

CABINET

Date of Meeting	Tuesday 19 th July, 2016
Report Subject	Flintshire Local Development Plan - Amended Delivery Agreement
Cabinet Member	Deputy Leader of the Council and Cabinet Member for Environment
Report Author	Chief Officer (Planning & Environment)
Type of Report	Strategic

EXECUTIVE SUMMARY

- The Local Development Plan (LDP) Delivery Agreement¹ acts as a project plan to guide the preparation of the Plan.
- It is an agreement between the Council and the Welsh Government.
- The Delivery Agreement comprises a timetable for producing the Plan, and a Community Involvement Scheme², which explains how the Plan will be produced and how third parties and the public will be engaged and consulted on the process.
- The Council must monitor the progress of the Plan against the agreed timetable and revise this if significant slippage occurs.
- Slippage has occurred sufficient to trigger a revision of the timetable only.
- The original timetable promoted by the Welsh Government (of 4 years 2 months) has proved unachievable; no other authority in Wales has produced an LDP in such a timeframe; and promised good practice guidance and support from Welsh Government has yet to materialise.
- The revised timetable provides a more realistic estimate of the time to achieve an adopted Plan, without rushing critical stages and falling foul of not following due process and being challenged.
- Welsh Government require an amended timetable to be supported by a formal Council resolution before they will consider the revision.
- Welsh Government state they will consider the revised timetable within 1 month of receipt.

RECOMMENDATIONS

1	That Cabinet approve the revised timetable for the production of an adopted Flintshire LDP.
2	That delegated authority is given to the Chief Officer Planning & Environment to integrate the approved timetable into a revised Delivery Agreement document to then send to Welsh Government for their agreement.

REPORT DETAILS

1.00	EXPLAINING THE NEED TO REVISE THE LDP DELIVERY AGREEMENT TIMETABLE
1.01	Cabinet will recall considering the Delivery Agreement which acts as a project plan for the preparation of the LDP. This was agreed and published in February 2014. The Council is required to keep under review progress on the Plan in terms of performance against the timetable set out in the Delivery Agreement.
1.02	There are two key elements to the Delivery Agreement, firstly the timetable and secondly the Community Involvement Scheme. The timetable sets out the key stages and milestones in taking forward the LDP to adoption and is split into indicative and definitive stages. The Community Involvement Scheme sets out how the Council will engage with stakeholders in producing the Plan and how it will consult at key stages in the Plan's preparation.
1.03	The Council is only seeking to make changes to the timetable as the measures and principles set out in the Community Involvement Scheme are considered to be still relevant and applicable and have been used as part of the on-going participation phase of plan preparation.
1.04	Good progress is being made in preparing the LDP. Indeed, the Council is now at a milestone in the Plan's preparation whereby the engagement phases have begun in earnest with firstly, the Key Messages document ⁴ , and secondly a Strategic Options Report ⁵ comprising strategic growth and spatial options. However, the progress made to date has not been in line with the timetable in the Delivery Agreement and considerable slippage has occurred.
1.05	This has led to a review being undertaken of the factors which have led to the timetable slippage and the preparation of a revised timetable and these can be summarised as follows: <ul style="list-style-type: none">• the initial timetable which sought to secure deposit consultation ahead of local elections in May 2017 was overly ambitious and unrealistic;• the initial timetable for adopting the Plan was 4 years and 2 which was

	<p>overly ambitious compared to the time actually taken by most local planning authority's in reaching adoption;</p> <ul style="list-style-type: none"> • the assertion by Welsh Government that the Council can learn from best practice and from Welsh Government in a 'hand holding' capacity, whereas in reality good practice is not readily signposted and the assistance from Welsh Government has not materialised; • the scale and complexity of the evidence gathering⁶ stage, had been underestimated; • the number of Candidate Site submissions⁷ has significantly exceeded that envisaged; • the need to take a more measured, step by step approach to preparing the Preferred Strategy⁸ in terms of engagement and consultation; • the resource implications of speculative enquiries / applications on the back of a lack of 5 year housing land supply; • changes to the LDP Regulations⁹ part way through the timetable.
1.06	<p>A balance needs to be struck between having a timetable which is ambitious and challenging yet is realistic and achievable. The timetable has therefore been reviewed in terms of a revised approach to progressing the Plan to Preferred Strategy (pre-deposit Plan consultation)¹⁰ stage. Rushing this crucial stage in formulating the preferred level of growth and spatial strategy and risking having to backtrack in order to look at different options is not considered to outweigh a more measured and staged approach. The revised timetable is considered to represent a more realistic and achievable way forward. However, if this revised timetable is to be achieved it will require timely and pragmatic decision making by the Council.</p>
1.07	<p>Informal discussions with Welsh Government in advance of the submission of a revised Delivery Agreement have prompted an offer from them of support for an accelerated production of the LDP. The Council will be responding positively to this offer in due course.</p>
1.08	<p>The revised timetable presented in Appendix 1 has been presented in the form of a work programme for the period through to the end of 2016. It sets out the key stages involved in reaching a preferred Strategy by the end of the year and this is the Key Messages document and the Growth / Spatial Options. This level of detail has been provided for Cabinet's benefit to demonstrate the tasks that need to be achieved as part of each stage and this will not be included in the revised Delivery Agreement.</p>
1.09	<p>The main change to the document will be the amended timetable but there will also be other knock on effects e.g. incorporating the revised times for each stage throughout the document as well as including within the document an explanation as to why slippage has occurred.</p>
1.10	<p>The revised timetable needs to be reported to Cabinet before being forwarded to Welsh Government for approval as Welsh Government require a formal Council resolution before they will consider it.</p>

2.00	RESOURCE IMPLICATIONS
2.01	The decision by Welsh Government in relation to changing the context for Flintshire to now have a 'deemed zero' land supply, will have potential consequences in terms of an increase in pre-application requests and the submission of applications and/or appeals, which in turn will deflect the LDP team away from the Plan's timetable.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	It is not considered that public consultation on the revised document is necessary. The revised document, when it has been agreed by Welsh Government will be made available on the Council's website.

4.00	RISK MANAGEMENT
4.01	The key risks created by Welsh Government in relation to monitoring land supply have the potential to impact on future timetable compliance.

5.00	APPENDICES
5.01	Appendix 1 and 2 – Amended Delivery Agreement Timetable.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None. Contact Officer: Andrew Farrow Chief Officer (Planning & Environment) Telephone: 01352 703201 E-mail: Andrew.farrow@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	(1) Local Development Plan Delivery Agreement: A written agreement between the Council and the Welsh Government that sets out the process for producing the LDP, how the public and third parties will be involved and consulted as part of that process, and the timetable for producing the plan.
7.02	(2) Community Involvement Scheme: This is the part of the LDP Delivery Agreement that sets out the mechanisms and approach to engaging with and consulting the public and third parties on the plan.
7.03	(3) Joint Housing Land Availability Study: This is an annual assessment required by the Welsh Government and carried out by the

	Council of the availability and deliverability of sites with planning permission for housing development or that are allocated in the adopted development plan, but that have not yet been built.
7.04	(4) Key Messages Document: This is an LDP document recently consulted on relating to the emerging vision and objectives for the LDP and the general direction the plan is taking. This is available on the Council's website.
7.05	(5) Strategic Options Report: This is an LDP consultation document that is in production now that will consult the public and stakeholders on the options developed by the Council in relation to the overall level of development the LDP should plan for, and how this should be distributed spatially around the County's settlements.
7.06	(6) Evidence gathering: The LDP has to be based on a sound and comprehensive evidence base in order to justify the policies and proposals it makes, and to demonstrate that it is a sound and deliverable plan.
7.07	(7) Candidate Site submissions: These are expressions of interest made by those with an interest in land to have that land considered as part of the LDP process. Simply making a candidate site representation does not mean that they will become proposals of the Council. Candidate sites are being assessed at present.
7.08	(8) Preferred Strategy: Before moving to produce a detailed plan that identifies what will happen where, the Council has to firstly produce and agree its preferred strategy in terms of deciding how much growth the LDP should plan for, and how it intends to distribute this growth. The preferred Strategy (or Pre-Deposit Consultation Draft Plan) also contains strategic policies that provide the guidance for this and the basis for developing the more detailed version of the plan.
7.09	(9) LDP Regulations: Legislation and guidance produced by the Welsh Government that specifies how an LDP should be produced.
7.10	(10) Pre-Deposit Plan consultation: Consultation on the Preferred Strategy.
7.11	(11) Speculative Development Proposals: Proposals or applications submitted by land owners or developers on land that is not identified in a currently adopted development plan and that is outside of a current settlement boundary, but that are submitted on the basis of a shortfall in housing land supply. Such proposals are still required to comply with national policy the development plan.