

Conwy Deposit Local Development Plan 2007 – 2022 (Revised edition 2011)



Conwy Delivery Agreement

May 2012

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A1. SUMMARY

- A1.1 This Draft Revised Delivery Agreement (DA) is an amendment to the previous edition agreed in October 2011. The Delivery Agreement is a document that outlines the Council's intentions for the delivery of the Local Development Plan (LDP) through its Community Involvement Scheme (CIS) and an indication of the timetable for the delivery of the various stages of the development plan process. Further information regarding details of the Delivery Agreement can be viewed at paragraph 1.1 onwards.
- A1.2 Upon approval of the Delivery Agreement in March 2007, the Council pursued work on the LDP Preferred Strategy and underwent an eight-week public consultation period ending on 6th December 2006. The Council received a total of 74 responses consisting of 719 representations. In light of the representations received, the Council felt it necessary to revise the LDP Strategy and engage in another round of public consultation towards the end of 2007. However, to avoid substantial financial penalties arising from the European Waste Directive to have an adopted up-to-date LDP and advice from the Welsh Government (WG), the Delivery Agreement was further revised in October 2008 to include a new timetable and to take account of minor amendments to the Council's Committee Structure. In line with this revised timetable, the Council published the Deposit LDP on 27th April 2009 for a 10 week period of consultation ending on 3rd July 2009 supported by 26 Background Papers (BP) and a Proposals Map. The Council received 3115 representations to plan, of which 180 were received via the Council's on-line electronic representations system. A total 10 LDP Exhibitions were also planned and well attended during the consultation period. Following representations received from the WG and their issues regarding the soundness of the LDP, the DA was further revised in January 2010 to take account of the production of a revised Deposit LDP. As a result of a Council resolution to undertake further work on the growth strategy through independent consultants and a requirement to prepare an Affordable Housing Viability Study, the timetable further slipped by a period in the region of 4 months resulting in a further revised timetable for 2011. The Council found themselves in a unique situation having undertaken two rounds of deposit consultation. Following a meeting with the Planning Inspectorate Wales regarding the approach to submission of the Conwy LDP, it was agreed to undertake a review of all representations received to ensure all were up-to-

date and relevant to the current Plan. This resulted in further delay to the timetable, which was agreed by the WG in October 2011. Following the decision of Council to undertake a review of all Brownfield sites it has been necessary to review the current Conwy Delivery Agreement resulting in this May 2012 edition.

A1.3 This revised DA is also available on the Council's website, at Council Offices, Community and Town Council Offices and Local Libraries.

1. INTRODUCTION

1.1 The Local Development Plan

1.1.1 The statutory commencement of Part 6 (Wales) of the Planning and Compulsory Purchase Act 2004 means that local planning authorities in Wales must prepare new development plans for their areas. The plans will be known as 'Local Development Plans' (LDP), and when they are adopted they will supersede existing development plans in the whole area of the County Borough outside the Snowdonia National Park , including the current draft UDP for Conwy.

1.1.2 LDPs should, therefore, be prepared as soon as possible to replace existing development plans, and the process should be capable of completion within 4 years. This will ensure that consultees and stakeholders stay engaged in the process, and that fewer contextual changes should throw the Plan off course.

1.1.3 In producing the LDP the Council will need to take account of other strategies and plans it produces, particularly the Community Strategy. It must also be in line with national and regional plans and strategies such as the Wales Spatial Plan, Planning Policy Wales (February 2011), Ministerial Interim Planning Policy Statements (MIPPS) Technical Advice Notes (TANs), Minerals Planning Policy Wales (MPPW), Minerals Technical Advice Notes (MTANs) and Regional Waste Plans, whilst also reflecting local circumstances.

1.1.4 In September 2004, Conwy County Borough Council decided that it would commence work on preparing the LDP. The new LDP is intended to be clear, transparent, concise, accessible to the public, and easy to review in the future. As the Plan will not repeat national planning policy, it will focus on those issues which are specifically relevant to the plan area. The LDP will cover the entire County Borough and will extend to 2022.

1.1.5 The format of the plan is an important early consideration when developing the LDP. The proposed draft format of the LDP is as follows:

- Introduction;
- Strategy (vision, strategic issues, key policies and monitoring targets etc);
- Area-wide policies for development;

- Major allocations of land;
- Specific policies and proposals for key areas of change and protection;
- Succinct reasoned justification to explain policies and to guide their implementation; and
- Proposals map on a geographical base.

1.2 The Delivery Agreement

1.2.1 The 2004 Act requires the Council to prepare a Delivery Agreement (DA) for the LDP which sets out the process to be undertaken in, and the timetable for, preparing the plan. This must be formally approved by the Council and agreed by the Welsh Assembly Government (WAG).

1.2.2 This document is the Delivery Agreement for the Conwy LDP and includes:

- the timetable for preparing and adopting the Plan;
- the resources that the Council will commit to the Plan;
- the Community Involvement Scheme (CIS), which proposes how the Council will engage stakeholders (including the public) in preparing, reviewing and amending the LDP;
- and the method by which the Council intends to deal with feedback from the consultation process.

1.2.3 It is essential that the Council adheres to the process set out in the Delivery Agreement as this will form part of the “soundness test” which the Inspector will apply to the LDP during the Independent Examination. A “sound” plan is one which is considered to have been prepared with “good judgement and is able to be trusted”. Further information on the criteria for assessing the Soundness of LDPs is contained within LDP Wales.

1.3 Policy Context and relationship with other Plans and Strategies

1.3.1 **Section 2** of this revised DA 2012 details the national and local planning policy context relevant to Conwy and the production of the LDP. Additionally, the implications of the Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and ‘Appropriate Assessment’ (AA) are analysed, including the requirements of the Welsh Language Act 1993, The Race Relations (Amendment) Act 2000 and Disability Discrimination Act 1995.

1.4 The Community Involvement Scheme (CIS)

- 1.4.1 The Government's intention in changing the planning system is to make it faster, more responsive to change, and to improve community involvement in the plan preparation process. The Delivery Agreement sets out how this will be achieved through the Community Involvement Scheme as set out in **Section 3**.
- 1.4.2 The CIS sets out how the Council intends to engage with residents, service users, stakeholders and its partners in a meaningful and cost effective way at each stage of the LDP process.
- 1.4.3 An initial list of those Specific and General Consultation Bodies and interested parties who will be consulted during the preparation of the LDP is contained in Appendix 1. This list will be added to as appropriate throughout the LDP process.

Feedback from the Consultation Process

- 1.4.4 The Council is committed to seeking a consensus on relevant issues, in so far as this proves to be practicable, compatible with national planning policy and the principles of sustainable development. As set out in Section 3, the Council will consider all of the feedback from the consultation process at each stage of the plan process. At the same time, however, it will expect that all parties will engage constructively in the process of LDP preparation, with the mutual objective of producing a Plan which will be 'sound' and robust.

Monitoring the Delivery Agreement

- 1.4.5 Monitoring of the Delivery Agreement will be an essential part of the process. It will assess whether the plan preparation schedule is being met, and if not what needs to be done to remedy the situation. As a result, should the Council identify a need to review the DA, agreement will be sought from the Welsh Government.

1.5 The Plan Making Process - The Timetable

- 1.5.1 **Section 4** sets out how the Council will manage the programme of plan preparation. It identifies the key stages of the process and where possible sets down definitive dates. The detailed timetable and flowchart of the process appear in this Section.

Project Management Structure

- 1.5.2 This Section of the revised DA 2012 also sets out the project management structure which remains as presented in the January 2010 revised DA, which the Council has put in place in order that the LDP process is managed throughout and political ownership is taken of the Plan. The management and political structure set out in this revised 2012 DA is further detailed in this Section.

How consultation responses will be assessed

- 1.5.3 This Section also details the process of managing consultation responses to the various stages of the plan and the criteria and management structure involved.

1.6 Resources

- 1.6.1 The resources that the Council is able to devote to LDP preparation are clearly set out in **Section 5**. They include reference to the core staff that will be dedicated to the process, an indication of other staff and external consultants that will be utilised as required, and details of the substantive budgets that will be available.

1.7 Supplementary Planning Guidance (SPG)

- 1.7.1 The LDP will contain sufficient policies and proposals to provide the basis for deciding planning applications, and, where appropriate, for determining conditions to be attached to planning permissions. Supplementary Planning Guidance (SPG) will also be utilised as a means of setting out more detailed thematic or site-specific guidance on the way in which LDP policies will be applied. SPG will not form part of the development plan, but it will be clearly cross-referenced to the relevant LDP policies and proposals which it supplements, and will be consistent with the Plan. SPG may be taken into

account as a material consideration in the determination of planning applications.

1.7.2 The Council has established which SPGs are to be produced based on key priorities which are crucial to the implementation of the LDP and the current Development Plan. This revised DA 2012 details those SPGs to be prepared. SPGs will be subject to consultation and Council agreement as set out in **Section 6**.

1.8 It is important that the DA is up to date and fit for purpose. The monitoring of the DA is detailed in **Section 7**.

2. POLICY CONTEXT

2.1 The existing development plans in the area for which the Council is the local planning authority comprise the following:

PLAN	DATE
Gwynedd Structure Plan	1993
Clwyd Structure Plan (second alteration)	1999
Llandudno Conwy District Plan	1982
Colwyn Borough Local Plan	1999

2.2 In 2001, the Council issued a consultation draft of the Conwy Unitary Development Plan. It was intended to place the plan on deposit during 2004, with a view to its adoption in 2006. However, in the light of the legislative changes and policy guidance from WAG, the Council has decided that it will not continue progress on the Unitary Development Plan, and will concentrate on producing the LDP instead. One reason for this decision is the new requirement to carry out a strategic environmental assessment of development plans (see **Appendix 3**). By incorporating this assessment into the plan making process at the outset, the Council can be confident that it is complying with the Directive.

2.3 There are a number of other distinctions between the process of preparing a LDP and earlier development plans. These include a requirement to engage with particular consultation bodies before the Council decides on its preferred strategy. This relates to a requirement that all parties should seek to achieve, as far as is practicable, a consensus on the plan's strategy. There is an explicit requirement for the plan to be evidence-based, whilst a further difference is that the consideration of certain stages of the plan process will focus on the 'soundness' of the plan. **Appendix 3** explains what the concept of soundness means.

2.4 It is envisaged that the LDP will be much more concise than some of the earlier plans, and that it will focus mainly on areas of change. The LDP will not repeat those national planning policies that can be applied directly to individual planning applications.

2.5 Normally it would not be possible to commence work on producing LDPs until secondary legislation has been put in place late in 2005. However, by virtue of a statutory instrument dated 26th April 2005, Conwy is one of nine local

planning authorities that have been given powers to commence work on the LDP.

- 2.6 The Delivery Agreement has been written in accordance with WAG's *Local Development Plan Manual, Local Development Plans Wales* as well as the LDP Regulations.

THE RELATIONSHIP BETWEEN THE LDP AND OTHER STRATEGIES

- 2.7 The LDP process will be co-ordinated with other strategies and existing networks within the Council. Table 1 shows the consultation processes of selected other plans and strategies.
- 2.8 The opportunity for making use of other consultation mechanisms is fairly limited, due to the timing of the consultation process. However, consultation responses on other plans and strategies will be taken into account, where they relate to LDP issues. As set out in BP/1 'Plans and Strategies' and below, there are a significant number of plans that have influenced the preparation of the LDP to date. Further information can be found in supporting BP/1 produced for the Conwy Deposit LDP.

TABLE 1 - HOW OTHER PLANS AND STRATEGIES WILL INFLUENCE THE LDP

(This is not intended to be a complete list of plans or a definitive account of their contents, but is intended to focus on those themes that are likely to be particularly relevant to the LDP. Refer to BP/1 'Plans and Strategies' on the Council's website: www.conwy.gov.uk/ldp)

Plan	Critical themes	Plan period	Consultation methods used / proposed
Conwy Community Strategy "Turning Ideas Into Reality"	Based around the 5 themes of: i) A Healthy Place ii) A Prosperous Conwy iii) Strong and Safe Communities iv) Encouraging Learning and Creativity v) A Quality Environment:	2004 – 2014	Consultation carried out during 2004, involving interested parties and citizen's panel, with over 2,000 responses.
Corporate Plan "Realising Potential"	The Corporate Plan identifies 12 commitments, including: <ul style="list-style-type: none"> • Low cost housing • Higher value added business • Waste reduction and recycling • Better integration of local transport • Strengthening communities 	2008 – 2012	Internal consultation and visioning events held during summer 2008.
Sustainability Strategy	Based around fundamental commitments: <ul style="list-style-type: none"> • Promoting and valuing sustainable communities, which include social cohesion and safety, equal access to services and recreational facilities, employment opportunities, and striving to meet local needs locally. • Respecting environmental limits and protect Conwy and the wider environment through considerate actions which do not deplete or irreversibly 	2008	Consultation carried out with internal and external specific and general consultees.

Plan	Critical themes	Plan period	Consultation methods used / proposed
	damage our natural area and its resources.		
Conwy Local Housing Strategy	Housing needs Affordable housing Sustainable housing	2008 - 2012	Consultation carried out during 2008 Propose to hold annual stakeholders' meetings.
Conwy Affordable Housing Delivery Statement	Affordable Need and Delivery Mechanisms	2007 - 2011	Consultation carried out with specific and general consultees.

Plan	Critical themes	Plan period	Consultation methods used / proposed
The Bay Life Initiative – Development Plan 2007-2014	<p>This plan is a result of a joint venture between Conwy CBC and WAG to recognise the current issues facing Colwyn Bay and develop an action plan to improve its future. The plan is very community-focused and has actively engaged with a wide variety of community members from the outset. The vision is for Colwyn Bay to be a town to be proud of, and ‘a thriving, attractive and vibrant town that is welcoming, safe and friendly; a place with unique character that people are proud to live in’. The aims are not restricted to simply the physical regeneration of the area, and several goals are outlined in order to achieve these aims, in seven key themes</p>	2007 - 2014	Consultation carried out with specific, public and general consultees.
Conwy Quality Environment Strategy 2006 – 2014	<p>The Quality Environment Partnership launched the Quality Environment Strategy in November 2006 following a series of workshops and presentations held to identify the key environmental issues facing Conwy. The document seeks to deliver the environmental aims of the Conwy Community Strategy and addresses the following themes:</p> <ul style="list-style-type: none"> • Built Environment; • Clean and Healthy Environment; • Culture and Leisure; • Housing; • Natural Environment; • Transport; and, 	2006 - 2014	Series of workshops and presentations held with specific and general bodies to identify the key environmental issues facing Conwy.

Plan	Critical themes	Plan period	Consultation methods used / proposed
Regional Transport Plan	<ul style="list-style-type: none"> • Waste Management. <p>To set out policies to promote safe, integrated, sustainable, efficient and economic transport facilities and services. Key issues include:</p> <p>Providing 'park and ride' facilities Retaining existing rail freight facilities and providing new facilities Need for improved interchanges Need to safeguard land for road improvements</p>	2008 - 2013	<p><i>Public consultation will be carried out on the draft after its target date publication of October 2007. The final version will be available in 2008.</i></p> <p>The RTP has been consulted on and will become operational from April 2010.</p>
Healthy Conwy Strategy 2008 - 2011	<p>This strategy has been written in response to Section 40 of the National Health Service (Wales) Act 2006. This requires each Local Health Board and Local Authority in Wales to jointly produce a strategy for the health and well-being of the local population and have regard to it in exercising their functions. The strategy aims 'to enable the development of healthy and caring communities by focusing on preventing ill-health, promoting good health and encouraging self-help'. The themes include housing and the provision for facilities for a wide range of people with individual needs.</p>	2008 – 2011	<p>Public consultation on needs assessment carried out during 2003/2004, including public workshops and feedback forms. Consultation on draft strategy during 2004, including newspaper inserts, workshops and road shows.</p>
Conwy Regeneration Strategy	<p>Themes will include developing the County's marine image, promoting the County as a green and healthy tourism destination, integrating transport and regenerating Colwyn Bay</p>	2005 – 2015	<p>Consultation carried out during summer of 2005.</p>

Plan	Critical themes	Plan period	Consultation methods used / proposed
Llandudno Junction Masterplan	To create a distinctive Welsh community with a strong sense of place and local pride involving a series of sustainable mixed-use and residential neighbourhood plans.	2008 onwards	Community engagement and specific and general involvement ongoing.
Colwyn Bay Masterplan	To overcome issues of deprivation and economic decline through comprehensive regeneration initiatives.	2010 onwards	Community engagement and specific and general involvement ongoing. The document will form an SPG in the LDP and be subject to consultation in line with this revised 2012 DA
North Wales Regional Waste Plan	Identifies a need for new facilities to manage waste, including exceeding statutory requirements on diverting waste from landfill	2003 –2013 (to be reviewed every 3 years)	Public consultation on the first review was held during 2007/2008. This was a regional based exercise which included a number of out-reach workshops at various locations across North Wales. Comments received were reviewed and incorporated into the plan were appropriate.

3. THE COMMUNITY INVOLVEMENT SCHEME

Aims of the CIS

3.1 The aims of the CIS are as follows:

- i) To detail how the development plan will be prepared, developed, monitored and reviewed in partnership with the community and other stakeholders.
- ii) To improve the process of plan preparation by engaging with the public, involving them fully, effectively and inclusively in the preparation of the LDP.
- iii) To seek to establish a consensus between stakeholders on the plan's aims and objectives and in its options and preferred strategy.
- iv) To provide a transparent and structured process of engagement with the community, at all stages in the preparation of the LDP.
- v) To incorporate into the process best practice regarding sustainable development and the requirements of the Strategic Environmental Assessment (SEA) Directive.
- vi) To detail how the Council will effectively engage with the community in the preparation of SPG that relates to the LDP.
- vii) To use these processes to produce a sound plan.

Community Involvement Principles

3.2 The following 8 principles show the overall approach to community involvement.

- i) Officers and members should ensure that the local community is continuously educated in the broad principles of the planning system as a continuing programme, but in particular during the pre-Deposit period.

- ii) During the pre-Deposit period officers have spent time ‘in the community’ and encouraged the active participation of those with an interest in, or who may be affected by the LDP. This approach will continue during the revised Deposit LDP and beyond up to adoption.
- iii) All community involvement activities relating to land use planning should be an essential part of the Council’s wider community planning process.
- iv) Stakeholders are actively involved in preparing, reviewing and updating development plan processes and policies.
- v) Community involvement in the development plan should be integrated with the established democratic process. Elected members should have clearly defined roles in the preparation of the development plan.
- vi) Information on planning issues is made available to stakeholders as soon as possible and in accessible formats.
- vii) As part of a two way process stakeholders are informed of the outcomes of community involvement exercises.
- viii) In preparing and undertaking community involvement, the Council will give adequate consideration to its available time and resources.

Process of Community Involvement

- 3.3 The Council is a caring and customer focused organisation. Therefore, it will seek to understand and respond to customer needs through the consultation process on the LDP; the objective being to forge and maintain effective links and structures with all stakeholders. The key areas for consultation to date have been in the generation of strategies and options, the preferred strategy and the deposit plan. The consultation methods and the range of bodies to be consulted will vary according to each stage of the consultation process (paragraph 4.6 and Appendix 1). This will continue in preparation of the revised Deposit Plan.
- 3.4 In drawing up the list of consultation bodies, the Council has had regard to the *Local Development Plan Manual*, *Local Development Plans Wales* as well as the LDP Regulations. The Regulations specify a number of ‘specific consultation bodies’ (such as Government Departments, Town / Community Councils and

public utilities) who must be consulted individually, as well as broader categories of 'general consultation bodies', representing for example, voluntary groups, the business community, amenity groups, ethnic minorities, the disabled, and Welsh culture. The Council must engage with such of these general consultation bodies as it considers appropriate. The Council will ensure that these bodies reflect the geographic diversity of the plan area, as well as the diversity of interests. Where appropriate, public consultation will take place at various locations across the County and in various formats in order to make the process more accessible to a wide range of people. The Council is also making use of a selection of its Citizens Panel, which constitutes a representative cross sample of the County's residents, in order to ensure that specific representatives of the public are included at critical stages. The stages at which organisations and the general public will be involved are explained in paragraph 4.6.

- 3.5 The Council considers it important that those involved in the LDP process are familiar with the features of the new system. Previously, the chair of the Local Development Plan Task and Finish Groups and officers have met Community / Town Councils to explain the plan process, and listened to opinions. Meetings are also being held with other organisations when requested. In order to avoid duplication, where practicable, a number of similar organisations have been combined at the same meeting.
- 3.6 There have, and will continue to be, more general opportunities for members of the public to be involved, in particular, during consultation on the revised deposit plan and on the representations relating to 'Alternative Sites'.
- 3.7 Publicity will also be given through press releases and notices, posters and leaflets where appropriate, and on the Council's website, and there will be opportunities for other parties and the general public to make comments at critical stages. Local exhibitions will also be planned and advertised, where appropriate, to provide face to face contact. Where timing permits, adverts detailing consultation stages and methods will be sent out using the Council's Bulletin Magazine. This was achieved during consultation on the Deposit LDP.
- 3.8 It is intended that the Sustainability Appraisal will be carried out jointly with the Strategic Environmental Assessment. It is a statutory requirement that there should be public consultation of the Strategic Environmental Assessment.
- 3.9 In accordance with the Council's Welsh Language Scheme and the Welsh Language Act 1993, both the Welsh and English languages will be used in public

consultation exercises. Participants will be able to respond in either language. The Development Plans team includes Welsh speakers, and the Council will seek to ensure that those wishing to communicate in Welsh are not put at any disadvantage.

Feedback methods

3.10 Consultation responses will be collated on a database, and will then be considered by officers and members. In line with principle (vii) of paragraph 3.2, the participants will be informed within an appropriate timescale of the outcomes of the consultation exercises. Feedback takes the following form:

- Acknowledgement Letter;
- Details of when and where the Representations Report can viewed;
- Details of any decision / amendment made and supporting reasons for the decision following reports to Council committees.
- Details of the next steps in the plan process.
- The Council's website will be updated to inform the public of progress.
- Electronic Consultation on the Website

Review of the Delivery Agreement

3.11 It is proposed to monitor the effectiveness of the CIS at each stage of the plan process. This will establish whether the Council is meeting the aims and principles outlined above in line with the timetable proposed. It will also review the resources that are available to meet the needs of effective engagement with the public and propose any amendments that may be necessary.

3.12 The Council will use its best endeavours to comply with the timetable specified in Section 4 of this Delivery Agreement. However, whilst no slippage has been planned into this DA, there is a risk that slippage in the timetable could occur. Examples of events that might (individually or in combination) cause the timetable to slip include:

- Significant objections raised to the Revised Deposit LDP resulting in the production of further work
- Developments in European or national legislation
- Changes in national policy

- Reduction in the budget and resources, including loss of staff, and prolonged staff absence
- Delays in the publication of important evidence base. Possible examples include the Local Housing Market Assessment (LHMA), the Conwy Tidal Flood Risk Assessment and the Critique of the 2006 based Population and Household Projections Study.
- Any inability of other service areas to provide necessary input as required
- Ability of statutory consultees to respond within the specified timeframes
- Difficulties in complying with deadlines for submitting reports to committee / council
- An unexpectedly high number of representations.
- LDP programme too ambitious resulting in failure to meet timeframe

3.13 In view of the tight timetable and no element of slippage built in, the Council will ensure that close monitoring is undertaken and steps taken where issues arise relating to the timetable. The Council will rectify such events through close resource management and monitoring. In particular, the use of Consultants, in preparing or updating evidence base, will be a priority where slippage from the agreed timetable is apparent.

4 THE PLAN MAKING PROCESS

4.1 The Council's decision-making structure

4.2 The Council has set up a LDP Project Board supported by a LDP Project Team and Quality Assurance Team. Each will oversee all aspects of the plan process, from this Delivery Agreement right up to the adoption of the Plan and its review. However, some decisions will need to be taken by the Cabinet and the Council.

4.3 There are additional opportunities for members of the Council, and those of Town and Community Councils, to become involved in the plan process. Local members have been invited to suggest any sites within their electoral divisions which they consider either to be suitable for development or which need to be protected from development. They will also be given an opportunity to comment on sites that officers consider suitable for inclusion within site-specific policies.

4.4 The Council has established an Advisory Panel, which makes recommendations to the LDP Management Structure. The Advisory Panel is drawn primarily from those organisations that have expressed an interest to be on it. The composition of the Advisory Panel reflects the geographical and social diversity of the plan area. It is particularly important that it does include organisations and individuals who are interested in planning issues affecting the plan area as a whole.

4.5 The Council will aim, as far as practicable, to achieve a consensus on the plan's strategy, proposals and policies. Where a consensus cannot be achieved, the Council will decide how to resolve conflicting views, taking into account the outcome of the Strategic Environmental Assessment and the Sustainability Appraisal.

The critical stages in the plan process

4.6 There will be a number of key stages at which interested parties can become engaged in the LDP. Some of these stages have already been completed as detailed below. These stages are outlined below, together with the corresponding regulation in the Town and Country Planning (Local Development Plans) (Wales) Regulations 2005. They comprise the following:

i) Delivery Agreement (Regulation 9)

The Council has prepared a revised Delivery Agreement, consisting of the Community Involvement Scheme and the timetable, with the approval of the Welsh Government. This document now comprises the most up-to-date timetable.

Stage Complete

Stage Not Complete

ii) Consultation on the method for producing the SA and SEA

Regulations made under the Strategic Environmental Assessment Directive state that some public bodies have a formal statutory role in the consultation process, due to their specialist knowledge in aspects of the environment. These bodies are the Countryside Council for Wales, the Environment Agency and Cadw. In particular, they must be consulted on both the scope and level of detail of the information to be included in the SEA.

Stage Complete

Stage Not Complete

iii) Pre-deposit participation (Regulation 14)

The Council is engaged with a number of bodies for the purpose of generating alternative strategies and options. It held a seminar during July 2005, where representatives of various interests were invited to participate in focus groups to identify priority issues that will need to be addressed in the strategy. The bodies that were invited to be represented on these focus groups are listed in Column 2 of Appendix 1. In addition, 40 members of the Council's Citizens' Panel, which constitutes a sample of the County Borough's residents, were also invited. The invited sample of the Citizens' Panel was selected to reflect the geographic and demographic diversity of its members.

The Task & Finish Group at the time set up an Advisory Panel, comprised of representatives of statutory bodies, business and development interests, environmental and amenity groups and community councils. The Advisory Panel provides an indication of possible strategies that the Task and Finish Group might wish to examine. For example, the Task & Finish Group might wish to compare a spatial strategy of concentrating development in certain settlements with one of dispersing development more widely. The Group will

select a small number of options that can be tested against SA / SEA criteria. The results of the SA / SEA will enable the Group to select its preferred strategy.

Stage Complete Stage Not Complete

iv) Pre-deposit public consultation (Regulation 15)

The pre-deposit proposals consisted of the Council's preferred strategy, options and proposals for the LDP, together with other relevant documents. Earlier strategic options and their implications will be made explicit. The Council will make copies of the pre-deposit proposals available at the Civic Offices in Colwyn Bay, and also at selected other venues, such as the main public libraries, and will also publish them on its website. The Council will advertise the proposals in the local weekly newspapers, and will send copies to those bodies listed in Column 3 of Appendix 1. There will be a period of not less than 6 weeks for making representations on the proposals.

Consultation responses on the preferred strategy were reported back to the LDP Project Board, and then to the Member Consultation Group, and were assessed according to the criteria listed in paragraph 4.7.

Stage Complete Stage Not Complete

v) Invite suggestions on site allocations (additional non-statutory stage)

The Council has contacted developers, agents and bodies representing landowners, giving them an opportunity to suggest sites that might be suitable for development. The Council has also published an advertisement in local newspapers, giving the public an opportunity to make similar suggestions. The Council has informed those proposing site allocations that the allocation must be consistent with the objective of achieving a sound plan. A list of the suggested site allocations will be reported to the Member Consultation Group and LDP Project Board, and will be assessed according to the criteria listed in paragraph 4.7. The Member Consultation Group and LDP Project Board will then decide whether to include or exclude each site.

Stage Complete Stage Not Complete

vi) The deposit LDP (Regulation 17)

The Council will take the same steps to make the deposit LDP (and the revised deposit LDP 2011) available and to publicise it as for the pre-deposit proposals. In addition, the Council displayed notices on or adjoining sites proposed for allocation, and also consulted with immediately adjoining occupiers, following the same principles as its protocol on consulting neighbours on planning applications. Furthermore, Officers attended 10 organised settlements exhibitions throughout the County Borough to ensure a transparent approach. The same approaches will be applied to the revised Deposit LDP where required or appropriate.

Stage Complete

Stage Not Complete

vii) Representations on site allocations (Regulation 20)

A 'site allocation representation' is one that seeks to change the LDP by adding a site allocation policy to the LDP, or by altering or deleting any site allocation policy in the LDP. Anyone proposing a new site will be expected to show how the allocation would comply with the plan's strategy and would further the aim of producing a sustainable plan. The Council will make copies of site allocation representations available at the same locations as the pre-deposit and the deposit proposals, and where practicable, will publish them on its website. It will also publish in local weekly newspapers the fact that the representations can be inspected, and will also notify those who received the deposit LDP. In addition, the Council will display notices on or adjoining sites proposed for allocation, and will consult with immediately adjoining occupiers, following the same principles as its protocol on consulting neighbours on planning applications. There will be a period of not less than 6 weeks for making representations on the site allocation representations.

The representations on stages (vi) and (vii) will be reported to the LDP Project Board, Local Strategic Board and then to the relevant Council committees. The Council itself is unable to make any changes to the Deposit Plan, but it can make suggestions to the Inspector on whether it would be prepared to support or oppose changes proposed by other parties.

Stage Complete

Stage Not Complete

viii) Examination (Regulation 23)

The purpose of the examination is to ensure that the LDP meets requirements of 'soundness', for example, in terms of coherence and consistency with matters to which it must have regard, such as national policy. An Inspector appointed by the National Assembly will carry out the examination. The Council will take the necessary steps to publicise the examination at least 6 weeks before it opens. Since the Inspector's report is binding, neither the Council nor the other parties will be able to influence the plan after the examination.

Stage Complete

Stage Not Complete

***Note: Where the stage is not complete or subject to a revised consultation stage, please see the timetable as detailed in Table 2 of this Revised DA 2012.**

FIGURE 1 – GENERATING THE PREFERRED STRATEGY (STAGES COMPLETE)

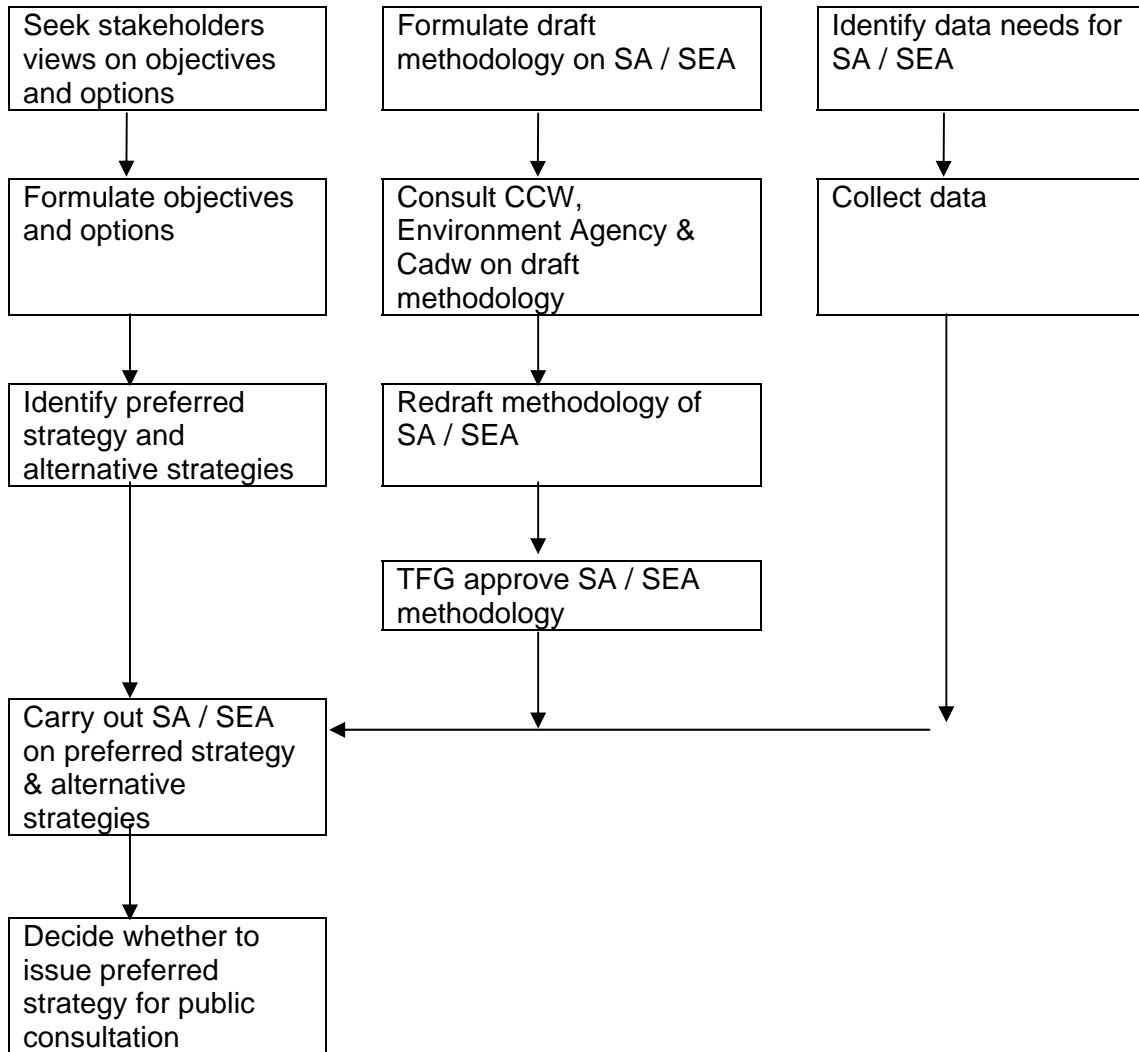


FIGURE 2 – FROM STRATEGY TO DEPOSIT (STAGES COMPLETE)

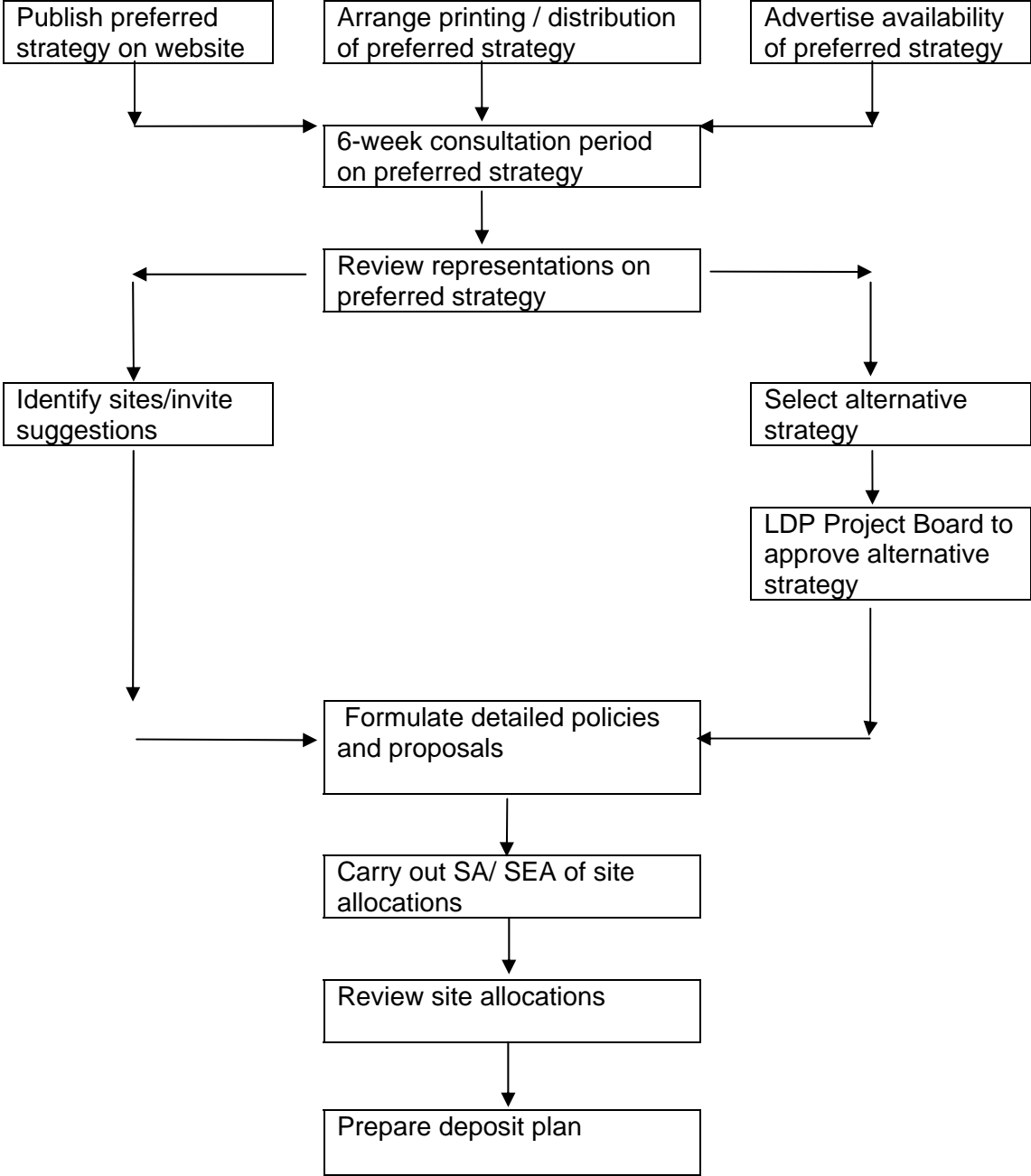
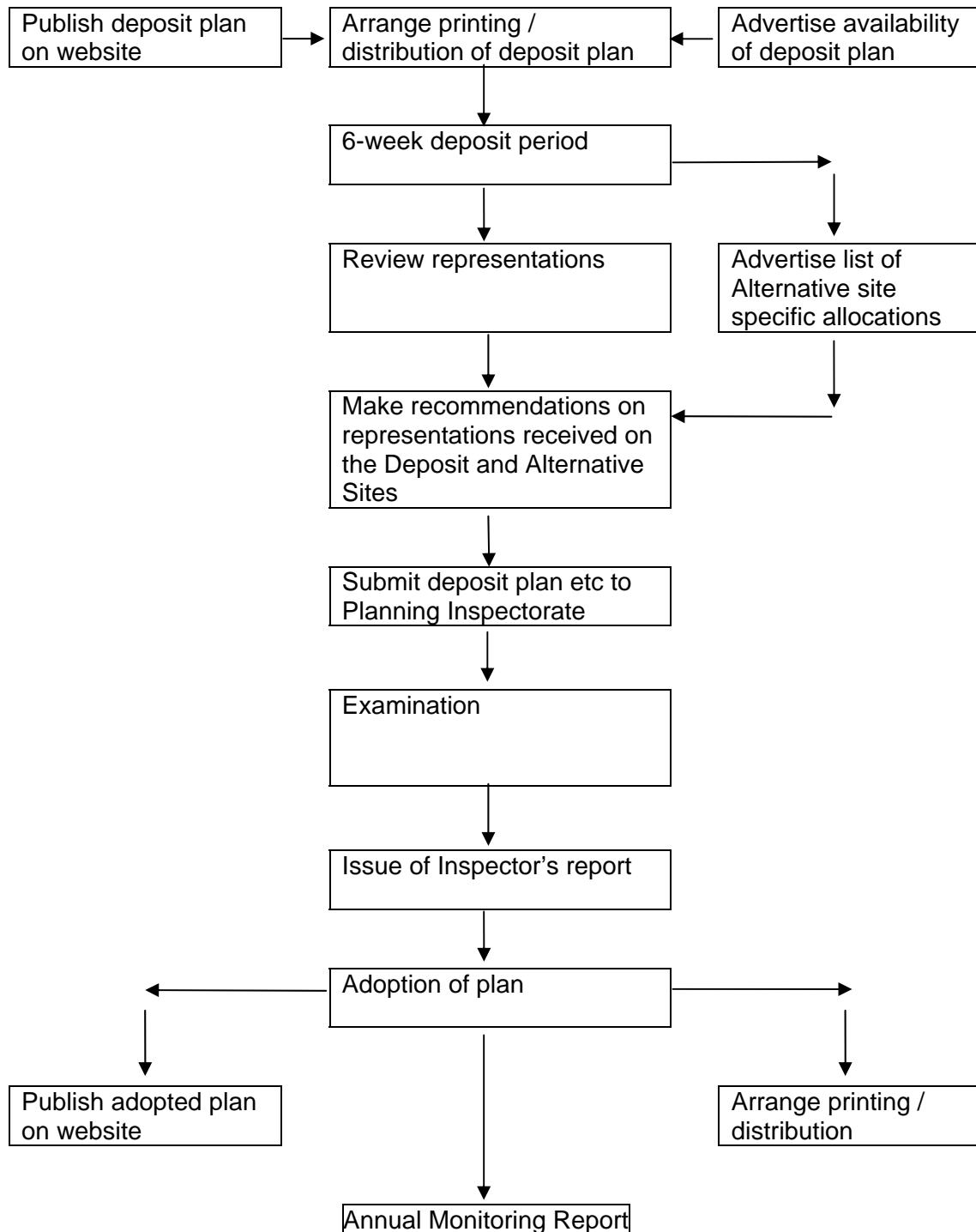


FIGURE 3 – DEPOSIT TO ADOPTION AND BEYOND (STAGES NOT YET COMPLETE)



***Note: Where the stage is not complete or subject to a revised consultation stage, please see the timetable as detailed in Table 2 of this Revised DA 2012.**

How consultation responses will be assessed

- 4.7 Summaries of consultation responses will be reported to the LDP Management Structure. The responses will be assessed according to the following criteria:
- i) Does the response relate to a matter that is relevant to the LDP?
 - ii) Is the response consistent with statutory matters to which the LDP must have regard (for example, national policy, the Wales Spatial Plan and the available resources)?
 - iii) Is the response consistent with the criteria of the Sustainability Appraisal?
 - iv) Is the response consistent with the criteria of the Strategic Environmental Assessment?
 - v) Does the response assist the process of consensus-building?
- 4.8 In the light of this process, the LDP Management Structure will need to consider whether to continue with the strategy, to modify it, or to select a different strategy.
- 4.9 Representations made on the deposit plan and on the site allocation representations will also be reported. Whilst the Council is unable to alter the plan itself, it will be given an opportunity to decide whether to support or oppose those representations at the Examination. These responses will be assessed on the basis of criteria (i) – (v) of paragraph 4.7, and also according to whether they are consistent with the preferred strategy.

Timetable

- 4.10 The timetable up to adoption, to include a revised Deposit LDP of the Conwy Local Development Plans is set out below.

Table 2: Conwy LDP Timetable up to Adoption

Preparation Stage/Action	Date	Preparatory Work	Objectives, Options and Proposals
Present Focussed Changes to Council – Recommendation to consult and submit	May 2012	Prepare Focussed Changes Reports	To submit the Plan
Consultation on Focussed Changes	August 2012	Consultation Material	For Examination in Public (EiP)
Submit Deposit Plan to the Planning Inspectorate	August 2012	Submission Material	For Examination in Public (EiP)
Examination in Public on the Conwy LDP	January 2013	To prepare examination material, library and requests from the Planning Inspectorate and in receipt of the EiP agenda Liaise with Programme Officer to ensure all requests to attend the EiP have been informed of the agenda	To test the ‘soundness’ of the plan.
Receive Inspector’s Binding Report	July 2013	To prepare Report for relevant Council committee on the Binding Report and changes required to the LDP.	To ensure members are aware of the binding changes to made to the LDP.
LDP Adoption	August 2013	Advertise adoption	To achieve an up-to-date planning policy framework for Conwy.

4.11 The plan will be based on evidence. The Deposit LDP was supported by 26 Background Papers to support the approach taken. The revised deposit LDP is to be supported by the following 38 background papers

BP1 - Related Plans and Strategies
BP2 - Population and Household Projections
BP3 - Growth Level Options Report
BP4 - Housing Land Supply
BP5 - Housing Land Availability Study
BP6 - Housing Mix
BP7 - Local Housing Market Assessment (Phase 1)
BP8 - Hierarchy of Settlements and Settlement Boundaries
BP9 - Affordable Housing Viability Study
BP10 - SA/SEA
BP11 - The Habitats Directive and Appropriate Assessment
BP12 - Green Barriers Assessment
BP13 - Employment Land Monitoring Report
BP14 - Employment Land Study Report
BP15 - Retail Study
BP16 - Primary & Secondary Retail Areas & Hierarchy Study
BP17 - Strategic Flood Risk Assessment
BP18 - Holiday Accommodation Zones
BP19 - Open Space Assessment
BP20 - Waste Management
BP21 - Site Deliverability Assessment
BP22 - Gypsy and Traveller Site Demand Assessment
BP23 - Colwyn Bay Master Plan Baseline Report
BP24 - Conwy Primary School Modernisation Report
BP25 - Allotment Site Demand and Supply Report
BP26 - Landfill Feasibility Study
BP27 - Landscape Character Areas
BP28 - Historic Environment
BP29 - Safeguarding Aggregate Resources
BP30 - Phasing Plan
BP31 - Capacity of the House Building Industry
BP32 - Burial Grounds Demand and Supply Report
BP33 - Welsh Language
BP34 - Site Viability Assumptions Paper
BP35 - Justification for the removal of proposed development sites detailed in the deposit LDP (April 2009)

BP36 - Affordable Housing Needs Calculation
BP37 - Growth Distribution Options Report
BP38 - Abergele Traffic Study: Traffic Appraisal of the LDP Allocation
Proposals at Abergele

- 4.12 Whilst the Council does not have control over data collected by other parties, it is reasonably confident that the plan will be based, as far as practicable, on up-to-date evidence.
- 4.13 The Annual Monitoring Report will be published by September in each subsequent year, until the review of the LDP is complete. The contents of the report will depend on the actual policies of the plan, and to the monitoring indicators included in it, and cannot therefore be identified in full at this stage. However, the report will address the following matters that are prescribed in draft regulations:
- i) Identify policies that are *not* being implemented, together with reasons why they are not being implemented, any steps that the Council is taking to implement them and whether the Council intends to replace or amend the policy;
 - ii) The housing land supply taken from the current Housing Land Availability Study; and
 - iii) The number of net additional affordable and general market dwellings built.

5. RESOURCES

- 5.1 The core plan preparation work will be undertaken by the Development Plans team which consists of six members of staff, a Planning Policy Manager, two Senior Planning Officers, a Planning Officer, a Planning Assistant and a Work Placement Student. It is anticipated that, on average, the Planning Policy Manager will spend a third of his operational time in preparing the LDP, whilst the other officers will spend two thirds of their operational time on this work. However they will receive substantial support and assistance from other members of staff on matters such as research, mapping and graphic design. Input, particularly in respect of policy formulation, will also be made by specialist members of the Planning Services and other Council departments. Consideration will also be given to employing additional members of staff to assist in particular stages of the LDP process.
- 5.2 Further support from commissioned consultants will also assist in the preparation of evidence base.
- 5.3 The Council operates on the basis of an annual budgeting cycle. In terms of financial resources, the forecasted expenditure for the period 2012/13 is £336,000.
- 5.5 The Council acknowledges that there may be unforeseen constraints in implementing the Delivery Agreement, particularly in relation to staff and budgetary resources, but will endeavour to minimise the effect of any such difficulties which may occur.

6. SUPPLEMENTARY PLANNING GUIDANCE

- 6.1 Supplementary Planning Guidance (SPG) is non-statutory guidance which supplements LDP policies. Only the policies in the LDP have the special status afforded by S54a of the Town and Country Planning Act, 1990, in deciding planning applications. The Government advises that SPG may be taken into account as a material consideration. The weight given to it increases if the SPG is prepared in consultation with the public and has been the subject of a Council resolution.
- 6.2 The Council will also prepare Development Briefs for new major housing sites (50 dwellings or above) and employment sites (5 hectares and above). The purpose of a development brief is to inform developers and other interested parties of the constraints and opportunities presented by a site and the type of development expected or encouraged by local planning policies within this Deposit LDP.

Strategic Regeneration Area Initiative

- 6.3 The Council will promote the comprehensive regeneration of Colwyn Bay, Abergele, Towyn and Kinmel Bay to broaden economic activity, address social exclusion and reduce deprivation through the preparation of a Colwyn Bay Master Plan. This is in response to the area having received strategic regeneration area status in 2008 which applies to the area between Colwyn Bay in the County Borough of Conwy and Rhyl in the County Borough of Denbighshire. The Initiative has a 7 year timescale and will identify regeneration areas in these locations on the basis of its brownfield land redevelopment potential, economic and social need, and proximity to sustainable transport links.
- 6.4 The Council will prepare additional guidance in the form of Supplementary Planning Guidance (SPG), Master Plans and Site Development Briefs to provide further detail on the policies and proposals of the LDP. The following SPG will be published for consultation alongside the revised deposit LDP and subjected to the same consultation and community involvement mechanisms set out in the revised DA 2012:
- *Householder Design Guide SPG*
 - *Parking Standards SPG*
 - *Shop Front Security and Design SPG*
 - *Planning Obligations SPG*

- *Biodiversity SPG*
- *Welsh language SPG*
- *Sustainable Development SPG*
- *Buildings and Structures of Local importance SPG*
- *Colwyn Bay Masterplan SPG*

6.5 The following documents will be prepared after the deposit consultation in line with the monitoring and implementation timetable set out in the revised LDP 2011

- *Design SPG*
- *Self Contained Flats SPG*
- *Renewable Energy SPG*
- *UPVC and Signage in Conservation Areas SPG*
- *Listed Buildings SPG*
- *Conwy World Heritage Site SPG*
- *Enabling Development SPG*
- *Development Briefs for major housing sites*
- *Development Briefs for major employment sites*

6.6 The CIS will also form the basis for public involvement on producing SPG and Master Plans in cases where that guidance arises from the LDP. However, it is envisaged that since these documents relate to specific issues, and that the policy context will have already been explored in preparing the LDP, the consultation process will be less extensive and will be tailored to the particular issue in question. Since SPG will be grounded on policies that have already been subject to a sustainability appraisal and an SEA, it will not be necessary to repeat these exercises in preparing the SPG. Consultation on Development Briefs will be with internal Officers and a specific number of statutory bodies only.

6.7 The issues that will need to be addressed through SPG will be identified following consultation and feedback on the Revised Deposit LDP, and included in the review of the DA.

7. POST-ADOPTION REVIEW OF LDP

- 7.1 After it has been adopted, the Council will monitor and review the LDP. Any amendments to the LDP will need to go through the same stages as the preparation of the LDP itself. The Council will apply the general principles outlined in the CIS when it reviews and carries out any amendments to the LDP. However, it will tailor the community involvement according to which areas or issues are being reviewed / amended.

APPENDIX 1 - LISTS OF BODIES TO BE ENGAGED IN THE LDP PROCESS

Column 1: Bodies consulted/notified regarding the Delivery Agreement	Column 2: Bodies invited to the focus groups	Column 3: Bodies to be consulted on the preferred strategy and notified of the Deposit Plan
Public bodies	Public bodies	Public bodies
The Countryside Council for Wales	All the bodies listed in Column 1 (apart from the Planning Inspectorate and the Chief Legal Officer)	All the bodies listed in Column 1 (apart from the Planning Inspectorate) and in addition:
The Environment Agency	Welsh Language Board	Crown Estates Office
Cadw	Forestry Commission Wales	Commission for Racial Equality
Department for Transport	Wales Tourist Board	Design Commission for Wales
The National Assembly	North Wales Tourism Council	Equal Opportunities Commission
Department of Enterprise, Innovation and Networks	Sports Council for Wales	Health and Safety Executive
Adjoining local planning authorities	Conwy Energy Agency	North Wales Police Authority
Town and Community Councils	Wales Tourist Board	Post Office Property Holdings
The Planning Inspectorate		National Council for Education and Training in Wales
CCBC - Head of Legal Services		Coleg Llandrillo
CCBC - Head of Regeneration Services		Town and Community Council in neighbouring local planning authority areas, where there are significant cross-boundary issues
CCBC – Education Services		
CCBC - Head of Housing Services		
CCBC - Head of Highways and Transportation		
Conwy Local Health Board		

It is stressed that the list of consultees in Appendix 1 is not intended to be exhaustive. The Council welcomes requests from individuals and other organisations/bodies who wish to be involved in the LDP process. The database contains a full list of all those to be consulted at various stages of the LDP process and is updated on a regular basis.

APPENDIX 1 (CONTINUED) - LISTS OF BODIES TO BE ENGAGED IN THE LDP PROCESS

Column 1: Bodies consulted on the Delivery Agreement	Column 2: Bodies invited to-the focus groups	Column 3: Bodies to be consulted on the preferred strategy and notified of the Deposit Plan
Business Organisations	Business Organisations	Business Organisations
Electronic communications operators	All the bodies listed in Column 1 plus:	All the bodies listed in Column 2 plus:
Manweb Scottish Power	Selected representatives from local Chambers of Trade, Tourism etc	Confederation of British Industry
Transco	Housebuilders Federation	Institute of Directors
Welsh Water	Selected local / regional housebuilders	Quarry Products Association
		Environmental Services Association
Other organisations	Other organisations	Other organisations
Conwy Local Partnership	All the bodies listed in Column 1 plus:	All the bodies listed in Column 2 plus:
Age Concern North Wales Central	National and regional amenity / environment groups	National Playing Fields Association
Conwy County Local Access Group	Local amenity / environment / community groups	Country Landowners Association
North Wales Race Equality Network	Recreation groups	Shelter
	Young people from secondary schools and colleges	Political Parties
	National Farmers Union	MPs / Assembly Members
	Farmers Union of Wales	Cylch (recycling organisation)
	Housing Associations	Bus and train operators
	Rural Housing Enabler	Network Rail
		Rail Passengers Users Committee
		Disability Wales
		Organisations representing the gypsy / traveller community

APPENDIX 2 – CONSULTATION RESPONSES ON THE DELIVERY AGREEMENT

A consultation draft of this agreement was sent to all of the organisations listed in Appendix 1 of Column 1. The following organisations have made responses:

Welsh Assembly Government:

Detailed responses on both the consultation draft and a further draft, focusing on the following main themes:

- Consensus - Need to stress the importance of consensus-building, and the role of consultees in achieving that consensus, whilst recognising that it will ultimately be the responsibility of the Council to achieve a sound plan.
- The CIS – Need for wider consultation on the DA; stress consensus building as an objective; synergy with past and planned consultation exercises; involve stakeholders in generating objectives and assessments; ensure that the consultation process includes businesses and developers and that there is appropriate coverage of any racial, ethnic, national and religious groups; suggestions on potential consultees; suggest that a key stakeholder group could be established to consider critical stages.
- The SA / SEA - Need to consider the implications of the SEA Directive in determining options; objective of SA should include or be related to SEA objectives; recognise particular role of statutory bodies in consultations on the SEA; need to clarify that those proposing new sites will be expected to show how the allocation would be compatible with the SA/SEA and the strategy.
- Feedback – Needs to be a structured approach to handling consultation responses, that includes the process of weighing and balancing representations, and indicates the criteria against which representations will be assessed. Also need to provide feedback between stages (for example, through web or newsletter). The feedback process between the focus groups and the TFG needs to be explained.
- Timetable – Plan generation stages need to be clarified; timetable is insufficiently detailed and some of the steps are out of sequence; need to refer to Annual Monitoring Report; flow diagram could help to explain the process; need to include a formal stage where landowners / developers can suggest sites; timing of evidence base needs to be integrated with the timetable.
- Resources - Need for 'ballpark' estimate on the cost of the examination; staff requirements should be set out in stages.

Other - Need to explain the main features of an LDP; roles of Citizens Panel and Advisory Panel; clarify that the Council is unable to change the Plan after deposit, and that the Inspector's report is binding; changes to the DA should only be made in exceptional circumstances (e.g. due to changes in the regulations); stages will also apply to amendments of the LDP; explain distinctive characteristics of LDP; critical stages need to be cross-referenced with draft regulations; representations on sites will need to relate to 'soundness';

Llansannan Community Council

Need to ensure that recognition is given to the Welsh language interests, and that the Welsh Language Board is a consultation body.

Abergele Town Council

Need to ensure adequate funding to allow for full consultation with local communities; seek clarification at which stages Town Councils will be involved and on whether Town Councillors will be invited to suggest particular sites; also seek clarification on whether the work done on the draft Unitary Development Plan will be incorporated into the LDP.

Snowdonia National Park Authority

Draw attention to statutory requirements to have regard to the purposes of National Parks in addressing issues that have an impact on it. Also draw attention to the need for clear lines of communication between neighbouring local planning authorities.

Conwy Local Strategy Partnership

Made suggestions on the consultation bodies.

APPENDIX 3 - GLOSSARY

CIS – Community Involvement Scheme: A statement of the how the Council will engage with stakeholders in preparing the LDP.

DA – Delivery Agreement: Before the Council can start substantial work on the LDP, it must enter into an agreement with the Welsh Government. This Agreement must include the timetable for preparing and adopting the plan as well as the Community Involvement Scheme.

Deposit – A formal stage at which individuals and organisations can make representations on the plan. Representations that relate to whether the plan is ‘sound’ (see definition below) can then be examined by an Inspector.

Examination – A process whereby an independent Inspector, appointed by the Welsh Assembly Government, considers whether the deposit plan meets the tests of ‘soundness’.

LDP – Local Development Plan: A development plan prepared under the Planning and Compulsory Purchase Act 2004, that will guide the type, location and scale of development. Decisions on all planning applications must be in accordance with the development plan, unless there are strong and relevant reasons for any variation.

Soundness – The consideration of representations made during and after the deposit stage of the plan will focus on whether the plan is ‘sound’. In other words, does the plan show good judgement, and can it be trusted. Draft guidelines propose that Inspectors should consider soundness under the three general headings of procedural soundness, coherence and consistency.

SA – Sustainability Appraisal: The Planning and Compulsory Purchase Act 2004 states that the authority must carry out an appraisal of the sustainability of the plan, and prepare a report on the findings of that appraisal. The purpose of SA is to promote sustainable development through better integration of sustainability considerations into the plan-making process.

SEA – Strategic Environmental Assessment: A formal procedure for assessing at the strategic level the effects of a proposed policy, programme or plan on the environment. European Directive 2001/42/EC and subordinate regulations require that an SEA be carried out on all development plans whose preparation commenced after 21 July 2004, or which will not be adopted until 21 July 2006.

SPG – Supplementary Planning Guidance: Guidance on policy issues in a form that is more detailed than what would be appropriate to include in a development plan. SPG must relate to development plan policies, and are a relevant consideration in determining planning applications.

Sustainable development: Development which meets present needs whilst striving equally to allow for those of future generations.

Task & Finish Group: The LDP Task & Finish Group consists of an equal number of members of the Council's Environment Scrutiny Committee and members of its Planning Committee. It has the remit of steering the process of preparing the LDP towards its adoption.