



The Local Development Plan for Newport

*Your Community,
Your Plan.*

Delivery Agreement

April 2008

Amended March 2011



This Delivery Agreement for the Newport Local Development Plan 2011 - 2026 was approved by the Welsh Assembly Government on 23 May 2008.

A revision to the timetable has been incorporated in March 2011 and this was approved by the Welsh Assembly Government on 21 April 2011.

ABOUT THIS DOCUMENT

Where we are now?

Any visitor to Newport cannot help but be aware of the large amount of new development going on. This reflects what is in the current development plan for Newport. At the same time, most of the countryside surrounding Newport is being kept free from development.

Where do we want to go to?

The present development plan runs to 2011, and the time has now come to start work preparing a new plan so that it can be ready to take over from the current one in due course. The new plan will be called the Newport Local Development Plan 2011 – 2026. The plan will contain **policies** that will set out what sorts of development will and will not be allowed, and in what circumstances, and **proposals** for specific areas of land (for example new housing areas, whether brownfield or greenfield).

Who can get involved?

Anyone can get involved and have a say in the shaping of the city. This document tells you more about how the plan will be prepared, and in particular sets out:

- the opportunities that you will have to be involved in the plan-making process both as an individual or as community groups
- a timetable for the preparation of the new development plan for Newport, and
- how this part of the planning system works

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I Opportunities to be involved

Delivery Agreement

- I.1 This **Delivery Agreement** has been prepared in consultation with interested parties, and this represented the first opportunity for getting involved in the preparation of the **Newport Local Development Plan (LDP)**. The community will be able to be engaged in the process all the way through. This Delivery Agreement has an important role to play in setting out how people can get involved, and in managing the process of plan preparation. It covers these topics:

Timetable

- I.2 The plan is about the future development of Newport, and the Council is keen to let everyone have a say in the development of the city. The first step has been to **agree a timetable** so people can know when they can contribute, and when they can expect a response to their input. Section 2 sets out the Council's proposed timetable.

Community Involvement Scheme

- I.3 Any individual or organisation can be involved in the shaping of the LDP, but community involvement is particularly encouraged through a **Community Involvement Scheme (CIS)**. More information on how the community can be involved is given in section 3.

The Planning System

- I.4 The plan has to be prepared according to the rules set down by central government. This means that the general soundness of the plan will be decided by an independent inspector appointed by the Welsh Assembly Government. In setting out the process in this Delivery Agreement, maximum opportunity is given for input to the plan and for consensus to be built as far as possible. It is important therefore to be involved early on and to put forward **your** views. The inspector will be interested in all the evidence on each aspect of the plan.
- I.5 The plan cannot be prepared in a vacuum of course, and will need to take account of all relevant factors, including:
- existing development
 - the wider context, including neighbouring authorities
 - planning policy guidance from the Welsh Assembly Government, some of which implements European Directives
- I.6 The plan will be the key document for determining the sort of places in which we live, work and take our recreation. It will be a key means by which we look after the environment for the benefit of this and future generations. More information on how **the planning system** seeks to do this is found in section 4.

- 1.7 We hope that you will read this booklet and will take time to be involved in shaping the future of Newport: the city, the surrounding villages and countryside. This Delivery Agreement has already been amended in the light of comments received as the first part of the consultation process. If you or your organisation are not already registered as wanting to be involved you can do this through the page on the council website www.newport.gov.uk/planningpolicy or by email to ldp.consultation@newport.gov.uk or by telephoning 01633 656656 or by writing to the:

Planning Policy Team
Planning and Economic Regeneration
Newport City Council
Civic Centre
Newport
NP20 4UR

2 The Timetable

- 2.1 The Welsh Assembly Government is keen to see the local development plan produced within a four year timescale. Although this may sound like a long time, it will actually require very focused responses from all concerned because of the number of stages involved and the statutory procedures that have to be followed (see section 4). Newport is in a good position, however, in that there is an adopted plan currently in operation to guide new development (the Newport Unitary Development Plan 1996 – 2011), and it will continue to do so while the new plan (the LDP), is prepared. Newport also has a number of large development sites that, in view of their size, will not be complete by 2011.
- 2.2 The process of preparing the new plan involves a number of stages, some of which overlap. In brief, the process may be summarised as:
- **evidence gathering** for use both in the plan itself and in the assessment of the plan's likely impact on the environment;
 - a **preferred overall strategy** for the plan;
 - the **draft plan**, which is then formally placed on deposit¹;
 - **public examination** of the draft plan by an independent inspector;
 - the **inspector's report** on the draft plan;
 - **formal adoption** of the plan in accordance with the inspector's recommendations.
- 2.3 Many landowners and developers may have areas of land that they would like to see allocated for development in the plan. These are known as **candidate sites**. The council has a duty to consider these, and also to give other interested parties the opportunity to comment on them. The council proposes to handle this in a structured way by inviting submissions at an early stage on **major sites**. These are defined as those sites that could deliver key elements of what could be a potential strategy for the plan, and which therefore need to be considered early on while the strategy is evolving. At the same time the council will invite views as to how **smaller candidate sites** will be evaluated. The call for these sites will be made later, but the invitation to comment on the criteria to be used allows all interested parties to contribute both to the principles of the process, and then later to the detailed consideration of sites. The early establishment of criteria will help those wishing to submit a candidate site by identifying the type of information they will need to include with any proposal. It will also give help later to those wishing to comment upon the sites, and to the council in its evaluation of proposals and responses.

¹ This is a formal statutory stage governed by regulation when the council must make copies of the plan available for inspection and, following which, any person may make representations to the council on the plan.

- 2.4 There are many opportunities for interested parties to be involved in the preparation of the plan at all the stages up to and including the public examination of the draft plan. Table 1 below sets out the main stages in the programme; a more detailed version is found in Appendix 1. Clearly there are uncertainties in timing on a project taking place over many years, and with many different organisations involved, and against a background of changing statutory requirements and guidance. Appendix 2 therefore seeks to identify potential risks and ways of coping with them. Because of the need to adhere to the timetabled approach, it is unlikely that the council will be in a position to accept late representations made after a defined consultation period has ended. Appendix 3 covers resource issues.
- 2.5 Table 2 in section 3 below gives more information on the opportunities for community involvement in the process. Appendix 4 lists consultation bodies that the council will seek to involve in the process; this list can be added to at any time in the process.
- 2.6 The inspector will evaluate all evidence brought before him or her, so it is important for interested persons to be engaged with the process all the way through, for the inspector's decision will be binding. The council must then adopt the plan within eight weeks of receiving the inspector's report.

Table I – Summary Timetable (as amended March 2011)

Key Stage	Description	Overall Time Period	Consultation Period	Input From
Programmed by City Council				
1	Delivery Agreement	Dec 07 – May 08	Feb 08 – Mar 08	Policy Team
2	Evidence gathering for LDP, Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) and Habitats Regulations Assessment (HRA)	Jan 08 – Apr 10		Policy Team Countryside Housing Regeneration and Economic Development Transportation Education Leisure CCW EA Community Cadw
3	Issues, Vision and Objectives setting	May 08 – Dec 08	Nov 08 – Dec 08	All
4	Setting scope of SA integrating HRA	Jun 08 – Oct 08	Aug 08 – Oct 08	All
5	Major Candidate Sites	Aug 08 – Oct 08	Aug 08 – Oct 08	Landowners Developers
6	Candidate Sites criteria	Nov 08 – Dec 08	Nov 08 – Dec 08	All
7	Strategic Options and assessment of effects	Dec 08 – Jun 09	Mar 09 – May 09	Policy Team Others as appropriate
8	Prepare Initial SA Report including HRA	Sep 09 – Apr 10	Jan 10 – Feb 10	Policy Team Others as appropriate
9	Preferred Strategy, including proposed candidate sites criteria and call for Candidate Sites	Jun 09 – May 10	Jan 10 – Feb 10	All
10	Deposit Plan	Jun 10 – Nov 11	Oct 11 – Nov 11	All
11	Update SA and HRA Report	Jun 10 – Nov 11	Oct 11 – Nov 11	All
12	Site Allocation Representations	Dec 11 – Mar 11	Dec 11 – Feb 12	All
13	Council advertises Focused Changes	Jun 12 – Jul 12	Jun 12 - Jul 12	All
14	Council submits Plan to Welsh Assembly	Jul 12		Policy Team

Estimated Programme				
15	Independent examination	Nov 12 – Feb 13		<i>Planning Inspectorate Policy Team Barrister for council Consultants for council Consultation bodies Representors</i>
16	Inspector's Report	Aug 13		<i>Inspectorate</i>
17	Adoption	Oct 13		Policy Team
18	Publication	Nov 13		Policy Team
19	Annual Monitoring Report	Oct 14		Policy Team

Italics indicate potential input from non-council interests.

All signifies that all representors could make an input.

Abbreviations:

CCW = Countryside Council for Wales

Cadw = Welsh Historic Monuments

EA = Environment Agency

3 The Community Involvement Scheme

- 3.1 This **Community Involvement Scheme (CIS)** is a statement of how Newport City Council intends to involve members of the community and relevant stakeholders throughout the preparation of the **Newport Local Development Plan (LDP)**. This is in accordance with the Welsh Assembly Government's intention for the changing planning system in Wales to become faster, yet also to have more community involvement. The council is therefore going to target its consultation and use innovative methods to achieve not only inclusive consultation, but also real engagement with the community right from the start of the process.
- 3.2 This scheme therefore shows how the council intends to engage with people, what resources it will be using, how it will use the information acquired from people during consultation and how the results will then be fed back. In this way it is hoped to achieve consensus on the plan. The input from a wide range of interested parties will also help the council in taking the decisions it has to make.

Purpose and Benefits of Community Involvement

- 3.3 The purpose of community involvement is to improve council service delivery by involving wide and targeted ranges of interested parties in decisions, so that they have some ownership over the decisions that affect them and the places where they live and work. The following benefits are therefore hoped to be achieved during the local development plan process:
- gathering of ideas, choices and aspirations
 - a better understanding of the community needs the plan can address
 - testing of proposals and greater consensus building
 - greater ownership and acceptance of land use changes
 - greater understanding of what the changes are and when they are happening
 - increased trust and willingness to get involved in future decision making
 - more legitimate outcomes

Who are we hoping will get involved?

- 3.4 Regulations² set out minimum consultation requirements. The council intends to meet and exceed these requirements. There are “**general consultation bodies**” that should be contacted, which comprise:
- voluntary groups
 - bodies representing different racial, ethnic or national groups
 - religious groups
 - disabled persons' groups
 - bodies representing businesses operating in the area
 - Welsh cultural bodies

² The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005

3.5 **Community councils** are to be consulted as “relevant authorities”. Other “**specific consultation bodies**” include:

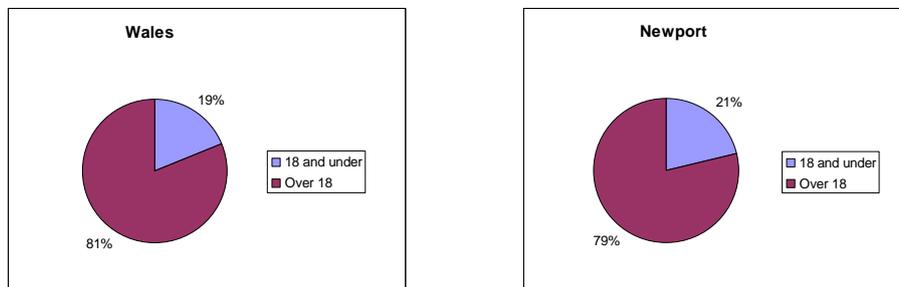
- the Countryside Council for Wales
- the Environment Agency
- the Welsh Assembly Government
- statutory undertakers, such as telecommunications, electricity, gas, water and sewerage companies
- the local health board

Targeted Consultation and Target Audiences

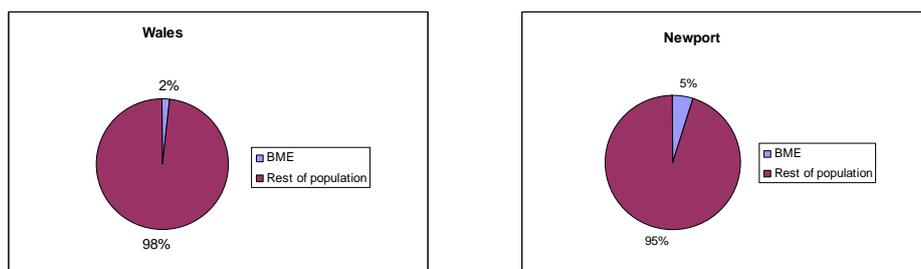
3.6 The council has a **database** of parties who had expressed an interest in the Newport Unitary Development Plan that was adopted in 2006. All of these have been contacted to see if they wish to continue their interest through into the local development plan. Any person or organisation can be added to the council’s consultation database at any time, or they can request no further contact if they so wish.

3.7 Some groups have not been well represented in planning matters in the past, for example, **children and young people**, and **black and minority ethnic (BME)** groups. Both of these groups represent a higher than average proportion of the population in Newport than in Wales as a whole as these graphs show:

Graph 1 - Age Profile



Graph 2 - Ethnic Composition



- 3.8 The intentions for community engagement must reflect local circumstances and recognise the limits of the council's resources. The Welsh Assembly Government advises consideration of the profile of local communities and to identify target audiences. There is specific encouragement to consult with groups of people who have previously been under-represented in the plan making process. Newport City Council intends to embrace this approach, and to seek contact with such groups.
- 3.9 The council will therefore seek to engage with traditionally under-represented groups, including young people and ethnic minority groups. As part of the preparatory work, a range of policies from the existing unitary development plan will be tested in terms of **equality**. The council has an Equalities Officer who will help to ensure that every element of the LDP meets equalities standards and legislation.
- 3.10 As with many subject areas, if people are consulted through broad methods such as letters, responses are likely to be received from the people with the greatest interests, loudest voices or strongest opinions. Planning is, however, about making development decisions in the public interest, and it therefore follows that these interests should be well represented in the LDP. Representation on the LDP will therefore be achieved through broad and targeted consultation methods. Various techniques are suggested in Table 2 below, although this list is not intended to be exhaustive and will need to be responsive to feedback from participants. The resulting policies and proposals of the plan will be the first port of call for the assessments made by planning officers and the Planning Committee of planning applications received by the council. These methods will also be used in the production of supplementary planning guidance, which will add greater detail to the LDP (see paragraphs 4.22, 4.23 and 4.24 below).

Table 2 – Consultation (Timetable as amended March 2011)

Key Stage (see Table 1)	Consultation period	Whom to consult	Method of consultation and feedback	Resources	Regulation (LDP Regs 2005) ³
0 Preliminaries	Dec 07 – May 08	All	Meetings with local groups and voluntary sector to introduce them to the LDP. Letter to all UDP consultees inviting expressions of interest in LDP.	Print 3000 copies of LDP booklet, production and posting of 1500 letters. Email addresses invited to save future postage and reduce carbon footprint.	
1 Delivery Agreement	Feb 08 –Mar 08	All individuals, general and specific consultation bodies, plus targeted consultation of: ethnic minority groups, young people	Letters/emails to all consultees, presentations to stakeholder meetings and groups. Set up internal local development plan liaison group.	Printed copies as required. Policy team and other sections of the council, including: Housing Countryside Regeneration and Economic Development Transportation	5-9
1 Publish final version of Delivery Agreement	End May 08	All	Publish to website www.newport.gov.uk/planningpolicy		10
2 Evidence gathering for LDP, SA/SEA and HRA	Jan 08 – Feb 11	All	Requests for specific information and datasets.	Housing Countryside Regeneration and Economic Development Transportation	14

³ The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (Welsh Statutory Instrument 2005 No. 2839 (W.203))

				<p>Countryside Council for Wales Environment Agency Cadw Community Groups</p>	
3 Issues, vision and objective setting	Nov 08 – Dec 08	<p>All</p> <p>Targeted consultation with: Ethnic minorities</p> <p>Young people</p>	<p>Mainstream consultation, including workshops with stakeholders, and liaison with other council plans and strategies.</p> <p>Working with the council's BME Diversity Officer and SEWREC to include relevant BME Groups and members of the young traveller community to target them appropriately.</p> <p>SEWREC 'venturing out' 'mentro allan' scheme using short walks to map out important links in the city to open space and to glean broad ideas for Newport neighbourhoods and aspirations for Newport as a whole.</p> <p>Young people's pilot project in Ringland to be rolled out in two further areas.</p> <p>'changing the face of Ringland' and 'clean up Stow Hill' (+ one further area) – teenagers taking photographs of positives and negatives in their neighbourhood to contribute to a written exercise in the classroom or at home to come up with</p>	<p>Exhibition material</p> <p>Community development team, planning policy liaison officer</p> <p>Planning policy liaison officer, Countryside access development officer, SEWREC team</p> <p>Planning policy liaison officer</p> <p>Ringland Community Association, Stow Hill Echo</p>	14

		Gypsies and Travellers	<p>aspirations and ideas for their areas.</p> <p>Reach out to young people - Encouragement of young people to get involved; exhibitions/workshops and bolting onto existing events in the community, e.g. Maindee Festival and Ringland Community Centre Project; 'Something to Shout about' campaign devised by the city centre manager and the planning policy liaison officer</p> <p>Local Housing Market Assessment provides information on needs. SEWSPG Gypsies and Travellers study recognising the cross boundary nature of these communities' movements. Work with SEWREC will also help to identify Gypsy and Traveller groups' land use needs, especially for young people. Planning Aid Wales may also be able to assist in developing local knowledge and the trust of the Gypsy and Traveller communities to engage in the LDP process.</p>	<p>Policy team</p> <p>City centre management team</p> <p>Policy team, Housing</p> <p>SEWSPG</p> <p>SEWREC</p> <p>Planning Aid Wales</p>	
4 Setting scope for SA	Aug 08 – Oct 08	Environmental consultation bodies: CCW, EA, Cadw; other environmental, social and economic bodies as appropriate	Letters/emails, meetings	Consultants, policy team and others as appropriate	

5 Major candidate sites	Aug 08 – Oct 08	Land owners, developers, consultants	Letters/emails	Policy team and others as appropriate	
6 Candidate sites criteria	Nov 08 – Dec 08	All	Letters/emails, meetings	Policy team and others as appropriate	
7 Strategic options and assessment of effects	Mar 09 – May 09	All	Letters/emails, meetings	Policy team and others as appropriate	
8 Prepare Sustainability Appraisal Report including Habitats Regulations Assessment	Jan 10 – Feb 10	Environmental consultation bodies: CCW, EA, Cadw; other environmental, social and economic bodies as appropriate	Letters/emails, meetings	Consultants, policy team, other service areas and environmental consultation bodies	15
9 Preferred Strategy, including proposed candidate sites criteria and call for candidate sites	Jan 10 – May 10	All	Letters/emails, meetings, website, advertisement in local press	Policy team and others as appropriate	15
10 Deposit Plan	Oct 11 – Nov 11	All	Letters/emails, meetings, website, advertisement in local press	Policy team and others as appropriate	17-19
11 Update Sustainability Appraisal and HRA Report	Oct 11 – Nov 11	Environmental consultation bodies: CCW, EA, Cadw; other environmental, social and economic bodies as appropriate	Letters/emails, meetings	Consultants, policy team, other service areas and environmental consultation bodies	

12 Site Allocation Representations consultation ⁴	Dec 11 – Feb 12	All	Letters/emails, meetings, website, advertisement in local press		20, 21
13 Council advertises Focused Changes	Jun 12 - Jul 12	All	Letters/emails, website, advertisement in local press	Policy Team	Letter ⁵
14 Council submits Plan to Welsh Assembly	Jul 12	All	Letters/emails, website, advertisement in local press	Policy Team	22
Estimated Programme⁶					
15 Independent Examination	Nov 12 – Feb 13	All	Letters/emails, website, advertisement in local press Attendance at examination or submission of written representations	Planning Inspectorate's fee, Programme Officer, venue and administration, consultants, barrister,	23
16 Inspector's Report	Aug 13	All	Letters/emails, website	Policy Team	24
17 Adoption	Oct 13	All	Letters/emails, website, advertisement in press	Policy Team	25

Abbreviations:

BME = Black and Minority Ethnic

HRA = Habitats Regulations Assessment

SA/SEA = Sustainability Appraisal incorporating Strategic Environmental Assessment

SEWREC = South East Wales Racial Equality Council

SEWSPG = South East Wales Strategic Planning Group

⁴ Note: Where sites are proposed by way of representations to the Deposit Plan, there follows an opportunity for any interested person to make representations regarding those sites.

⁵ Note: This discretionary stage has been introduced by a circular letter of 10 June 09 from Rosemary Thomas, Chief Planner, Welsh Assembly Government.

⁶ Note: LDP Wales states in paragraph 4.11 that local planning authorities should define the indicative timetable within three months of the close of the formal deposit period.

Consultation to be used in the Sustainability Appraisal

3.11 Consultation is an important part of the process of appraising the environmental performance of the plan, including the Habitats Regulations Assessment. This consultation will be an important task to be undertaken at each stage. The council will therefore:

- agree methods with environmental consultation bodies as to the most effective way of achieving their input
- take full account of the formal requirements for Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulations Assessment
- seek appropriate ways of involving organisations representing environmental, economic and social interests
- commit to feeding back and how the council will use responses at each stage in developing the content of the LDP

4 The Planning System

4.1 Britain has a planning system in which most forms of development require planning permission, although minor development on individual houses often falls within a class of “permitted development” and so does not require planning permission. More information on this can be found on the **development control** page of the council website www.newport.gov.uk/dc **A public guide to the land use planning system in Wales** produced by Planning Aid Wales in September 2006 also contains useful information.

4.2 Major development will usually require a planning application to be submitted, and the proposals will then be judged against the policies of the council’s development plan, together with the national policy guidance of the Welsh Assembly Government and local and detailed considerations. What is in the Newport Local Development Plan will therefore be very important in guiding changes to the city that will take place over time, and will enable rational and consistent decisions to be made on planning applications of all kinds.

What is a Local Development Plan (LDP)?

4.3 A local development plan is the statutory form of land use development plan that each local authority in Wales is required to prepare under Part 6 of the Planning and Compulsory Purchase Act 2004. The plan will consist of a written part, containing **policies and proposals**, together with a reasoned justification for them, and **a plan**, based on an Ordnance Survey map. **Policies** are a set of words which describe what is or is not acceptable; **proposals** are developments or activities that are proposed for the future.

4.4 The first stage will be to identify **issues**, then to create a **vision** of what sort of place Newport should be that will address these issues. **Objectives** then need to be identified that will help to turn the vision into a **spatial strategy** with **policies and proposals** that can be implemented.

Government Policy

4.5 In Wales, town and country planning policy and the implementation of primary legislation has been devolved to the Welsh Assembly Government. While there are many similarities to the guidance in England, the systems do diverge however, and English government guidance is not directly applicable in Wales, except for matters that relate to England and Wales together or to the UK as a whole.

4.6 Under the Planning and Compulsory Act 2004, in preparing its LDP, the council must have regard to:

- **national (Welsh) planning policy**
- the **Wales Spatial Plan** (produced by the National Assembly)
- the council’s **community strategy**
- the **resources** likely to be available to implement the plan

- 4.7 National guidance on planning policy is set out mainly in:
- **Planning Policy Wales (PPW) (2010)**
 - **Minerals Planning Policy Wales (MPPW) (2000)**
 - **Technical Advice Notes (Wales) (TANs) (various dates)**
 - **Minerals Technical Advice Note (Wales) I: Aggregates (2004)**
- 4.8 Local development plans do not need to repeat national policy. There may be occasions where the plan may diverge from national policy, but in such a case there would need to be a robust evidence base to support this.

Regional Policy

- 4.9 The Welsh Assembly Government encourages collaborative working between authorities, and the council has input to various plans and strategies, and will need to have regard to their content, including the latest versions of:
- The **Regional Transport Plan**
 - The **Waste Strategy** and the **Regional Waste Plan**
 - The **Regional Technical Statement for Aggregate Minerals**
 - The **South East Wales Development Strategy** produced by the South East Wales Economic Forum
 - The workings of the **South East Wales Strategic Planning Group**

Council Policy

- 4.10 The **local development plan** is one of four key plans or strategies that councils in Wales have to prepare. The other three are:
- the **community strategy**
 - the **children and young people's plan**
 - the **health, social care and wellbeing strategy**

The local development plan is a key means of delivering those elements of these and other strategies that have aspects that involve the use of land, for example for recreational areas, community buildings, etc. The four strategies should all link together to achieve their various aims, with the Community Strategy providing the over-arching framework and vision for Newport. The Local Strategic Partnership will monitor progress towards the goals of the community strategy, and will use a matrix management tool to assess this.

- 4.11 The full council will need to approve the main stages of the plan, although the cabinet or the relevant cabinet member may approve some consultation documents. Individual members, also including Planning Committee and scrutiny forums, will also have opportunity to contribute to the process.

Procedures

- 4.12 Guidance on procedures is found mainly in:
- **Local Development Plans: Policy on Preparation of LDPs (Welsh Assembly Government 2005)**
 - **Local Development Plan Manual (Welsh Assembly Government 2006)**
 - **The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (Welsh Statutory Instrument 2005 No. 2839 (W.203))**

- 4.13 The local development plan must be prepared in accordance with:
- the local planning authority's **community involvement scheme**, and
 - the **timetable** for the preparation of the plan.
- These are combined in this document, which is to be agreed with the Welsh Assembly Government. (This agreement was given on 23 May 2008).
- 4.14 When, following the necessary consultation, the council has produced its plan, it must then submit it to the Welsh Assembly Government for **public examination** by an independent inspector. The inspector will consider all representations made on the deposit plan, and examine the plan for soundness; this will be on three main counts:
- **procedural** – whether the necessary procedures have been followed
 - **consistency** – whether it has had regard to other relevant policies and strategies
 - **coherence and effectiveness** – various tests are included to ensure that the plan is realistic and that it is consistent both internally and externally
- 4.15 The inspector will prepare a report to the council of recommendations with the reasoning behind them. This **report is binding**, that is to say that the council has to accept the inspector's recommendations and change the plan accordingly. The only exception to this is that the Welsh Assembly Government has powers to direct the council to modify the plan at any stage in its preparation if it considers it to be unsatisfactory. The council must adopt the plan within eight weeks of receipt of the inspector's report, and at the same time, if it has not already done so, it must publish the inspector's report.
- 4.16 Further guidance on how the examination of plans is conducted is found in **A Guide to the Examination of Local Development Plans** published in October 2006 by the Planning Inspectorate Wales. With regard to soundness, one of the procedural tests is whether the plan has been prepared in accordance with this Delivery Agreement and Community Involvement Scheme.

Sustainability and the Environment

- 4.17 The Local Development Plan is one of the key means by which sustainable development can be achieved and the environment protected. European environmental legislation has been translated into British law, including in Wales. One aspect of this is that local development plans must be subject to a **strategic environmental assessment (SEA)**⁷. The Planning and Compulsory Purchase Act 2004 requires a **sustainability appraisal (SA)** to be undertaken, and these will be carried out together.
- 4.18 The sustainability appraisal can be seen to operate at the detailed level in that the policies and proposals of the plan need to be appraised for their economic, environmental and social effects, positive or negative. The main aim of the strategic environmental assessment is to improve the environmental

⁷ European Union Directive 2001/42/EC The Assessment of the Effects of Certain Plans and Programmes on the Environment (commonly known as the SEA Directive)

performance of the plan as a whole. The studies themselves require public consultation and the results have to be published in an **environmental report**.

- 4.19 The sustainability appraisal should be fully integrated into the plan making process, providing input at each stage and helping to identify objectives. This should help to ensure that that the plan can be demonstrated to be sound.
- 4.20 Further details and guidance on how sustainability appraisal incorporating strategic environmental assessment should be carried out can be found in:
- **The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004** (Welsh Statutory Instrument 2004 No. 1656 (W.170))
 - **A Practical Guide to the Strategic Environmental Assessment Directive** (ODPM and devolved administrations 2005)
 - **The Local Development Plan Manual** (Welsh Assembly Government June 2006)
 - **Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents** (ODPM November 2005 – although this is not issued in Wales, it contains useful detailed guidance)
- 4.21 The European Habitats Directive (92/43/EEC) requires a **habitats regulations assessment** (HRA), encompassing an **appropriate assessment** (AA), to be undertaken for any plan or project that may have an effect, either individually or in combination with other plans or projects, on a European designated site. These sites are defined as **special protection areas for birds** (SPAs) and **special areas of conservation** (SACs). **Ramsar sites** (wetlands of international importance) are also treated as European sites. The presence of the River Usk and Severn Estuary mean that these requirements will apply. The HRA will be carried out in conjunction with the SA/SEA to ensure an integrated approach, and will be carried out by specialist consultants. The South East Wales Strategic Planning Group, of which Newport City Council is a member, is also commissioning a joint assessment across the whole of the region which will feed into this process.

Supplementary Planning Guidance (SPG)

- 4.22 Supplementary planning guidance does not form part of the development plan but may be used to provide more detailed guidance, for example for particular sites or to cover general themes. Many of the subjects for such guidance will therefore only emerge as the plan is prepared. The purpose of the guidance will be to supplement the policies of the development plan, and not to supersede or replace what is in the plan.
- 4.23 When the council prepares supplementary planning guidance, it will undertake a public consultation exercise, and take into consideration all responses received before deciding whether to amend or formally adopt the guidance. When these formal procedures have been followed, the guidance will be a material consideration (that is to say that it will be taken into account) in the determination of relevant planning applications or appeals.

- 4.24 A number of SPG documents have been prepared to supplement the adopted unitary development plan, and further drafts may be produced from time to time as the need is identified.

APPENDICES
Appendix I Detailed Timetable
As amended March 2011

(See overleaf)

Appendix 2 Risk Management

Risk	Level	Mitigation
Council Issues		
Changes in staff	Medium/High	Need for council to carry through staff recruitment and retention exercise
Resource availability	Medium/High	Plan expenditure over whole period of plan preparation
Organisational restructuring	Low/Medium	Ensure council is fully appraised of LDP process issues
Political changes/elections	Medium/High	Avoid timetabling key political decisions near to election dates; seek broad consensus on strategy
Local Issues		
Ability of consultees to respond within timescale	Low/Medium	Encourage early dialogue
Large volume of candidate sites	High	Use two stage approach to produce assessment criteria first to assist with later submission and selection of sites
Mismatch of meeting cycles of local organisations with the timetable	Medium	Consult on timetable and encourage early dialogue; ask if special meeting can be held
Insufficient information to undertake SA/SEA	Medium	Identify likely requirements and take steps to address potential deficiencies
Integrity of European site affected by a policy or proposal	Low	Integrate HRA process fully into plan preparation
Large volume of objections	Medium	Engage early with interested parties; establish sound evidence base
Technical problems	Low/Medium	Address known requirements early
Legal challenge	Low/Medium	Ensure: correct procedures followed; consistency with Welsh Assembly Government guidance; sound evidence base
National Issues		
New legislation or guidance	Medium	Monitor emerging legislation and guidance. Extend timeframe if far-reaching changes involved
LDP deemed by Welsh Assembly Government to be contrary to national policy	Low/Medium	Maintain dialogue with Welsh Assembly Government with view to avoiding disagreement; ensure sound evidence base

Co-ordination with Wales Spatial Plan and regional work	Medium	Maintain engagement and monitor progress and respond appropriately
Planning Inspectorate availability	Low/Medium	Maintain close liaison with Inspectorate
Plan ruled 'unsound' by inspector	Low/Medium	Ensure: robust evidence base; SA/SEA and HRA correctly carried out; appropriate procedures followed and documented

Abbreviations:

SA/SEA = Sustainability Appraisal incorporating Strategic Environmental Assessment

HRA = Habitats Regulations Assessment

The council will use its best endeavours to maintain momentum on those aspects of the process over which it has direct control, and will do what it can to help others to make their contribution in a timely fashion. If significant slippages occur in the timetable, more than might reasonably be expected to be made up in the following stages, then the council will propose an amendment to the timetable. This should then help all interested parties in the scheduling of their own input to the process. The Welsh Assembly Government recommends in the Local Development Plan Manual⁸ that in order to build in a level of tolerance, three month blocks should be used. The council would therefore be unlikely to suggest a timetable revision for a slippage of less than three months. Should an adjustment to the timetable prove to be necessary, agreement to the change would need to be sought from the Welsh Assembly Government.

⁸ Local Development Plan Manual (Welsh Assembly Government 2006) page 32

Appendix 3 Resources

The LDP will be prepared by the Planning Policy team within the Planning and Economic Regeneration service area. The team will be spending the majority of the time on the preparation of the LDP or matters related directly to it. Within the team there is the Policy and Conservation Manager, two Principal Planning Officers, a Planning Policy Liaison Officer, a Senior Planning Officer and a Planning Officer. Technical assistance will be provided by the Spatial Data and Planning Systems Support Unit.

Input will also be sought from other parts of the council, including with regard to the other three plans or strategies that local authorities have to prepare in Wales, which are:

- the community strategy,
- the children and young people's plan,
- the health, social care and wellbeing strategy.

Internal consultations will be wide-ranging, and will include Countryside, other Environmental Services including Waste, Housing, Transportation, Lifelong Learning and Leisure, Estates, Development Control and Economic Development.

External input will be expected from a variety of sources, as set out in Table 2 above. Where necessary, the council will appoint consultants to provide additional professional services. These will include for the Sustainability Appraisal including Strategic Environmental Assessment and Habitats Regulations Assessment. Such services will be procured out of the Policy Section budget, with any unspent monies carried forward year by year to help fund the major expense of the public examination, for which the council has to pay, and which comes towards the end of the process.

Appendix 4 Consultation Bodies

General Consultation Bodies	
Voluntary bodies whose activities benefit any part of the Newport area	<p>Caerleon and District Civic Society Campaign for the Protection of Rural Wales, Newport and Valleys branch Citizens' Advice Bureau Newport Duffryn Community Link Echo Group, Stow Hill Friends of the Earth Cymru Glamorgan Gwent Archaeological Trust Gwent Association of Voluntary Organisations Gwent Ornithological Society Gwent Wildlife Trust National Playing Fields Association Cymru National Trust Newport Civic Society Newport Youth Council Pentrepoeth Action Group Pill Local Partnership Board Planning Aid Wales Play Wales Severn Estuary Strategy Sustrans The Ramblers Association The Royal Society for the Protection of Birds</p>
Bodies which represent the interests of different racial, ethnic or national groups in the Newport area	<p>Black Environment Network South East Wales Racial Equality Council The Gypsy Council</p>
Bodies which represent the interests of different religious groups in the Newport area	<p>Churches Together in Newport</p>
Bodies which represent the interests of disabled persons in the Newport area	<p>Disability Wales Guide Dogs for the Blind Organisation Newport Access Group</p>
Bodies which represent the interests of persons carrying on business in the Newport area	<p>Business in the Community Charter Housing Association Coleg Gwent Country Land and Business Association Farmers Union Wales Federation of Master Builders Home Builders Federation Linc-Cymru Housing Association Local transport operators Newport and Gwent Chamber of Commerce and Industry Newport Chamber of Trade Newport Unlimited</p>

	Quarry Products Association United Welsh Housing Association University of Wales Newport
Bodies which represent the interests of Welsh culture in the Newport area	Arts Council of Wales
Other bodies	British Waterways Civic Trust Crown Estate Design Commission for Wales Forestry Commission Gwent Constabulary Newport Museum Newport Police Station Royal Mail South East Wales Energy Agency South Wales Fire Service Sports Council for Wales Wales Tourist Board
Specific Consultation Bodies	
	Cadw – Welsh Historic Monuments
	Countryside Council for Wales
	Environment Agency
	Network Rail Strategic Rail Authority (Secretary of State)
	National Assembly
	Community Councils Blaenau Gwent County Borough Council Brecon Beacons National Park Authority Bridgend County Borough Council Caerphilly County Borough Council City and County of Cardiff Merthyr Tydfil County Borough Council Monmouthshire County Council Rhondda Cynon Taff County Borough Council Torfaen County Borough Council Vale of Glamorgan Council
	British Telecom Mobile Operators Association
	British Gas British Waterways British Wind Energy Association Caldicot and Wentloog Levels Drainage Board Dwr Cymru Welsh Water Gwent Healthcare NHS Trust National Grid Newport Local Health Board Scottish and Southern Western Power Distribution

This list is not intended to be exhaustive, but gives an indication of the range of bodies to be consulted. The council already has contacts with many other organisations and individuals through previous development plan consultation exercises, who are welcome to continue their involvement through to the new plan, and through preliminary contacts on the local development plan. The database of interested parties can be added to at any time.

Contact Details

For further information contact the Planning Policy Team:

by phone: 01633 656656

by email: ldp.consultation@newport.gov.uk

by website: www.newport.gov.uk/planningpolicy

by letter: Planning Policy
Planning and Economic Regeneration
Newport City Council
Civic Centre
Newport
NP20 4UR