

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING STRATEGY GROUP**

DATE: **THURSDAY, 12 NOVEMBER 2020**

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SUBJECT: **WELSH GOVERNMENT CONSULTATION ON
CORPORATE JOINT COMMITTEES (CJCS) AND
SUPPLEMENTARY REGULATIONS RELATING TO
STRATEGIC DEVELOPMENT PLANS**

1.00 PURPOSE OF REPORT

1.01 To make Members aware of this important Welsh Government consultation and the main issues it raises, in advance of them considering a proposed response to feed into the Council response by the deadline of 4th January 2021.

2.00 BACKGROUND

2.01 The establishment of Corporate Joint Committees (CJCs) is an integral feature of the Local Government and Elections (Wales) Bill, currently going through the Senedd Committee process. There are proposed to be four regional CJCs across Wales with the six Local Authorities in North Wales plus the Snowdonia National Park Authority, geographically constituting one of these. The other CJCs cover Mid Wales, South East Wales, and South West Wales.

2.02 The four CJCs will be established to exercise three related functions that are:

- Strategic Development Planning;
- Regional Transport Planning;
- Promotion and improvement of Economic Development and Well Being.

2.03 Welsh Government consider that these are areas where there is consensus that working at this scale makes sense – aligning economic development, transport and land use planning approaches to develop successful regional economies and encourage local growth.

2.04 The consultation specifically seeks views on the content of the Regulations required to establish CJCs which set out their geographical areas; the core governance, constitution, finance and

funding arrangements; provisions for staffing and workforce; and the functions they will exercise. The consultation documents relating to CJs and the draft regulations can be accessed via this [link](#).

- 2.05 In parallel with the above consultation, Welsh Government have also launched a related consultation that focusses on the Strategic Planning duty that CJs will have, which is to produce a Strategic Development Plan for their area. The consultation again very specifically focusses on the subordinate legislation (the Regulations) required to define the procedure to be followed for preparing SDPs across Wales, by the CJs. The consultation document relating to SDPs can be accessed via this [link](#).
- 2.06 Whilst both consultations are clearly important and related, for the purposes of the remit of this Group, this report seeks to highlight the matters raised by the latter consultation on regulations to define how an SDP is to be prepared. A further report will be provided to a later meeting where a recommended response to the consultation questions is presented for Member's consideration.

3.00 CONSIDERATIONS

- 3.01 The requirement to prepare Strategic Development Plans in Wales is already embedded in existing legislation, as the Planning (Wales) Act 2015 introduced the option to produce SDPs either on a voluntary basis (by two or more Local Planning Authorities (LPAs) or by Ministerial Direction. Either way, SDPs were proposed to be prepared by governance bodies called Strategic Planning Panels (SPPs) although none have yet been established in Wales. The intention was (and still is) to create a hierarchy of Development Plans in Wales with the National Development Framework at the highest level, and with SDPs sitting between that and LDPs, and where all needed to be in general conformity with each other.
- 3.02 Clearly with the advent of CJs, Welsh Government have signalled a clear intention to drive forward the need to plan for certain matters at a 'greater than local' scale and to establish the governance infrastructure to support this, and to do this in relation to the three related functions set out in 2.02. The intention in respect of SDPs is to plan at a greater scale than any one LDP, and to address the need to plan for issues that are 'cross boundary', examples of which the consultation document provides that includes "housing numbers, strategic housing allocations, strategic employment sites, strategic green infrastructure routes, and supporting transport infrastructure".
- 3.03 These new regulations are required to amend present legislation to make SDPs the responsibility of the new CJs, in place of SPPs. They are the first step in introducing both CJs as well as the duty to prepare a SDP, and it is Welsh Government's intention to introduce CJs as soon as possible. This consultation is very

specifically concerned with the proposed approach for the drafting of SDP regulations and their policy intent, and the consultation document states that there will be further opportunities to comment on further guidance to be produced to assist with the preparation of an SDP.

- 3.04 In terms of the relationship going forward between the SDP and LDPs, whilst it is the Welsh Government’s view that an LDP will still need to be prepared this can only be done under and adopted SDP. In this context it is also proposed that an LDP will be “shorter and more focussed in nature and will be prepared and adopted in around two years” – an LDP ‘Lite’. Clearly to redefine how this could be achieved, a new set of LDP Regulations will also be required at some point in the future.
- 3.05 A central premise behind the Welsh Government’s approach to defining how an SDP should be prepared is to mirror in most respects the present process used for preparing LDPs and the Welsh Government consider that “current statutory process works effectively and is generally well understood by all users of the system”. Clearly this might be the case for areas that have completed at least one LDP preparation cycle, but is not necessarily the case for all areas including Flintshire or Wrexham. Welsh Government also consider that “the key difference between an LDP and an SDP is one of scale and this principle will be reflected in the SDP Regulations”.
- 3.06 The consultation document then sets out the proposed key stages and plan preparation requirements for the SDP and asks a series of relevant questions. The responses to these questions will be the subject of a further report, but the following table seeks to present Members with an overview of the proposed key stages for preparing an SDP along with some of the key requirements within each stage.

Table 1. Proposed SDP preparation key stages

Stage 1: The Community Involvement Scheme (CIS)
<ul style="list-style-type: none"> • Principle of early, effective and meaningful community involvement applies equally to SDPs and LDPs • Key role for a CJC to engage its communities on a CIS and a Delivery Agreement (DA) • The DA also sets the SDP timetable and must be agreed by the Welsh Ministers • An SDP should be capable of being prepared and adopted within 4 years, similar to current LDPs. The only difference is one of scale • The preparation of an SDP is driven by the central need to incorporate a Strategic Environmental Assessment and Sustainability Appraisal (SEA/SA)
Stage 2: Pre-Deposit Engagement
<ul style="list-style-type: none"> • Early discussion on the evidence base, strategic options, strategy and related proposals including strategic sites and locations is key for consensus building

<ul style="list-style-type: none"> • A call for strategic locations and sites will form the initial building blocks of the SDP • All strategic sites and locations will be published as a Candidate Sites Register alongside the Preferred Strategy, enabling people to comment • The CJC will carry out engagement (including with specific and general consultation bodies) on a range of strategies and options prior to developing a Preferred Strategy
<p>Stage 3: Preferred Strategy Public Consultation</p> <ul style="list-style-type: none"> • The Preferred Strategy is the first statutory consultation stage – minimum 6 weeks • It must contain a preferred spatial strategy • The CJC must consider any representations made to the Preferred Strategy before determining the content of the Deposit SDP
<p>Stage 4: The Deposit Plan Public Consultation</p> <ul style="list-style-type: none"> • The Deposit Plan is the plan the CJC considers 'sound' and intends to submit for examination following consultation and is able to be adopted • Minimum 6 week public consultation • All representations must be considered and responded to prior to submission of the plan for Examination
<p>Stage 5: Submission for EiP and Adoption</p> <ul style="list-style-type: none"> • The CJC must not submit the plan to the Welsh Ministers until all Deposit representations have been considered • The EiP will mirror the format for LDPs • The appointed Inspector must consider all duly made representations and determine if the SDP is 'sound'. • The purpose of the examination is to assess whether the preparation requirements have been followed and whether the submitted SDP meets the tests of soundness • The Inspector's report will be binding and the CJC may adopt the plan within 8 weeks of receipt of the Inspector's report.
<p>Stage 6: Monitoring, Review and Revision</p> <ul style="list-style-type: none"> • Monitoring is a continuous process and the CJC must submit Annual Monitoring Reports to the Welsh Ministers by 31st October following adoption

3.07 Clearly from the above the process does appear almost identical to that for LDPs at present but to say that the main difference between LDPs and an SDP is just one of scale perhaps underplays the logistical, governance, and engagement challenges that face a CJC in following this process to deliver an adopted SDP in just 4 years.

3.08 Whilst a more considered response will be prepared for Members at the next meeting of this group, the following lists some of the initial 'pros and cons' that are prompted by the proposed SDP process and consultation document.

Table 2. Pros and Cons of proposed SDP Process

Pros
<ul style="list-style-type: none"> • Provides an agreed regional baseline for housing provision and apportionment to inform LDP 'Lites' • Agreement of a set of regional strategic planning policies to save repetition in LDPs • Scope to define and prioritise regionally the main issues that an SDP strategy should lead or focus on • Consideration of strategic locations and sites for growth and their prioritisation across North Wales • Facilitate the delivery of the North Wales Growth Deal priorities where there is a land use implication • Opportunity to consider infrastructure requirements at a regional scale to support growth and their integration at the SDP strategy stage e.g. integrated planning and transport strategy for North Wales. • Creation of a regional dedicated SDP Planning Team to lead on production of the SDP and co-ordinate with individual LDP production • Speeds up the future provision of an up to date LDP in each LPA area.
Cons
<ul style="list-style-type: none"> • Is 4 years to produce and adopt an SDP realistic given the range of community and political considerations to take into account across all the North Wales authorities? • Who would be the lead authority to host the SDP 'team', reporting then to the CJC? • What size of team would be required to produce the SDP? • Would each LPA contribute to resource this team? • How much would it cost to produce an SDP? • What would be the scope of topics covered by the SDP as to support LDP 'Lites' then the SDP should cover the full range of policy issues covered currently in LDPs? • How would the CJC ensure effective and co-ordinated community engagement across North Wales • How would current LDP timetables in each LPA be aligned to the production of an SDP? • Does an SDP carry any weight before it is examined and adopted? • How does the requirement to prepare an SDP affect LPAs currently reviewing their LDPs?

3.09 These are just some initial thoughts to prompt Members own consideration of the consultation documents, in preparation for a further report to the December meeting of this group where responses to the questions contained in the consultation document will be presented for discussion.

4.00 RECOMMENDATIONS

4.01 That Members note the consultations underway and the summary provided in this report, in advance of considering a recommended response at the next meeting of this Group in December.

5.00 FINANCIAL IMPLICATIONS

5.01 Potential need to contribute to the resourcing of an SDP 'team'.

6.00 ANTI POVERTY IMPACT

6.01 None

7.00 ENVIRONMENTAL IMPACT

7.01 SDPs would be subject to a Strategic Environmental Assessment.

8.00 EQUALITIES IMPACT

8.01 SDPs would be subject to an Equalities and Welsh Language Impact Assessment

9.00 PERSONNEL IMPLICATIONS

9.01 Unclear if staff would need to be transferred or seconded to the SDP team.

10.00 CONSULTATION REQUIRED

10.01 None at this time.

11.00 CONSULTATION UNDERTAKEN

11.01 Present consultation

12.00 APPENDICES

12.01 Links to the consultation documents are provided within the body of the report in paragraphs 2.04 and 2.05

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

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