South East Wales Corporate Joint Committee

Cyd-bwyllgor corfforaethol De-Dwyrain Cymru

Report for:	ACTION
Contains Confidential or Exempt Information	NO

For Consideration By	South East Wales Corporate Joint Committee
Report Title	Strategic Development Plan: Delivery Agreement
Report of	Kellie Beirne, Chief Executive Officer
Contact Details	Kellie.beirne@cardiffcapitalregion.gov.uk
Date to be Considered	3 June 204
Implementation Date	3 June 2024
Affected Council Areas	All South East Wales local authorities
Keywords / Index	Strategic Development Plan; Spatial Planning; Statutory Powers

Report Summary

This report provides an update to the South East Wales Corporate Joint Committee (SEWCJC) on the requirements and timeline for preparing a Delivery Agreement (DA) for the regional Strategic Development Plan (SDP) and seek approvals on the proposed plan, using the statutory pre-SDP Sub-Committee Working Group to oversee the preparation of the DA.

Recommendations

1. The Corporate Joint Committee is asked to:

   1.1. Approve the approach to the development of the SDP;

   1.2. Agree that the work on the DA will be reported into the statutory SDP Sub-committee, which, in its early form, will meet as a working group to oversee the preparation of the DA and seek to make recommendations to CJC on wider governance and representation issues; and

   1.3. Authorise CJC officers to prepare the draft DA and undertake consultation with relevant consultation bodies.

Reasons for Recommendations and Options Considered

2. **Background & Context**

2.1. Regulations made under the Local Government and Elections (Wales) Act 2021 impose upon Corporate Joint Committees statutory duties relating to regional economic wellbeing, spatial planning and transport planning.

2.2. The aim is to promote collaborative regional working to deliver more effective outcomes for communities by ensuring key issues, development and associated infrastructure is planned for in an integrated and comprehensive way across a wider geographical area. This represents a more joined-up approach than has previously been employed; aligned tightly to economic development ambitions and Welsh Government's vision for a more strategic approach to both land-use and transport planning.

2.3. In regard to spatial planning, the statutory duty to prepare both a Local Development Plan (LDP) and an SDP is set out in the Planning and Compulsory Purchase Act 2004 (as amended). SDP Regulations were made enabling CJCs to prepare an SDP. A draft SDP Manual was issued to all Local Planning Authorities (LPAs) in autumn 2022, which will be finalised in spring 2025. The draft Manual provides high-level timelines.

2.4. It is not anticipated that the SDP will be adopted until 2030 earliest, and LDPs must be kept up to date, ensuring, for example, that investment and sustainable development can continue to take place in a Plan-led way, providing confidence to all stakeholders including investors, developers and communities.

2.5. Given this context, a paper was submitted to the SEWCJC outlining a proposed approach to the initial development stages of the Regional Transport Plan and Strategic Development Plan. In the case of preparing the SDP, the approach is to seek an appropriate officer from the CCR LPA network to be CCR Liaison in regard to regional spatial planning. This would ensure representation for local authority (LA) and regional interests, allied to subject matter expertise.

3. Strategic Development Plan (SDP)

3.1. A core aim for the development plan system in Wales is based on and underpinned by early, effective and meaningful community involvement in the process, with the aim of building a broad consensus on the spatial strategy, strategic policies and proposals in the SDP.

3.2. To facilitate this aim, the CJC must prepare and submit a Delivery Agreement (DA) to Welsh Government (WG) for agreement by the end of December 2024.

3.3. The DA marks the formal start of SDP preparation and consists of the Community Involvement Scheme (CIS) which details when and how

stakeholders will be engaged in the process and the timetable for preparing an SDP.

3.4. The CJC must consider the aims, scope and priorities for the SDP and use the most effective and efficient forms of involvement, that are meaningful and sensitive to the scale of plan being prepared. The Welsh Government does not prescribe what methods to use when involving the community and stakeholders. This is a matter for the CJC to consider, reflecting on local knowledge and experience set in the context of staffing and financial resources available to prepare the SDP.

3.5. CJC officers have been in discussions with the Welsh Government's Planning Division regarding the necessary requirements and timelines for submitting the (DA). The Welsh Government expects the CJC to submit the DA for their agreement by December 2024.

4. Update on SDP Preparation

4.1. Richard Matthams (Strategic Planning and Transportation Manager at Bridgend County Borough Council) has been appointed as CCR Liaison Officer in regard to regional spatial planning for the CCR. This role will be on a temporary basis with a specific remit to:

- prepare the Delivery Agreement (DA), which is a public statement that contains the Community Involvement Scheme (CIS) setting out how and when stakeholders and the community can become involved in the plan making process and a Timetable (Regulation 10) for preparing the SDP - Regulation 11 (1).

- Analyse the requirements of the SDP.

- Develop a report detailing how these requirements can (or cannot) be met and a high-level view of the resources required to develop the SDP in the short-medium term.

- Relay information and seek input from CCR LPA Officers via the South East Wales Planning Officers (SEWPOS) and South East Wales Strategic Planning Group (SEWSPG) fora and relevant Officers in other specialisms (such as Regional Transport and Economic Development).

- Lead in discussions with WG regarding the requirements of the SDP and the proposed CCR approach.

- Liaise with the Welsh Local Government Association (WLGA) and other CJCs on possible areas of collaboration.

- Engage with the South East Wales Directors of Economy & Regeneration (SEWDER) group.

- Present the report and associated recommendations for development of the SDP to the statutory Sub-Committee on SDP (which will start out as a Working Group) and onward to the SEWCJC.

4.2. The CCR Liaison has been meeting with relevant regional planning bodies including LPAs and SEWPOS forum, and national bodies, including the Planning Officers Society Wales (POSW).

4.3. Importantly, there has been regular engagement with Welsh Government Planning officials, who are engaged in the development process and made aware of the challenges generally in developing an SDP and specifically for South East Wales.

5. Plan for Delivery Agreement

5.1. The Delivery Agreement (DA) marks the formal start of the plan preparation process. The key requirements of the DA are set out below:

- The DA and any subsequent revision must be agreed by resolution of the CJC and submitted to the Welsh Ministers for approval. A CJC cannot commence formal plan preparation until a DA has been agreed. Welsh Government must respond within 4 weeks of a request to agree the DA. Agreement of the DA marks the formal start of the plan preparation / revision process. The CJC is committed to the stated timescales and consultation processes.

- The DA must set out how, when and where communities can engage in the SDP process, including engagement in the Sustainability Appraisal (SA) and monitoring procedures.

- The DA will set out the timescales for each stage in the plan preparation process. The stages proposed are explained in this consultation document.

- The DA must set out how any responses and representations received at each stage of engagement / consultation will be published and taken into account by the CJC.

- Publication arrangements for the DA and where it can be accessed.

6. DA overarching timetable: key stages and timings

6.1. The table below sets out the key stages and timings for the DA process.

DA preparation process (key stages)	Purpose	Timescale	Who will be involved	Reporting Mechanism
DA update report presented to CJC / Seek authorisation from CJC to prepare the DA.		June 2024	• DA	**Formal Political Reporting:** formal report to the CJC (or SDP sub-committee) to seek approval to prepare and publish the draft DA for consultation.
Prepare draft DA & informally consult with / involve stakeholders and bodies (general and specific) on the scope and content. Informally consult with Welsh Government on the draft DA timetable.	To informally seek the views of specific consultation bodies on the content of the draft DA.	July 2024	• Strategic Development Working Group • CJC • General and Specific Consultation Bodies	Update provided to CJC (or SDP Sub-Committee Working Group).
Revise DA (if considered necessary)	Update the draft DA to reflect the views of General and Specific Consultation Bodies and other stakeholders (where relevant).	July – August 2024	• Strategic Development Working Group • CJC • General and Specific Consultation Bodies • Other interested stakeholders including members of the public	Update provided to CJC (or SDP Sub-Committee Working Group).
Consultation on draft DA and CIS (6 weeks)	To seek the views of consultation bodies on the content of the draft DA.	September – November 2024	• Strategic Development Working Group • CJC • General and Specific Consultation Bodies • Other interested stakeholders including members of the public	**Formal Political Reporting:** formal report to the CJC (or SDP sub-committee) to seek approval to publish the draft DA for consultation.
DA adopted by resolution of the CJC.	DA adopted by resolution of the CJC in accordance with SDP Regulation 11(2).	November 2024	• Strategic Development Working Group • CJC	**Formal Political Reporting:** formal report to the CJC, via approval of the SDP sub-committee/working group) to seek adoption of the DA.
Submission of final DA to Welsh Government for agreement.	To seek Welsh Government's formal agreement that the DA is robust, realistic and covers the main	December 2024	• Strategic Development Working Group • CJC	Update to be provided to the CJC via recommendation of SDP sub-committee/working group).

	plan preparation requirements. Welsh Government have 4 weeks to respond.		• Welsh Government	
Publish the approved DA with copies made available for inspection at the Principal Office(s) of the CJC and on its website.	To comply with regulation 12 and inform stakeholders of the adopted DA timetable and CIS.	December 2024	• Strategic Development Working Group • CJC	Update to be provided to the CJC via SDP sub-committee.

7. Governance

7.1. Statutory guidance anticipates that a Strategic Development Sub-Committee (SDSC) is established, with responsibility for preparing the SDP for approval by the CJC. The SDSC will ensure political representation and input into the preparation and implementation of the SDP. The SDSC will provide a platform for involving others and ensuring appropriate expert and sector specific advice is available to support the CJC's decisions.

7.2. The SDSC Sub-Committee is to be compromised of 13 Members, including the Executive Member with responsibility for Planning from each of the 10 Constituent Councils, a Member appointed by the Brecon Beacons National Park Authority, and 2 non-voting Members of the CJC, nominated annually, who will act as the Sub-Committee's Chair & Deputy Chair.

7.3. It is proposed that a representative from Welsh Government's Development Plans team will have a standing invitation to attend SDSC.

7.4. Thematic Steering Groups (TWGs) will need to be established with remits to take forward work programmes on specific themes, issues or policies, including cross-cutting matters. The TWGs will be managed by the SDP team but will include LA officers and engage appropriate expert and sector specific advice when required. While not exhaustive, it is likely that the following TWGs will be established:

- Population and Household
- Growth and Spatial Strategy
- Housing
- Economic Growth
- Transport (aligned with Regional Transport Sub-Committee)
- Infrastructure
- Environment
- Energy
- Development Management Policies
- Waste and Minerals

7.5. Given that the SDP is at an early stage, it is proposed that the Sub-Committee will be established initially as a Working Group to oversee the development of the Delivery Agreement. The Working Group will recommend key aspects of the DA for approval, and also consider the requirement for resourcing.

7.6. The Working Group will also be advised by subject matter experts and officers who are directly involved in the preparation of the DA.

- CCR Strategic Director Policy, Impact & Partnerships
- CCR Strategic Planning Liaison
- CCR Regional Transport Lead
- Welsh Government Planning
- Subject Matter Experts from Local Planning Authorities (LPAs) in planning specialisms

Corporate Policies and Priorities

8. **Alignment to SEWCJC Statutory Powers**

8.1. It is critical that the new statutory powers of the CJC (economic wellbeing, spatial planning and regional transport) are tightly aligned, as recognised in the Cardiff Capital Region (CCR) Regional Economic & Industrial Plan (2023-28).

8.2. To ensure strategic alignment, CCR's Regional Growth Board have been tasked with leading a review to interrogate how CCR can best leverage its newly adopted statutory powers to achieve its ambition for a bigger, fairer and greener economy, in alignment with the Regional Economic & Industrial Plan (REIP).

8.3. Data & evidence is currently being commissioned for this review and recommendations will be developed over summer 2024, with a view to publishing a report in October 2024.

8.4. CCR has also participated in a national review, chaired by Councillors Anthony Hunt and Llinos Medi, to consider how economic development schemes, housing and land use planning processes could be aligned to achieve the goals of Future Wales 2040, the Economic Resilience and Reconstruction Mission, Wales Transport Strategy. and the associated transport decarbonisation targets set out in Net Zero Wales.

8.5. The review has been supported by the Design Commission for Wales, a Secretariat of Welsh Government officials, Transport for Wales and technical support from Arup and a final report is scheduled for June 2024.

Comments of the s.151 Officer

9. The costs arising from the recommendations set out this report can be met from the Strategic Development Plan (SDP) budget of £165,841, approved by the CJC as part of its overall 2024/25 Revenue Budget. The report sets out that the Delivery Agreement marks the formal start of the preparation of the South East Wales SDP, with further stages following once agreement from Welsh Government has been secured in December 2024.

10. The CJC's budget report included details of an illustrative Medium Term Financial Plan (MTFP), which set out details of how the CJC's budget requirement may need to increase over the medium term to meet its statutory duties, including the development and delivery of its SDP. Detailed work on the CJC's MTFP will be undertaken later this year and included in its 2025/26 Budget, which will include details of the resources required to progress the next phase of its SDP, along with proposals on how this resource requirement is to be funded.

Comments of the Monitoring Officer

11. Regulation 13 of the South East Wales Corporate Joint Committee Regulations 2021 conferred upon the CJC the function of preparing a strategic development plan in accordance with the provisions of Part 6 of the Planning and Compulsory Purchase Act 2004.

12. The SDP must set out:

(a) the committee's objectives in relation to the development and use of land in its area; and

(b) the committee's policies for the implementation of those objectives.

13. The Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 set out the procedure for SDPs to be prepared.

14. Each CJC much prepare a Delivery Agreement (DA) at the start of the plan preparation process. The DA is made up of two parts:

(1) a Community Involvement Scheme; and

(2) a timetable for SDP preparation.

15. The delivery agreement must be approved by resolution of the CJC and then submitted to the Welsh Ministers for their agreement.

16. A community involvement scheme must include the following:

(a) a list of the consultation bodies to be involved in the exercise;

(b) the principles of the policy to be adopted by the CJC for seeking the involvement of consultees;

(c) details as to the timing of and the method by which:

(i) community involvement will be sought and at which planned stage of the SDP procedure; and
(ii) the CJC will respond to issues raised;

(d) details of how the CJC will use responses and representations it receives, and at which planned stage, in developing the content of its SDP.

17. The timetable for SDP preparation must include all key dates, including:
(a) a definitive date for each planned stage of the SDP procedure up to and including the stage requiring the submission of the SDP to the Welsh Ministers;
(b) indicative dates for each planned stage of the SDP procedure, other than those falling within paragraph (a), up to and including the stage of adoption of the SDP; and
(c) those in respect of the preparation and publication of:
(i) the sustainability appraisal report, and
(ii) the annual monitoring report.

Staffing Implications

18. To ensure the effective implementation of the SDP timetable the CJC will need to assign an appropriate level of staff and budget resources for future years. The CJC will need to incorporate the requirement to prepare an SDP into the revised Corporate Plan and the Medium-Term Financial Plan.

Equality, Diversity and Inclusion

12. The Committee must, in the exercise of its functions, have due regard to the Public Sector Equality Duty arising under s.149 of the Equality Act 2010, and the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not.

13. There are no specific equalities implications arising from this report.

Sustainability and Climate Considerations

14. There are no specific sustainability or climate change implications arising from this report. Any implications arising will be addressed as part of future reports.

Consultation

15. CCR officers are working collaboratively on the early stages of the Strategic Development Plan and have conducted briefings with local authority senior leaders and colleagues.

16. Consultation has also taken place with various regional and national specialist and/ or planning bodies including, but not restricted to:

- Welsh Government Planning officials
- Local Planning Authorities (LPAs)
- SEWPOS
- SEWSPG

17. There will also be consultation on the draft DA and CIS of six weeks to seek the views of consultation bodies on the content of the draft DA. This will take place from September – November 2024.

Welsh Language Implications

18. In accordance with the Welsh Language Standards (No.1) Regulations 2015, and the CJC's statutory obligations, consideration has been given to the impact the recommendations made in this report may have on opportunities for people to use and promote the Welsh Language, whether the proposals treat the Welsh Language more or less favourably than the English Language, and opportunities for increasing the positive effects, or decreasing the negative effects, of the proposals on the Welsh Language. No negative impacts were identified which would prevent approval being sought to implement the proposal. In particular, consultees will be offered an equal opportunity to respond in either the Welsh or English language.

Well-being of Future Generations

19. In developing the Recommendations of this report, regard has been had to the well-being duty arising under the to the Well-Being of Future Generations (Wales) Act 2015 ('the Act'), and no negative impact has been identified.

Background Papers

Further background on the Strategic Development Plan was provided to SEWCJC at the meeting of 9 October 2023 - item-9-rtp-sdp.pdf (cardiffcapitalregion.wales)

Kellie Beirne, Chief Executive
3 June 2024

Appendices
None.