

CYNGOR GWYNEDD – Report to a meeting of Cyngor Gwynedd Cabinet

Item Title:	<i>Delivery Agreement, Local Development – Response to the public consultation period</i>
Cabinet Member:	<i>Councillor Dafydd Meurig – Cabinet Member Environment</i>
Contact Office:	<i>Gareth Jones – Assistant Head Environment Department</i>
Date of the meeting:	<i>20 February 2024</i>

1. The decision sought

That the Cabinet

- i) Agree to present the amended Draft Delivery Agreement to the Full Council for approval.
- ii) Delegate the right for the Head of Department to make editorial changes for accuracy as required.

2. Reason why the Cabinet need to make the decision:

- 2.1 Preparing and receiving approval of the Delivery Agreement is the statutory first step associated with the process of preparing a new Local Development Plan for the Gwynedd Local Planning Authority area.
- 2.2 In accordance with the governance arrangement relating to the preparation of the new Local Development Plan and other Planning Policy matters, the Delivery Agreement has already been presented to the Planning Policy Working Group for their consideration. Dependent upon the decision of Cabinet, the Delivery Agreement will be presented to the Full Council for final approval to submit the document to Welsh Government.
- 2.3 This purpose of this Report is to present the Delivery Agreement and the accompanying Consultation Report. Further the comments of the Working Group have been included for Cabinet's consideration.

3. Introduction and rationale

3.1 Background

- 3.1.1 The Planning and Compulsory Purchase Act 2004¹ requires local planning authorities in Wales to prepare a Local Development Plan (LDP) for their areas. A Delivery Agreement (DA) must be prepared before it can progress to the formal process of preparing the LDP. During the Public Examination the Independent Inspector will ensure that the LDP has been prepared in accordance with the Delivery Agreement (forms part of the soundness tests). It is therefore emphasised that the content of the DA and the means of implementation is central in the preparation of a sound LDP. The Delivery Agreement requires the approval of the Full Council and Welsh Government.

¹ [Planning and Compulsory Purchase Act 2004](#)

Following their approval, the formal process of preparing a new Local Development Plan will commence.

3.2 Content

3.2.1 The DA is split in two parts as stated below :

1. Timetable of key steps for preparing the new LDP; and
2. A Community Involvement Scheme that sets out how and when stakeholders and the public can contribute to the process of preparing the Plan.

3.2.2 The purpose of the DA is to set out a timetable for the preparation of the LDP and also to set out how Council intends to involve the local community and other stakeholders in the preparation of the new Local Development Plan. The Delivery Agreement provides details of the different stages of the process and how and when stakeholders and the public are able to participate.

3.2.3 The timetable laid out at the DA is challenging however it is achievable. In drafting the timetable consideration has been given to the Welsh Government's expectations set out in the Development Plans Manual (March 2020)², which is that a Local Development Plan needs to be prepared within 3.5 years. In accordance with the timetable set out in the Delivery Agreement it is anticipated that the new LDP will be formally adopted in September/October 2027. Adhering to the timetable and the individual steps is important in order to ensure that the Plan is prepared within the specified three and a half years.

3.2.4 The timetable has been divided into definitive and indicative stages. There is more control involved with when the definitive steps will be undertaken, therefore it is possible to prepare a timetable and associated reporting schedule for these steps. On the other hand, with the indicative steps these steps are dependent on factors beyond the Council's control, such as the number of representations received during the public consultation period and the Planning and Environment Decisions Wales (PEDW) programme of work to carry out the Examination.

3.2.5 The LDP regulations³ set out the need to consult at specific stages of the LDP preparation process. It is emphasised that undertaking public consultation periods is a means of seeking "...*greater consensus and strengthen community involvement in evidence-based plan making...*" (Development Plans Manual March 2020). The Community Involvement Scheme which is included in the Delivery Agreement outlines how individuals, agents, organisations and others can be involved the preparation of the LDP. It sets out the ways in which the Council will engage and when there will be opportunities for people to contribute to the process of preparing the Plan.

3.3 Public consultation period

² [Local Development Plan Manual \(March 2020\)](#)

³ [The Town and Country Planning \(Local Development Plan\) \(Wales\) Regulations \(2005\)](#)

- 3.3.1 Following a decision by the Cabinet (10 October 2023) to publish the Delivery Agreement for a public consultation period, the consultation period has been undertaken. This report presents the results of the consultation period (Appendix 1).
- 3.3.2 There is a statutory requirement to consult with general and specific consultation bodies on the contents of the Delivery Agreement. However, it was considered necessary to exceed these statutory requirements through wider public consultation.
- 3.3.3 Awareness of the public consultation period was raised by: -
- Informing statutory and non-statutory stakeholders;
 - Notifying local members;
 - Notifying Community/Town/City Councils;
 - Notifying neighbouring Local Authorities;
 - Notifying individuals/organisations who have declared an interest in the LDP (contacts database, 1,316 in number);
 - Sharing regular messages on the Council's social media sites (Facebook, Instagram and X (formally Twitter)).
- 3.3.4 Further it was ensured that the relevant material required to facilitate the submission of representations including the Draft Delivery Agreement and the Integrated Impact Assessment (see Appendix 3) were available for inspection in the following locations:-
- Hard copy at Siop Gwynedd Caernarfon, Dolgellau and Pwllheli;
 - Hard copy in the public local libraries;
 - Council website
- 3.3.5 To facilitate the process of commenting on the Draft Delivery Agreement a representation form (hard copy and interactive copy) was provided. The form asked general questions on the various sections of the Draft Delivery Agreement, with a total of 9 specific questions asked.
- 3.3.6 The public consultation period took place between 26 October 2023 and 7 December 2023. 14 individuals/organisations responded to the consultation with a total of 37 comments.

3.4 Responses - Public Consultation Period

- 3.4.1 All comments received during the public consultation period can be examined in Appendix 1. Along with the comments it is possible to examine the Council's draft response to them and the recommendation resulting from the comment.
- 3.4.2 It is noted that there were no significant issues arising from the comments received. Some of the comments and suggestions as to how to amend the document have been accepted and as a result the document has been amended accordingly. It is considered that these amendments add value and clarity to the Delivery Agreement.

3.4.3 Any amendment(s) proposed to the draft Delivery Agreement in response to comments received can be found in Appendix 2. Amendments which are additions are displayed in **bold font and underlined** with any deleted text displayed with a ~~strikethrough~~.

3.4.4 Along with the Draft Delivery Agreement, an Equality Impact Assessment has been prepared. Following the public consultation period, this assessment has been revised. It can be examined in Appendix 3. The second version of the Assessment has taken into account the representations received during the consultation period, and outlines the fact that it is not anticipated that the Delivery Agreement will have a negative impact on the equality characteristics, the Welsh language and the socio-economic disadvantage.

3.5 Equality Act 2010

3.5.1 The Council is subject to public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics and having due regard to the socio-economic duty under Section 1 of the Act. Along with the Draft Delivery Agreement an equalities impact assessment has been prepared. The Cabinet will need to have regard to its findings when coming to a decision. Following the period of public consultation this assessment has been amended. It can be viewed in Appendix 3.

3.6 Well-Being of Future Generations (Wales) Act 2015

3.6.1 The Well-Being of Future Generations (Wales) Act 2015 relates to improving the social, economic, environmental and cultural well-being of Wales. The Act places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language and is globally responsible. The Delivery Agreement have been prepared having regard to these requirements and in accordance with the 5 ways of working.

3.7 Working Group's Comments

3.7.1 The Delivery Agreement along with the accompanying Consultation Report were presented to a meeting of the Planning Policy Working Group which was held on January 26, 2024. As part of the discussion, the following issues were raised:-

- i. It was questioned why some community initiatives have been listed in Appendix 6, and others excluded.
- ii. Following comments received as part of the public consultation period, it was questioned if it would be possible to amend the soundness tests associated with the preparation of the Local Development Plan to ensure that consideration of impact on the Welsh language was part of the tests.

3.7.2 The following response was provided:-

- i. Cymunedoli has been identified as a non-statutory stakeholder listed in Appendix 6 of the Delivery Agreement. Cymunedoli is a network of community initiatives and businesses and are therefore used as a central point of contact between the Council and the community initiatives in the preparation of the Plan. However, it is agreed that it would be useful to include details of all the community initiatives as non-statutory stakeholders and on our contacts database. Therefore, Appendix 6 of the Delivery Agreement has been amended accordingly.
- ii. Section 64(2) of the 2004 Act⁴ states that LPAs should not submit LDPs unless they consider the Plan is ready for inspection. This means that 'unsound' plans should not be submitted for inspection. The LPA will need to show that the plan meets the three soundness tests set out in Table 27 of the Local Development Plans Manual. The questions listed under each test will be ones the Inspector will consider in determining whether the Plan is sound.

It is noted that the comment received relates to and includes a reference towards ensuring that consideration has been given to the impact of the LDP on the Welsh language. The purpose of the tests is to assess if the LDP is doing what it has set out to do. The purpose of the tests is not to assess the impact of the plan in detail, nor to look at aspects specifically affected. If there is a question specifically on one aspect this can lead to the loss of an accurate assessment of the impact as a whole. Several important aspects can be the subject of a specific question to measure and adding one on Welsh can lead to a desire to add other aspects. It is felt that adding a specific question on the impact of the LPD on the Welsh language may not be the best way to assess the language as the impact on the Welsh language will be assessed throughout each test. If we specify a specific question on the impact on the Welsh language, this can result in an assessment of the Welsh language being removed from all other questions and therefore missing a fuller picture of the impact. The impact on the Welsh language should be pervasive throughout every question. There are also questions within each test enabling the Welsh language to have a full assessment. This will mean that the LPD is assessed on its soundness and not on specific content at this stage.

Further to the above completing an impact assessment on the Welsh language is a statutory requirement on the Council due to the Equality Act, and the inclusion of this assessment should be considered in any report. It is also incumbent on the Council, in undertaking the Sustainability Appraisal to consider the likely impacts of the Plan on the use of the Welsh language in the plan area. (section 62(6A) PCPA 2004 as inserted by section 11, Planning (Wales) Act 2015). This is to ensure that the scale and location of the change set out in the plan supports the Welsh language and to ensure that appropriate mitigation measures are in place, if necessary. It is also important to note that the LDP should be assessed against the Wellbeing Act 2015 and that the aims of this Act include assessing the impact on the Welsh language (Wales and a vibrant culture in which the Welsh language thrives).

Accordingly, there is no need to amend the soundness tests in accordance with the observation, as, in essence, what is already sought is addressed in the soundness tests in its present form and by statutory requirements on the Council.

⁴ [Planning and Compulsory Purchase Act 2004](#)

4.0 Rationale and justification for recommending the decision

4.1 In accordance with the duty imposed in the Planning and Compulsory Purchase Act (2004) it is requirement for Local Planning Authorities to prepare a Local Development Plan for their areas. The preparation and approval of the Delivery Agreement is the first statutory step involved in the preparation of the Plan.

4.2 In accordance with the requirements set forth in the Regulations the public consultation exercise has been undertaken and appropriate consideration has been given to the comments received. It is therefore requested that the Cabinet approve the revised Consultation Report and Delivery Agreement for submission to the Full Council

5.0 Next steps and timetable

Meeting	When	Decision
Full Council	March 2024	It is agreed to submit the Delivery Agreement to the Welsh Government for agreement and we will formally undertake the process of preparing the LDP.
Present to Welsh Government	March 2024	Following the meeting of the Full Council the DA will be presented to Welsh Government for approval. Welsh Government will have 4 weeks to approve.

4.0 The views of the statutory officers

4.1 Head of Finance

Nothing to add from the perspective of financial propriety.

4.2 Monitoring Officer

The report has been the subject of advice and input from Legal Services. I am therefore satisfied with it's propriety.

List of appendices:

Appendix 1 – Consultation Report

Appendix 2 - Delivery Agreement – final version including the amendments following the public consultation period

Appendix 3 - Equality Impact Assessment