

SUBJECT: Landscape Supplementary Planning Guidance

MEETING: Individual Cabinet Member Decision (Enterprise and Land Use Planning)

DATE: 27th November 2019

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

- 1.1 This report seeks the Cabinet Member for Enterprise and Land Use Planning's endorsement to issue the Draft Landscape Supplementary Planning Guidance (SPG) for consultation.

2. RECOMMENDATIONS:

- 2.1 For the Cabinet Member for Enterprise and Land Use Planning to endorse the issuing of the Draft Landscape Supplementary Planning Guidance (SPG) for a consultation exercise to seek comments on the document prior to any formal adoption of the SPG. The SPG will provide guidance and clarity to help guide developers, agents and officers in effectively managing the landscape through the planning process.

3. KEY ISSUES:

- 3.1 The Monmouthshire Local Development Plan (2011-201) was adopted on February 2014 to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). This statutory development plans contains a number of policies relating to development in the County's settlements which manage and ensure appropriate development within the county through the planning process. Monmouthshire's landscape is a key characteristic of what makes the county special. The landscape is a key asset of the County and its preservation and enhancement contribute to maximising benefits for the economy, tourism, health and well-being. The conservation and protection of landscape quality is an important consideration of a planning application and so there are key policies within the adopted Local Development Plan. This SPG seeks to provide further guidance on the implementation and interpretation of the following LDP policies.

- S13 – Landscape and Nature Conservation – *Development proposals must maintain the character and quality of the landscape; Maintain, protect and enhance the integrity and connectivity of Monmouthshire's green infrastructure network; Protec, positively manage and enhance biodiversity and geological interests including designated and non-designated sites and habitats and species of importance and the ecological connectivity between them; Seek to integrate landscape elements, green infrastructure, biodiversity features and ecological connectivity features to create multifunctional interconnected spaces*

that offer opportunities for recreation and healthy activities such as walking and cycling.

- LC5 – Protection and Enhancement of Landscape Character; *Development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects. Particular emphasis will be given to those landscapes identified through the LANDMAP Landscape Character Assessment as being of high and outstanding quality because of a certain landscape quality or combination of qualities.*

- 3.2 Selective use of SPG is a means of setting out more detailed thematic or site specific guidance in the way in which the policies of and LDP will be applied in particular circumstances or areas. SPG can be a material consideration in the determination of planning application, provided that it is consistent with the development plan and appropriate consultation has been undertaken.

Draft Landscape SPG

- 3.3 The Draft Landscape SPG is attached to this report as **Appendix 1**. The SPG is intended to provide clarity for applicants, officers and Members in the interpretation and consideration of the protection of the Landscape in the planning process. The Draft Development Plans Manual Edition 3 (Welsh Government, June 2019) notes that

Only the policies in the adopted development plan have special status under section 38(6) of the PCPA 2004 in deciding planning applications. However, SPG can be taken into account as a material consideration provided it is derived from and is consistent with the adopted development plan and has itself been the subject of consultation, which will carry more weight.

SPG does not form part of the development plan and is not subject to independent examination, but it must be consistent with the plan and with national planning policy. SPG cannot be linked to national policy alone; there must be an LDP policy or policy criterion that provides the development plan 'hook' whilst the reasoned justification provides clarification of the related national policy.

- 3.4 The Draft SPG sets out detailed matters that need to be taken into account when considering proposals that are likely to have an effect on the landscape, in particular the parts of the county's landscape that is considered to have a high or outstanding quality. The SPG provides guidance as on the positive management and enhancement of Monmouthshire landscape through the planning process. The document outlines the Council's expectations of how landscape character should be considered as part of place making and identifies landscape types and character areas. The guidance aims to promote early engagement with developers and explains the planning process with guidance on when and what level of surveys will be required with applications and how developments can aim to preserve and enhance landscape character.

- 3.5 As referred to above for SPG to be given weight in the consideration of planning applications, appropriate consultation needs to be undertaken and any comments received should be taken into account in the Council's decision making process. Following a resolution to consult, targeted notifications will be sent to those considered to have an interest in the SPG topic such as local agents. All town and community councils will also be consulted. The consultation will be publicised via our Twitter account @MCCPlanning and the corporate Monmouthshire Twitter account. All consultation replies will be analysed and responses/amendments reported for Members' consideration when seeking a resolution for the adoption of any SPG document.

Sustainable Development and Equality Implications

- 3.6 Under the Planning Act (2004) the LDP was required to be subject to a Sustainability Appraisal (SA). The role of the SA was to address the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environmental Assessment Directive 2001/42/EC; requiring the 'environmental assessment' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA, therefore and the findings of the SA/SEA were used to inform the development of the LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. SPG is expanding and providing guidance on these existing LDP policies, which were prepared within a framework promoting sustainable development.

Equality

- 3.7 The LDP was also subjected to an Equality Challenge process and due consideration was given to the issues raised. As with the sustainable development implications considered above, SPG is expanding and providing guidance on these existing LDP policies, which were prepared within this framework.

4. OPTIONS APPRAISAL

- 4.1 The option in relation to the Draft SPG are as follows:

Option	Benefits	Risks	Comments
1 Endorse the Draft SPG as attached for consultation	The SPG will provide guidance and clarity to help guide developers, agents and officers in effectively managing and preserving Monmouthshire's unique landscape, which is a key asset of the County which benefits the economy, tourism, health and well-being	The SPG is not appropriate and does not provide the required level of policy guidance to protect and enhance landscape character.	This is the preferred option
2 Endorse the Draft	Any comments received in response to the consultation	None	

SPG for consultation with amendments	on the Draft SPG will be analysed and the document will be amended, as appropriate, prior to reporting for Members' consideration to seek a resolution to adopt the SPG		
3 Do nothing in relation to the Draft SPG	None	The option of doing nothing would not provide clarity and guidance when considering the effective management and preservation of Monmouthshire's Landscape.	

4.2 Recommendation:

Based on the reasons above, Option 1 (to endorse the Draft SPG as attached for consultation) is the preferred option.

5. **Evaluation Criteria**

- 5.1 We will monitor success via the Annual Monitoring Report (AMR) process, which is reported to Economy and Development Select Committee annually (every September/October). We will also review how the SPG is used in decision-making via team meetings between Planning Policy and Development Management Officers and by reviewing relevant appeal decisions.

6. **REASONS:**

- 6.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27th February 2014 and decisions on Planning applications are being taken in accordance with policies and proposals in the LDP. This draft sets out how the landscape will be managed through the planning process and provides clarity in relation to the landscape character areas of Monmouthshire.

7. **RESOURCE IMPLICATIONS:**

- 7.1 Officer time and costs associated with the preparation of SPG documents and carrying out the required consultation exercises. Any costs will be met from the Planning Policy and Development Management budget and carried out by existing staff.

8. **WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING):**

The are no significant equality impacts identified in the assessment (Appendix C). .

There may be beneficial impacts economically or to quality of life from quicker decisions in some instances given the wider pool of staff. The actual impacts from this report's recommendations will be reviewed regularly with programmed periodic evaluations. The criteria for monitoring and review will include: collating data on numbers of applications, time taken to determine, types of applications/work area pressures and general managerial feedback.

9. CONSULTEES:

MCC Development Services Manager and Officers –provided advice in relation to the extent of content in volume 1 and the character areas to simplify and make the information more legible.

Planning Policy Team – responded in relation to the recent policy changes and in relation to how the SPG will align with the emerging LDP.

The SPG has been drafted by the Senior Landscape and Urban Design Officer in close liaison and collaboration with the GI and Countryside Team.

10. BACKGROUND PAPERS:

See appendix A – Draft Landscape SPG

11. AUTHOR:

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