

MONMOUTHSHIRE COUNTY COUNCIL

Agenda Item 3

**Minutes of the Economy and Development Select Committee
held at County Hall, Usk
on Thursday 13th March 2014 at 10.00 am**

PRESENT: County Councillor J.L. Prosser (Chairman)

County Councillors: G. Down, D.L.S Dovey, D.L. Edwards, D.J. Evans,
P. Jordan and S. White.

County Councillors R. Edwards, S. Howarth, G. Howard and A. Webb.

OFFICERS IN ATTENDANCE:

Mrs K. Beirne	- Chief Officer, Enterprise
Mrs T. Harry	- Head of Democracy and Regulatory Services
Mr P. Thomas	- Development Control Manager
Mr M. Moran	- Community Infrastructure Co-ordinator
Miss H. Ilett	- Scrutiny Manager
Mrs S. King	- Democratic Services Officer

ALSO IN ATTENDANCE:

Mr C. Morgan	- Director of Planning, Brecon Beacon National Parks
Mr I. Wyatt	- Head of Developer Services, Welsh Water

1. WELCOME AND APOLOGIES FOR ABSENCE

The Chairman welcomed everyone present and introduced invited guests from Brecon Beacons National Parks and Welsh Water.

Apologies for absence were received from County Councillor R. Hayward, S. Jones.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CONFIRMATION OF MINUTES

We received the minutes of the Economy and Development Select Committee as follows:

- i) **30th January 2014**

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We received the minutes of the Economy and Development Select Committee held on 30th January 2014 were confirmed as an accurate record and signed by the Chairman.

It was noted that any actions should be summarised in bold type.

ii) **20th February 2014 – Special Meeting**

We received the minutes of the Economy and Development Select Committee held on 20th February 2014 were confirmed as an accurate record and signed by the Chairman, subject to the following changes:

A member requested that due to the controversial nature of the previous meeting, the minutes reflected the spirit of discussion and detail should be included which echoed concerns and reasons why members were opposed to parking charges for blue badge holders.

- **Pg 19 (fifth bullet) – change no to not**
- **Pg 21 (third bullet) – Remove ‘Some views were expressed that disabled badge holders should not be charged for parking’ change to **Two members of the committee were strongly opposed to charging for blue badges and felt that it was potentially discriminatory.****

4. PUBLIC OPEN FORUM

There were no members of the public present.

It was suggested that meetings could be publicised through the Communications Team.

5. SCRUTINY OF PLANNING MATTERS

i) Planning Services

We welcomed the Monmouthshire County Council Development Control Manager and the following points were highlighted:

- Planning department consists of 3 Managers, 8 Application Officers, 3 Enforcement Officers, 3 Conservation Officers and 5 Support staff.
- Over the last year there had been steady improvement in relation to performance indicators. In the past, approximately 53% of applications were determined within 8 weeks this has increased to 80%.
- The department had refocused and the aim was to provide good service for customers, in term of end to end measures. The process from when the application is received to when it would be determined. Additional focus was

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also on the national 8 week figure, the department had performed well on both.

- Application numbers had been similar to last year, region of 1000 applications. An increase since January, 270 since beginning of January which was 34% up on this time last year.
- Undertaken work on systems thinking review, improving website and information to support the complicated planning process.
- Improved consultation process with highways and community councils, also phone calls regarding pre-commencement conditions.
- Need to develop how to progress, in before and after study of applications and design tour for members.
- In terms of enforcement, planning enforcement seen as important function and team closed 70% of cases within 12 weeks. Welsh government changed definition of how cases closed, team performance slipped from 80% to 70% small team. Review being undertaken regarding the planning enforcement process.
- In terms of complaints, planning is a potentially contentious issue, will never avoid getting complaints lodged about planning process and how decisions are reached.
- Complaints tend to be about how we reach decision, also look to see whether the process has been fair and robust. Must explain to objectors that action should be taken in a proportionate way. Objectors measure can be a lot lower than what a reasonable person would consider.
- Next year emphasis would be on pre-application advice. The scheme had been approved by Cabinet, with a structured hierarchical approach. Larger schemes would have more of a structured approach, which would result in increased costs for a developer.

During discussion members raised the following:

- In relation to performance indicators, the approval rate had stabilised, national average was 90% 2012-13, Welsh Government were keen for negotiations to take place. Realignment of resources was an issue to be considered, there was one vacant post at present and the position would have to be monitored.
- Information was requested regarding the implication to authority in terms of legal cases. It was noted that the Authority would be vulnerable to challenge and a third party would be able to seek judicial review, with cost implications.
- Discussions held regarding consequences of members being involved in taking decisions. Members could seek guidance on risks associated to members and legal implications, protocols are in place to cover eventualities. Highlighted that members would be indemnified regarding planning decisions but only variant is if process frustrated or protocol contravened.
- We were advised that from an application being approved, the applicant would usually be notified the following week. However, time would be extended if S106 was involved and the legal team would need to draw up an agreement.

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- Members were informed that general advice for planning applications would be free of charge, however, charges would be introduced when the application is site specific.
- Further work would be undertaken and clarification provided regarding issues surrounding public speaking.
- We were advised that the majority of applications which are submitted to the Town Council, have mutual agreement.
- The Chairman commented on engagement of members at delegated panels and noted that the scheme had become streamlined and progress would be followed.

We thanked the officer for attending and providing information to the committee.

ii) Welsh Water

We welcomed Mr I. Wyatt, responsible for Welsh Water developed service function covering the majority of Wales.

Welsh Water is a not for profit company with approximately 3 million customers in the area. The water and sewerage industry heavily regulated and there is a requirement to operate within significant legislative framework. A 5 year periodic review process would be undertaken to see what has occurred. Investment would be driven by UK and European legislation, also business plan consisting of what customers are willing to undertake.

The planning process would be the only protection in terms of protecting communities and environment. A considerable number of applications are considered from Monmouthshire, and during the process infrastructure capability would be investigated, as well as any conflicts with assets and how to remedy constraints.

Welsh Water were grateful for the support of Monmouthshire County Council Officers, good working relationships were in place in development control and planning. Consulted on major applications, with the main objective to support development within whole area and invest heavily in supporting economic growth.

Early engagement with developers and applicants was encouraged, and a pre-planning service was offered. Aspects that have changed are flood and water management act. Section 42 of the flood water management act was enacted in 2012, therefore, it is not possible to connect with the sewer network without adoption being in place. Drainage has to be considered by applicants at an earlier stage and a review of drainage matters in advance will be more beneficial.

Members were invited to ask questions and during discussion we noted the following points:

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- The committee welcomed the positive information.
- We were advised that there were benefits to customers through competition within the water industry on water and waste but not for domestic customers. Sewerage water undertakers, domestic, residential and industrial developments were in place.
- Government has a lead role, throughout England and Wales, however, there was a differing approach. Through a forward plan DEFRA encouraged a further push for wider competition.
- Investment for the whole operating area would be approximately £1.3-1.5 billion, this would be variable in terms of customer numbers and geographical areas.
- Information was requested regarding where improvement in the engagement process would be required. It was noted that there were positive aspects and improvements had occurred.
- Further information to be provided regarding the approach of building more effectively in terms of assets and infrastructure.
- Clarification to be provided regarding the plans/proposals for water storage and pest control.

iii) The Brecon Beacons National Park

We welcomed Mr Morgan, Brecon Beacons National Park.

Brecon Beacons Planning Authority was special purpose authority, with an area consisting of 9 unitary authorities with land in parks. The authority had a recently adopted an LDP and had a planning obligation. A paid pre-application service had been operated for 3 years, only for larger scale developments, free services and surgeries would be available for households.

A Service Level Agreement was in place with Powys and the Authority had processed a large number of applications in Powys, for determination. Training programmes had been undertaken for town and community councils, events had been held this year and last year.

A link would be circulated to the website to access the S106 agreement. This detailed the planning obligation strategy, of what is expected for each development. An LDP was in place, as well as a Unitary Development Plan.

Members were invited to ask questions and during discussion we noted the following points:

- Information was requested regarding applications determined by planning members, who may have little knowledge of the area being discussed. Decisions are made through national delegation and considerable training would be provided to planning members taking part in committees.

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- We were advised that there was a mechanism in place to improve engagement and it was suggested that this information should be available to town and community councils.
- Brecon Beacon Parks Members had been advised by their monitoring officer that when an application is received by the parks it was appropriate for members of the unitary authority to leave the room.
- Many applications were within wards of the national parks, site visits had been debated but generally members chose to respect the objectivity of reports.
- Link to website to be provided, for access to scheme of delegation and protocol.
- Information would be provided regarding S106 queries and process.
- In summary, it was noted that areas of engagement that could be improved were, 1) more prompt and quicker responses to consultation and 2) consider provision of SLA, as parks have with Powys, reciprocal arrangement as demand rises and falls.

Prosser thanked the Brecon Beacons Parks Officers for attending and for the informative discussion.

iv) Leisure Services

We welcomed the Community Infrastructure Co-ordinator and we were presented with a briefing note which advised elected members of the processes involved in asking developers for Section 106 contributions when proposals for residential development were being considered.

When Local Planning Authorities (LPAs) consider planning applications submitted to them for residential developments in their area, they are entitled to grant planning permission subject to the applicant entering into a Section 106 Agreement.

This entitlement is contained in Section 106 of the Town and Country Planning Act 1990, hence the term "Section 106 Agreement" (S106).

A S106 Agreement is an impact mitigation measure considered necessary by the LPA to reduce the impact of the new development proposed.

The three statutory tests that the LPA has to satisfy when asking an applicant to enter into a S106 Agreement are as follows:

- Is it (the measure) necessary?
- Is it directly related (to the application site)
- Is it fairly & reasonably related in scale & kind (to the application site)

Development proposals vary from one site to another but, in general terms, the type of provisions taken into account when considering a S106 Agreement are as follows:

- Affordable Housing
- Education

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- Open Space/Recreation
- Play Provision
- Highway Works

In most S106 Agreements provision is made for all of the above elements with the exception of an education contribution, which can only be requested where the LPA can demonstrate that the new development will create a need for additional classroom accommodation because the increased number of pupils will exceed the capacity of a particular school – the LPA cannot request a contribution towards repairs and improvements to a school. This is regarded as a statutory responsibility of the Local Education Authority.

By and large the affordable housing requirements will be specified as having to be met within the application site under consideration, but the scope exists to ask for an off-site contribution where appropriate.

Similarly, the highway requirements should relate to the development site and should address highway issues created or likely to be created as a result of the new development if it is granted planning permission.

Ideally, developers would make open space/recreation and play provision within the application site on every occasion but what usually happens is that the developers are happy to agree to give financial contributions to fund off site capital works to mitigate the impact of their developments. These capital contributions are made on the basis of an agreed figure for each dwelling constructed – the current figure for off-site open space/recreation contributions in Monmouthshire is £2,898 per dwelling and £600 per dwelling for off-site contributions towards play provision.

Members were invited to ask questions and during discussion we noted the following points:

- The committee welcomed the simplicity of the document which was easy to read and thanked the officer for presenting the information.
- Clarification was requested regarding consultees on the development at Coopers Site. We were informed that those consulted were specified within the agreement.
- The Whole Place framework was set out to ensure that the authority would be more coordinated in how money was spent on buildings.
- The authority would need to look at how it plans for other facilities, the key would be to bring forward schemes that are achievable so that funds can be applied but to do before is appropriate, it would be important to start the process as soon as possible.
- Local members had been part of the process. Difficulties occurred where there was a requirement to be objective.
- There was a requirement to assess local need and further debate would be required when plans were adopted.

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- S106 could be used to raise the profile of what is sought, irrespective of whether or not there is a planning application. In some developments the plan does not show specific areas.
- The committee were advised that some mechanisms were in place regarding S106 planning developments processes and strategic decisions would have to be made.

6. REVENUE BUDGET FORECAST STATEMENT 2013/14 MONTH 9

We received the Revenue Budget Forecast Statement 2013/14 Month 9, which provided Select Committee Members with information on the revenue outturn position of the services relevant to the Economy and Development Select committee at the end of Quarter 3 for the 2013/14 financial year.

The services covered within the report for scrutiny of budget monitoring were:

- Public Life and Culture – including Trading Standards, Environmental Health, libraries, museums, theatre.
- Planning, Place and Enterprise – including Building Control, Development Control, Development Plans, Economic Development and Housing.
- Management of Regeneration and Culture Directorate.

Forecast overspent £136k, major areas for scrutiny were identified as:

- Continued £75k pressure in Countryside due predominately to catering income shortfalls experienced at Caldicot Castle and Country Park.
- £39k legal costs associated with the Borough Theatre's transfer to Trust status.
- £31k over spend in Economic Development as they struggle to meet budgeted income targets.

Members were invited to comment and ask questions. During discussion we noted the following points:

- Further information was requested regarding the Economic Development overspend. We were advised that it related to a one off project with Newport Gwent Enterprise to generate savings. The contract agreement had ended and officers were confident that it was a one off.
- £39k overspend had occurred regarding the borough theatre transfer, due to the requirement to cover the borough theatre costs as well as Monmouthshire County Council costs.
- Details were requested regarding the pressures at Caldicot Castle, particularly £75k due to catering. Clarification was required in terms of

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measures in place and discussions that had been held with the town council.

- In response, we were advised that the asset was a monument which was in disrepair. Catering had been outsourced, for weddings and functions, however, work was required for a future plan. The situation had proved to be difficult and correspondence had been sent to Caldicot Town Council to advise of the position.

7. COORDINATING BOARD 21ST JANUARY 2014

We received the minutes of the Coordinating Board dated 21st January 2014 and the following points were noted:

- As from 1st April 2014, meetings would be paperless.
- Paper copies would not be provided, but members would be able to print their own.
- Spare copies would be available for members of the public.

8. WORK PROGRAMME

i) Select Committee Work Programme 2013-14

We received the Economy and Development Work Programme and noted the following:

- Review meeting to be held on 1st May.
- The Chairman highlighted the importance to look through work undertaken by the committee and discuss actions, resolutions and effectiveness.
- The review process would assist with scrutiny for the next 12 months and would provide members with an opportunity to consider areas beneficial for scrutiny.
- Due to the Chairman being unavailable on 1st May, members discussed date changes and suggested 8th May.

We agreed the work programme and noted changes.

ii) Cabinet Forward Work Planner

We received and noted the Cabinet Forward Work Planner.

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9. DATE AND TIME OF NEXT MEETING

We noted that the next meeting was scheduled for 1st May 2014, to discuss annual performance of the committee.

We resolved that the meeting would be changed to **9th May 2014 at 10am.**

Meeting ended 12.55pm