

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 21 JANUARY 2014**

REPORT BY: **DIRECTOR OF ENVIRONMENT**

SUBJECT: **LOCAL DEVELOPMENT PLAN DELIVERY**
AGREEMENT: FINALISING THE DELIVERY
AGREEMENT FOLLOWING CONSULTATION

1.00 PURPOSE OF REPORT

1.01 To seek the agreement of Cabinet for revisions to the draft Local Development Plan (LDP) Delivery Agreement following consultation feedback, in order to submit the Delivery Agreement to the Welsh Government for their formal approval. Once the Welsh Government has approved the Delivery Agreement, it can be formally published and substantive work on the preparation of the LDP can begin.

2.00 BACKGROUND

2.01 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. 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.

2.02 Once agreed, the Delivery Agreement commits the Council to produce its LDP according to the stated timescales and consultation processes. Any deviation from this (not previously agreed by the Welsh Government) will potentially be examined by the Inspector appointed to scrutinise the final Plan i.e. could affect the assessment of the overall soundness of the Plan.

2.03 The draft Delivery Agreement was approved by Cabinet on 18 June 2013 to go out to public consultation. Originally the Delivery Agreement was intended to be the subject of a 6 week consultation period however potential difficulties were identified as a result of the summer recess where the majority of Town and Community Councils had no scheduled meetings. Following contact with Town &

Community Councils to identify their scheduled meeting dates, the consultation period was extended to 8 weeks and re-aligned so that each had the opportunity to submit comments on the document.

- 2.04 Copies of the Delivery Agreement were sent out to Members and 'specific consultation bodies' with the Town & Community Councils receiving 4 copies each. A mail drop was also carried out to the other consultation bodies identified in Appendix 3 of the Delivery Agreement as well as other interested parties, held on a separate LDP mailing list. A specific comments form was drawn up which, along with the Agreement itself, was made available on the Council's website. Copies of the documents were also made available at Council offices and at all libraries. Press releases were issued by the Council's press Unit.
- 2.05 The consultation feedback received in relation to the Delivery Agreement and resultant changes outlined in this report were considered by the Planning Strategy Group at its October meeting, where they resolved to endorse the revised Agreement and Timetable and to seek Cabinet approval for these.

3.00 CONSIDERATIONS

- 3.01 During the 8 week consultation period some 48 representations were received. Of these 19 used the specific comments form whilst 29 were submitted by letter or e-mail. Despite extending the deadline to accommodate Town & Community Council meetings only 10 out of 34 submitted representations. A number of other representations were received from people promoting individual sites for development and these have been acknowledged and advised that such sites should be submitted during the Call for Candidate Sites exercise which is likely to commence in early 2014.
- 3.02 Most of the representations consider the Delivery Agreement to be clearly presented. However, there is a split between those who consider the Delivery Agreement to be easy to understand and those who consider that the process is overly complicated and difficult for the lay person to understand. In terms of the timetable, again there is a split between those who consider the timetable to be realistic and those who consider that the length of time to get the LDP adopted is overly long and gives rise to complications. Turning to the Community Involvement Scheme there are representations that consider the stages to be well explained in terms of when, who and how people can be engaged with and consulted, whereas there are other representations which would wish to see much more detail about the actual engagement and consultation processes.
- 3.03 It must be stressed that the role of the Delivery Agreement is to provide an overview or framework of the broad process and principles of taking the Plan forward to adoption. It is not possible for the

Delivery Agreement to provide fine detail about every single stage and exactly how each engagement or consultation will take place. To do so would result in an Agreement that was overly long, complicated and unwieldy for people to follow. Therefore, the Delivery Agreement seeks to strike a balance whereby it provides sufficient detail as to what the key stages are, when they will take place, who will be involved, broadly how people will be involved and how people will be kept informed of decisions. As the Plan progresses, more detailed explanation and guidance will be given at each stage, building upon the framework set out in the Delivery Agreement.

3.04 The key issue arising from the consultation exercise is the timetable for progressing the Plan to adoption. A number of representations have concerns about the length of time being taken to prepare the Plan. These comments have regard to Welsh Government advice that an LDP should be able to be adopted within 4 years and also the implications for the County Council of having a long period without an up to date adopted UDP in terms of maintaining an adequate land supply and having a policy 'vacuum' which creates uncertainty. In drawing up the Delivery Agreement it was considered that, based on experience elsewhere, a more conservative timetable was appropriate as it would be less likely to warrant further amendments as slippage occurs. However, it is acknowledged that there are implications of a longer preparation period in terms of a policy 'vacuum' without an adopted development plan, a difficulty in maintaining a 5 year supply of housing land and also a delay in the possible introduction of a Community Infrastructure Levy charging schedule (the latter would be developed alongside the LDP and introduced following the adoption of the LDP).

3.05 On balance it is considered that a more ambitious timetable should be incorporated into a revised Delivery Agreement. Whilst this will be challenging for Officers, Members and indeed, stakeholders, an adopted LDP in place as soon as possible will bring about significant benefits to the Council. The timetable has therefore been reviewed taking into account the suggested key dates by Welsh Government (shown in bold) and the result of the changes, would be to reduce the preparation period by 12 months from 5 years and 1 month to 4 years and 1 months.

Key Stage	Draft Delivery Agreement	Revised Delivery Agreement
<i>Definitive Stages</i>		
Delivery Agreement	Dec 2013	Jan 2014
Evidence base	On going	On going
Pre- deposit participation	Jan 2014 – Apr 2015	Jan 2014 – Nov 2014
Pre-deposit Consultation Draft	May 2015 – Apr 2016	Dec 2014 – Nov 2015
Deposit Consultation	May 2016 – Jan 2017	Dec 2015 – July 2016

Indicative Stages		
Consultation on site allocations representations	Feb 2017 – Jun 2017	Aug 2016 – Nov 2016
Focused changes (optional) [can overlap with submission]	Jul 2017 – Nov 2017	Dec 2016 – Mar 2017
Submission to WG	Jul 2017	Dec 2016
Examination	Aug 2017 – Aug 2018	Jan 2017 – Nov 2017
Inspector's Report	Oct 2018	Dec 2017
Adoption	Jan 2019	Feb 2018

3.06 A further key benefit of amending the LDP timetable as proposed above is that it gives the Council the opportunity to complete all of the key decision making stages in plan preparation up to the point of plan submission in December 2016, prior to the next Local Government elections to be held in 2017.

4.00 RECOMMENDATIONS

4.01 That Cabinet approve the amendments to the Local Development Plan Delivery Agreement and Timetable for submission to the Welsh Government for formal approval.

5.00 FINANCIAL IMPLICATIONS

5.01 Current activity is met from within Base Budget of £140k. In addition specific Revenue Balances of £387k are held to facilitate the plan process. The most significant future costs envisaged will relate to the LDP Examination timetabled for 2017 which could amount to £200k, but it is difficult to predict at present as this is dependant on the length of the examination. Further work will be done to refine this estimate looking at the comparative costs incurred by neighbouring authorities.

6.00 ANTI POVERTY IMPACT

6.01 None

7.00 ENVIRONMENTAL IMPACT

7.01 Strategic Environmental Assessment is an integrated part of the Plan 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 reasonable attempts to engage with hard to reach groups.

9.00 PERSONNEL IMPLICATIONS

9.01 Taken into account in the Delivery Agreement.

10.00 CONSULTATION REQUIRED

10.01 Numerous consultation stages outlined in the Delivery Agreement.

11.00 CONSULTATION UNDERTAKEN

11.01 The draft Delivery Agreement has been the subject of a consultation exercise.

12.00 APPENDICES

12.01 None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

1. Local Development Plan Draft Delivery Agreement
2. Report to Planning Strategy Group 17th October 2013

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