

Isle of Anglesey County Council	
Report to:	Planning Policy Committee
Date:	22nd May 2024
Subject:	Draft Local Development Plan Delivery Agreement
Portfolio Holder(s):	Cllr. Nicola Roberts (Planning, Public Protection and Climate Change)
Head of Service / Director:	Christian Branch Head of Regulation & Economic Development Service
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Local Members:	Applicable to all Elected Members

1.0 Purpose and Recommendations of Report

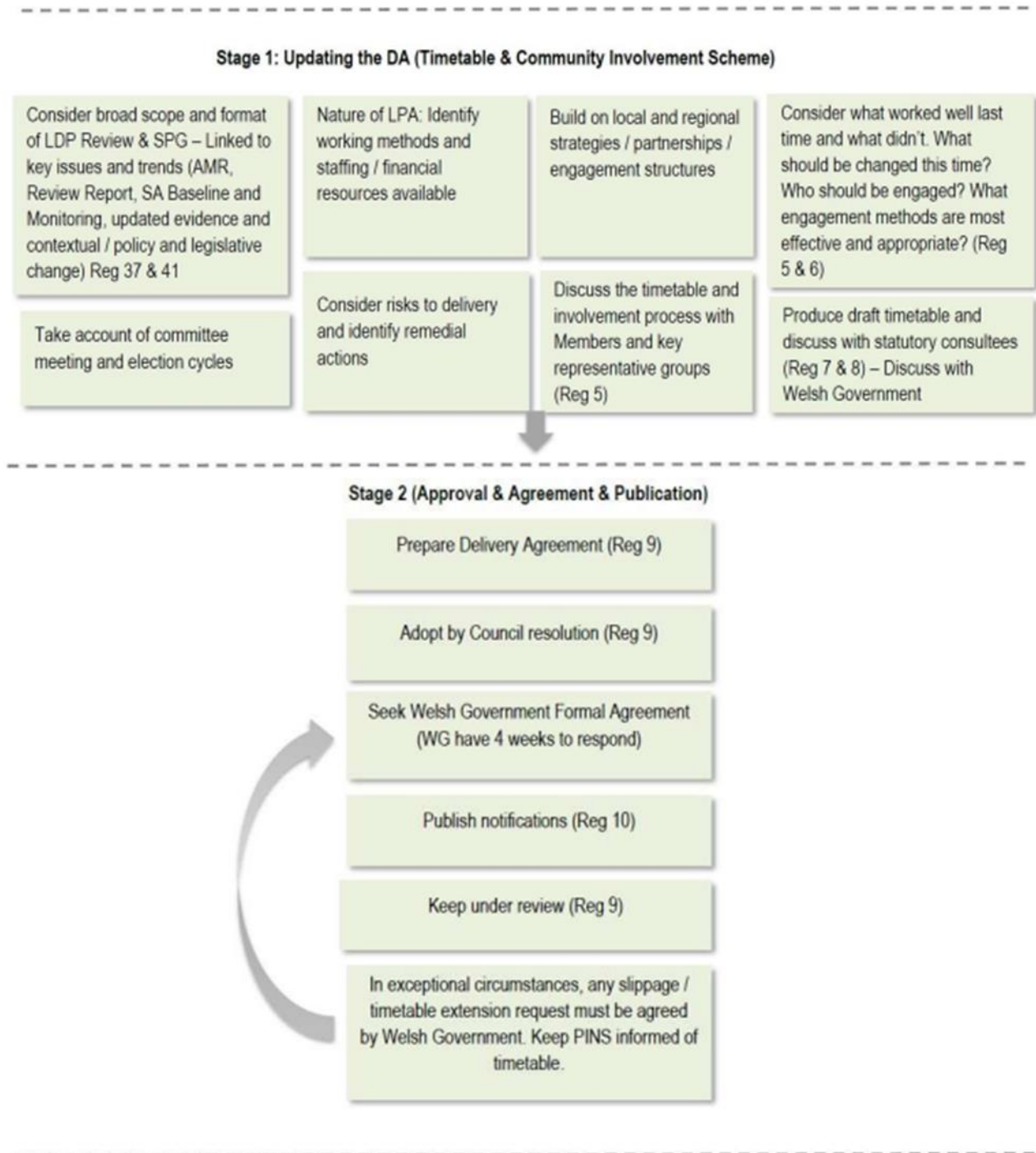
- 1.1 The purpose of this report is to secure Committee Members' views and input on the draft Delivery Agreement (DA) which includes a draft timetable and Community Involvement Scheme (CIS) for the preparation of a replacement Local Development Plan for Anglesey
- 1.2 It is recommended that the Committee:
- a) Considers and agrees any necessary amendments to the draft Delivery Agreement document;
 - b) Endorses a final draft Delivery Agreement;
 - c) Supports undertaking a six-week public consultation period; and
 - d) Delegates authority to the Chief Planning Officer (in consultation with the Portfolio Holder) to make any further minor amendments for accuracy prior to the public consultation period commencing.

2.0 Background

- 2.1 The Town and Country Planning (Local Development Plan) (Wales) Regulations provide the statutory basis for the preparation of local development plans in Wales. Regulation 9 applies to the preparation of a Delivery Agreement, what it must consist of and the arrangements in relation to its approval (by resolution of the local planning authority (LPA)) and submission to Welsh Government for consideration and agreement.

- 2.2 Welsh Government must respond within four weeks of the DA's receipt unless it confirms to the LPA in writing that it requires additional time to consider the document.
- 2.3 The Regulations stipulate that the DA must consist of a CIS (prepared in accordance with Regulation 6) and the timetable (prepared in accordance with Regulation 8).
- 2.4 The CIS must include:
- a) a list of all those general and specific consultation bodies to be involved in the LDP procedure;
 - b) the principles of the LDP participation strategy to be adopted by the LPA;
 - c) the timing of, and the method by which—
 - (i) participation will occur at each stage of the LDP procedure, and
 - (ii) the LPA will respond to the participation process referred to in sub-paragraph (i);
 - d) details of how the LPA will use those responses at each stage in developing the content of its LDP.
- 2.5 The timetable must include all key dates:
- a) specified in guidance made under section 75, which must include—
 - (i) a definitive date for each stage of the LDP procedure up to deposit stage, and
 - (ii) indicative dates up to adoption of the LDP,
 - b) for the preparation and publication of—
 - (i) the sustainability appraisal report, and
 - (ii) the annual monitoring report.
- 2.6 The diagram below provides a graphic representation of the DA process.

Diagram 7: The Delivery Agreement Process



3.0 The Delivery Agreement

3.1 As stated above, the DA represents the first stage in the plan preparation process. It consists essentially of two parts:

- a) A timetable of key stages for plan preparation; and
- b) A CIS that establishes how and when consultees, stakeholders and the public can contribute to the plan preparation process.

- 3.2 The DA must be approved by resolution of the full Council before being submitted to Welsh Government for agreement. Once agreed, the timetable contained within the DA must be adhered to with the Council bound to meet the deadlines for each stage.
- 3.3 The proposed timetable contained in the DA is illustrated below. Although demanding it sets a realistic process and timescale agenda that will allow the County Council to adopt a replacement LDP in the shortest time possible.

Stage number	Stage	Timescale	Key Consultation Periods
Definitive			
1	Delivery Agreement - Preparation - Consultation with key stakeholders - Amend document where necessary following consultation - Endorement by County Council -Submit to Welsh Government	April 2024 – September 2024	Public Consultation May/July 2024 Report to Planning Policy Committee on outcome of consultation and agreement of necessary amendments Approval by the full Council September 2024 Present to Welsh Government October 2024
2	Pre-deposit – preparation, content and consultation - Vision Paper with strategic options - Call-out for sites Specific Background Papers required	December 2024 – May 2026	Call-out for sites December 2024 for at least 6 weeks March 2025 – April 2025
3	Pre-deposit Consultation Preferred Strategy Impact Assessments SA/ESA and HRA	December 2024 – May 2025	December 2025 to January 2026
4	Preparation of Deposit Plan	June 2026 – May 2027	Public Consultation September/ October 2026
Indicative			
5	Submit Deposit Plan	June 2027	n/a
6	Examination	11 months from submission (target)	There may be further consultation

			following the Examination
7	Inspector's report	April 2028	
8	Adoption	May 2028 (must be adopted within 8 weeks of receipt of inspector's report)	n/a

4.0 Community Involvement Scheme (CIS)

- 4.1 The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (the Regulations) require that a DA must include a CIS. The CIS must, in turn, identify the persons who are to be engaged in the preparation of a CIS as those general and specific consultation bodies that have an interest in matters relating to development in the LPA's area.
- 4.2 Appendix 5 of the draft DA identifies both the general groups and specific organisations that will be consulted. This does not represent an exhaustive list. Individuals who have requested to be included on the Council's contacts database will be notified of consultation opportunities at every relevant stage. Similarly, those not on the database but who may make observations because of publicity will be included on the database so that they can be included in future rounds of consultation.
- 4.3 Ongoing discussion with Welsh Government is recommended as is dialogue with neighbouring/adjacent LPAs.

5.0 Considering Impacts

- 5.1 Appendix 1 provides an overview of the various impact assessments that will be required to be undertaken throughout the development plan process.
- 5.2 The Equality Impact Assessment attached as Appendix 2 concludes that no action is required for the time being given that it is premature to do so, principally as the consultation remains to be undertaken. The DA identifies those who should be consulted but, if certain stakeholders are overlooked at this initial consultation stage, their inclusion into subsequent consultation stages of the process can be secured.
- 5.2 An Equality Impact Assessment will be undertaken at each subsequent stage of the LDP preparation process.

6.0 Subsequent Steps

- 6.1 Upon completion of the public consultation exercise, the County Council will:
- a) Give consideration to the observations received as part of the public consultation and whether any amendments to the DA are necessary;

- b) Report to informal meeting of the Executive where considered necessary;
- c) Report to the Planning Policy Committee with a view to make a recommendation to the Full Council;
- d) Report to Full Council to recommend submission of the DA to Welsh Government for agreement; and
- e) Agreement from Welsh Government will formally allow the preparation of the replacement LDP to commence.

6.2 Once agreed with Welsh Government, the County Council will be committed to adhering to the timetable contained in the DA and preparing the replacement LDP within that timeframe. Should any deviation be necessary from the agreed timeframe, this will require the formal agreement of Welsh Government. However, as stated in the Development Plans Manual, such an eventuality should only be considered in exceptional circumstances.

Impact Assessments

Sustainability Assessment (SA)

The Development Plans Manual states that sustainable development is at the heart of the development plan process. Undertaking SA is a statutory requirement and provides evidence and rationale for spatial and policy choices. Given this, community and stakeholder involvement should be invited at each stage of the plan preparation process.

Integrated assessment approach

Guidance is given in the Development Plans Manual to consider an integrated assessment approach to development plan preparation. This would require the integration of statutory and key elements such as WBFGA requirements, Equalities Act, Welsh Language, Health Impact Assessment and Environment Act (section 6) into a single Integrated Sustainability Assessment. Adopting this approach would provide for a more transparent, holistic and rounded assessment of the sustainability implications of objectives, policies and proposals.

Habitats Regulations Assessment (HRA)

The LPA must legally undertake HRA of the development plan under the requirements of the Habitats Regulations. This is to determine whether the policies and proposals contained in the plan are likely to significantly effect the integrity of any European designated sites in its area. Such sites consist of the following:

- Special Areas of Conservation (SACs);
- Special Protection Areas (SPAs); and
- European offshore sites.

HRA should also be applied to Ramsar sites, potential SPAs and candidates SACs.

In the interests of clarity, the HRA should not be incorporated into the SA given its different precautionary testing mechanism. However, the HRA's findings should be summarised in the SA as part of its assessment of biodiversity effects.

APPENDIX 2

Equality Impact Assessment Template (including the Welsh language and the Socio-Economic Duty)

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

Version	Date	Summary of changes
1.0	May 2024	

Step 1: Background	
1 - What are you assessing?	Replacement Local Development Plan (LDP) Delivery Agreement (DA)
2 - Is this a new or existing proposal?	New
3 - What are the aims and purpose of this proposal?	<p>To set out the timetable and Community Involvement Scheme for the preparation of a Local Development Plan to replace the existing Mon and Gwynedd Joint Local Development Plan.</p> <p>The Agreement also contains a community involvement scheme that establishes when and with whom the County Council will consult in the various stages of development plan preparation. This will include organisations that represent the characteristics of equality, the Welsh language and the economically disadvantaged).</p> <p>The LDP encourages greater public involvement than in previous plans and LPAs should aim to engage communities during the earlier stages of plan preparation and to consult publicly thereafter.</p> <p>An LDP sets out a local planning authority's proposals for the future development and use of land in its administrative area, forming the basis of planning decision making, whilst addressing</p>

Step 1: Background		
	the development needs and opportunities of that area. The plan-led system presumes in favour of development that accords with the LDP unless material considerations dictate otherwise. An LDP remains effective until revoked or replaced.	
4 - Who is responsible for the proposal you are assessing?	Planning Policy, Isle of Anglesey County Council	
5 - Who is the lead officer for this assessment?	John Williams	
6 - Who else is involved in undertaking this assessment?	Aled Lewis	
7 - Is the proposal related to other areas of work? For example, are there other proposals of policies that should be taken into consideration as part of this assessment?	The proposal sets out the timetable and Involvement scheme for the preparation of a replacement Development Plan. Subsequent stages of development plan preparation will require equality assessments to be undertaken when appropriate/necessary	
8 - Is the proposal relevant to how the Authority complies with the public sector general duty relating to people who are protected by the Equality Act 2010? As a general rule, any policy that affects people is likely to be relevant across all protected groups.	The elimination of discrimination and harassment	Yes
	The advancement of equality of opportunity	Yes
	The fostering of good relations	Yes
	The protection and promotion of human rights	Yes

Step 1: Background	
9 – Is the proposal a strategic decision? If so, the Socio-Economic Duty is relevant - see appendix 1.	Yes
10 - Who would be affected by the proposal(s) (adversely or positively, directly or indirectly)? If this is a strategic proposal , ensure that you give specific consideration to whether the proposal would affect more on people living in less favourable social and economic circumstances than others in the same society (see appendix 1)	All Anglesey residents have the potential to be affected by the proposal because of the potential approval/refusal of development proposals determined on the basis of policies contained within the LDP. The replacement LDP will contain strategic policies although the proposed North Wales Strategic Development Plan will eventually replace the need for strategic content in the Local Development Plan

Step 2.1: Information Gathering – Welsh Language Standards and the Welsh Language Measure (Wales) 2011	
11 - Does this proposal ensure that the Welsh language is treated no less favourably than the English language, in accordance with the Council's Welsh Language Policy?	Yes – a Welsh Language Impact Assessment will be required to be undertaken to assess the potential impact of policies on the health and future prosperity of the language. Similarly, there will be Welsh Language centre policies included in the replacement LDP and proposed development with the potential to significantly impact upon the language will trigger the undertaking of Welsh Language Impact Assessments.
12 - Is there an opportunity here to offer more opportunities for people to learn and / or use the Welsh language on a day-to-day basis?	The Delivery Agreement sets out the timetable and Community Involvement Scheme for the preparation of a Local Development Plan to replace the existing Mon and Gwynedd Joint Local Development Plan. The emerging LDP will contain policies which will facilitate development that will support the Welsh language.
13 – Will this area of work proactively offer services in Welsh for users?	Yes

Step 2.1: Information Gathering – Welsh Language Standards and the Welsh Language Measure (Wales) 2011	
14 – Is this proposal likely to protect and promote the Welsh language within communities?	Yes
<p>To help you to answer the questions above, the corporate Impact Assessment Guidance lists a series of questions which should be considered when assessing how proposals impact on the Welsh language in general. The extent to which these questions are relevant will depend on the proposal in question. However:</p> <ul style="list-style-type: none"> • If you are looking at how the implementation of the Council’s key policies, strategies or guidance would affect the Welsh language; or • If your initial response to the above questions raises any concerns or evidence to suggest that the proposal would treat the Welsh language less favourably than the English language, or would have a detrimental impact on opportunities for people to use the Welsh language; <p>a more comprehensive impact assessment on the Welsh language should be carried out. A separate template is available on MonITor. The Welsh Language Commissioner’s good practice advice document is also available on MonITor to assist you further.</p>	

Step 2.2: Information Gathering – Human Rights Act 1998	
15 - Are there any Human Rights issues? If so, what are they? For example, could this proposal result in the failure to safeguard the right to privacy?	No. Public participation will be an important part of the process of developing the LDP. Consultation with the public will be undertaken at various stages of plan development which will promote inclusivity.

Step 2.3: Information Gathering – Well-Being of Future Generations (Wales) Act 2015		
16 – Does this proposal meet any of the seven national well-being goals outlined in the Well-being of Future Generations (Wales) Act 2015? (Descriptions of the wellbeing goals are listed at Appendix 3)	A prosperous Wales	Yes
	A resilient Wales	Yes
	A healthier Wales	Yes
	A more equal Wales	Yes

	A Wales of cohesive communities	Yes
	A Wales of vibrant culture and thriving Welsh language	Yes
	A globally responsible Wales	Yes

Step 2.4: Information Gathering – Engagement / Consultation / Evidence / Filling gaps in information	
Please see the pre-consultation and pre-engagement checklist, which is available on MonITor	
17 - What has been done to date in terms of involvement and consultation with regard to this proposal?	As an initial step in the preparation of the new LDP and given that the purpose of the DA is to set out a realistic timetable for the preparation and adoption of a LDP and outlining the way in which communities and other stakeholders will be engaged, it is felt that pre-draft engagement would serve little purpose in addressing the content of the future LDP. Engagement in this regard will be more critical at later stages in the process.
18 – What other information have you used to inform your assessment? Please list any reports, websites, links used etc here and include the relevant evidence in the table in Step 3 below	<ul style="list-style-type: none"> • Development Plans Manual 2020: https://www.gov.wales/development-plans-manual-edition-3-march-2020 • Information held by the Council
19 - Are there any gaps in the information collected to date? If so, how will these be addressed?	The purpose of the consultation is to get the views of the public and specific stakeholders on the content of the document.

Step 3: Considering the potential impact and identifying mitigating action

20 – Note below any likely impact on equality for each individual group, and identify what action could be taken to reduce or improve the impact. *For determining potential impact, please choose from the following: **Negative / Positive / No impact**

Protected group	*Potential Impact	Details of the impact (including evidence to support the findings)	Actions to mitigate negative impact
Age	Positive	Documents available online. Paper copies available by request or in large print. Copies will be available in Anglesey libraries and the main Council Offices.	If in the next stages, the preparation of the Local Development Plan, the service notices that particular characteristics have not taken part in the consultation we would consider if there is another need to consult in a different manner in the next stages of preparing the Local Development Plan.
Disability	None	Documents available online. Paper copies available by request or in large print. Copies will be available in Anglesey libraries and the main Council Offices.	If in the next stages, the preparation of the Local Development Plan, the service notices that particular characteristics have not taken part in the consultation we would consider if there is another need to consult in a different manner in the next stages of preparing the Local Development Plan.
Sex	No Impact	N/A	N/A
Gender Reassignment	No impact	N/A	N/A
Pregnancy & Maternity	No impact		
Race / Ethnicity / Nationality	None	N/A	N/A
Religion or Belief	No impact	N/A	N/A
Sexual Orientation	No impact	N/A	N/A
Marriage or Civil Partnership	No impact	N/A	N/A
Welsh language	Positive	The Delivery Agreement will be available bilingually.	N/A
Human Rights	Positive	Public participation will be an important part of the process of developing the LDP. Consultation	N/A

Protected group	*Potential Impact	Details of the impact (including evidence to support the findings)	Actions to mitigate negative impact
		with the public will be undertaken at various stages of plan development which will promote inclusivity.	
Any other relevant issue.	No	N/A	N/A
There are clear links between equality and socio-economic issues. Discrimination against protected groups can be a direct cause of socio-economic disadvantage. If any such issues become apparent when assessing non-strategic matters, they should be given due regard and recorded under the relevant protected group, or under 'any other relevant issue' above.			

Please complete this section if the proposal is a strategic matter (see appendix 1)			
The Socio-Economic Duty	Potential impact	Details of the impact (including evidence to support the findings)	Actions to mitigate negative impact
Is the proposal likely to cause any inequalities of outcome resulting from socio-economic disadvantage?	The inability to access consultation documents	Some groups may not be able to access consultation documents due to socio-economic disadvantages.	Paper Copies will be available in libraries and Council offices for people who are digitally excluded.

Step 4 – Outcome of the assessment

There are four possible outcomes – bear these in mind when completing the next section:

- **No major change** - The assessment demonstrates the proposal is robust; there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.
- **Adjust the proposal** - The assessment identifies potential problems or missed opportunities. Adjust the proposal to remove barriers or better promote equality.
- **Continue the proposal** - The assessment identifies the potential for adverse impact or missed opportunities to promote equality. Clearly set out the justifications for continuing with it. The justification should be included in the assessment and must be in line with the duty to have due regard. For the most important relevant proposals, compelling reasons will be needed.

- **Stop and remove the proposal** - The proposal shows actual or potential unlawful discrimination. It must be stopped and removed or changed. (The codes of practice and guidance on each of the public sector duties on the Commission's website provide information about what constitutes unlawful discrimination.)

Step 4: Outcome of the assessment	
21 - Note the impacts identified and how it is intended to mitigate any negative impact in terms of equality, the Welsh language and, if relevant, socio-economic disadvantage (ie a summary of the table/s in step 3)	No negative impacts have been identified at this stage. It will be important to assess the LDP at different stages in the process of development.
22 - Describe any actions taken to maximise the opportunity to promote equality and the Welsh language, the goals of the Well-being of Future Generations (Wales) Act 2015 (sustainability) and, if relevant, ensure better outcomes for those facing economic disadvantage.	At this stage ,everything possible has been done to maximise the opportunity to promote equality and the Welsh language. This consultation will ensure that all sections of society can take part in the Council's decisions.
23 - Would any aspect of the proposal contravene the wellbeing goals of the Well-being of Future Generations (Wales) Act 2015?	No. The Well-being of Future Generations (Wales) Act 2015 has been a consideration in the production of the Delivery Agreement.
24 – Is there a need to look at what could be done differently, or to reconsider the entire proposal as a result of conducting this assessment? (Evidence of negative impact could render the proposal or decision unlawful. If you have identified negative impact, you should consider at this stage whether it is possible to proceed with the proposal).	No
25 - Is there a strategy for dealing with any unavoidable but not unlawful negative impacts that cannot be mitigated?	No negative impacts have been identified.
26 - Will the proposal be adopted / forwarded for approval? Who will be the decision-maker?	Following public consultation, comments received will be considered, with amendments made to the Delivery Agreement accordingly. The document will then be submitted to the Council for approval, before subsequent stages in the development of the will begin.

Step 4: Outcome of the assessment	
27 - Are there monitoring arrangements in place? What are they?	An Equality Impact Assessment will be undertaken at various stages of the Plan as it emerges.

Step 5: Action Plan

Please detail any actions that are planned following completion of your assessment. You should include any changes that have been made to reduce or eliminate the effects of potential or actual negative impact, as well as any arrangements to collect data or to carry out further research.

Ref	Proposed actions	Lead officer	Timescale
	Collate all comments and observations as a result of this consultation and into one comprehensive report.		

Appendix 1 – A More Equal Wales – The Socio-Economic Duty (Commencement date of the Duty: 31 March 2021)

What is the Duty?

The general aim of the duty is to ensure better outcomes for those suffering socio-economic disadvantage. When making strategic decisions such as deciding priorities and setting objectives, due regard must be given to the need to reduce the inequalities of outcome resulting from socio-economic disadvantage.

Who is likely to experience socio-economic disadvantage?

Socio-economic disadvantage can be disproportionate in both 'communities of interest' and 'communities of place', leading to inequality of outcome, which can be further exasperated when considering 'intersectionality':

Communities of interest – groups who share an experience, eg homelessness; or people who share an identity, eg lone parents, carers. Also those who share one or more of the protected characteristics listed in the Equality Act 2010.

Communities of place – people who are linked together because of where they live, work, visit or spend a substantial portion of their time there.

Intersectionality - crucially, this is about understanding the way in which a combination of characteristics such as gender, race or class, can produce unique and often multiple experiences of disadvantage in certain situations. One form of discrimination cannot and should not be understood in isolation from other forms. A truly intersectional approach ensures that this does not happen.

When will the Duty be relevant?

When making **strategic decisions**. The Welsh Government has provided some examples of strategic decisions (this is not an exhaustive list):

- Strategic directive and intent.
- Strategies developed at Regional Partnership Boards and Public Service Boards which impact on public bodies' functions.
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans).
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy).
- Changes to and development of public services.
- Strategic financial planning.
- Major procurement and commissioning decisions.
- Strategic policy development

Further details can be found in the corporate equality impact assessment guidance.

Appendix 2 – Human Rights

Human rights are rights and freedoms that belong to all individuals, regardless of their nationality and citizenship. There are 16 basic rights in the Human Rights Act – all taken from the European Convention on Human Rights. For the purposes of the Act, they are known as ‘the Convention Rights’. They are listed below:

(Article 1 is introductory and is not incorporated into the Human Rights Act)

Article 2: The right to life

Article 3: Prohibition of torture

Article 4: Prohibition of slavery and forced labour

Article 5: Right to liberty and security

Article 6: Right to a fair trial

Article 7: No punishment without law

Article 8: Right to respect for private and family life

Article 9: Freedom of thought, conscience and religion

Article 10: Freedom of expression

Article 11: Freedom of assembly and association

Article 12: Right to marry

Article 14: Prohibition of discrimination

Article 1 of Protocol 1: Protection of property

Article 2 of Protocol 1: Right to education

Article 3 of Protocol 1: Right to free elections

Article 1 of Protocol 13: Abolition of the death penalty

Appendix 3 - Well-being of Future Generations (Wales) Act 2015

This Act is about improving the social, economic, environmental and cultural well-being of Wales. Public bodies need to make sure that when making their decisions they take into account the impact they could have on people living their lives in Wales in the future. The Act puts in place seven well-being goals:

A prosperous Wales:

An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.

A resilient Wales:

A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).

A healthier Wales:

A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.

A more equal Wales:

A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).

A Wales of cohesive communities:

Attractive, viable, safe and well-connected communities.

A Wales of vibrant culture and thriving Welsh language:

A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.

A globally responsible Wales:

A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being

