

<b>Isle of Anglesey County Council</b>	
Report to:	Planning Policy Committee
Date:	19 <sup>th</sup> October 2023
Subject:	Update on establishing a new Planning Policy Team and the preparation of a new Local Development Plan
Portfolio Holder(s):	Cllr. Nicola Roberts (Planning, Public Protection and Climate Change)
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Local Members:	Applicable to all Elected Members

## **1.0 Purpose of report**

### **1.1 This report focuses on the following:**

- Submit the Annual Monitoring Report for agreement prior to its submission to Welsh Government;
- Terms of Reference for this Committee;
- Provide an update for Committee members on developments relating to recruitment in the establishment of a new Planning Policy Team;
- Discuss matters relating to the Delivery Agreement and Community Involvement Scheme;
- Update members on matters relating to legislation relating to second homes and holiday lets and powers to restrict permitted development rights in this respect; and
- Provide detail relating to member training in relation to planning policy issues and the preparation of a new development plan.

## **2.0 Annual Monitoring Report (AMR)**

2.1 Members will be aware that the LDP is required to be monitored annually and the report must be submitted to the Welsh Government by 31st October each year. The purpose of this report is to present a draft of the fifth Annual Monitoring Report, which reports on the period 1st April 2021 – 31st March 2022. The AMR has been compiled by officers of the former JPPU employed

by Cyngor Gwynedd given that joint working arrangements were in place over the monitoring period.

- 2.2 Arrangements as to how we undertake the AMR for the next monitoring period, which were still within the period of joint working, will have to be discussed and agreed with our Cyngor Gwynedd colleagues.
- 2.3 The AMR provides an important evidence base for the review of the Joint LDP and over time AMRs can show trends, clarify which policies are delivering or otherwise and highlight whether there are any voids or omissions in policy provision.
- 2.4 The AMR lists 15 key findings and these are identified as:
  1. *Permission granted for 315 new residential units (including applications to reconsider or extend expiry date of existing permissions) during 2022/23. See the distribution of these permissions in Appendix 2. 163 units (52%) were for affordable housing.*
  2. *298 homes were completed during the monitoring period.*
  3. *122 affordable housing units completed in 2022-23 which is 41% of the total completions for this year. 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.*
  4. *It is noted that 4569 units have been completed in the Plan area between the base date (2011) and 2021/22, whilst the trajectory notes a figure of 5663 units. This is therefore 19.3% lower than the figure in the trajectory. This is because economic growth has not been at the expected scale, large scale infrastructure projects have not progressed as expected, consequences of the pandemic and housing demand in some areas of the Plan area has not been at the expected rate.*
  5. *43.2% of the housing units permitted during the AMR period are within the Sub-regional Centre and Urban Service Centres. 29.8% of units have been permitted within the Local Service Centres with a further 27.0% permitted in Villages, Clusters and Open Countryside.*
  6. *In the AMR period (2022-23), 25.8% of housing units completed in the Joint Local Development Plan area are located on sites allocated for housing.*
  7. *Average density of new housing permissions in Plan area during the AMR period is 28.5 units per hectare.*
  8. *Five affordable housing exception sites permitted during the AMR period (33 units permitted on these sites).*

9. *Four new local market units given planning permission during AMR period. Three local market units were completed during the AMR period. The Joint LDP is the only Local Plan in Wales to include this policy and it is understood that the Welsh Government are considering a similar national policy.*
10. *In the last year, over 70% of housing permissions on new sites (not including those applications to reconsider or extend the date on which the current permissions expire) that meet the relevant threshold have included the expected level of affordable housing on the site. Of the 6 sites that were permitted in 2022- 2023 that are 11+ units in size, 4 sites are for 100% affordable housing with one other site providing the expected level of affordable housing. Following a viability assessment it was agreed, due to the nature of the proposal, that it was not viable to have affordable units on one site.*
11. *Out of the units granted permission and completed since the Plan's adoption the percentage of affordable housing is 48%.*
12. *The Councils received 29 Appeals during the Monitoring Period. 53% of these were dismissed. None of the permitted appeals undermined the policies contained in the Plan. The approved appeals related to issues such as highway suitability, design and effects of landscape. There were also appeals relating to householder applications and agricultural developments*
13. *One of the strategic objectives of the Joint LDP is to facilitate diversity in the rural economy, that objective has been successful during the AMR period, with permissions having been given for a range of employment uses including a shed for fish rearing breeding, dog grooming parlour, storage units and timber framed structure for a spinal clinic.*
14. *Indicator D21 sets targets for achieving the potential renewable energy resources identified in the Plan. It was expected that 50% of this of 1,113.35 GWh for electricity and 23.65 GWh for heat would have been achieved by 2021. However up to 2023 only 70.6 GWh in addition to the figures in tables 7 and 8 in the joint LDP has been provided. Therefore, the target of 50% the renewable energy potential for heat and electricity being delivered by 2021 has not been achieved. The permitted schemes have a potential for energy generated of 3,281.4GWh. This would achieve the target within the Plan however some of the proposals have had permission for some time. It is clear therefore that the failure to achieve the target within the Plan is in relation to the implementation of schemes rather than a failure of the Plan's Renewable Energy Policies.*

*15. 8 applications were refused partly due to linguistic issues and 13 applications were granted permission with a planning condition for linguistic mitigation measures.*

- 2.5 In accordance with national guidance, Plans must be reviewed every four years and a Revised Plan prepared. The current Plan was adopted on 31 July 2017 and therefore a Review Report was prepared. The conclusion of the Review Report was to carry out a Full Review of the Joint Local Development Plan which constitutes the preparation of a new Plan. Following this it was decided in a meeting of the Cyngor Gwynedd Cabinet and a meeting of the Executive of the Isle of Anglesey County Council to terminate the joint working arrangement between the two Councils and prepare separate Local Development Plans. The joint working arrangement ended on 31 March 2023.
- 2.6 This AMR follows the same format as previous reports and documents the performance of the Joint Local Development Plan over the whole of the Plan area, that is, Anglesey and Gwynedd, over the monitoring period. The information presented in the Report will provide useful evidence to inform future policy development particularly in the context of the preparation of a new Local Development Plan for Anglesey that will reflect the Island's needs from environmental, economic and social perspectives.
- 2.7 It is recommended that this Committee considers and agrees to the draft ARM (attached as **Appendix 1**) and its conclusions in order that arrangements can be made with our colleagues at Cyngor Gwynedd for its submission to Welsh Government by the specified date of 31 October 2023.

### **3.0 Planning Policy Committee Terms of Reference**

- 3.1 Terms of reference for the Planning Policy Committee have been drafted and are attached to this report as **Appendix 2**.
- 3.2 In summary, the Committee shall provide guidance and opinion in respect of:
- draft documents prepared in the process of Local Development Plan (LDP) preparation prior to public consultation;
  - feedback received in the process of public consultation or stakeholder group engagement;
  - draft documents prepared in the process of preparing SPG prior to their publication for consultation;
  - public/stakeholder group feedback on such consultation;
  - LDP Annual Monitoring Report; and
  - documents prepared as part of the process of reviewing the LDP.
- 2.3 The Committee will be one of cross-party elected members recognised in the Delivery Agreement and will contribute to and support the process of creating and maintaining the LDP. Its decisions will be based upon knowledge and evidence.

- 3.4 The Committee will be composed of 11 elected members appointed on the Council's political balance with membership to include the Portfolio Holder for Planning, Public Protection and Climate Change. The Chief Planning Officer and Planning Policy Manager (or their deputies) shall attend the meetings to submit reports and advise members. A Chair and Vice Chair will be elected from the elected members annually.
- 3.5 Officers from other Services will attend as required.
- 3.6 In terms of decision making, a quorum of **five** will be the minimum number of members required to be present. This is consistent with paragraph 3.4.11 of the Council's Constitution.
- 3.7 The Committee shall meet monthly (or as required) and its members shall receive papers five clear days before meetings.
- 3.8 In terms of reports that may be required to be submitted to the Executive Committee, the feedback and opinion will be included in such reports.

#### **4.0 Staffing**

- 4.1 New recruitment packages have been prepared with a view to generating greater interest in the vacant posts. Packages have been prepared for the posts of Senior Planning Officer, Local Housing Challenge Co-ordinator, Planning Officer and Planning Assistant. These packages contain a background to each individual post, outline the benefits available to County Council employees and a detailed job description with person specification. The posts were advertised on 22 September 2023 and will run until 9 October. Given that the closing date for the job advertisements have yet to expire at the time of writing this report a verbal update on the situation will be provided to Committee members at the meeting.
- 4.2 As members will be aware, difficulties have been experienced in staff recruitment to the newly formed Planning Policy Team although this is not exclusive to the appointment of planning policy officers as similar difficulties have been found in other areas of recruitment, particularly those involving specialist posts. Such a situation is not unique to Anglesey as other North Wales planning authorities have also experienced similar recruitment problems.
- 4.3 The delivery of a Local Development Plan (LDP) is a statutory function with the Plan providing the policy basis for guiding development to the appropriate locations and the determination of planning applications to enable development to take place. The LDP therefore will be key to delivering on economic, social and environmental priorities identified in the County Council's corporate/strategic plans (eg new Council Plan 2023-28). As such, it is imperative that a team is established in order to formulate a credible plan and to undertake the numerous stages of policy drafting, consultation, analysis, examination and adoption that will follow from the agreed timetable.

- 4.4 This concerted recruitment programme will be aimed at targeting appropriate outlets in order to widen exposure. A copy of the package for the Planning Policy Team Leader is attached at **Appendix 3**.
- 4.5 External assistance will have to be sought in the event that gaps continue to be present in the agreed staffing structure.
- 4.6 A further update on progress in recruiting will be provided at the next scheduled meeting of the Planning Policy Committee.

## **5.0 Delivery Agreement and Community Involvement Scheme (CIS)**

- 5.1 As was explained in the last meeting of the Planning Policy Committee, the preparatory stages of completing a LDP will be subject to a timetable encapsulated in a formal Delivery Agreement (DA) which must be agreed with Welsh Government. Work to focus on the DA is under way and uses the draft prepared by the JPPU prior to the termination of joint working arrangements as a basis for the drafting of the agreement.
- 5.2 The DA will require further detailed input to reach a point where discussions with Welsh Government as to its appropriateness can take place.
- 5.3 The DA in its final form is an important and legal part of the process of drawing up the LDP and forms an official agreement between the County Council and the Welsh Government. Any deviations from the DA that were not agreed to by the Welsh Government will form an important test of the soundness of the LDP. The content of the DA and the method by which the County Council will therefore implement it are essential to the success of the LDP.
- 5.4 In accordance with Local Development Plans Regulations 6, 8 and 9 and the Development Plans Manual, the DA will be divided into two parts:
- **The timetable** which sets out definite dates for the stages of LDP preparation up to the Deposit Plan period and will provide indicative dates up until the Plan's adoption;
  - **The Community Involvement Strategy** which will set out who the County Council will contact when preparing the LDP, how and when County Council officers, elected Members, the public, local interest stakeholder groups and developers can contribute to the whole process and what will happen to the responses.
- 5.5 The DA also sets out how the new LDP will be assessed in accordance with the requirements of the Development Plans Manual through the Sustainability Appraisal with Integrated Impact Assessments including the Plan's Impact Assessment on the Welsh language.
- 5.6 There must be a commitment with regard to staff and financial resources towards undertaking the various steps necessary in the process of preparing the LDP.

5.7 Progress in developing the new LDP will be monitored and reviewed against the DA's requirements with a view to ensuring that different stages outlined in the timetable are reached/delivered in accordance with the dates set. However, instances may arise where the DA may need to be reviewed and amended. These include:

- If the process is significantly behind schedule (3 months)
- If any significant changes are required to the Community Involvement Strategy
- If there are significant changes in the resources available to the Council
- If new UK or Welsh Government legislation, regulations or guidance require new procedures or tasks to be implemented
- If any other changes to the environment materially affect the delivery of the plan in accordance with the DA.

If the need to revise the DA arises, consultation with specific bodies will be necessary in addition to seeking an agreement to do so with Welsh Government.

5.8 In relation to the CIS, the LDP Regulations require that the Council works in partnership with stakeholders and the community early in the process of preparing the LDP. One of the key objectives of the Development Plans system is that Plans should be based on early, effective and meaningful community involvement in order to understand and consider a wide variety of perspectives (Development Plans Manual, March 2020).

5.9 The DA specifies how and when communities will be included in the LDP process in order to give communities the opportunity to help shape and influence the content effectively. The CIS will set out what the County Council intends to do where time allows and, if necessary, additional periods of engagement can be provided.

5.10 Input to the process will be expected from the public, businesses, landowners, developers, specific consultation bodies and general consultation bodies. A contacts database has been prepared in light of the preparation of the JLDP and this will form the basis of an updated database for the purpose of preparing the new LDP. Anyone has the right to ask to be added to or removed from the contact database at any time. Anyone who submits comments during any of the consultation periods will be added to the contacts database.

5.11 All stages of the LDP process will be subject to a Sustainability Assessment (SA) and, whilst it is generally a technical exercise, the opportunity will be given to those interested in the exercise to make representations. The evidence base supporting the SA will form part of a scoping report which will be subject to public consultation.

5.12 In terms of political involvement, all elected members will receive information at important times throughout the LDP preparation process, for example: discussion about the vision; strategic aims and objectives for the LDP;

consideration of the preferred strategy and, later on, when there are discussions about specific issues in terms of sites and settlements. Councillors will also have an important role to play due to their local knowledge, acting as local "champions" in order to raise awareness in the communities and therefore facilitate the process of drawing up the LDP. Councillors' contributions will be guided by the Members' Code of Conduct and the Standards Committee in order to prevent any influence on the Councillors' role in making recommendations and decisions in the relevant committees.

- 5.13 Consultation with relevant officers within the Council will be key throughout the LDP preparation period. The intention is to establish a group of senior/specialist officers representing all services and chaired by the Chief Executive. The group will discuss specific issues, e.g. housing, economy, education, and issues relating to specific areas to present and discuss LDP issues. Group discussions will feed into the Preferred Strategy for the LDP for consideration at the political level.

## **6.0 Article 4 Direction**

- 6.1 In response to pressures facing local residents in their attempts to buy or rent homes in their communities by second and holiday homes, Welsh Government introduced changes to planning legislation giving Local Planning Authorities powers to address such concerns by tailoring the control measures to local circumstances. This included:

- The amendment of the Town and Country Planning (Use Classes) Order 1987 to create new use classes for Main Homes (Use Class C3), Secondary Homes (Use Class C5) and Short-term Holiday Accommodation (Use Class C6);
- The amendment of the Town and Country Planning (General Permitted Development) Order 1995 to allow permitted changes between the new use classes for Main Homes, Secondary Homes, and Short-term Holiday Accommodation; and
- The amendment of Planning Policy Wales to make it clear, when relevant, that the number of second homes and short-term holiday accommodation in a local area must be taken into account when considering the housing requirements and policies in Local Development Plans (LDPs).

- 6.2 The second of these measures is particularly relevant in that it allows the change between the new use classes without the need for a change of use planning permission. However, mechanisms exist to remove such permitted development (PD) rights of homeowners to change between the different use classes involved. PD rights are granted by Article 3 of the General Permitted Development Order and Article 4 of the Order allows such rights to be withdrawn if either *"the Secretary of State or the appropriate local planning authority is satisfied that it is expedient that development described in any Part*

..... *should not be carried out unless permission is granted for it on an application*". Such a direction is commonly known as an Article 4 Direction.

- 6.3 Given the pressures placed upon the local property market through the demand for second homes or holiday lets on Anglesey and the provisions recently introduced by Welsh Government, the County Council will have to undertake work to consider whether such a direction should be issued on the island. Such work will be within the remit of the Housing Challenge Co-ordinator whose post is being advertised in the ongoing recruitment drive.
- 6.4 Although the County Council is yet to engage fully in considering the appropriateness of an Article 4 Direction to address the issue of second home and holiday let ownership, colleagues in Gwynedd have resolved to issue a Direction to cover the whole of the local planning authority (that is, areas of the county outwith the Eryri National Park). The action is currently subject to a public consultation exercise which closed on 13 September 2023.
- 6.5 The County Council prepared and submitted a formal response to the consultation and this was had been subject to review from the Chief Executive, Chief Legal Officer and Head of Service (Housing). A copy of the draft was also circulated amongst each of the County Council's political groups.
- 6.6 Updates on Anglesey's ongoing consideration of this issue will be provided to this Committee at the appropriate time and subject to the appointment of the relevant officer.

## **7.0 Member Training**

- 7.1 In response to the request made at the last meeting of the Planning Policy Committee (July 12 2023) a training programme for members is being prepared and will consist of an overview of the development plan preparation process supplemented by more detailed sessions looking at specific elements of the process focusing on individual work areas.
- 7.2 Subject to the agreement of the Committee, a date can be agreed for the delivery of the overview session and subsequent dates agreed for the delivery of the detailed session programme.