

# GWYNEDD COUNCIL CABINET

## Report to a meeting of Gwynedd Council Cabinet

Date of meeting:	15 <sup>th</sup> October 2019
Cabinet Member:	Councillor Gareth Griffith
Contact Officer:	Gareth Jones Assistant Head of Department Environment Department
Contact Telephone Number:	34092
Title of Item:	Joint Local Development Plan Annual Monitoring Report August 2017 – March 2019

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### THE DECISION SOUGHT

That the Cabinet:

Accept the Final Annual Monitoring Report in Appendix 1 for submission to the Welsh Government by 31 October 2019.

Give permission to the Assistant Head of Department to undertake any editorial and typographical changes to the Annual Monitoring Report before submitting to the Welsh Government.

Give permission to the Assistant Head of Department in consultation with the Cabinet Member to undertake any amendments, which arise from matters raised by Isle of Anglesey County Council.

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### THE REASON FOR THE NEED FOR A DECISION

Councils are required to submit an Annual Monitoring Report to the Welsh Government by 31 October 2019.

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### INTRODUCTION AND RELEVANT CONSIDERATIONS

#### 1. BACKGROUND

- 1.1 Every Local Development Plan must include a monitoring framework. The Gwynedd and Anglesey Joint Local Development Plan monitoring framework is in chapter 7 of the Plan. The monitoring framework that has been adopted gives a structure to the Annual Monitoring Report (AMR).

- 1.2 An annual monitoring report records the findings of work that monitors the implementation of a plan's strategy and policies between 1 April and 31 March of the previous year. Usually, the first annual monitoring report needs to be published by 31st October in the year following adoption of the local development plan. However, this cannot take place when there are less than 12 months between the date of adopting the plan and 31 March of the following year. In such cases, it should be submitted by 31 October of the following year. The Gwynedd and Anglesey Joint Local Development Plan was adopted at the end of July 2017. Therefore, in order to include a complete financial year, this is the first opportunity to submit an Annual Monitoring Report to the Welsh Government. The Joint Local Development Plan Annual Monitoring Report August 2017 – March 2019 (Draft) can be found at Appendix 1.
- 1.3 Monitoring is a key feedback link within the cyclical process of drawing up sustainable policies. Over a period of time, the monitoring process should identify challenges, key opportunities, and the potential methods to review and adapt local policies. The key legislative requirements in relation to monitoring and reviewing are as follows.

**Table 1:** Legislative requirements - monitoring and reviewing local development plans

Planning and Compulsory Purchase Act 2004 (Section 61)	Local Planning Authorities must <b>review matters</b> that are expected to affect the development of their area.
Planning and Compulsory Purchase Act 2004 (Section 76) and Local Development Plans Regulations Section 37	They state that Local Planning Authorities must publish and submit an ' <b>Annual Monitoring Report</b> ' noting how plan objectives are achieved, or not (by 31 October every year) to Welsh Government.
Planning and Compulsory Purchase Act 2004 (Section 69 (1)) and Local Development Plans Regulations Section 41 (1)	Together, they state that a <b>Local Planning Authority must review its Local Development Plan no later than 4 years from the adoption date.</b>
Local Development Plans Regulations Section 41	It states that a Local Planning Authority must decide to approve a report on the review prepared in accordance with section 69(1) and before submitting it to Welsh Ministers in accordance with section 69(2). A ' <b>Review report</b> ' should be submitted to Welsh Government within six months of commencing the reviewing process.
Strategic Environmental Assessment Regulations	They make it a requirement for the monitoring <b>to identify detrimental impacts</b> that were unforeseen and to enable appropriate remedial steps to be taken.

## **2. THE MONITORING FRAMEWORK**

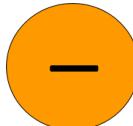
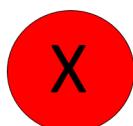
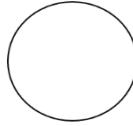
- 2.1 The AMRs will provide an important evidence base for the review of the Joint LDP and over time AMRs can show trends, identify any policies that are delivering or not, and highlight if there is any policy void or omission. The Gwynedd and Anglesey LDP has a monitoring framework, which was agreed with the Inspector during the Examination. The Monitoring Framework can be found in Chapter 7 of the Joint LDP. There are 69 indicators, which report on the 5 themes in the JLDP.
- 2.2 The monitoring framework in Chapter 7 of the Plan includes key policies/objectives, indicators, targets and trigger points as described in the table below:

**Table 2:** Structure of the Monitoring Framework

<b>Theme</b>	<b>Indicators</b>	<b>Policy Targets</b>	<b>Trigger Level</b>	<b>Data Source</b>
<b>Cross-reference to relevant Policies and Objectives</b>				

- 2.3 It is a statutory requirement to include the two following indicators in the Monitoring Framework:
- i. Land Supply for Housing from the Annual Housing Land Availability Study;
  - ii. Additional net number of affordable and market units constructed in the Plan area.
- 2.4 There is also an expectation that every monitoring framework includes indicators related to the following:
- i. the spatial distribution of housing development;
  - ii. number of housing constructed compared to the demand for housing;
  - iii. number of affordable housing constructed compared to the target in the Plan;
  - iv. the type of affordable housing constructed (tenure);
  - v. market viability;
  - vi. development rate on allocations;
  - vii. developing key infrastructure projects;
  - viii. Gypsy and Travellers accommodation sites that are developed.
- 2.5 Other indicators seen in the Monitoring Framework of the Joint Local Development Plan are specific to the area of the JLDP e.g. indicators for Wylfa Newydd.
- 2.6 If trigger points are reached, the matter will need to be investigated in order to understand why policies and proposals are not being implemented as proposed and to determine what action is required. Councils will need to consider how all related indicators work and the interrelation between them and the extent of the underperformance. Some indicators are more significant than others in terms of delivering the strategy of the Local Development Plan. Underperformance in itself does not involve the need to review and amend the Plan. In accordance with Welsh Government guidance, the Monitoring Framework clearly notes what the options are for action in cases of underperformance.

- 2.7 In order to provide a visual aid when monitoring the effectiveness of policies and to provide an overview of performance, each indicator is given a relevant symbol (as outlined in the table below), the outcome of the indicators in this Annual Monitoring Report are outlined below.

<b>Symbol</b>	<b>Description</b>	<b>Number of Indicators</b>
	Local policy contributes to achieving Plan objectives and performs in accordance with, or better than, expectations.	35
	The policy target is currently not achieved as anticipated but this is not leading to concerns regarding policy implementation.	32
	Local policy does not provide expected results and there are resulting concerns regarding Policy implementation.	1
	There is no conclusion - available data is scarce.	1

- 2.8 The table below provides the actions available in the Monitoring Framework. Other actions could be relevant, depending on the circumstances, e.g. amending adopted supplementary planning guidance. An action has been identified against each indicator in the AMR as part of the analysis. A few indicators have a grey colour as the indicator has been achieved e.g. adoption of SPG. The table below outlines a summary of the actions following the assessment of the Monitoring Framework indicators.

<b>Assessment</b>	<b>Action</b>	<b>Number of indicators in the category.</b>
Where indicators suggest that LDP policies are effectively implemented	No further action needed with the exception of continuing to monitor	64
Assessment of decisions on planning applications suggests that policies are not being implemented as intended	Perhaps an Officer and / or Member needs to be trained	1
Assessment suggests that additional further guidance is needed for those identified in the Plan in order i) to explain how policy should be implemented correctly, or ii) to facilitate the development of specific sites.	Publish an additional Supplementary Planning Guidance, which could include the development briefs of specific sites, work closely with the private sector and infrastructure providers, where relevant.	
Assessment suggests that policy is not as effective as expected.	Further research and investigation required, which includes examining contextual information about the Plan area or topic field.	
Assessment suggests that policy is not being implemented	Review the policy in accordance with that	
Assessment suggests that the strategy is not being implemented	Reviewing the Plan	

2.9 The performance of policies will need to be carefully considered due to the period mentioned for indicators and triggers. Some refer to an annual period while others are relevant to a period of two or three consecutive years, therefore it will not be possible to identify any trends.

#### 2.10 **Key Findings of the Annual Monitoring Report (August 2017 – March 2019)**

**The key findings of the AMR are as follows:**

- Policy PS1: Welsh Language and Culture was used in an planning appeal soon after the adoption of the JLDP to dismiss an appeal for 366 houses in Bangor as the Planning Inspector did not consider that sufficient evidence was provided to prove that there would not be a negative impact on the Welsh Language.

- The 2019 and 2018 Joint Housing Land Supply (JHLAS) Studies indicate that 1,010 homes were completed during the monitoring period (462 units in 2017-18 and 548 units in 2018-19)<sup>1</sup>
- The 2019 JHLAS outlines that the Councils have a housing land supply of 5.3 years which is above the 5 years as required by Technical Advice Note 1
- 55% of the housing units<sup>2</sup> permitted during the AMR period are within the Sub-regional Centre and Urban Service Centres. 23% of units have been permitted within the Local Service Centres with a further 22% permitted in Villages, Clusters and Open Countryside which is in line with the Plan's housing distribution strategy
- 543 new housing units received planning permission during the AMR period i.e. sites that did not have permission on the day the Plan was adopted.
- 202 affordable houses were given planning permission during the AMR period.
- Of the 56 housing units that were given permission and completed during the AMR period, 35 of these are affordable units. This equates to 62.5% of these units.
- In the AMR period (2017-19), 348 housing units have been completed on sites allocated for housing.
- Average density of new housing permissions in Plan area during the AMR period is 29.3 units per hectare.
- 254 affordable housing units were completed in 2017-19. Significant increase in the number of affordable housing units completed in 2018/19 (193 units) compared to previous years. Note these figures do not include housing that is affordable due to its location, and size as the case may be in certain areas within the Plan area.
- 6 affordable housing exception sites permitted during the AMR period.
- 2 local market units given planning permission during AMR period. No local market units completed.
- Since adoption the Councils have adopted 3 Supplementary Planning Guidance within the AMR period and another 5 are close to adoption or underway
- The Councils received 62 Appeals during the Monitoring Period 74% of these were dismissed. The appeals that were allowed did not undermine the key policies of the Plan.
- In June 2018, Horizon submitted a Development Consent Order application in order to develop a new nuclear power plant, and a public inquiry was held.
- Hitachi announced its intention to delay the proposal of developing the new Nuclear Power Station; however, Horizon confirmed that it would continue to allocate resources to ensure that the process of examining the application is completed, and a decision is expected at the end of October 2019.
- Planning Permissions have been granted for renewable schemes that have the potential to contribute a total of 54Mw within the JLDP area.
- On the whole, the indicators suggest that the Plan is performing in accordance with expectations and at this early stage, no policies have been identified as failing to deliver the objectives of the Plan.

2.11 This first Annual Monitoring Report outlines that the policies of the LDP are being implemented and the strategic objectives are being achieved. The AMR does not raise any concerns about how the plan is being implemented. It is important to note, this is the first AMR of the JLDP, so it is not possible to identify any trends. Furthermore, the AMR inevitably includes development granted planning permission under the old local planning policy framework, but built during the AMR period, the findings in the coming years will be important for identifying trends that are specific to the Plan and any conclusions are preliminary at this early stage of monitoring of the plan. This AMR will provide a baseline for future comparative analysis, showing evidence of emerging trends.

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<sup>1</sup> As the data is collected annually the figure for the period of 2017-2018 is for 1<sup>st</sup> April to 31<sup>st</sup> March therefore the total figure covers the period 1<sup>st</sup> April 2017 – 31<sup>st</sup> March 2019 which is more than the period of this AMR.

<sup>2</sup> New housing permissions or permissions to re-assess and to extend expiry date of prior permissions

### 3. REVIEWING THE PLAN

- 3.1 The table below provides more description about thresholds to undertake a review of the Plan:

**Table 4:** Thresholds to review the Plan

<b>Statutory review</b>		
1	Planning and Compulsory Purchase Act 2004 - section 69 and Local Development Plans Regulations section 41 (1)	Statutory review no more than every 4 years from the adoption date.
<b>Thresholds to undertake a review before the statutory review - circumstances affect the robustness of the plan</b>		
2	Conclusions of the Annual Monitoring Report <u>over a period of time</u>	Significant concerns relating to implementing the strategy of the plan, including the effectiveness of policy, progress and implantation rates in accordance with recorded trends.
3	Changes in national policy or legislation	Significant change in national policy and / or legislation that affects the plan's strategy / key policies.
4	Contextual change	Significant change in the context the plan operates within.
5	Section 61 Planning and Compulsory Purchase Act 2004	Unexpected and significant results of evidence gathered through updated surveys that affect the implementation of the plan's strategy.

- 3.2 After preparing a series of Annual Monitoring Reports, that show whether the Plan achieves its objectives or not, or four years after adopting the Plan, Councils must consider how they will review the Plan, in order to prepare an alternative plan. The Reviewing Report should be submitted to Welsh Government within six months of the reviewing process stating whether or not the review is a full one, i.e. a new plan, or a brief review process.
- 3.3 In terms of the Joint Local Development Plan, both Councils must comply with the monitoring and review process. Both Councils must review the Plan; it cannot be done on a one-sided basis by an individual Council.
- 3.4 When a decision is made on what type of review is necessary, steps set out in the Regulations will need to be followed, which include preparing a draft, a public consultation and a public examination before the new plan or amended plan can be adopted.
- 3.5 Given the key findings of this first AMR (see para 2.10) there is no evidence that indicate that the Plan requires an early review. Therefore, the review of the Plan will take place in 2021 unless future AMRs indicate otherwise.

#### **4. NEXT STEPS AND TIMETABLE**

- 4.1 The Annual Monitoring Report will be presented to Anglesey Members in the following meeting and committees before submitting to the Government.

<b>Meeting</b>	<b>Date</b>
Anglesey Scrutiny Committee	24/10/19
Anglesey Executive Committee	28/10/19
Send a copy to the Government	By 31/10/19

#### **5. ANY CONSULTATIONS UNDERTAKEN PRIOR TO RECOMMENDING THE DECISION**

- 5.1 The AMR has received input from the Joint Local Development Plan Panel and has also been reported to the Joint Planning Policy Committee on 30 September 2019.
- 5.2 The AMR was also reported to and received approval from the Communities Scrutiny Committee on 26 September 2019, where the following comments were made:
- The report was welcomed.
  - It was proposed that better arrangements are required to assess the Welsh Language Statements/Assessments. It was suggested that an informal session with members could take place to share information or to establish a working group of Members and Officers, which could challenge and analyse the content in greater detail. If a Working Group is established, consideration should be given to inviting members of the Language Committee to be members of the Working Group.
  - Although there is an acceptance that the report will have to include factual and technical information, it was suggested that the presentation of the report could be simplified.
  - Concerns regarding the future of Wylfa and the unnecessary housing allocations were raised.
    - Need to review the number
  - Need reassurance that planning permission will respond to the required need.
  - Housing and economic developments could be better aligned.
  - There is an opportunity to look at what other countries are doing in relation to housing for local people.
  - Need for each member to raise awareness of the current consultation relating to the National Development Framework (closing date 1.11.19)

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#### **Opinion of the statutory officers**

##### **Chief Finance Officer:**

The department confirms that there are adequate resources in the relevant contingency fund for the monitoring report period, and that no additional resources will be required for the Local Development Plan prior to the review of the plan as a whole in 2021/22.

**Monitoring Officer:**

The report reflects the matters that need to be addressed in relation to the monitoring and implementation framework within the Joint Local Development Plan. No further comments in relation to probity

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**Appendices**

**Appendix 1 – Joint Local Development Plan Annual Monitoring Report**