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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Draft Development Plans Manual (Edition 3)

Date of issue: 7 June 2019

Action required: Responses by 30 August 2019

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview

This consultation seeks your views on the proposed revisions to the Development Plans Manual (Edition 3).

How to respond

The Manual is a guidance document for practitioners who are responsible for, or contribute to, the preparation and implementation of a development plan. It is a non-statutory document and does not constitute national policy.

The closing date for the consultation is 30 August 2019. You can respond in any of the following ways.

Online

Please complete the online questionnaire on the consultation pages of the Welsh Government's website:

www.gov.wales/consultations

E-mail

Please complete the consultation response form and send it to:

planconsultations-a@gov.wales

Post

Please complete the consultation response form and send it to the address below:

Development Plans Manual Consultation
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

If you have any queries about this consultation, please contact:

Mark Newey or Candice Myers
planconsultations-a@gov.wales
03000 25 3732 / 03000 25 3882

General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

e-mail:

Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

What is this consultation about?

This consultation on the Development Plans Manual “the Manual” provides an opportunity to comment on the content of development plan guidance in Wales. The Manual is a guidance document for practitioners who are responsible for, or contribute to, the preparation and implementation of a development plan. It is a non-statutory document and does not constitute national policy. However, Local Planning Authorities (LPAs) must have regard to it when preparing a development plan. It contains practical guidance on how to prepare or revise a development plan, underpinned by robust evidence to ensure plans are effective and deliverable and contribute to placemaking, as defined in national planning policy.

What is the current position?

The Local Development Plan (LDP) Manual (Edition 2, 2015) is the current guidance on development plans and is available to view on our website.

The relevant legislation regarding development plans is contained in:

- The Planning and Compulsory Purchase Act 2004 (Part 6) as amended by The Planning (Wales) Act 2015
- The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, as amended 2015.

Why are we proposing a change?

Since the LDP system was introduced in 2005, there has been considerable progress towards full plan coverage in Wales, with 23 out of 25 LPAs having an adopted LDP in place. It is anticipated there will be full LDP coverage by 2021, in line with the approved Delivery Agreements (DAs). In addition, nearly half of all LPAs have undertaken a full review of their adopted LDP and commenced the revision process.

There have been significant changes to planning legislation and national policy since the LDP Manual was updated in 2015. The most significant changes are:

- The Planning Wales (Act) (PWA) 2015 added the National Development Framework (NDF) and Strategic Development Plans (SDPs) to the development plan hierarchy. At the local level LDPs remain, in combination with a much slimmer, allocations based document (LDP Lite) for those areas where there is an adopted SDP in place.
- The Well-being of Future Generations Act 2015 requires public bodies, which includes plan making bodies, to carry out sustainable development. The Act introduces ‘well-being goals’ and ‘ways of working’ which plan making bodies must address.
- Planning Policy Wales (PPW) (Edition 10, December 2018) introduces the principle of Placemaking, National Sustainable Placemaking Outcomes, the Gateway Test and Sustainable Transport Hierarchy which all development plans must demonstrate they are in accordance with. These are new requirements which have to be reflected in the plan.

Given these changes it is now the right time to prepare a revised Manual that is up-to-date fit for purpose and contains more practical guidance on plan preparation.

What are we proposing to change?

The main changes to the draft Development Plans Manual (Edition 3) are summarised below, with questions relating to the key areas of change. When responding to the questions please can you be sufficiently clear what change you are suggesting and why, including paragraph, diagram references and page numbers where relevant.

Plan Content

The revised Manual comprises more detailed guidance on the preparation of a robust evidence base, based on lessons learnt during the first round of LDPs. Throughout the Manual there is an emphasis on demonstrating the delivery and implementation of a development plan. To support this, there is more detailed guidance specifying the content and supporting evidence necessary to ensure plans can deliver on the key issues and be found 'sound' (see Table 1, page 15). Examples of this include the preparation of a housing trajectory (see PPW paragraph 4.2.10) as well as an infrastructure and delivery appendix, to ensure there is a robust understanding of how all sites proposed in the plan will be delivered, by when and any necessary infrastructure. Detailed guidance on how to prepare these appendices is contained in Chapter 5.

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| Q1 | The content of an LDP is now set out in the Manual (see Table 1). Is this sufficiently clear and comprehensive enough? Are there elements which would benefit from further clarity, or have been omitted? Please state what should be changed and why. |
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Candidate Sites

To support the delivery of sites in the development plan, there is detailed guidance on how to undertake the call for candidate sites. The Manual provides guidance on how to deliver the policy requirement set out in PPW (paragraph 4.2.19) that the financial viability of sites should be assessed at the candidate site stage. The Manual advocates LPAs undertake a single, comprehensive call for candidate sites early in the LDP process, requesting information from site promoters on site viability and deliverability. Obtaining such information upfront will prevent sites which fail to demonstrate they are financially viable to be included in the plan. The early identification of sites will also facilitate a more detailed, transparent and meaningful preferred strategy consultation. This will ensure more effective community engagement with communities and stakeholders.

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| Q2 | Is the guidance on how to undertake a comprehensive call for candidate sites early in the LDP process clear and sufficiently detailed? If you disagree, please specify what is unclear or requires amendment and why. |
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| Q3 | Do you agree with the criteria for what constitutes a 'deliverable' and 'financially viable' candidate site? (paragraph 3.40). If you disagree, please state what should be changed and why. |
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Impact Assessments and Opportunities for Integration

Chapter 4 provides guidance on the statutory requirement to prepare a Sustainability Appraisal (SA) (incorporating a Strategic Environmental Assessment (SEA)) and a Habitats Regulations Assessment (HRA). The Manual states that Local Authorities may wish to consider the value and opportunity for undertaking an Integrated Sustainability

Assessment (ISA) including the statutory and key elements of the Well-being of Future Generations Act, Equalities Act, Welsh language and Health Impact Assessment. This will enable a more transparent, holistic and rounded assessment of the sustainability implications of the plan.

Q4 Is the Manual sufficiently clear on how to undertake an SA, HRA or a holistic ISA? If you disagree, please detail how you think the guidance could be improved and why.

Preparing an LDP – Core Issues

Chapter 5 comprises new, detailed guidance on the core elements of a development plan, primarily how to embed Placemaking into the process, articulating a spatial strategy as well as how to quantify the scale of homes and connection to jobs. This chapter is not intended to cover all topic areas within the plan, but focuses on the core issues of plan making which are fundamental to delivering the plan's strategy. These core issues are summarised in a 'de-risking plan checklist', with further guidance on each aspect provided later in the chapter.

Q5 Is the 'de-risking plan checklist' (page 83) a useful summary of the core issues of plan making as summarised in Chapter 5? If you disagree, please state what changes should be made and why.

Spatial Strategy

The Manual provides guidance on how to assess the role and function of settlements and formulate a sustainable spatial strategy, inline with the National Sustainable Placemaking Outcomes, Gateway Test , Sustainable Transport Hierarchy and the search sequence set out in PPW. Plans must demonstrate growth is directed to the most sustainable settlements and clearly articulate the level of growth appropriate for each settlement. This is essential to move towards a more sustainable pattern of development, reducing carbon emissions and addressing climate change. The Manual gives guidance on how to consider and evidence the relevant elements.

Q6 Do you agree the guidance on formulating a spatial strategy adequately covers all the key elements necessary when assessing the role and function of places? If you disagree, please state what should be changed and why.

Housing and Economic Growth

Planning for housing and economic growth is a core element of any plan's strategy, setting out the direction of travel for the area over the plan period. The Manual provides guidance on how to identify a realistic and deliverable housing requirement through the careful consideration of a range of options. It defines terminology, such as housing provision and need, as well as demand and supply factors and links to the Local Housing Market Assessment (LHMA) setting out the level and distribution of affordable housing need. The Manual also explains how to consider job growth over the plan period linked to the Employment Land Review (ELR) including the connection between homes and jobs, i.e. they are not considered in isolation. The evidence to justify individual components and their connectivity will be vital when demonstrating the 'soundness' of the plan.

Q7 Is the guidance on housing and economic growth scenarios sufficiently clear to enable a plan maker to consider a range of growth options and identify a requirement/plan provision, for both homes and jobs that is appropriate and deliverable? If you disagree, please state why and how you consider the guidance should be improved.

Housing Supply and Delivery (including housing trajectory)

The development plan must set a housing requirement that is deliverable (PPW, paragraph 4.2.10). In order to demonstrate delivery, national policy requires the development plan to include a housing trajectory. To construct a trajectory will require the plan making authority to liaise with the development industry, through Statements of Common Ground (SoCG) to demonstrate a robust understanding regarding the delivery of all the housing sites in the plan. This relates to all components, taking account of lead-in times (such as discharge of conditions) the inter-relationship between sites, potential constraints and infrastructure requirements (costs/funding sources and by when) to provide realistic phasing and delivery rates. It is a key piece of evidence at the plan's examination assisting the LPA to demonstrate the plan can be delivered and supported by appropriate infrastructure. It will also aid effective monitoring of housing delivery, highlighting when action is required by an authority to address under-delivery.

Q8 Is there sufficient practical guidance on how to prepare a housing trajectory to support the delivery of housing? Are the definitions of the components sufficiently clear? If you disagree, please state what should be changed and why.

Viability testing

National policy states that the financial viability of sites is assessed prior to their inclusion as allocations in the development plan (PPW, paragraph 4.2.19). The Manual includes the following definition of viability; 'development can be considered viable if, after taking account of all known costs, the value of the development will generate a surplus sufficient to provide an adequate profit for the developer and a land value sufficient to encourage a land owner to sell, at least 20% above Existing Use Value (EUV)'. The Manual establishes a hierarchy of viability which requires all candidate sites to demonstrate financial viability and delivery through a high level plan wide viability appraisal for housing market areas. A more detailed site specific testing for sites which are key to delivering the plan is also expected. Only in exceptional circumstances should further viability appraisals be undertaken at application stage, leading to increased transparency and certainty for developers, reducing risk and unnecessary time delays. The Manual also provides clarity on the key components of viability testing and the importance of engagement with key partners to ensure sites in the plan and the plan's overall strategy can be delivered.

Q9 Do you agree with the definition of viability (paragraph 5.81) and the key components of viability (tables 24 and 25)? If you disagree, please state what requires amending and why.

Q10 Does the Manual clearly differentiate the viability requirements for high level testing and site specific testing? If you do not consider this is sufficiently clear, what do you consider requires amending and why.

Implementation and Delivery

To ensure there is confidence in a plan-led system, it is imperative that plans can be delivered with the appropriate infrastructure, as set out in the plan. Setting out what is required early on enables the cost of infrastructure to be factored into sites promoted for inclusion in the plan. New guidance is provided in the Manual on infrastructure provision, detailing the level and type of information necessary to support the implementation and delivery of sites in the plan. A fuller consideration of the infrastructure requirements, engagement with infrastructure providers, identifying funding sources and the phasing and timing of delivery is key to understanding viability and policy requirements, together with demonstrating the plan can deliver key sites. The Manual requires this information to be contained in an implementation and delivery appendix.

Q11 Does the Manual provide sufficient guidance to enable the preparation of an infrastructure plan and how to embed the core elements of the infrastructure plan into the development plan? If you disagree, please specify what you think requires amending and why.

Chapter 8 Monitoring, Review and Revision

Detailed practical guidance on the preparation of a more focussed and effective monitoring framework to inform the preparation of the Annual Monitoring Report (AMR) is contained in chapter 8. Ensuring the plan has a robust and effective monitoring framework will enable the plan to respond quickly to any non-delivery or unforeseen changes during the plan's timeframe. A list of key indicators is included in the guidance to ensure the main issues are adequately and consistently monitored in adopted development plans.

Q12 Do you agree with the list of indicators to be included in the monitoring framework (table 29)? If you disagree, please specify what changes should be made and why you consider them necessary.

Short form revision

The Manual includes guidance on the short form revision procedure. This approach circumvents the full revision procedure by omitting the preferred strategy stage. However, this is based on the premise that the overall strategy, distribution of growth and scale of homes/jobs and all associated development/infrastructure remains consistent with the adopted plan. It also implies that the 'needs' arising over a new plan period also remain consistent. Ultimately, it is considered this approach would only be applicable in exceptional circumstances.

Q13 Is the guidance on the short form revision procedure sufficiently clear and helpful? If you disagree, please specify what could be amended and why.

Strategic Development Plans

The ability to prepare a Strategic Development Plan (SDP) was introduced in the Planning (Wales) Act 2015, specifically targeted with dealing more effectively at cross Local Authority boundary issues. SDPs should not just be an amalgamation of existing LDPs, but take the opportunity to consider wider spatial issues through broader planning concepts. The Manual sets out a series of potential spatial concepts, not exhaustive, which will assist the preparation of an SDP, as well as the scale and content

of the plan in order for it to be an effective component of the development plan. Clarity is also given regarding the content of necessary Regulations to prepare an SDP. The guidance specifies that an SDP should only focus on those issues, topics or places which are key to delivering wider than local issues. It also provides guidance on when and how to prepare an 'LDP Lite' following the adoption of an SDP.

Q14 Do you agree with the scale and content of issues to be covered in an SDP? If not, what do you disagree with and why.

Q15 Is there sufficient and clear guidance to enable the preparation of an SDP? If you disagree, what do you think should be amended and why.

Q16 Any other comments
We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this opportunity to report them.