

## SOUTH WEST WALES CORPORATE JOINT COMMITTEE

### Overview and Scrutiny Sub Committee 21<sup>st</sup> November 2024

#### Report of the Chief Executive

**Report Title:** Strategic Planning Development Manual Consultation

<p><b>Purpose of Report</b></p>	<p><b>For Information &amp; Endorsement</b></p> <p>To provide Members of the Overview and Scrutiny Sub Committee with an update on of the development of the Strategic Development Plan (SDP) and endorsement of recommendations ahead of seeking a decision via the South West Wales Corporate Joint Committee (SWWCJC) on 3<sup>rd</sup> December 2024</p>
<p><b>Recommendation(s)</b></p>	<p>That Members note and endorse the overview of the implementation of the work required pursuant to the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021, specifically noting the difficulties in complying with legal obligations and endorsing the South West Wales Corporate Joint Committee (SWWCJC) to further engage with Welsh Government and Cabinet Secretaries to advise on the progress and challenges to limit actions to the SWWCJC for any potential breach/s.</p>
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## 1. Introduction / Background:

1.1 In accordance with The Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021, the Welsh Government launched a public consultation seeking views on their policy intent for the legislation required to establish the procedure for Strategic Development Plans (SDP's) to be prepared across Wales on the 12th October 2020.

1.2 Future Wales : The National Plan 2040 is prepared by Welsh Government and forms part of the development plan for the whole of Wales.

1.3 Local Development Plans (LDPs) are prepared by Local Planning Authorities. Local Development Plan 'Lites' (LDPLs) will be prepared following adoption of an SDP.

Once an SDP is adopted, each Local Planning Authority within that region can prepare a Local Development Plan (LDP) Lite, which is a slimmed down version of the Local Development Plan and as such should be more nimble and less resource heavy to produce and adopt. (LDPs).

1.4 Corporate Joint Committees are responsible for the preparation and adoption of the SDP for their region. The SDP must incorporate the scale and location of housing and employment growth - strategic housing and employment development sites and their placemaking principles - Strategic Green Infrastructure routes - Transport infrastructure - a co-ordinated approach to environmental designations, energy, minerals and waste as well as individual LPA spatial strategies to provide the framework for and enable the preparation of LDPLs once the SDP is adopted.

1.5 The SWWCJC outlines a commitment within the South West Wales Corporate Plan 2023 – 2028 for the development of the SDP as part of the Well-being Objectives, notably as incorporated within;

### **Well-being Objective 3**

*To produce a sound, deliverable, coordinated and locally distinctive Strategic Development Plan for South West Wales which is founded on stakeholder engagement and collaboration and which clearly sets out the scale and location of future growth for our future generations.*

1.6 An action plan has been developed and is regularly reviewed to deliver the scope within Well-being Objective 3 (Appendix 1).



## 2. Progress:

- 2.1 The South West region continues to engage with Welsh Government Officers on the draft SDP Manual to ensure the final version of that guidance serves to help facilitate an SDP that can deliver on CJC, Council and National Parks' corporate objectives.
- 2.2 The SWWCJC has written to Welsh Government to acknowledge that following consultation on establishing the procedure for the preparation of Strategic Development Plans, as defined in the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021, new guidance would be published by Welsh Government to support the development of SDPs. The SWWCJC understands that a formal consultation with Local Planning Authorities on a draft version of the guidance has been delayed and is not now due to be published until Spring 2025. Therefore, the SWWCJC considers it vital that this guidance is in place to ensure that the SDPs to be delivered across Wales all align to an agreed set of procedures and requirements as identified in the version to be published following consultation.
- 2.3 From the information which has been published to date, it is generally accepted and reasonable to assume that the preparation of the first tranche of SDPs from commencement to adoption is likely to take in excess of five years to complete and will certainly require the allocation of both financial and staff resources. The SWWCJC envisage a financial commitment of around £2.469m over that five-year period, to cover staffing and specialist services (as necessary). The financial commitment would be required in addition to that already granted towards the RTP however this will be subject to review pending publication of the guidance referred to above.
- 2.4 SWWCJC has access to limited funding which is reliant upon levies paid for through council tax, as well as the successful receipt of grant funding from Welsh Government, as was the case for the Regional Transport Plan which secured as a grant £125,000 in 23/24 and £100,000 24/25 towards its cost.
- 2.5 As a region, participating authorities already have stretched resources delivering their respective RLDPs. It is not therefore an option to divert existing planning staff away from continuing with this work to enable commencement of the SDP. Furthermore, the participating authorities cannot prepare LDP Lites until they have an adopted SDP in place. Given that each authority in the South West Wales region are at different stages of LDP preparation, they cannot re-deploy resources to commence work on the SDP at this stage. As a consequence of this, the SWWCJC will not be in a position to commence preparatory work until such time that the necessary funding and guidance is available to enable a viable plan to be developed. The preparatory work would identify milestones and resource commitments which would be required for incorporation within the Delivery Agreement. These matters have been regularly discussed in recent Planning Officers Society Wales (POSW) meetings where Chief Planning Officers representing all four regions were of the same mind.



The first stage of the SDP is to prepare a Delivery Agreement which sets out the milestones associated with the preparation and adoption of the SDP. Welsh Government have indicated that other regions are progressing work on preparing their Delivery Agreement, however this has been discussed at length in various officer groups and at least two of the other three regions are in the same position as the SWWCJC. Moreover the other region have drafted a Delivery Agreement but have also indicated that they do not have the resources to deliver the milestones which will be presented in that Agreement. Preparing a Delivery Agreement without sufficient financial and staff resources would therefore appear to be an academic exercise.

2.6 Therefore, until such time as resources are made available, the SWWCJC will be unable to submit a proposed Delivery Agreement, nor will we be able to commence SDP preparation work.

Notwithstanding the fact that the SWWCJC have yet to commence preparation of the Delivery Agreement the region has worked collaboratively to undertake key studies that will inform an evidence base for a future SDP. Progression beyond this point is not however possible until sufficient staff and financial resources are put in place and this is reliant upon Welsh Government providing the financial resources referred to above.

2.7 The Welsh Government advised that in procedural terms there are no impediments hindering the preparation of an SDP. Noting that two Advisory Notes were published in August 2021 to assist in formulating governance structures to prepare an SDP and the scope of its content. These are not prescriptive but will assist deliberations. In addition, they had circulated an informal draft version of the SDP Manual, the guidance for preparing an SDP. There will be some 'fine tuning', but the general principles should remain following the responses we received. As referenced above, the intention of Welsh Government is to formally consult in the Spring of 2025, with publication anticipated Summer/Autumn 2025.

2.8 The Welsh Government advised that they have worked positively with the South-East Wales region to develop a draft Delivery Agreement. Further advising that it may be prudent for the other three regions to work collectively and connect to enable this approach to be tailored and applied across all regions. Despite this encouragement from WG to commence work on the Delivery Agreement, the significant delay in publishing the SDP Manual consultation is a concern and may suggest that there are going to be changes to the process. It is therefore considered prudent to delay work until after the final version of the manual is published and sufficient resources are made available.

2.9 As referenced above, while substantive work on the SDP has not yet commenced, Policy teams across the region have worked collaboratively to undertake key studies that will inform an evidence base for the SDP. Measures have been introduced to rationalise and standardise methodologies for evidence gathering. This ensures early





key stages benefit from alignment with the latest underpinning evidence and is aligned with the replacement LDPs being produced. There has been no substantive progress on key SDP stages to date given the delays to the publishing of the final SDP Manual / Guidance, together with the lack of financial resources allocated to the work stream by Welsh Government. When appropriate, further discussion is required on staff resources and workforce model to be applied once a budget has been allocated / identified.

### 3. Timescales:

3.1 Welsh Government have advised that the 'Delivery Agreement' is to be submitted by the end of 2024.

The SWWCJC has advised that this date is not achievable for the reasons stated above.

### 4. Financial Impacts:

4.1 The SWWCJC has approved a continuity budget aligned to the levy honored by partners and grant payments (as applicable). This provides a contribution of £20k for the planning service across the SWW region and is being used to commence the collection of a consistent evidence base which will inform a future SDP.

It is however envisaged that a financial commitment of around £2.469m over a five year period is required to deliver the SDP through to adoption. This is clearly in excess of the SWWCJC budget allocation towards the development of the SDP.

### 5. Integrated Impact Assessment:

5.1 The SWWCJC is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.

- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language  
Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

In recognition of the above duties, the CJC has adopted an Integrated Impact Assessment (IIA) Tool which allows for a two stage approach to be undertaken to measure any potential impact of its decisions.

**Outcome** - In preparation of the 'SDP', engagement and consultation of stakeholders – (including Community Involvement Scheme, the 'Call for' Strategic Locations and Sites/Areas, Preferred Strategy will need to be undertaken.

There has been no substantive progress on key SDP stages to date given the delays to the publishing of the final SDP Manual / Guidance, together with the lack of financial resources allocated to the work stream by Welsh Government.

The CJC approved its Corporate Plan 2023-2028 in March 2023. The Corporate Plan includes the CJC's Equality Objective which is set out below for ease of reference:

*"To deliver a more equal South West Wales by 2035 by contributing towards:*

The achievement of the [Welsh Government's long-term equality aim](#) of eliminating inequality caused by poverty;

The achievement of the [Equality statement set out in Llwybr Newydd](#) which is to make our transport services and infrastructure accessible and inclusive by aiming to remove the physical, attitudinal, environmental, systemic, linguistic and economic barriers that prevent people from using sustainable transport,

And

[The achievement of the Welsh Government's long-term equality aims](#) of cohesive communities that are resilient, fair and equal and where everyone is able to participate in political, public and everyday life. There will be no room for racism and / or discrimination of any kind."

## **Well-being of Future Generations (Wales) Act 2015**

Alignment with CJC Corporate Plan 2023-2028 and the identified CJC Well-being objectives:

The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.



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The CJC approved its Corporate Plan 2023-2028 in March 2023. The Corporate Plan contains the CJC's well-being objectives and frames the corporate direction of travel. To this end, it is considered that the recommendation(s) contained within this report align(s) to the corporate policy framework of the CJC as set out within its Corporate Plan.

*Well-being Objective 1*

*“To collaboratively deliver the Regional Economic Delivery Plan and Regional Energy Strategy thereby improving the decarbonised economic well-being of South West Wales for our future generations.”*

*Well-Being Objective 2*

*“To produce a Regional Transport Plan for South West Wales that is founded on collaboration and enables the delivery of a transport system which is good for our current and future generations of people and communities, good for our environment and good for our economy and places (rural and urban).”*

**Well-Being Objective 3**

*“To produce a sound, deliverable, co-ordinated and locally distinctive Strategic Development Plan for South West Wales which is founded on stakeholder engagement and collaboration and which clearly sets out the scale and location of future growth for our future generations.”*

**6. Workforce Impacts:**

- 6.1 Limited resources are in place to support the preparatory works due to capacity, sector skills gap/s, recruitment and retention, which have been factored into the consideration of this report.

**7. Legal Impacts:**

- 7.1 It should be noted that failure to progress preparatory works in the form of the 'Delivery Agreement' and not submitting the same to Welsh Government by the end of 2024, pursuant to the work required under The Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 does render the South West Wales Corporate Joint Committee open to legal challenge that it is in breach of its obligations, this may come via a judicial review. This may render the South West Wales Corporate Joint Committee open to potential costs of defending a challenge. There would also be reputational risks to the South West Wales Corporate Joint Committee.

## 8. Risk Management Impacts:

8.1 In addition to the legal impacts under section 7 of this report, the following apply;

- a. To commence preparatory work in the absence of the published guidance (final).

This would not be appropriate as there is reliance upon the South West Wales Corporate Joint Committee (SWWCJC) to secure funding from Welsh Government to initiate the Strategic Development Plan process in accordance with the guidance.

However, steps are being taken to develop the evidence base to support Replacement Local Development Plans (RLDP) and the Regional Transport Plan (RTP) in a way that will start to create the evidence base to support the Strategic Development Plan (SDP).

- b. The SWWCJC has approved a continuity budget for 2024/25, aligned to the levy honored by partners and grant payments (as applicable).

It is envisaged that a financial commitment of around £2.469m over that five year period is required, which is in excess of the SWWCJC budget allocation towards the development of the SDP.

This alone would require almost five times increase in the existing annual levy in order to undertake. The financial outlook for 2025/26 and beyond continues to be hugely challenging and accordingly such an increase would not be appropriate and affordable.

## 9. Consultation:

9.1 The preparation of the 'SDP' consultation and engagement (including Community Involvement Scheme, the 'Call for' Strategic Locations and Sites/Areas) with the public and stakeholders throughout the development and adoption process will be in accordance with the statutory process.

## 10. Reasons for Proposed Decision:

10.1 To advise on the progress and challenges in respect of the development of a Strategic Development Plan for the South West Wales Corporate Joint Committee in accordance with The Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021





## 11. Implementation of Decision:

11.1 This report will be considered at a forthcoming Corporate Joint Committee meeting and is for noting, endorsement and comment at the meeting of the Sub-Committee.

## 12. Appendices:

12.1 Appendix 1. Well-being Objective 3 – Strategic Development Plan (SDP) Action Plan

## 13. List of Background Papers:

13.1 [\(Public Pack\)Agenda Document for South West Wales Corporate Joint Committee - Strategic Planning Sub-Committee, 19/11/2024 14:00](#)



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