

## CABINET

<b>Date of Meeting</b>	Tuesday, 16 <sup>th</sup> June 2020
<b>Report Subject</b>	Flintshire Local Development Plan – Update on Progress and Position with the Plan’s timetable
<b>Cabinet Member</b>	Cabinet Member for Planning and Public Protection
<b>Report Author</b>	Chief Officer (Planning, Environment and Economy)
<b>Type of Report</b>	Strategic

### EXECUTIVE SUMMARY

Work on the Council’s Local Development Plan (LDP) is guided by a Delivery Agreement which has to be approved by the relevant Welsh Minister. Part of this agreement is a timetable that commits the Council to reach key milestones in plan preparation by prescribed dates. The Plan must progress in line with these dates otherwise, the timetable has to be formally revised and agreed by the Minister.

Following the public consultation on the Deposit LDP that ended in November 2019, the Plan has remained ‘on track’ in line with the agreed timetable and specifically in terms of the process of preparing responses to the representations made. That said, the present emergency situation and the lack of public access to key public buildings such as Council offices, Connects centres and libraries prevents a full list of all of the representations received from being made available for public inspection, as required by the LDP regulations. In addition the inability of the Council to meet to agree the responses and to the submission of the Plan for Examination, has meant that the Plan’s timetable has had to be reviewed and amendments proposed.

This report highlights the good progress made with the Plan; the reasons for the need to review the timetable; how this has been discussed with Welsh Government and the Planning Inspectorate, and the implications in terms of a revised timeline for the plan, including the consideration of and decisions the Council’s needs to take, and when.

## RECOMMENDATIONS

1	That Cabinet note the continuing positive progress being made by the LDP.
2	That Cabinet agree to the amended timetable shown within appendix 1 of this report for the key remaining stages in plan preparation and to make a formal request to the Welsh Government to agree a revision to the LDP Delivery agreement timetable.

## REPORT DETAILS

<b>1.00</b>	<b>THE NEED TO AMEND THE LDP TIMETABLE</b>
1.01	Members will be aware that since the deposit LDP consultation ended on 11 <sup>th</sup> November 2019 officers have been working to process, summarise and respond to the representations received as efficiently as possible. Members of the Planning Strategy Group (PSG) have already received two previous formal reports relating to responding to representations, and notwithstanding the present circumstances preventing further formal meetings, officers have prepared two draft response reports to date and shared these informally with Members of the PSG, with two further reports planned by the end of July.
1.02	Whilst officers have made very good progress in responding to representations and are on track' in relation to the current LDP Delivery Agreement (DA) timetable approved by the Welsh Government, there are issues arising from the present Covid 19 health emergency and the restrictions about movement, working from home where possible, accessibility to public buildings, and the ability of the Cabinet and Council to meet to formally consider and agree responses to representations, that has forced a re-consideration of the achievability of the current timetable
1.03	<p>The specific issues arising from the above situation that prompt a need to revise to the timetable are:</p> <ul style="list-style-type: none"><li>• The inability of the Council to comply with LDP Regulation 19 and the Council's Delivery Agreement / Statement of Community Involvement in terms of physically publishing all representations received at the venues used to make the deposit plan available;</li><li>• The ability of the PSG to meet to consider draft responses and formally recommend these on the Cabinet;</li><li>• Notwithstanding the process put in place for Cabinet to consider significant matters such as the LDP virtually, the ability of the Full Council to meet and consider the proposed responses to representations, and to agree to submit the Plan for Examination.</li></ul>
1.04	These matters have already been discussed with both Welsh Government and the Planning Inspectorate (PINS), to get their input and advice on the

	<p>necessity of amending the timetable and the knock on implications of this. The key points from those discussions are summarised below:</p> <ul style="list-style-type: none"> <li>• WG officers now have delegated authority to quickly agree LDP timetable amendments, rather than requiring Ministerial approval;</li> <li>• The Council to check the deposit venues used (Council Offices and libraries), their likelihood of being publicly accessible in the next 2-3 months to allow representations to be viewed, and consider alternative arrangements for making representations available;</li> <li>• WG will check how the requirements of the Delivery Agreement Statement of Community Involvement could be changed/relaxed to maintain compliance with Regulations and progress, in particular with less reliance on physical availability of documents and greater emphasis on the use of our website;</li> <li>• The Council to prepare a draft amended DA in readiness to submit;</li> <li>• An Inspector has been identified for Examination and is available in early 2021;</li> <li>• PINS have no issue with moving to an early 2021 Examination date;</li> <li>• In terms of publication of representations PINS advise the Council to be sensible/pragmatic in terms of making available and demonstrate that all reasonable measures taken;</li> <li>• PINS agreed to work with the Council to test a potential new process where Inspector's questions are issued prior to (and answered as part of) submission;</li> <li>• PINS will examine ways of accommodating Examination hearings if social distancing measures still in place – larger venues, live streaming of sessions, use of Council Chamber an option;</li> <li>• Keep PINs informed of timetable and progress.</li> </ul>
1.05	<p>The conclusion from these discussions is that the LDP timetable will need to be amended but with a focus being on trying to minimise the delay or slippage. It will not be feasible to publish representations until July (at the earliest), allowing at least 6 weeks before the Council to formally consider the responses to them (either at Cabinet or Full Council). The earliest that a Full Council meeting could be convened is September, subject to Covid 19 restrictions and the need to still apply appropriate social distancing. A provisional date of 29<sup>th</sup> September has been identified for the Council's consideration of the Plan. Submission of the Plan for Examination would need to be organised and timed to follow this closely in October 2020. This would then trigger formal appointment of an Inspector and preparations for an Examination in late January 2021.</p>
1.06	<p>The overall implication for the LDP timetable is that it should be possible to keep the slippage to around a four month delay and the draft timeline in appendix 1 shows all of the remaining key stages in the LDP process and the effects of this four month change to the timings in the current DA. Clearly this is a best case scenario and subject to what may happen or still be in place in terms of limitations imposed by Covid 19.</p>

1.07	As has already been referenced, all efforts are being made to maintain progress with responding to representations, and an important part of this is to continue to bring draft response reports to the Planning Strategy Group so that they are aware of proposed responses and therefore in a position to formally endorse these and recommend on to Cabinet.. Appendix 2 illustrates a working timeline of informal reports being prepared and sent of Members of the PSG, including dates for WebEx briefings on the reports, and deadlines for Members to provide feedback to officers by.
1.08	A considerable amount of time and effort has already been put in by officers to maintaining the progress of the LDP and this commitment continues despite the new challenges posed by whole team based home working.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	<b>Revenue:</b> there are no implications for the approved revenue budget for this service for either the current financial year or for future financial years.
2.02	<b>Capital:</b> there are no implications for the approved capital programme for either the current financial year or for future financial years
2.03	<b>Human Resources:</b> there are no implications for additional capacity or for any change to current workforce structures or roles.
2.04	<b>Examination venue/Technology:</b> The Council may need to consider a suitable venue for the LDP Examination if the need to continue with social distancing is in place by January 2021. This may include the need to live stream Examination sessions and allow people to participate remotely and interactively using WebEx type technology.

<b>3.00</b>	<b>IMPACT ASSESSMENT AND RISK MANAGEMENT</b>
3.01	<p>The LDP has already been the subject of a comprehensive Integrated Impact Assessment as a requirement of Planning Wales and the Development Plans Manual (Edn 3). This is part of the documentation that the Council was required to provide alongside the deposit LDP when it went out for public consultation in September 2019 and relates to the sustainability of the Plan and how this links to the Welsh Government Well Being Goals. The Plan's IIA can be accessed from the Council's website via the following link: <a href="#">LDP IIA</a>.</p> <p>The key risk mitigation is to ensure that delays in the progress of the Plan are minimised. The need to have an adopted plan in place is a primary requirement of the Welsh Government and for the Council, and an adopted LDP ensures that decisions on planning applications are fully in the control of the Council as Local Planning Authority and made with referenced to the policies of the adopted Plan.</p>

<b>4.00</b>	<b>CONSULTATIONS REQUIRED/CARRIED OUT</b>
4.01	Officers at the Welsh Government now have delegated powers to approve amendments to DA LDP timetables, avoiding the need for formal Ministerial approval.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 Proposed revision to milestone dates in the LDP DA timetable
5.02	Appendix 2 Council consideration/decision making timeline for responses to deposit LDP representations.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	See section 3 for LDP IIA.

<b>7.00</b>	<b>CONTACT OFFICER DETAILS</b>
7.01	<b>Contact Officer:</b> Andy Roberts, Service Manager Strategy <b>Telephone:</b> 01352 703211/07920 701241 <b>E-mail:</b> <a href="mailto:andy.roberts@flintshire.gov.uk">andy.roberts@flintshire.gov.uk</a>

<b>8.00</b>	<b>GLOSSARY OF TERMS</b>
	<p><b>Delivery Agreement:</b> A formal document produced by the Council and approved by the Welsh Minister that defines how the Council will carry out the production of the LDP, how it will consult and engage on the Plan, and what the timetable is for the Plan's production.</p> <p><b>Deposit LDP:</b> The formal version of the LDP that the Council is required to 'deposit' for public consultation. This consultation took place between September 30<sup>th</sup> 2019 and November 11<sup>th</sup> 2019.</p> <p><b>LDP Regulations:</b> Regulations that support the relevant Planning Acts and define the key legislative requirements for how the Council produces the LDP, defining key stages and requirements that the Council must legally comply with.</p>

**Examination:** This is the formal examination in public of the LDP to test the soundness of the plan which will be presided over by an independently appointed Planning Inspector.

**Planning Strategy Group:** A sub group of the Council's Planning Committee that acts as a steering group guiding the progress of the production of the LDP. This is not a public committee and has no power to make direct decisions over the content of the LDP, but it makes recommendations to the Cabinet on the plan.

**Submission:** Once the Council has agreed the responses to the representations made to the deposit LDP consultation, it also needs to agree to submit the Plan to the Planning Inspectorate for formal examination.