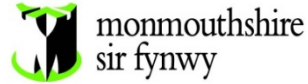


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Neuadd Y Sir
Y Rhadyr
Brynbuga
NP15 1GA

Dydd Mawrth, 18 Chwefror 2020

Annwyl Cyngorydd

PENDERFYNIADIAU AELOD CABINET UNIGOL

Hysbysir drwy hyn y caiff y penderfyniadau dilynol a wnaed gan aelod o'r cabinet eu gwneud **Dydd Mercher, 26ain Chwefror, 2020**..

AGENDA

1. CODI TÂL AR YMGEISWYR AM FONITRO CYTUNDEBAU ADRAN 106

CABINET MEMBER: County Councillor Greenland

AUTHORS:

Craig O'Connor
Head of Planning

Philip Thomas
Development Services Manager

CONTACT DETAILS:

Tel: 01633 644849
craig@monmouthshire.gov.uk

Tel: 01633 644809
philipthomas@monmouthshire.gov.uk

2. ADRODDIAD EITHRIAD - CAIS RHYDDHAD ARDRETHI ANNOMESTIG AR GYFER CALEDI

CABINET MEMBER: County Councillor P Murphy

AUTHOR: Sue Deacy - Revenues Manager (now retired)

Ruth Donovan – Assistant Head of Finance: Revenues, Systems & Exchequer

CONTACT DETAILS:

Tel: 01633 644592

Email: ruthdonovan@monmouthshire.gov.uk

Yr eiddwch yn gywir,

Paul Matthews
Prif Weithredwr

PORTFFOLIOS CABINET

Cynghorydd Sir	Maes Cyfrifoldeb	Gwaith Partneriaeth ac Allanol	Ward
P.A. Fox (Arweinydd)	Strategaeth a Chyfeiriad Awdurdod Cyfan CCR Cyd Gabinet a Datblygu Rhanbarthol; Trosolwg Sefydliad; Gweithio Rhanbarthol; Cysylltiadau Llywodraeth; Bwrdd Gwasanaethau Cyhoeddus; WLGA	Cyngor WLGA WLGA Bwrdd Cydlynu Gwasanaethau Cyhoeddus	Porthysgewin
R.J.W. Greenland (Dirprwy Arweinydd)	Menter Cynllunio Defnydd Tir; Datblygu Economaidd; Twristiaeth; Rheoli Datblygu; Rheoli Adeiladu; Tai a Digartrefedd; Hamdden; Ieuenctid; Addysg Oedolion; Addysg Awyr Agored; Hybiau Cymunedol; Gwasanaethau Diwylliannol	Cyngor WLGA Twristiaeth Rhanbarth y Brifddinas	Devauden
P. Jordan	Llywodraethiant Cefnogaeth y Cyngor a Phenderfyniadau Gweithrediaeth; Craffu; Safonau Pwyllgor Rheoleiddiol; Llywodraethiant Cymunedol; Cefnogaeth Aelodaeth; Etholiadau; Hyrwyddo Democratiaeth ac Ymgysylltu: Y Gyfraith; Moeseg a Safonau; Perfformiad Awdurdod Cyfan; Cynllunio a Gwerthuso Gwasanaeth Awdurdod Cyfan; Cydlynu Corff Rheoleiddiol		Cantref
R. John	Plant a Phobl Ifanc Safonau Ysgolion; Gwella Ysgolion; Llywodraethiant Ysgolion; Trosolwg EAS; Blynyddoedd Cynnar; Anghenion Dysgu Ychwanegol; Cynhwysiant; Cwricwlwm Estynedig; Derbyniadau; Dalgylchoedd; Cynnig Ôl-16; Cydlynu gyda Choleg Gwent.	Cyd Grŵp Addysg (EAS) CBAC	Llanfihangel Troddi
P. Jones	Gofal Cymdeithasol, Diogelu ac Iechyd Plant; Oedolion; Maethu a Mabwysiadu; Gwasanaeth Troseddau Ieuenctid; Cefnogi Pobl; Diogelu Awdurdod Cyfan (Plant ac Oedolion); Anableddau; Iechyd Meddwl; Iechyd Cyhoeddus; Cydlynu Iechyd.		Rhaglan
P. Murphy	Adnoddau Cyllid; Technoleg Gwybodaeth (SRS); Adnoddau Dynol; Hyfforddiant; Iechyd a Diogelwch; Cynllunio Argyfwng; Caffaeliad; Archwilio; Tir ac Adeiladau (yn cynnwys Stadau, Mynwentydd, Rhandiroedd, Ffermydd); Cynnal a Chadw Eiddo; Swyddfa Ddigidol; Swyddfa Fasnachol	Consortium Prynu Prosiect Gwyrdd Cymru	Caerwent

S.B. Jones	Gweithrediadau Sir Cynnal a Chadw Priffyrdd, Rheoli Trafnidiaeth, Traffig a Rhwydwaith, Rheolaeth Stad; Gwastraff yn cynnwys Ailgylchu; Cyfleusterau Cyhoeddus; Meysydd Parcio; Parciau a Gofodau Agored; Glanhau; Cefn Gwlad; Tirluniau a Bioamrywiaeth; Risg Llifogydd.	SEWTA Prosiect Gwyrdd	Goetre Fawr
S. Jones	Cyfiawnder Cymdeithasol a Datblygu Cymunedol Ymgysylltu â'r Gymuned; Amddifadedd ar Arwahanrwydd; Diogelwch y Gymuned; Cydlyniaeth Gymdeithasol; Tlodi; Cydraddoldeb; Amrywiaeth; Y Gymraeg; Cysylltiadau Cyhoeddus; Safonau Masnach; Iechyd yr Amgylchedd; Trwyddedu; Cyfathrebu		Llanofar

Nodau a Gwerthoedd Cyngor Sir Fynwy

Ein diben

Adeiladu Cymunedau Cynaliadwy a Chydnerth

Amcanion y gweithiwn tuag atynt

- Rhoi'r dechrau gorau posibl mewn bywyd i bobl
- Sir lewyrchus a chysylltiedig
- Cynyddu i'r eithaf botensial yr amgylchedd naturiol ac adeiledig
- Llesiant gydol oes
- Cyngor gyda ffocws ar y dyfodol

Ein Gwerthoedd

Bod yn agored. Rydym yn agored ac yn onest. Mae pobl yn cael cyfle i gymryd rhan mewn penderfyniadau sy'n effeithio arnynt, dweud beth sy'n bwysig iddynt a gwneud pethau drostynt eu hunain/eu cymunedau. Os na allwn wneud rhywbeth i helpu, byddwn yn dweud hynny; os bydd yn cymryd peth amser i gael yr ateb, byddwn yn esbonio pam; os na allwn ateb yn syth, byddwn yn ceisio eich cysylltu gyda'r bobl a all helpu - mae adeiladu ymddiriedaeth ac ymgysylltu yn sylfaen allweddol.

Tegwch. Darparwn gyfleoedd teg, i helpu pobl a chymunedau i ffynnu. Os nad yw rhywbeth yn ymddangos yn deg, byddwn yn gwrando ac yn esbonio pam. Byddwn bob amser yn ceisio trin pawb yn deg ac yn gyson. Ni allwn wneud pawb yn hapus bob amser, ond byddwn yn ymrwymo i wrando ac esbonio pam y gwnaethom weithredu fel y gwnaethom.

Hyblygrwydd. Byddwn yn parhau i newid a bod yn hyblyg i alluogi cyflwyno'r gwasanaethau mwyaf effeithlon ac effeithiol. Mae hyn yn golygu ymrwymiad gwirioneddol i weithio gyda phawb i groesawu ffyrdd newydd o weithio.

Gwaith Tîm. Byddwn yn gweithio gyda chi a'n partneriaid i gefnogi ac ysbrydoli pawb i gymryd rhan fel y gallwn gyflawni pethau gwych gyda'n gilydd. Nid ydym yn gweld ein hunain fel 'trefnwyr' neu ddatrys-wyr problemau, ond gwnawn y gorau o syniadau, asedau ac adnoddau sydd ar gael i wneud yn siŵr ein bod yn gwneud y pethau sy'n cael yr effaith mwyaf cadarnhaol ar ein pobl a lleoedd.

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SUBJECT: CHARGING APPLICANTS FOR THE MONITORING OF SECTION 106 AGREEMENTS

MEETING: INDIVIDUAL CABINET MEMBER DECISION (ENTERPRISE AND LAND USE PLANNING)

DATE: 26 February 2020

1. PURPOSE:

- 1.1 The purpose of this report is to seek the Cabinet Member for Enterprise and Land Use Planning's approval to secure a reasonable and proportionate charging policy for the monitoring of section 106 agreements associated with planning consents. The aim of charging is to ensure that the system of using developer obligations to secure contributions, either in kind or financial, is cost neutral. The proper administration of the monitoring regime is resource intensive and the proposed charging schedule will alleviate demand on resources.

2. RECOMMENDATIONS:

- 2.1 To authorise a charge to cover the average costs of monitoring Section 106 agreement associated with developments. It is recommend that a fee of £200 (plus VAT if applicable) be charged per individual obligation within each S106 agreement. This fee would contribute towards recovering the Council's costs of monitoring the receipt and spend of S106 monies, ensuring essential infrastructure is secured.

3. KEY ISSUES:

Background

- 3.1 Obligations entered into by developers under the provisions of S106 of the Town & Country Planning Act 1990 represent a substantial source of financial contributions and benefits in kind for Monmouthshire County Council to address infrastructure pressures caused by new development. Over the last three years the Council has received an average of £1.8 million per year in contributions, relating to a range of necessary infrastructure including green infrastructure, education, recreation and transport provision. S106 agreements are also used to secure and deliver affordable housing for the County. The level of financial provision is dependent upon the demand the housing development will put on the existing infrastructure and to ensure compliance with the Local Development Plan. The figures vary per development depending on the site and the scale of the development.
- 3.2 It has long been the practice of other local authorities in Wales (and in England) to charge applicants entering into a S106 agreement a fee to cover legal costs. This is currently the case in Monmouthshire. Any legal fees associated with the drafting of Section 106 Agreements remain outside the proposed new Monitoring Charge. Page 1
The legal department determine the charging schedule for the arrangement of legal agreements. Some Local

Planning Authorities charge a monitoring fee to cover the costs of monitoring the progress of development to see when payments triggers are reached, and to ensure S106 monies are spent in time and in accordance with the legal agreement. It is this latter additional charge that we wish to introduce. It is considered appropriate to recover the cost of monitoring the delivery of obligations.

Legislation and Guidance

3.3 Section 106 of the Town and Country Planning Act 1990 (amended by Section 12 of the Planning and Compensation Act 1991) provides the enabling legislation to allow Councils to enter into legal agreements with developers. These agreements contain clauses known as 'planning obligations'. Such obligations may be used to:

- restrict the development or use of land
- require specific operations to be carried out
- require land to be used in a specified way
- require specific sums to be paid to the Council in accordance with a payment schedule.

3.4 Planning Obligations are a means by which local authorities may seek contributions from developers to enhance the quality of a development, provide community benefits and infrastructure and mitigate any negative impacts that may arise as a result of the development which might otherwise not occur.

3.5 Guidance on the implementation of the Act is provided in Welsh Office Circular 13/97, amended by the Community Infrastructure Levy Regulations 2010 (sections 122-123) and Welsh Government Policy Clarification Letter (CL-02-2010).

3.6 The Circular identifies broad principles on the basis that the planning system should operate in the public interest and should aim to foster sustainable development. Negotiations must be seen to be fair, open and reasonable. Obligations cannot be used to offer extra or unnecessary inducements in an attempt to satisfy objectors, influence the planning decision or have wider development implications where there are valid objections to a proposal.

3.7 Regulation 122, which details the limitation on the use of planning obligations, applies to all planning applications made to a local planning authority that are determined by the local planning authority, and to appeal and call-in determinations. A planning obligation may only constitute a reason for granting planning permission if it complies with the three tests stated in Regulation 122(2), namely, that it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

A planning obligation which does not meet these three tests would not constitute a reason for granting planning permission.

3.8 Regulation 123 details further limitations on the use of planning obligations. In essence, a local planning authority cannot take into account or seek a planning obligation which contributes to or funds any specific infrastructure

project or type of infrastructure, if five planning obligations have already been entered into which contribute to or fund the same project or infrastructure type.

National Policy Context

- 3.10 The Welsh Government supports the principle of planning obligations and their subsequent negotiation and monitoring. Planning Policy Wales (Edition 10) Dec 2018 (PPW) sets out the key requirements of the 1990 Act and the Welsh Office Circular, providing the national context for local plan policies, and contains specific reference to planning obligations.

Local Policy Context

- 3.11 In February 2014 Monmouthshire adopted its Local Development Plan (LDP). The LDP proposes 4,500 new dwellings over the Plan period 2011-2021 with a broad dispersal of new development amongst the main settlements. A number of strategic housing sites are identified in the main towns ranging from 200 to 370 dwellings. The LDP recognises the importance of appropriate infrastructure to support new development. Indeed, the provision of key infrastructure to support the development of strategic sites is integral to the implementation of the LDP strategy. Policy S7 of the LDP sets out the requirement for new development to be accompanied by an appropriate level of infrastructure to accommodate this growth.

Research

- 3.12 Local Planning Authorities were contacted, both in England and Wales to gather enough data to enable the S106 Working Group to look at the different options when considering whether to introduce a charge for the monitoring of S106 agreements. The broad findings of this research were:

- Twelve local planning authorities (LPAs) were reviewed (11 Welsh including one National Park – BBNPA, and one English - North Devon);
- Eight of the twelve LPAs charge an administration and monitoring fee.
- There are four different ways for charging, these being: a percentage of the financial contributions being raised by the obligation, a percentage of the planning application fee, a fixed rate and a 'flexible' rate based on an Officer hourly rate that is calculated against the complexity and number of obligations required.
- The percentage rates vary between 2 - 5% against the financial contribution within each obligation and 5 - 20% against the application fee. The most common seems to be 2% on contributions, and an average of 15% on the application fee with 10% & 20% being the most common.
- Some Authorities apply a minimum fee, presumably when contributions are small to ensure costs are recovered – e.g. the Vale of Glamorgan minimum charge is £150.
- Some Authorities apply a maximum fee – e.g. Rhondda Cynon Taff charge a maximum of £5,000.
- Four of the twelve LPAs offer either/or charges (% of contributions or % of application fee) depending on which is the greater.
- Some fees have been calculated on a service cost recovery basis to include officer time spent in the negotiation, administration and monitoring of the agreements.
- 100% of LPAs add a separate charge for legal services (in addition to administrative/ monitoring costs).

Local Planning Authority Feedback

- 3.13 Nine Welsh Authorities were approached for feedback on the charging of planning obligations with three LPAs responding (Cardiff, Newport & Bridgend). Questions queried whether the service has been successful, what are the issues experienced with service delivery in terms of meeting their service standards, whether the service is valued by customers, recommendations to improve the service and how the fees were calculated. Responses are outlined below:

Resources

- The charges raised are intended to cover the cost of providing a monitoring service relating to the preparation of policy to support the infrastructure requirements contained in s106, pre-application negotiation of terms, the monitoring and enforcement of obligations over the life of the project and any reporting requirements to committee and the public.
- Success of the monitoring process can be limited primarily due to resources.
- A dedicated S106 Officer makes service delivery more achievable but with limited funds S106 agreements are delivered by officers as a 'bolt on'.
- The funds generated from the charges will normally contribute towards the employment of a dedicated officer to meet customer expectation and service standards.

Customer Service

- Without a dedicated officer, the service is generally reactive rather than pro-active.
- Positive feedback has been provided for having a single point of contact and a dedicated monitoring service, which provides improved knowledge of agreements and the processes involved, together with consistency and continuity.
- The Pre-application advice service of each LPA plays a key role in meeting service standards, as does the availability of supplementary planning guidance (SPG).

Cost

- The fees are accepted by developers in the large majority of cases as it is only a small proportion of the overall payment and is considered to be additional work that the planning application fee does not cover.
- Charges do not apply to contributions (such as on-site affordable housing) simply because of the difficulty in calculating the value of such contributions and the work involved in monitoring them is fairly minimal compared to monitoring and spending financial receipts.
- The fees are accepted by developers in the large majority of cases as it is only a small proportion of the overall payment and is considered to be additional work that the planning application fee does not cover.

Other Councils

- Other Councils have adopted a designated main point of contact (often a Principal Planner) or Technical Planning Administrator. Only one Authority has provided a target timescale for Service Standards (Blaenau Gwent). They aim to provide a first draft legal agreement within 3 weeks of approval at planning committee. All other Authorities aim to deal with agreements 'as quickly as possible'.
- Only two of the ten Welsh Authorities have a designated S106 Officer primarily due to resource/financial constraints. Feedback from some

Council's (e.g. Cardiff CC) and some customers have highlighted the benefits of having a designated Officer primarily due to consistency, continuity and subject knowledge.

- All Welsh Authorities apply the administrative charge at the time of completion of the obligation

Recommended Approach

- 3.15 It is evident from feedback from developers and other authorities that monitoring fees need to be proportionate to the scale and complexity of the planning agreement being monitored. If fees are disproportionate they will not be accepted by developers and can even be challenged legally as was the case at Oxfordshire County Council v Secretary of State for Communities and Local Government and others [2015] EWHC 186 (Admin) where a Planning Inspector found that charges proposed by the county and district councils were unnecessary. The Courts supported that view in that instance but did not make a general ruling on the validity of such charges.
- 3.16 **In the light of this, it is recommended that the fee to be charged should be £200 (plus VAT if applicable) per individual obligation within each S106 agreement.** This would then be proportionate to the scale of the agreement and would be a reasonable charge in that it would cover the average costs of monitoring developments by the Council's Planning Enforcement Monitoring Officer, but no more than that, thus being less open to legal challenge. In this regard, the charge considered to meet the three tests set out in par. 3.7 above.

4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

To Summarise:

Positive: This proposal will contribute towards recovery of the Council's costs of monitoring and improve the quality of developments. It will enable the Council to effectively monitor developments.

Future: Ensures that the Council continues to ensure that developments are delivering what is agreed within the application process and those obligations that benefits local communities are delivered in a timely manner.

Negative: Potential costs associated with this monitoring charge to customers.

Future: Continue to positively engage with customers and provide a service that is of a high standard, with an effective monitoring service.

- 4.1 In addition, an Equality & Future Generations Evaluation is attached as **Appendix 2.**

5 OPTIONS APPRAISAL

- 5.1 The options in relation to the proposed monitoring charge are to:

Authorise the application of the proposed monitoring charge.

Authorise the application of the proposed monitoring charge with amendments.

Do nothing in relation to the proposed monitoring charge.

Option	Benefits	Risks	Comments
1) Authorise the application of the proposed monitoring charge	The proposal would contribute towards recovery of the Council's costs of monitoring and improve the quality of developments	The option would have cost implications for developers although given the proposed scale of charging, these would be very minor compared to the overall project costs and would be most unlikely to affect viability of the development	This is the preferred option
2) Authorise the application of the proposed monitoring charge with amendments	This depends on the amendment; option 1 has been carefully evaluated and is considered to be fair and proportionate. It would meet the legislative tests while any amended scheme would also have to be appropriate in this context	Any amended scheme may not meet the legislative tests and could be at risk of legal challenge.	
3) Do nothing in relation to the proposed monitoring charge	Developers would benefit from a free service.	The opportunity to generate income to support this element of the Planning Service would be lost. There would be inconsistency among local authorities in SE Wales as the vast majority charge for this service. The ability to properly fund the planning enforcement monitoring post may be at risk and the quality of development would decline as a result	

6 **Recommendation:**

6.1 Based on the reasons above, Option 1 (to authorise the application of the charge) is the preferred option. To authorise a charge to cover the average

costs of monitoring Section 106 agreement associated with developments. It is recommend that a fee of £200 (plus VAT if applicable) be charged per individual obligation within each S106 agreement. This fee would contribute towards recovering the Council's costs of monitoring the receipt and spend of S106 monies, ensuring essential infrastructure is secured.

7 REASONS

7.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are being taken in accordance with policies and proposals in the LDP. This monitoring charge proposal provides a way of ensuring that community infrastructure that is necessary to enable developments to be approved are properly secured in accordance with Policy S7 of the LDP.

8 RESOURCE IMPLICATIONS

8.1 There will be no negative resource implications, in fact as we are carrying out this duty with existing staff it will provide an income stream to the authority of circa £20,000, this has already been recognised as a saving in the 20-21 MTFP.

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

There are no significant equality impacts identified in the Assessment (Appendix 2).

There are likely to be beneficial impacts to the local community either economically or in qualitative terms e.g. ensuring green infrastructure is secured, as a result of the effective monitoring of planning obligations.

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 and types of obligations and the time taken to monitor these.

10 CONSULTEES

- S106 Working Group
- Legal Services
- Planning Department
- Enterprise DMT

11 BACKGROUND PAPERS

- Monmouthshire Adopted LDP (February 2014)

12 AUTHORS:

Craig O'Connor
Head of Planning

Philip Thomas
Development Services Manager

13 **CONTACT DETAILS:**

Tel: 01633 644849

craigo'connor@monmouthshire.gov.uk

Tel: 01633 644809

philipthomas@monmouthshire.gov.uk

Appendix 2



Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<p>Name of the Officer completing the evaluation Philip Thomas</p> <p>Phone no: 01633 644809 E-mail: philipthomas@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>The Local Development Plan (LDP), adopted on 27 February 2014, sets out the Council's vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over the period to 2021. The LDP recognises the importance of appropriate infrastructure to support new development. Indeed, the provision of key infrastructure to support the development of strategic sites is integral to the implementation of the LDP strategy.</p> <p>Policy S7 of the LDP sets out the requirement for new development to be accompanied by an appropriate level of infrastructure to accommodate this growth.</p> <p>To ensure delivery of much needed community infrastructure that will enable new development to be acceptable and sustainable, planning obligations under S106 of the Town & Country Planning Act 1990 have to be carefully monitored. This is time consuming and at the moment is a service that is provided free of charge by the Council, not being covered in the costs of submitting a planning application. To help cover the costs of monitoring a reasonable and proportionate charge is proposed.</p> <p>If agreed, the charge will have a key role in recovering the costs of the Council's Enforcement Monitoring Officer and will help improve the quality of new developments. This will form a key role in delivering place making that is a priority in national and local planning policy in Wales.</p>
<p>Name of Service</p> <p>Planning</p>	<p>Date Future Generations Evaluation form completed</p> <p>04/02/2020</p>



1. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Positive: The proposed charge seeks to support proposals for appropriate, sustainable development where they accord with the LDP policy framework. This will deliver much needed development, including new homes and employment opportunities in settlements in Monmouthshire.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that this guidance is accurately interpreted and implemented.</p>
<p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>Positive: The effective monitoring of planning obligations will have the potential to ensure that proposals conserve and enhance existing ecological networks within Monmouthshire. There is also the potential for proposals to protect and enhance landscape etc. in accordance with the LDP policy framework.</p> <p>Negative: None.</p>	<p>Mitigate Negative Impacts: Ensure that biodiversity, landscape interests etc. are appropriately considered in assessing any planning application and that good standards of design, landscaping etc. are achieved.</p>
<p>A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p>Positive: The effective monitoring of planning obligations that deliver necessary community infrastructure, including green infrastructure can</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in this proposal, is accurately interpreted and implemented.</p>


Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>assist in promoting good health, independence and well-being of Monmouthshire's citizens.</p> <p>Negative: None.</p>	
<p>A Wales of cohesive communities Communities are attractive, viable, safe and well connected</p>	<p>Positive: The provision of appropriate community infrastructure contributes to the sustainability and cohesiveness of settlements in Monmouthshire supporting opportunities for new homes and employment and leisure development. This supports the local economy and build sustainable resilient communities.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in this proposal is accurately interpreted and implemented.</p>
<p>A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p>Positive: This proposal supports the implementation of sustainable development as supported by policies of the LDP which has been subject to a Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) to ensure that social, economic and environmental objectives are met, thereby contributing to sustainable development and global well-being.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in this proposal is accurately interpreted and implemented.</p>
<p>A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation</p>	<p>Positive: The proposed monitoring charge would have a positive general impact on culture, heritage and language, in that it would help to secure contributions from developers that may conserve the character and quality of Monmouthshire's countryside and natural heritage value and on occasions enhance them.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in this proposal, is accurately interpreted and implemented.</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A more equal Wales People can fulfil their potential no matter what their background or circumstances</p>	<p>Positive: The proposal should bring positive benefits to Monmouthshire’s residents by opening up opportunities for appropriate, sustainable development that complies with the LDP policy framework, enabling employment, leisure and housing provision in settlements in Monmouthshire. All LDP policies, have been subject to a Sustainability Appraisal that measures their performance against sustainability objectives, including equality measures.</p> <p>Negative: None.</p>	<p>Better contribute to positive impacts: Ensure that the relevant guidance, as set out in this proposal, is accurately interpreted and implemented.</p>

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Long-term Balancing short term need with long term and planning for the future</p>	<p><i>We are required to look beyond the usual short term timescales for financial planning and political cycles and instead plan with the longer term in mind (i.e. 20+ years)</i></p> <p>The LDP covers the period 2011-21. This proposal supports the provision of sustainable development that is the purpose of the LDP. By its nature, therefore, it cannot look beyond this period but the SA/SEA of the LDP would have ensured consideration of the impact on future generations.</p> <p>The LDP housing policy framework seeks to balance the short term need for housing development and viability issues with the longer term need to create balanced and sustainable communities. The provision of appropriate development increases opportunities within the local housing stock for local communities and residents.</p>	<p>Ensure that the relevant guidance, as set out in this proposal is accurately interpreted and implemented.</p> <p>The LDP and its policies have been subject to SA/SEA. The replacement LDP will be subject to SA/SEA.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance, and year by year comparison from which emerging long term trends may be identified and reported on. This will help inform the evidence base for the replacement LDP.</p>
 <p>Collaboration Working together with other partners to deliver objectives</p>	<p>This proposal has been produced in liaison with the Council's S106 working group that includes both Members and key officers from the areas associated with infrastructure delivery. Feedback has been sought from neighbouring planning authorities in SE Wales as well as stakeholders who use Monmouthshire's planning service.</p>	<p>The monitoring charge proposal supports LDP housing and other detailed policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance, including housing and design policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for the replacement LDP. The replacement LDP will be taken forward through extensive community and stakeholder engagement, expanding on the methods used previously.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Involving those with an interest and seeking their views</p>	<p>This proposal has been produced in liaison with the Council's S106 working group that includes both Members and key officers from the areas associated with infrastructure delivery. Feedback has been sought from neighbouring planning authorities in SE Wales as well as stakeholders who use Monmouthshire's planning service.</p> <p>.</p> <p>.</p>	<p>The monitoring charge proposal supports LDP housing and other detailed policies. The LDP was subject to extensive community and stakeholder engagement and consultation throughout the plan preparation process. This provided those interested parties with the opportunity to make representations on the policy framework to the Council and to an independent inspector who examined the LDP.</p> <p>LDP AMRs will provide both an annual evaluation of plan performance, including housing and design policies, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for the replacement LDP. The replacement LDP will be taken forward through extensive community and stakeholder engagement, expanding on the methods used previously.</p>
 <p>Putting resources into preventing problems occurring or getting worse</p>	<p>The requirement for this proposal has arisen from the need to resource the monitoring of S106 obligations in an adequate manner. The Council seeks to support and adopt a positive approach to appropriate and sustainable development where it accords with the LDP policy framework.</p> <p>The proposal is a means ensuring the quality of schemes are improved by the careful monitoring of development, and enabling development proposals that supply community infrastructure are then welcomed by the existing community.</p>	<p>The adoption and implementation of this proposal will support sustainable development where it accords with the LDP policy framework.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p data-bbox="331 277 510 475">Positively impacting on people, economy and environment and trying to benefit all three</p>	<p data-bbox="546 197 1332 288">This proposal supports the implementation of the LDP which has been subject to a SA/SEA that balances the impacts on social, economic and environmental factors.</p>	<p data-bbox="1352 197 2116 427">The AMRs will examine the impacts of the LDP over the longer term and evidence the emergence of any trends at different spatial scales. Delivering sustainable development (social, economic and environmental) is central to the LDP. Continue to monitor indicators, including housing and employment policy indicators and targets, to inform future AMRs.</p> <p data-bbox="1352 459 2116 550">The replacement LDP will be subject to a SA/SEA that balances the impacts on social, economic and environment factors.</p>

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	None	None	N/A
Disability	None	None	N/A
Gender reassignment	None	None	N/A
Marriage or civil partnership	None	None	N/A
Race	None	None	N/A
Religion or Belief	None	None	N/A
Sex	None	None	N/A
Sexual Orientation	None	None	N/A

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Welsh Language	None	None	N/A

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	None	None	N/A
Corporate Parenting	None	None	N/A

Page 16

5. What evidence and data has informed the development of your proposal?

- Monmouthshire Local Development Plan (2011-2021).

6. **SUMMARY:** As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

This section should give the key issues arising from the evaluation which will be included in the Committee report template.

Positive: The charging proposal seeks to support sustainable development in the county subject to compliance with the LDP policy framework, providing this is not at the expense of the County's natural and built environment. This will assist in providing new homes, jobs, education and leisure opportunities,

providing positive impacts on the local economy. The positive impacts on the local economy are essential to the well-being of local communities and residents throughout Monmouthshire.

Future: Ensure that this proposal if agreed, leads to effective monitoring of planning obligations and that the effectiveness of the relevant LDP policies is assessed on an annual basis in the LDP AMR.

Negative: Some smaller developers may be impacted by the proposed charge but the cost will be proportionate and reasonable and is highly unlikely to cause viability issues in its own right.

Future: LDP AMRs will provide both an annual evaluation of plan performance policy, and year by year comparison from which emerging long term trends may be identified and reported on. This will inform the evidence base for the replacement LDP.

7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
N/A			

Page 17

8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	Impacts will be evaluated where relevant on a regular basis in the required LDP Annual Monitoring Report. The next AMR will be reported for political decision prior to submitting to the Welsh Government by 31 October 2020 and will be available on the MCC website.
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