the evidence and options, in order to arrive at a broad consensus.
- 2.05 Once agreed, the Delivery Agreement commits the Local Planning Authority to produce its LDP according to its stated timescales and consultation processes. Any deviation from the agreed Timetable and Community Involvement Scheme (not previously agreed by the Welsh Government) will potentially be examined by the Inspector i.e. could affect the assessment of the soundness of the plan.
- 2.06 The Delivery Agreement is an essential project management tool for the Council, and it will:
- Underline the importance of the LDP within the Council;
 - Set out the realistic limit of what the Council can reasonably do within the timeframe and resources available i.e. it will frame expectations;
 - Clarify the scope and influence of the plan, explaining opportunities that it will provide for local discretion as well as the need to respect national policy and statutory designations etc;
 - Secure budget commitment and staff resources;
 - Allow co-ordination with the preparation of other strategies;
 - Set the framework for the Sustainability Appraisal/Strategic Environmental Assessment process;

- Alert the community to the process of involvement in the creation of the plan, and outlines generally how they can contribute.

2.07 As set out in para 2.04, the Delivery Agreement comprises two main parts:

- **A Timetable** – this sets out the key stages and dates for the preparation process. A summary of the timetable for the LDP extracted from the Delivery Agreement is repeated in appendix 2 for Members convenience. The stages up to and including Deposit consultation are referred to as the ‘definitive’ stages i.e. largely within the control of the Council, whereas the stages beyond that are ‘indicative’, recognising that progress may depend on factors outside of the Council’s control;
- **A Community Involvement Scheme** – This explains how the public, stakeholders, and other interest groups including developers can contribute to and potentially influence the preparation of the LDP. It explains how and when the above will be consulted, how their comments will be considered, and how feedback will be given.

2.08 Ongoing discussions have been held with the Welsh Government in respect of the preparation of the Delivery Agreement to date, as recommended in the LDP Manual. Officers have also considered the delivery agreements of a number of other Welsh Local Planning Authorities further advanced in the LDP process, and have used the average relative time taken for each stage as a guide to the preparation of a realistic and achievable draft Timetable for Flintshire’s LDP.

3.00 CONSIDERATIONS

3.01 The Delivery Agreement is structured around describing the LDP process in a clear, and as concise a manner as possible. The document firstly sets the context for plan preparation, broadly considering what is involved in the process, what an LDP should contain and how it should look, and how it will be assessed for its sustainability and its soundness.

3.02 The document then outlines the Timetable as it relates to the key stages in the process and their corresponding reference in the LDP Regulations. It makes important reference to the governance processes involved, emphasising the key role the Planning Strategy Group, Cabinet and Council will play in shaping the plan.

3.03 The document then refers to the proposed Community Involvement Scheme in some detail, adopting the schedule format recommended

in the LDP Manual to cover stages in the Timetable in more detail, highlighting who will be involved at which stage and in particular, flagging up when there will be opportunities for community involvement. Reference is also made to the consultation bodies that the Council is required to consult with during the process, as well as the proposed stakeholders who will be invited to participate in the process. The Community Involvement Scheme also clearly sets out the roles and expectations of the Council and individuals, communities, and organisations respectively in the process.

- 3.04 Finally, the document refers to the need to continually monitor the LDP process against the Timetable and the Community Involvement Scheme to ensure that it is on track to deliver an LDP within the specified timeframe, and having carried out the appropriate consultation and engagement. If there is slippage at any stage in the process where a specified deadline is, or is likely to be, exceeded by more than three months, then the Council must review the Delivery Agreement in consultation with the Welsh Government.
- 3.05 With reference to the summary Timetable in appendix 2, the projected timeframe for the production of the LDP is five years. This assumes a starting position of June 2013 where the Delivery Agreement should be approved by the Council and out for consultation. Of the Local Planning Authorities in Wales who have either completed their LDPs, or who are at an advanced stage, there are only one or two who have completed the process in less than five years, with the majority taking well beyond this timeframe. That said, given the position that Flintshire is in, in respect of recently adopting its UDP (i.e. not starting from scratch), and our extensive observation of our neighbouring Local Planning Authorities processes and examinations, setting a 5 year timeframe is felt to be positive, realistic and achievable.
- 3.06 The Delivery Agreement was considered by the Planning Strategy Group on 16 May 2013 and their very positive response and feedback to the Delivery Agreement raised no fundamental issues, such that they have recommended it on to the Cabinet for approval and for subsequent stakeholder and public consultation. Following the Planning Strategy Group's consideration of this report, and as per their recommendation, all Members have been given an opportunity to view the draft Delivery Agreement. Following Cabinet approval, the Delivery Agreement will be put out for consultation for a minimum six week period, where community and town councils, stakeholders and the public, and other interested parties can comment on the Delivery Agreement. The outcome of the consultation and any proposed amendments to the Delivery Agreement will be brought back to the Planning Strategy Group before then going to Cabinet. The Delivery Agreement will then go to the Welsh Government for formal agreement, and will then be made publicly available.
- 3.07 Other LDP processes will also come forward during the consideration

of the Delivery Agreement as set out above. For example, the Candidate Sites process will commence during the summer following consideration of the procedure by the Planning Strategy Group. Updating the evidence base is an ongoing process and relevant information in relation to this will be brought to Members attention e.g. the proposed training session on development viability will refer to specialist viability assessment work underway at present. A session with Members will also be arranged to look at developing ideas for the issues and objectives that will be important in forming an LDP strategy to tackle them. This will include the consideration of potential options for the spatial distribution of growth.

4.00 RECOMMENDATIONS

- 4.01 That Members approve the LDP Delivery Agreement.
- 4.02 That following Cabinet approval, the Delivery Agreement is made available for stakeholder and public consultation.
- 4.03 That delegated authority is given to the Director of Environment, following consultation with the deputy Leader and Cabinet Member for Environment, to make minor corrections and editorial changes to the Delivery Agreement prior to its publication for consultation.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None immediately, however agreement of the Delivery Agreement will prompt the need to assess the likely budget needed to cover the whole LDP process from start to adoption of the plan.

6.00 ANTI POVERTY IMPACT

- 6.01 None.

7.00 ENVIRONMENTAL IMPACT

- 7.01 Strategic Environmental Assessment is an integrated part of the LDP process and will be used to assess and mitigate where appropriate, the environmental effects of the plan.

8.00 EQUALITIES IMPACT

- 8.01 The Community Involvement Scheme will need to encourage and make all appropriate attempts to engage with hard to reach groups in order to ensure that a broad spectrum of views have been considered.

9.00 PERSONNEL IMPLICATIONS

- 9.01 The Delivery Agreement takes account of the available resources in order to arrive at a realistic Timetable for the delivery of the plan.

10.00 CONSULTATION REQUIRED

- 10.01 Numerous consultation stages indicated throughout the Delivery Agreement and Community Involvement Scheme.

11.00 CONSULTATION UNDERTAKEN

- 11.01 Informal discussion with Welsh Government regarding the content of the Delivery Agreement, a previous report to the Planning Strategy Group, and this report to the Cabinet.

12.00 APPENDICES

- 12.01 Appendix 1 Diagram of the LDP process
Appendix 2 LDP summary Timetable

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

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