

Report of the Cabinet Member for Delivery

Council, 28th February 2019

Adoption of Swansea Local Development Plan (LDP)

Purpose:	To confirm the findings of the Inspectors' Final Report on the Examination into the Swansea Local Development Plan (LDP), and to adopt the LDP as amended by the appropriate binding changes as the new development plan for the Swansea administrative area
Policy Framework:	Planning and Compulsory Purchase Act 2004; The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004; Town and Country Planning (Local Development Plan) (Wales) Regulations 2005; Local Development Plans Wales Guidance (2005); Local Development Plan Manual (2015); The Habitats Regulations (Natural Habitats & Conservation) (Amendment) (England & Wales Regulations 2017); Equality Act 2010; Planning Policy Wales (Edition 10) and related technical advice notes, circulars and policy clarification letters
Consultation:	Legal, Finance, Access to Services
Recommendation(s):	It is recommended that Council: <ul style="list-style-type: none">i) Adopts the Swansea LDP (Final Version at Appendix 2 - as amended by the binding changes set out in the Inspectors Report), as the new development plan for the Swansea administrative area;ii) Approves the Adoption Statement (at Appendix 3), Final Sustainability Appraisal (at Appendix 4), Habitats Regulations Assessment including updates (at Appendix 5) and Final Equalities Impact Assessment (at Appendix 7);iii) Authorises the Head of Planning and City Regeneration or appropriate delegated officer to make any outstanding typographical, grammatical, presentational or factual amendments to the Swansea LDP prior to its final publication; andiv) Agrees that officers seek to secure, on certain developments, higher percentages of affordable housing than the target figures specified in Policy H3 for the North, East and Greater North West housing zones, where this is justified having regard to the level of constraints, planning obligations and other relevant matters

Report Author:	Tom Evans
Finance Officer:	Aimee Dyer
Legal Officer:	Jonathan Wills
Access to Services Officer:	Rhian Miller

1.0 Overview

- 1.1 All local planning authorities in Wales are required to produce, and keep under review, a Local Development Plan (LDP). This report sets out the culmination of approximately 9 years of work to prepare and adopt an LDP for Swansea. It marks a significant moment for the Council in terms of providing the opportunity to endorse an up-to-date, fully evidenced strategic planning framework to facilitate positive, transformative development across the City and County.
- 1.2 The Swansea LDP will be the primary strategy and policy document against which the Council will make decisions on development proposals going forward. It is an innovative and ambitious Plan that promotes a strong 'Placemaking' agenda, and presents a positive approach to managing the inevitable future growth that Swansea is going to experience. The policies and proposals within the LDP address the County's need for new homes, jobs, infrastructure and community facilities to support economic growth and raise standards of living. Policies promoting development are set out alongside those that require proposals to respect and promote the County's cultural heritage, important landscapes and sensitive environments. Planning for growth commensurate with the aspirations of a City Region inevitably involves difficult decisions about releasing Greenfield land for development, and it is certainly the case that areas will see transformational change. Crucially however, the LDP provides the opportunity to successfully manage this change and ensure that development is of a quality that will ensure the places ultimately delivered across Swansea will provide a proud legacy for future generations.
- 1.3 Preparation of the LDP has been a comprehensive and iterative process, involving a substantial amount of consultation and engagement at various key stages over many years of Plan formation. This has included both statutory and non-statutory consultation exercises. It has involved engagement with the general public, key stakeholders, statutory bodies and industry representatives, all of which has been in accordance with relevant statutory Regulations. The key Stages of LDP preparation has included:
- **Candidate Sites Submitted and Assessed** (public consultation during September 2010 - September 2011)
 - **Vision, Objectives and Strategic Options** (public consultation during July - October 2012)
 - **Preferred Strategy** (approved by Members August 2014 following public consultation)
 - **Draft Proposals Map** (public consultation during January 2015 on sites initially proposed for allocation in the Plan)
 - **Full Deposit Plan** (approved by Members for public consultation June 2016)

- 1.4 At Council on 27th July 2017 Members agreed to submit the Deposit LDP and supporting evidence to the Welsh Government and Planning Inspectorate for independent Examination. Subsequently, the Ministers of the Welsh Government appointed two Inspectors to conduct the Examination of the soundness of the LDP. The Examination commenced on the 13th December 2017 and Hearing Sessions subsequently took place over a 7 month period, commencing on 6th February 2018 and concluding on the 11th September 2018.
- 1.5 Subsequently, at Council on 25th October 2018 Members approved for public consultation the 'Matters Arising Changes' (MACs) to the Deposit LDP (i.e. the changes to the Plan that arose from the Examination process). The consultation was undertaken over a six week period and concluded on the 14th December 2018, with approximately 580 representations being duly made. Over 500 of the representations related to three particular matters of policy, namely changes to 'Policy H9 - Houses in Multiple Occupation', 'Policy H5 - Local Needs Housing Exception Sites' and the change in designation of land within the settlement of Bishopston from 'Policy ER3 - Green Wedges' to 'Policy ER2 - Strategic Green Infrastructure Network'. All duly made comments received were forwarded to the Inspectors for their consideration. In accordance with statutory obligations the comments were not considered by the Council. The consultation ensured that all interested parties had the opportunity to make the Inspectors aware of their views to inform their deliberations on the soundness of the LDP.

2.0 The Inspectors Report on the LDP Examination

- 2.1 The LDP Inspectors have concluded their deliberations and their Final Report on the Examination into the Swansea LDP (dated 31st January 2019) has now been published. The Final Report and its Appendices are available at Appendix 1 of this report.
- 2.2 **The Inspectors' Report concludes that, subject to implementation of the binding changes set out within it, the Swansea LDP satisfies the requirements of the relevant legislation and meets the necessary 'tests of soundness'. In concluding this, the Inspectors have confirmed that the Council has provided sufficient evidence to support the Plan, and that they consider the policies and proposals will realistically be delivered.** The Inspectors consider that the necessary changes do not alter the thrust of the Council's overall strategy and do not undermine the Plan's Sustainability Appraisal (SA).
- 2.3 The recommended binding changes that are set out in the Inspectors Final Report are broadly consistent with the schedule of MACs to the Deposit Plan that arose out of the Examination process and that were subject to public consultation at the end of 2018. That is, the Inspectors have largely endorsed the amendments that were discussed during Hearings and subject to the recent public consultation. They have confirmed that these are appropriate changes to be made before the Plan is adopted. Some of the key changes endorsed by the Inspectors in their Report include:
- Deleting the previously proposed Gypsy and Traveller site allocation at Pant y Blawd Road (having regard to the planning permission secured at***

the site); Updating the Concept Plans and developer requirements for the key Strategic Development Areas allocated across the County; Identifying a Management Area for Houses in Multiple Occupation (HMOs) with a 'capacity threshold' to define over-intensification; Changing the Green Belt designation in the vicinity of Garngoch Common to a Green Wedge and adjusting its boundaries; Identifying a new Special Landscape Area at the Garngoch and Lower Afon Llan Valley; and retaining in an amended form the Plan's innovative policy relating to Local Need Exception Housing Sites in Gower and Gower Fringe areas. In respect of the 'Alternative Sites' put forward for housing development by objectors to the Plan, the Inspectors Report succinctly confirms that there is no need for the inclusion of any such alternative sites since they are satisfied the Plan makes appropriate provision for the delivery of housing.

- 2.4 As well as the MACs required to ensure soundness of the Plan, a small number of minor changes/updates are also put forward by the Inspectors in their Report as non-binding suggestions to improve clarity. These are not necessary for soundness and are therefore advisory only. Having reviewed these minor amendments, officers consider that all the minor suggestions put forward are helpful modifications and appropriate to be incorporated into the Plan.
- 2.5 Only a limited number of MACs that were subject to consultation have been considered not appropriate by the Inspectors due to reasons of soundness. Generally these do not give rise to any concerns for the Planning Authority and the Inspectors recommendations to not incorporate these will help ensure the Plan is clear and aligned with national guidance. Indeed some are the result of the Council itself identifying to the Inspectors that previously proposed changes were no longer appropriate given changes in circumstances, such as the need to reflect newly published Planning Policy Wales (Version 10, December 2018).

Inspector Change – Affordable Housing Targets

- 2.6 The only significant area of contention between the Council and the Inspectors' published findings relates to the issue of affordable housing targets. The Deposit LDP policy contained the following targets for the 'housing zones' that cover the majority of Swansea's developable area:

<i>Strategic Housing Policy Zone</i>	<i>Target for Affordable Housing</i>
<i>North</i>	15%
<i>East</i>	
<i>Greater North West</i>	20%

The Council has always maintained, and continues to contend, that the above targets are based on sound evidence and a track record of delivery. These targets received support through the Examination from Coastal Homes, Pobl, Llanmoor Homes and Morganstone Homes, who agreed with the Council's general approach to providing a flexible policy that would allow the Planning Authority to pursue such targets for developments **if the circumstances justified it - e.g. for sites with little or no planning obligations**. All of the aforementioned companies submitted evidence and reasoning to the Examination as to why they thought the LDP policy approach and the % targets were appropriate.

2.7 The Inspectors have, however, not accepted the Council’s position in relation to this issue. Their Report states at para 6.14. *“We have received oral and written evidence from various interested parties either supporting the current targets or seeking their reduction to the proportions shown to be viable in the June 2018 analysis conducted on behalf of the Council. As set out above, we are not persuaded by the evidence that the targets identified in the submitted policy are viable. However, we also share the Council’s concern that setting the targets too low may yield fewer affordable homes than may be viably achieved. On the balance of evidence we therefore consider it reasonable to reduce the on-site targets in the three zones by 5% each.”* The Inspectors change reduces the affordable housing targets in Policy H3 as follows:

Strategic Housing Policy Zone	Target for Affordable Housing
<i>North</i>	10%
<i>East</i>	
<i>Greater North West</i>	15%

2.8 The impact of the Inspectors forced change in relation to the targets would be to reduce the potential of the Plan to facilitate affordable housing delivery on allocated housing sites (and windfall applications) in the order of 200 homes over the Plan period.

2.9 Senior Officers of the Council, as well as Cabinet Members and the Leader, have set out in clear terms in detailed submissions to the Inspectors why the Council does not agree with their suggestion that a reduction to affordable housing targets in Policy H3 is necessary to make the Plan sound. Officers would maintain that sufficient and appropriate evidence has been submitted to the examination to fully justify the Council’s approach. The Inspectors’ position stated in paragraph 6.14 of their Report, that they are ‘not persuaded the targets in the Deposit Plan are viable’, remains an extremely difficult one to rationalise given that these targets have been achieved on repeated occasions on developments in Swansea, including on LDP sites that have recently come through the planning system, and having regard to the likely costs associated with bringing forward the remaining allocated sites during the Plan period. Members have made clear the importance they attribute to the key corporate objective of maximising affordable housing delivery. For this reason, and given the strength of evidence that exists relating to this issue, once the Plan is formally adopted officers will take a case by case approach of considering whether submitted proposals justify seeking a proportion of affordable housing in excess of the target rate specified in LDP Policy H3. In particular the rates originally specified in the Deposit Plan for the Swansea North, East and Greater North West housing zones will be considered for their suitability, having regard to matters such as the level of constraints on a site, the tenure mix of affordable homes appropriate for the scheme, and the amount of any planning obligations that the development would generate. In relation to the latter, development that generate a cost of less than £5,000 per dwelling would be considered to be providing less than the average planning obligation contribution, having regard to the benchmark values that were used in the viability testing that has underpinned the Plan and that has been supported by the Inspectors. This approach is consistent with the supporting text to Policy H3 of the LDP

(paragraph 2.5.20), which states *“in certain developments where there are fewer constraints or requirements, such as a lack of s106 obligations, a higher percentage than that stated in the policy may be sought in exceptional circumstances”*.

3.0 Adoption Stage

- 3.1 Statutory regulations require LDP adoption to be secured through a formal resolution of Council, and states that all binding recommendations in the Inspectors' Report must be incorporated into the Plan. If and when it is adopted, the Swansea LDP will become the statutory Development Plan for the entire administrative area and the Unitary Development Plan (UDP) will cease to have effect.
- 3.2 A 'tracked changes' version of the LDP has been produced solely for the purpose of aiding the interpretation of the binding changes set out in the Inspectors Report, and highlighting all the changes made to the Deposit version. This can be viewed at Appendix 2 of this report.
- 3.3 A 'Final Version' of the LDP is also available at Appendix 2. This version, as well as including all the binding changes also incorporates minor typographical, grammatical and factual updates, which the Inspectors have authorised can be made in the interest of ensuring that the final adopted version of the Plan is usable and accurate. Following adoption, a graphically improved and fully formatted version of this Final Version will be produced for publication, which may necessitate some further typographical or factual amendments be made over and above those already incorporated. This could include some additional altered paragraph numbering, updated cross referencing, or improved layouts of text and diagrams. It is recommended that officers be authorised to make such minor amendments prior to publication of the fully formatted Final Version. In addition to the final published versions of the Plan to be produced as hard copies and for digital download, an interactive web-based version of the written statement and Proposals Map will also be produced for the benefit of users. The final version of the LDP will be published in Welsh and English.
- 3.4 Subject to the Council resolving to adopt the LDP, appropriate notification relating to the LDP and its supporting documentation will be published by means of a Public Notice in local media to comply with statutory Regulations. Notification and/or relevant documentation will also be sent to interested parties, stakeholders and consultees who have been involved in, or requested to be kept informed of the plan preparation process. The Adopted LDP and supporting documentation will also be made available at the Civic Centre, and will be available to view at all public libraries and on the Council's website.
- 3.5 Statutory Regulations require the Council to publish an Adoption Statement (attached as Appendix 3 to this report), incorporating information relating to Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA). The final SA/SEA and Habitats Regulations Assessment (HRA) are required by the Regulations to be published alongside the Adopted LDP. The SA/SEA process has ensured that LDP policies and proposals reflect sustainable development principles, and has assessed their effect on the economy, social wellbeing, resource conservation and environmental protection/enhancement.

The HRA process has importantly concluded that the LDP will not adversely affect the integrity of any 'European Site' (designated under European Law), either alone or in combination with other plans or strategies. The final SA/SEA and HRA Reports have been updated to take account of the Inspector's recommended changes. The Final Sustainability Appraisal Report and Non-Technical Summary, and the updated HRA Reports, are available as Appendices to this Report.

4.0 Future Stages and LDP Monitoring

- 4.1 Following adoption of the LDP, the Council has a statutory requirement to prepare and submit an Annual Monitoring Report on the LDP to the Welsh Government, and to publish this for public inspection. This Annual Report will examine whether LDP's policies are being properly implemented and/or appropriate development is coming forward on allocations. It also provides the mechanism for determining whether policies need to be reviewed. The LDP contains a Monitoring Framework, which was finalised through the course of the Examination process, containing over 100 indicators relating to the range of policies and proposals in the Plan. It is these indicators that must be measured and formally reported on each autumn. The Annual Reports will consider what action, if any, is required in line with the Monitoring Framework. This could include, for example, the need for additional Supplementary Planning Guidance (SPG), Development Briefs or further research into policy effects. Alternatively, where monitoring clearly shows that policies are significantly failing to implement the Plan's strategy, a policy review can be undertaken, which in turn can inform considerations for a wider Plan review.
- 4.2 The first full Annual Monitoring Report on the Swansea LDP is due in October 2020. The Council will also be required to undertake a full review of the LDP no later than 4 years after the date of adoption.
- 4.3 The Council has in the past prepared and approved a number of SPG to supplement the policies of the Swansea UDP. In order to ensure conformity with LDP policies, a review of these SPG documents will be carried out as soon as is practicable following adoption of the LDP, which will assess those that can continue be referenced in development management decisions. This approach will ensure the advice and guidance provided in existing SPGs is carried forward to offer support to the policies of the adopted LDP. A programme of entirely new SPG to support and amplify the policies in the LDP will also be progressed over the next 18 months. All SPG will need to be approved by Members and be subject to public consultation. The schedule of new and updated SPG to be prepared, together with an indicative timetable for their production, is set out in Appendix 6 of this report.

5.0 Equality and Engagement Implications

- 5.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

5.2 An Equality Impact Assessment (EqIA) has been undertaken as part of the Council's legal duty to assess the Plan's policies for their impact on protected groups as defined in the Equality Act 2010. The Assessment found that the Plan is relevant to a number of protected characteristics, including age, disability, the Welsh language, poverty and social exclusion. The EqIA has been continually revised throughout the LDP process to reflect changes made to the Plan, and this process has ensured that the Council has paid due regard to the above duties. The final version of the EqIA is attached to this report at Appendix 7.

6.0 Financial Implications

- 6.1 The recommendation to adopt the LDP will incur low level expenditure in relation to the administrative actions required for formal adoption of the Plan, including the publication of documents and notification procedures. These costs will be accommodated within existing budgets for the current financial year.
- 6.2 The costs associated with undertaking the Monitoring Programme and Associated Work Programme, including the preparation of SPG, will need to be met from within existing departmental budget.

7.0 Legal Implications

- 7.1 The Council is statutorily obliged to prepare and keep under review a LDP, in accordance with the Planning and Compulsory Purchase Act 2004, the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 and the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005. The adoption of the LDP will provide the Council with a clear, effective and up to date planning framework to guide proposals, without which there would be an absence of an approved local policy context to justify refusing undesirable and speculative development, such as on unallocated Greenfield land.
- 7.2 In accordance with the relevant Act and statutory Regulations, the Council is expected to adopt the LDP within eight weeks of receipt of the Inspector's report (dated Jan 31st, 2019). Also to meet the Regulations, an Adoption Statement will be published alongside the adopted Plan and Inspectors Report, along with the Final Sustainability Appraisal Report and Habitats Regulation Assessment.
- 7.3 All binding recommendations in the Inspectors' Report must be incorporated into the Plan, and it is not possible to adopt the Plan with any of the binding changes omitted. Should the Council elect not to adopt the LDP, the Welsh Government does have the legal authority to intervene and can endorse the LDP on the Council's behalf. Also, the Welsh Ministers do have the power to direct a further modification to the LDP that is contrary to any of those put

forward by the Inspectors, if for example the Welsh Ministers considered a change to the Deposit LDP to be unsatisfactory. In such circumstances they could direct a modification in response to the final report, essentially countering the modifications put forward by the Inspector. It should be stressed that this would be a most unusual set of circumstances. The Council may be required to reimburse Welsh Government of any costs associated with direct intervention.

- 7.4 A six-week challenge period to the High Court is provided by the Planning and Compulsory Purchase Act (PCPA) 2004 (section 113) – commonly known as seeking a Judicial Review (JR). Applications for legal challenge to the LDP must be made within six weeks of the date of the published Adoption Statement.
- 7.5 Subject to the outcome of any potential High Court process, if and when the Swansea LDP is adopted it will supersede the now time expired Swansea Unitary Development Plan (UDP), and will provide the basis by which future planning applications and appeals will be determined.

Background Papers:

- Report to Council of the Cabinet Member for Commercial Opportunities & Innovation, 27 July 2017 - Swansea Local Development Plan (LDP) Update on Deposit LDP Public Consultation, Evidence Base Review and Next Stages
- Report to Council of the Cabinet Member for Commercial Opportunities & Innovation, 25th October 2018 - Outcome of Swansea Local Development Plan (LDP) Examination and requirement for Public Consultation on Proposed Amendments to the Plan

Appendices:

Appendix 1 - Inspectors Report on the Examination into the Swansea LDP and Related Appendices [link]

Appendix 2 - 'Tracked Changes' and 'Final Version' of Swansea LDP, incorporating binding changes [link]

Appendix 3 - The Adoption Statement

Appendix 4 - Sustainability Appraisal Reports [link]

Appendix 5 - Habitats Regulations Assessment Reports [link]

Appendix 6 - Programme of SPG

Appendix 7 - Equality Impact Assessment [link]

Appendix 1:

**Inspectors Report on the Examination into the Swansea LDP,
including Appendices**

<https://www.swansea.gov.uk/dpexamination>

and

<https://www.swansea.gov.uk/ldp>

Appendix 2:

**'Tracked Changes' and 'Final Version' of Swansea LDP,
incorporating binding changes**

<https://www.swansea.gov.uk/ldp>

Appendix 3:
Swansea LDP Adoption Statement

Swansea Local Development Plan

2010 to 2025

Adoption Statement

28th February 2019

Background

In accordance with the requirements of Regulations 25 (2) of the Town & Country Planning (Local Development Plan) (Wales) Regulations 2005 and Regulation 16 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004, the Council is required to prepare an Adoption Statement for the Swansea Local Development Plan.

Part 1 of the statement addresses the requirements of the Town & Country Planning (Local Development Plan) (Wales) Regulations 2005 and **Part 2** accords with the requirements of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004.

Part 1: Requirements of the TOWN AND COUNTRY PLANNING (LOCAL DEVELOPMENT PLANS) (WALES) REGULATIONS 2005 (AS AMENDED)

- 1.1 The Swansea Local Development Plan (LDP) was adopted on the 28th February 2019. The LDP became operative on its adoption.
- 1.2 The Swansea LDP is the planning policy document for the City and County of Swansea. It sets out key policies and land use allocations that will shape the future of Swansea and guide development up to 2025. The Swansea LDP replaces the adopted Swansea Unitary Development Plan.
- 1.3 Copies of the adopted LDP, the report of the Planning Inspectors appointed to hold the independent examination, the Sustainability Appraisal (SA) report (incorporating the Strategic Environmental Assessment [SEA]) and Habitats Regulations Assessment (HRA Report), together with this Adoption Statement, are available for inspection at:
Civic Centre, Oystermouth Road, Swansea, SA1 3SN between the hours of 9.00am and 4.30pm Monday to Fridays, at all Public Libraries during normal opening hours and on the Council's website at: www.swansea.gov.uk/ldp
- 1.4 A person aggrieved by the LDP who desires to question its validity on the ground that it is not within the powers conferred by Part 6 of the Planning and Compulsory Purchase Act 2004, or that any requirement of that Act or any regulation made under it has not been complied with in relation to the adoption of the LDP, may, within six weeks from the date specified on the adoption notice make an application to the High Court under Section 113 of the 2004 Act.

Part 2 : Requirements of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004

Introduction

- 2.1 The LDP provides a spatial framework which is underpinned by the principles of sustainable development. The LDP provides a policy framework that integrates social, environmental and economic issues that are relevant to the people who live, work and visit the City and County of Swansea.

Sustainability Appraisal and Strategic Environmental Assessment

- 2.2 Planning legislation requires that Development Plans are subject to a Sustainability Appraisal (SA). This is a systematic process that is designed to evaluate the predicted social, economic and environmental effects of development planning and to inform the decision making process. European and UK legislation requires that LDPs are also subject to a Strategic Environmental Assessment (SEA), a process that considers the effects of development planning on the environment. Where significant adverse effects are predicted, the SEA aims to identify means to avoid or mitigate such effects. Government guidance advises that these two processes should be carried out together as part of an iterative process and requires that Plans are subject to SA incorporating SEA through a single appraisal process. The term referred to as 'SA' throughout this report should therefore be taken to include the requirements of SEA.
- 2.3 This section of the Adoption Statement describes how the SA process has influenced the progression of the Swansea LDP and how environmental considerations and consultation responses have been taken into account during the development of the Plan. It also outlines why the Deposit LDP was progressed in the light of other reasonable alternatives and highlights the measures that have been developed to track the effects of the Plan.
- 2.4 The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 require when a Plan that is subject to an SA is adopted, a 'statement' is made available to accompany the adopted plan or programme. Section 16(4) of the Regulations require that this post 'Adoption Statement' provides the following information:
- a) *How environmental considerations have been integrated into the LDP;*
 - b) *How the Environmental Report (the SA Report) has been taken into account;*
 - c) *How opinions expressed in relation to the consultations on the plan and Environmental Report (the SA) have been taken into account;*
 - d) *How the results of any transboundary consultation have been taken into account;*
 - e) *The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives dealt with; and*
 - f) *The measures that are to be taken to monitor the significant environmental effects of the implementation of the Plan.*

- 2.5 Each of the above requirements are dealt with in turn below. It should be noted that a substantial amount of information relating to these matters is contained within documents published throughout the plan preparation process, such as the SA Report 2018 (ED096) and the updated SA Report which takes into account the binding recommendations of the Report on the Examination into the Swansea Local Development Plan 2010 – 2025, 2019 (hereafter known as the ‘Inspectors Report’). The LDP Initial Consultation Report and Deposit Consultation Report (submitted documents LDP 16 & LDP 17) refer to the changes made to the LDP during the plan making process. In accordance with paragraph 8.4.2.3 of the Local Development Plan Manual (Edition 2, August 2015), rather than duplicate this material, appropriate cross references are made to relevant documents within this Adoption statement.
- 2.6 The LDP was also subject to a Habitats Regulations Assessment (HRA), which followed an iterative process and was carried out in parallel to the SA process. The HRA assessed the impacts of the LDP in combination with the effects of other plans and projects on European sites, designated for their ecological status. The findings of the HRA have informed the preparation of the LDP and the SA. The Final HRA is reported alongside the Adopted Plan. Details of the HRA are also available on the Council’s website.

<p>a) How environmental considerations have been integrated into the Local Development Plan</p>

- 2.7 The LDP has been subject to a Strategic Environmental Assessment (SEA) in order to consider the potential impact of the Plan on the environment and to improve the LDP’s environmental performance.
- 2.8 The SA has been prepared by the Council. The SA process is intended to assist in the implementation of the LDP with a view to delivering sustainable development in Swansea through the integration of the key social, economic and environmental objectives. The SA has run in parallel with the development of the LDP, from the earliest stage of the plan making process through to adoption. The process has been iterative, with the SA informing the development of the LDP and ensuring that sustainability (including environmental) considerations are integrated into the LDP.
- 2.9 Shadow Habitats Regulations Assessments, have been undertaken throughout the Plan making process and have informed each stage of the process. This integrated HRA approach has ensured that, subject to certain identified mitigation measures, the LDP will not affect the integrity of European sites, alone or in-combination with any other plans or projects.
- 2.10 Table 1 below illustrates the stages of the LDP process and the corresponding stages of SA and HRA, together with dates of the consultation stages.

Table 1: Stages of the LDP, SA and HRA Process and Consultation

SA Stage	HRA	LDP Stage	Consultation/Time scale
Scoping Report			September 2010 2 months
Sustainability Appraisal of Vision, Objectives & Strategic Options	Preliminary Screening	Pre-Deposit Plan Preparation	2012 23 rd July to 12 th October 2012
SA of Preferred Strategy 2012	Screening of Preferred Strategy		N/A
SA of Preferred Strategy 2013	Screening of Preferred Strategy		12 th August to 31 st October 2013
SA of Deposit	Screening of Deposit 2016 Updates October 2017 and February 2018. Update to include, Appropriate Assessment June 2018	Deposit Plan	18 th July to 31 st August 2016
SA of Matters Arising Changes	Screening of MACs, as an addendum to the Main HRA July 2018 Update to include IMACs November 2018	Matters Arising Changes	6 weeks ending 14 th December 2018
Final LDP Sustainability Report	Screening of the binding recommendations of the Inspectors Report. Final HRA report endorsed by Council.	Inspector's Report	Inspectors Report 31 st January 2019

b) How the environmental report has been taken into account

2.11 The SA and LDP were developed in parallel, with each stage of the SA informing and influencing the preparation and progression of the LDP. The following sections summarise how the issues identified through the key stages of SA/SEA process have influenced and informed the LDP. Chapter 10 of the Updated SA Report (ED096) provides further details of each of the Stages and how the SA has influenced the development of the LDP.

SA Scoping Report

2.12 The initial stage of the SA process involved the preparation of a 'Scoping Report' which reviewed the existing relevant baseline information considered relevant to inform the emerging LDP. The scoping exercise identified the key sustainability issues for the plan area and established a baseline for Swansea. The Scoping Report also set out the Sustainability Framework, which contains the SA objectives and indicators which are used to assess the plan's policies and proposals. The components of the SA framework reflect the issues highlighted within the Scoping Report.

2.13 Public consultation on the SA Scoping Report took place from 27th September 2010 for two months. In accordance with the statutory requirements of the SEA directive, the relevant named Consultation Bodies were consulted. However, the Scoping Report was also published for wider public consultation. The Scoping Report was updated in 2012 to take account of the consultation responses received and the latest available data. The updated Scoping report was finalised in February 2012.

Sustainability Appraisal of the Emerging Plan

Vision, Strategic Objectives and Strategic Options

2.14 Draft versions of the LDP Vision and Strategic Objectives were assessed against the SA Framework at the non-statutory Vision Objective and Strategic Options (VOSO) stage in 2012. The SA was not undertaken on the Strategic Options which were presented in the VOSO due to the large number of variables that would have to be assessed and the fact that many of them would not realistically be taken forward. Instead, the growth options were assessed at Preferred Strategy Stage following the public consultation exercise and subsequent revision of the Strategic Options to focus on realistically viable and sustainable options and reducing the total number of variables.

2.15 The recommendations from the SA of the VOSO with regard to the Vision and Strategic Objectives were contained within the Appendices of the SA Report, together with action taken. The iterative process resulted in amendments to 11 objectives.

The SA Report of the Preferred Strategy, 2013

2.16 The SA Report 2013 contained an appraisal of the Vision, Objectives, Strategic Growth Options, Spatial Options and Strategic Policies against the SA

objectives in the SA Framework; updated the environmental baseline and the predicted effects with and without the implementation of the LDP. The SA of the Preferred Strategy was subject to public consultation in 2013 alongside the Preferred Strategy document (LDP10a and 10b). Appendix 7 of the SA Report tables the SA comments and recommendations together with the response (action taken) of planning policy team, demonstrating the iterative nature of the SA process. The SA process resulted in amendments to the Plan's Vision, Objectives, Growth Strategy, Spatial Strategy and Strategic Policies.

- 2.17 The HRA (LDP13) resulted in the inclusion of several mitigation measures in the Final Preferred Strategy of the final Preferred Strategy, 2014 recommended further mitigation measures for the Deposit Plan to address identified issues for European sites.

Revised SA of the Final Preferred Strategy, 2014

- 2.18 The Revised SA Report 2014 (LDP11) concluded that the amendments to the Preferred Strategy following public consultation were relatively minor, focusing on housing figures and spatial strategy together with amendments as a result of the HRA. The Report recommended an additional Growth Option which blended the most sustainable spatial elements of the presented strategies, as well as the importance of mitigation being properly addressed by the Deposit Plan. Due to the minor changes to the Preferred Strategy it was considered unlikely that the effects on the County's environment, economy or people's health and well-being with implementation of the Preferred Strategy would be significantly different from those outlined within the initial SA Report. Appendix 7 of the SA Report tables the SA comments and recommendations together with the response (action taken) of planning policy team, once again demonstrating the iterative nature of the SA process.
- 2.19 The HRA of the final Preferred Strategy, 2014 recommended further mitigation measures for the Deposit Plan to address identified issues for European sites.

Deposit SA

- 2.20 The SA Report of the Deposit LDP (LDP 08, 09a and 09b) provides an update to the previous SA Reports and was published in July 2016 alongside the Deposit Plan as part of the Deposit Plan public consultation. During the formulation of the Deposit Plan the SA provided an iterative framework which allowed for the development of a robust Plan and policy framework, ensuring sustainability considerations were embedded throughout the Plan, including allocated site selection. Appendix 7 of the Report tables SA recommendations and the response (actions) of the strategic planning team and how the comments were taken in to account during Plan formulation.
- 2.21 The HRA (LDP14) was able to screen out several earlier issues, because of the implementation of previously recommended mitigation measures. The overall HRA conclusion was that with the incorporation of certain identified mitigation measures, implementation of the Plan would not have an effect on any European site.

Updates to Deposit SA – December 2017

- 2.22 Updates were made to the SA Report in response to Inspectors' questions and this was published in December 2017 (reference ED006.8) prior to the start of the Examination in Public (EiP).
- 2.23 The HRA was updated in October 2017 (LDP14), February 2018 (ED017) and again in June 2018 (ED095), the latter involved an Appropriate Assessment. As a result of these updates the overall conclusion of the HRA remained unchanged.

The Assessment and Selection of Sites

- 2.24 Reasonable alternatives were considered during the SA of Housing Growth Options, SA of Spatial Growth options and SA of Site Options. The Council undertook an extensive process which considered a whole range of Candidate sites in accordance with a detailed site assessment methodology. Some sites were screened out in the early stages of the assessment process, those that progressed to the final stage of the process had a full site appraisal in accordance with with candidate site methodology which incorporated SA of sites using the **Council's SA Candidate Site Scoring Guide (see Appendix 2 of SA Report)** , from which the final site allocations in the Deposit Plan were selected. The consideration of site options was an iterative process that was been carried out simultaneously to Plan preparation.
- 2.25 The process of considering site options through the SA are outlined within Deposit SA Report 2016, Revised SA Report 2017 and Updated SA Report 2018 Chapter 9 (ED096).

Matters Arising Changes and Inspectors Matters Arising Changes 2018

- 2.26 In response to agreed action points at the Examination hearing sessions, the Council published Matters Arising Changes (MACs) together with Inspectors Matters Arising Changes (IMACS) which have been made to the Deposit Plan for consultation between 31st October and 14th December 2018. The SA Report has been updated to take them into account (ED096), together with SA recommendations and actions from the Strategic Planning Team detailing how they have been taken into account.
- 2.27 The HRA of the MACs and IMACs, as an addendum to the main HRA (ED095a), screened out any likely significant effects for European sites. This assessment was also made available during the MAC consultation.

Adopted LDP

- 2.28 The SA of the Adopted Plan is the final stage of the process. The majority of the MACs published for consultation are recommended by the Inspector within the Inspectors Report. All MACs were subject to SA and considered within the 2018 SA Report, see Appendix 11 for full details of the screening and reassessment of Policies subject to MACs. The process identified a small number of further minor amendments to provide further clarity to the Plan. The

Inspector's Report includes a further seven Inspector proposed changes (IMACs) (including 5 which had previously been made [ED097] and were subject to SA within the 2018 SA Report) which the Inspectors concluded are needed to make the Plan sound. These are acknowledged in the final SA Report. The Inspectors concluded that:

'these changes are in line with the substance of the overall Plan and its policies, and do not undermine the Sustainability Appraisal (SA) and the participatory processes undertaken.'

2.29 The HRA of the adopted Plan considered the Inspector's binding recommendations to the MACs, including IMACs. It takes the form of an update to the original addendum (ED095a) and the overall screened out conclusion resulting from the assessment of the MACs and IMACS remains unchanged. The final HRA consists of the latest updates of both the HRA of the Deposit Plan [ED095] and the addendum relating to the MACs and IMACs ([ED095a] as amended following the Inspectors' Report.)

2.30 The SA and HRA of the Adopted Plan is available for viewing alongside the other statutory documents, including the Inspector's Report.

2.31 The integration of environmental considerations into the LDP has, therefore, been undertaken progressively and iteratively as the Plan has developed. The Scoping Report ensured that the sustainability issues most relevant to the Plan area were identified; and the Strategy and individual policies have been appraised against this framework of Sustainability Objectives. In this respect, the Inspectors, within their Report confirm that:
'we are satisfied that the general approach to SA/SEA is robust and that the procedural and legal requirements have been met'.

In respect of the HRA, the inspectors state that:

'In accordance with the Habitats Directive a shadow Habitats Regulations Assessment (HRA) of the deposit Plan was undertaken. The corresponding report as originally submitted was updated to respond to representations made by Natural Resources Wales (NRW), including in relation to the Carmarthen Bay and Estuaries European Marine Site (CBEEMS). The HRA was again revised during the examination to take account of likely future updates to the CBEEMS Memorandum of Understanding.

The European Court of Justice ruled in April 2018 that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of a plan on a European site at the screening stage. In response to this Court judgment the Council revisited the HRA. As certain elements of the Plan have the potential to result in likely significant effects on the CBEEMS and Crymlyn Bog Special Area of Conservation, the revised HRA Report incorporates an Appropriate Assessment (AA). The AA identifies that, subject to certain identified mitigation measures, the Plan would have no adverse effect on the integrity of European Protected Sites, either alone or in combination with other plans and projects. As the mitigation measures identified in the AA would be incorporated within the Plan via six MACs, we are content that the Habitats Directive has been complied with.'

c) How opinions expressed in relation to the consultations on the Plan and environmental report have been taken into account

- 2.32 The SA process and has been undertaken in accordance with: Article 6 of the EU Directive 2001/42/EC; the Environmental Assessment of Plans and Programmes Regulations 2004; and the Council's Community Involvement Scheme (CIS).
- 2.33 The statutory Consultation Bodies (namely NRW and Cadw) were consulted in accordance with the Regulations. In addition the public and a wider range of interested stakeholders were also consulted. In this respect, the Council's Delivery Agreement and CIS identified other relevant specific and general consultees in addition to others who had requested to be consulted and who were contained on the council's LDP consultation database
- 2.34 Consultation with the Consultation Bodies, range of stakeholders and members of the public was undertaken at the following key statutory stages:
- SA Scoping (2010)
 - SA Preferred Strategy (2013 and 2014)
 - SA of Deposit LDP (2016)
 - SA of MACs and IMACs (2018)
- 2.35 Responses to the consultations are contained within the Council's Consultation Reports (Initial Consultation Report LDP016a, Initial Consultation Report Appendices LDP016b and Deposit Consultation Report LDP 017). The SA Report was updated in 2017 following initial questions from the Inspector (Updated SA Report ED006.8) and further updated in 2018 following the Examination in Public in order to take in to account evidence which had been updated since the Deposit SA was undertaken and to clarify the content of the Report, ensuring it was expressed in a clear and transparent manner.
- 2.36 The Inspectors considered comments in relation to the SA Report, SA of MACs and IMACs and concluded that:
"we are satisfied that the general approach to SA/SEA is robust and that the procedural and legal requirements have been met".
- 2.37 Further Inspectors binding recommendations contained within the Inspectors Report are considered by the Inspectors to be:
"in line with the substance of the overall Plan and its policies, and do not undermine the Sustainability Appraisal (SA) and the participatory processes undertaken."
- 2.38 Similarly, consultation on the HRA with the full range of stakeholders was undertaken at the pre-deposit (2013 & 2014), deposit (2016) and MACs and IMACs (2018) stages. Consultation responses to the HRA of the deposit Plan [LDP14] are contained within the Council's consultation Report [LDP17] and demonstrate that all comments received were duly taken into account.

d) How the results of any transboundary consultation have been taken into account

- 2.39 Adjoining authorities were consulted during the SA process but no transboundary issues were raised through the SA process apart from potential issues relating to air quality along major transport corridors and water quality within the CBEEMS. These issues were examined in more detail via HRA and resulted in amendments to the Plan.
- 2.40 The HRA considered the effects of the LDP beyond the Swansea administrative boundary in respect of the impacts on European sites. It was concluded that subject to certain identified mitigation measures, the implementation of the LDP would not result in a likely significant effect on the integrity of any European Site (including those beyond the Swansea administrative boundary) either alone or in combination with other plans and projects.

<p>e) The reasons for choosing the Plan as adopted in the light of the other reasonable alternatives dealt with</p>

- 2.41 Reasonable alternatives were considered at three specific stages of the SA process: SA of Housing Growth Options; SA of Spatial Growth Options; and SA of Site Options.
- 2.42 Details on the consideration of both Housing Growth Options and Spatial Options at the Preferred Strategy Stage, are set out within the Chapter 6 of the SA Report. Five Growth Options were identified in the Draft Preferred Strategy, all of which were subject to SA. Growth option 3 (16,700 dwellings) was considered the preferred option, however consultation responses considered that the figure was too low. Following the publication of the 2011-based Welsh Government household projections in February 2014, the growth options were revisited. The revised options were also subject to SA and the Council considered a preferred option of 17,100 dwellings, which would help support the Council's regeneration and economic aspirations, whilst meeting the Welsh Governments projected growth figures.
- 2.43 The SA process helped to inform the selections of the spatial strategy contained within the Preferred Strategy and provided a mechanism through which reasonable alternatives were considered. The draft Preferred Strategy considered 4 alternative spatial growth options, together with a 'business as usual' option. Using the SA framework, the SA considered the 4 alternative spatial growth Options presented in the Preferred Strategy and predicted the likely positive and negative effects of each. Specific sites were not assessed at this stage. The SA process recommended that the approach required in order to achieve the most sustainable form of development and address existing capacity issues was therefore to pursue a blend of a limited number of strategic development sites, supported elsewhere by small to large-scale edge of settlement allocations, including limited rural/semirural extensions.
- 2.44 The SA process has been iterative, and has helped to inform the selection of sustainable sites, from the first candidate site submission to the continual review and development of the sites as Strategic Development Areas and allocations within the Plan. Whilst is not the role of the SA to decide on the alternative to be chosen for the LDP, the SA has provided information to make the decision making process more reliable and transparent. Chapter 6 sets out

how site options were considered during the emerging plan stages and explains how Stages 1 and 2 of the candidate site process effectively filtered out sites which were not considered to be realistic alternatives. This included sites which failed to meet the Preferred Spatial Strategy. Chapter 7 sets out the process of appraisal of all sites which progressed to Stage 3 which as a result of the earlier screening process were considered to have a realistic prospect of being found sound. A detailed appraisal was undertaken of all Stage 3 sites using the Council's Candidate Site Scoring Guide (see Appendix 2). This included a consideration of the viability and deliverability of each site. Full details of the results of the appraisal are set out in Table 17 of the Report.

2.45 Chapter 9 of the SA Report (ED096) summarises the consideration of reasonable alternatives throughout the whole plan process and outlines the reasons for selecting the strategy and sites contained in the Plan as adopted.

2.46 On the issue of consideration of reasonable alternatives the Inspectors' Report concluded that:

"Prior to the examination the deposit Plan was subjected to SA incorporating SEA. The SA Report as originally submitted provides a summary of the strategic alternatives considered and outlines the reasons for selecting the deposit Plan's strategy, site allocations and policies. Parts of the SA Report were updated during the examination to provide further clarity about the candidate site assessment process. The report has been further updated to take account of changes to the Plan arising from the examination."

"The detail provided in the SA Report in relation to specific sites is proportionate and the reasons for selecting site allocations are sufficiently outlined. There is little evidence of other realistic site-specific alternative being available."

f) The measures that are to be taken to monitor the significant environmental effects of the implementation of the Plan

2.47 LDP Regulation 37 of the Town and Country Planning (LDP) (Wales) Regulations 2005, requires that the Council prepare, and subsequently submit to Welsh Government, an Annual Monitoring Report (AMR). This is required to monitor specific items, as well as identifying where and why policies of the Plan are not being implemented.

2.48 In addition, Regulation 17 of the SEA regulations requires that the Council must monitor the most significant effects of the Plan. Chapter 12 of the Updated SA Report (ED096) details how the key issues for monitoring will be those areas of the environment where the SA has indicated that implementation of the LDP will have the most significant likely effect. In order to avoid duplication between the monitoring undertaken for the SEA and LDP, some indicators have been combined for the two processes to aid clarity.

2.49 The LDP Monitoring Framework, as set out within Chapter 4 of the Adopted LDP, provides the basis for measuring policy performance. In this respect, the implementation of the LDP will be monitored with appropriate regard to the objectives and outcomes of the SA.

2.50 Monitoring the Plan and its significant environmental effects are statutory requirements that will be undertaken through the AMR. The first AMR will be submitted to Welsh Government by 31st October 2020.

2.51 On the issue of monitoring, the Inspectors have concluded that the Monitoring Framework proposed for inclusion within the Adopted Plan:
“would include relevant targets and trigger points for core indicators. These would be complemented by a number of local indicators that would be used to monitor specific policies. Overall, we are satisfied that these proposed amended indicators, targets and trigger points are appropriate. They would allow the Council to accurately monitor the Plan’s implementation, and to identify whether individual policies and allocations should be revised or whether the Plan strategy requires more comprehensive updating. On the basis of the foregoing, we are satisfied that the Plan’s monitoring and review mechanisms are soundly based.”

Further Information

2.51 If you have any queries or would like further information please contact a member of the Strategic Planning team on 01792 635081 or email ldp@swansea.gov.uk

Appendix 4

Sustainability Appraisal Reports

<https://www.swansea.gov.uk/dpsasea>

Appendix 5

Habitats Regulations Assessment Reports

<https://www.swansea.gov.uk/ldphra>

Appendix 6

Schedule of SPG programmed for adoption

Policy (Deposit Plan Ref.)	Title	Existing SPG and Requires Updating to Reflect LDP	Existing Document Not Yet Adopted as SPG	New (to be drafted & adopted over plan period)	Target Adoption Date
PS2, SD2, H8, HC2 RC5, ER4 CV1, CV3 CV4 TR2 TR5 RP9	1. Places to Live Residential Design Guide	x			2019
	2. Infill and Backland Design Guide	x			2019-2021
	3. Design Guide for Householder Development	x			2019
	4. District Centres and Local Centres	x			2022-2025
	5. Gower AONB Design Guide - Update	x			2019
	6. Conservation Area Appraisals (various)			x	2019
	7. Shopfront & Commercial Frontage Design Guide	x			2022-2025
	8. Swansea Tall Building Strategy	x			2019-2025
SDI	9. Swansea Vale Development Strategy	x			2019-2021
SDK, T9	10. Fabian Way Development Framework			x	2019
SDL	11. Tawe Riverside Strategy	x			2019-2021
IO1, IO2, H3, SI3	12. Planning Obligations	x			2019-2021
H1.1	13. Vetch Field	x			2019-2021
H9	14. Houses of Multiple Occupation			x	2019
HC2	15. Locally Important Historic Assets			x	2022-2025
SI5 SI6	16. Open Space			x	2019
SI8	17. Planning for Community Safety	x			2022-2025
RC1	18. Swansea Central Area Regeneration Framework	x			2019-2021
RC1	19. Development Frameworks for Retail Area and/or Complementary Areas within Swansea Central Area			x	Ongoing up to 2025
ER2	20. Swansea Green Infrastructure			x	2019

Policy (Deposit Plan Ref.)	Title	Existing SPG and Requires Updating to Reflect LDP	Existing Document Not Yet Adopted as SPG	New (to be drafted & adopted over plan period)	Target Adoption Date
ER4, ER7 TR5 TR6 TR9 TR10 TR11 RP2	21. Gower Landscape Character Assessment		x		2019-2021
	22. Gower Landscape Sensitivity and Capacity Study for Caravan and Campsites		x		2019-2021
	23. Loughor Estuary, Gower and Swansea Bay Seascape Assessment		x		2019-2021
	24. Lighting Scheme Guidance for Gower AONB	x			2019-2021
	25. Gower Advertising Guidance	x			2022-2025
ER5, CV2 EU11	26. Special Landscape Areas		x		2019-2021
ER6	27. Biodiversity and Development			x	2019
CV2	28. The Use of Land For Horses for Recreational Purposes & Associated Structures, Fences, Access Ways			x	2019-2021
CV3	29. Hareslade Design Guide	x			2022-2025
	30. Holts Field Design Guide	x			2022-2025
	31. Miles Lane Design Guide	x			2022-2025
	32. Sandy Lane Design Guide	x			2022-2025
CV4	33. Conversion of Rural Buildings	x			2019-2021
TR2	34. Swansea Bay Strategy & (various) Development Frameworks for Waterfront Destinations	x			2022-2025
RP13	35. Minerals Safeguarding			x	2022-2025
T6, H9	36. Car Parking Standards	x			2019-2021

Appendix 7

Equality Impact Assessment

www.swansea.gov.uk/ldpeqia