

SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN SUPPLEMENTARY PLANNING GUIDANCE DRAFT PROGRAMME
MEETING: PLANNING COMMITTEE
DATE: 03 May 2016
DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

The purpose of this report is to:

- 1.1 To seek Planning Committee's endorsement of the second programme for the preparation of Supplementary Planning Guidance (SPG) and to recommend to the Cabinet Member with responsibility for planning matters accordingly.

2. RECOMMENDATIONS:

- 2.1 To endorse the draft programme for the preparation of SPG and to recommend to the Cabinet Member with responsibility for planning matters accordingly.
- 2.2 To annually review the SPG Programme, reporting for endorsement to the relevant Cabinet Member.

3. KEY ISSUES:

3.1 **Background**

- 3.1.2 Planning Committee endorsed the draft SPG Programme on 7 October 2014. A copy of the Planning Committee report and Annex relating to the first SPG Programme 2014 maybe viewed at:

<http://democracy.monmouthshire.gov.uk/Data/Planning%20Committee/20141007/Agenda/Full%20Planning%20Committee%20Agenda.pdf>.

The Cabinet Member for Environment, Public Services and Housing formally endorsed this SPG Programme on 22 October 2014.

- 3.1.3 The Monmouthshire County Council Local Development Plan 2011-2021 (LDP) was adopted on 27 February 2014. The LDP contains sufficient policies and proposals to provide the basis for deciding planning applications, and for determining conditions to be attached to planning permissions, but it was necessary to ensure that it avoided excessive detail. Selective use of SPG is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP will be applied in particular circumstances or areas.

3.2 **Supplementary Planning Guidance**

- 3.2.1 **Role and Purpose** - Welsh Government 'Planning Policy Wales' edition 8, January 2016 provides the national planning policy context for SPG. The guidance describes the role and purpose of SPG and accordingly all SPG documents should clearly state their link to adopted LDP policy in conformity with the national guidance.

"LDPs should contain sufficient policies and proposals to provide the basis for deciding planning applications while avoiding excessive detail. They should not repeat national planning policy. Selective use of supplementary planning guidance (SPG) is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP are to be interpreted and applied in particular circumstances or areas" (para 2.4.1).

“SPG does not form part of the development plan but it must be consistent with the plan and with national policy. It must derive from and be clearly cross referenced to a generic LDP policy, specific policies for places, and/or – in the case of a masterplan or site brief – a plan allocation. 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. The LDP should note which policies are supplemented by SPG” (para 2.4.3).

3.2.2 **Status** - Welsh Government national planning policy guidance also outlines the status of SPG relevant to the LDP:

“Only the policies in the development plan have special status under section 38(6) of the 2004 Act in deciding planning applications but SPG may be taken into account as a material consideration. In making decisions on matters that come before it, the Welsh Government and the Planning Inspectorate will give substantial weight to approved SPG which derives from and is consistent with the development plan, and has been the subject of consultation” (para 2.4.4).

3.2.3 **Preparation process** - National planning policy guidance is clear that:

“...consultation should involve the general public, businesses, and other interested parties and there should be a record of how their views were taken into account before the SPG was finalised” (para 2.4.6).

“...SPG should be formally approved by resolution of the local planning authority so that it can be given due weight” (para 2.4.7).

3.2.4 In accordance with national planning guidance the Council has an established process for SPG preparation. Following a resolution to consult, all draft SPG documents will be the subject of consultation with targeted notifications sent to those who are considered to have an interest in, or have expressed an interest in, the SPG topic, including all town and community councils. Consultation will be publicised by press notice and via the corporate planning Twitter account. All consultation replies will be analysed and, along with any recommended amendments to the SPG, reported for Planning Committee and Cabinet Member for consideration when seeking a resolution to adopt any SPG document. All consultation draft and adopted SPG will be available on the Planning Policy webpages of the Council’s website.

3.3 **Need for SPG Programme Annual Review**

3.3.1 The annual review of the SPG Programme helps to ensure that the programme remains responsive to corporate and Planning Service priorities.

3.3.2 The Programme provides a prioritisation for SPG preparation between different policy areas to reflect available resources.

3.3.3 The process of annual review provides a framework for monitoring SPG preparation. This is incorporated into the monitoring frameworks of both the Planning Service in the ‘Planning Annual Performance Report’ and the LDP in the ‘LDP Annual Monitoring Report’.

3.4 **Adopted SPG**

3.4.1 Since the adoption of the LDP in February 2014, the Council has adopted seven SPG documents. The preparation of SPG has been generally consistent with the prioritisation established in the first SPG programme. A list of all adopted SPG is provided at **Appendix A**,

- 3.4.2 First priority was given to work that has significant policy and/or financial implications for the implementation of the LDP. This included the Affordable Housing and Green Infrastructure SPGs which were adopted in March 2016 and April 2015 respectively.
- 3.4.3 Second priority was given to SPG documents that are beneficial to the planning application process. The Renewable Energy and Energy Efficiency SPG was adopted in March 2016. A Wind Turbine Planning Advice Note was also formally endorsed as SPG in March 2016. This was prepared and consulted on a regional basis, but was adopted by individual constituent authorities to ensure consistency of approach across the region.
- 3.4.4 A further second priority were the eighteen Conservation Area appraisals prepared by external consultants. These were taken through the SPG consultation and political reporting process by the Heritage Management Team, before being formally adopted by the Council as SPG in March 2016.
- 3.4.5 A further three SPG documents that were prepared to supplement the policies contained in the UDP were updated and adopted as SPG to the LDP in April 2015: Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use: Assessment of Re-use for Business Purposes; Policies H5 and H6 Replacement Dwellings and Extensions to Dwellings in the Countryside and Conversion of Agricultural Buildings Design Guide.

3.5 **SPG Programme 2016/17**

- 3.5.1 A suggested programme for SPG preparation is provided in **Appendix B**.
- 3.5.2 First priority has been given to SPG which has significant policy implications for LDP implementation and SPG documents which need updating/formal adoption under the LDP. Some of this work is well advanced:

Primary Shopping Frontages

The consultation responses and proposed amendments to the draft SPG were reported to Planning Committee in April 2016. It is being recommended that the draft document be adopted SPG to the LDP by Cabinet Member Decision 27 April 2016.

Landscape

Informal guidance has been prepared that sets out a protocol to be followed on landscape issues, identifying the information which a developer will need to be aware of and provide in formulating landscape proposals to the Council. The preparation of formal SPG on these matters to provide guidance for the interpretation and implementation of LDP policies S13 and LC5 was given a high priority in the first SPG Programme. LDP Policy LC5 introduced a new approach to the consideration of landscape issues based upon landscape characterisation. While the informal policy guidance provides some assistance, there is a need to address the significant 'policy vacuum' resulting from the lack of an up-to-date character assessment of the County and associated SPG on how this data should be used in the preparation and assessment of planning applications that have landscape implications. This is a substantial project that required the use of consultants. The preparation of detailed Landscape Character Assessments has now been completed by specialist external consultants with the remainder of work on the SPG to be completed in house led by the Council's Green Infrastructure Team.

Trellech Conservation Area Appraisal

The Trellech Conservation Area Appraisal was adopted under the UDP in April 2012. The updating of this document to ensure it accurately references and links to the LDP will supplement the series of eighteen Conservation Area appraisals adopted in 2016.

Its formal adoption as SPG under the LDP will ensure that all appraisals are of equal status.

Parking Standards and Domestic Garages

Priority has also been given to SPG which was prepared to supplement the policies contained in the UDP and would benefit the planning application process by being updated and formally adopted as SPG to the LDP. This includes Parking Standards and Domestic Garages.

Tourism

The Council's Economy and Development Select Committee (October 2015) scrutinised the LDP's impact on enabling tourism-related development. The tourism industry forms a key part of the County's economy and links directly to what makes Monmouthshire distinctive. This scrutiny identified a need to produce SPG to clarify for customers and officers how the LDP supports different types of tourism development. This is a new priority included on the SPG programme for the first time this year and represents a change to reflect corporate priorities.

- 3.5.3 Second priority is given to the Planning Obligations SPG which has significant policy and/or financial implications for the implementation of the LDP but is dependent upon other work streams, and SPG documents that would be beneficial to the planning application process but do not have the same urgency as the projects highlighted above and / or do not currently have resources available for their preparation:

Planning Obligations

The Council's current position with regard to Planning Obligations, more commonly known as Section 106 Agreements, is set out in the Approach to Planning Obligations Interim Policy, agreed by Council in June 2013. The document does not have the status of adopted SPG as it has not been subject to a public consultation but it sets out an approach to guide negotiations between the Council and applicants on the preparation of Section 106 planning obligations. It covered three main periods - first until LDP adoption; second from LDP adoption until the full SPG on Planning Obligations is approved; and third, post the adoption of the SPG on Planning Obligations and (if the option is pursued) the introduction of a Community infrastructure levy (CIL) by the Council. It is considered that the Interim Policy Statement provides sufficient guidance for applicants. It would be beneficial to provide adopted SPG on this matter but the preparation of updated SPG is dependent on progress with CIL because in a number of areas it is likely that funding through Section 106 will be replaced by CIL funding. CIL preparation is being given a high priority as it is a potential source of revenue for the Council with the draft CIL Charging Schedule currently out to consultation. It is intended to report the matter to Council later this year.

Householder Extensions

Development Management colleagues consider that SPG to provide detailed practical guidance for applicants would be particularly valuable to the pre application planning advice service to improve the quality of planning applications. This is a new priority included on the SPG programme for the first time this year and represents a change to reflect internal consultation.

Shop Front Design Guide

Draft SPG was prepared to supplement the policies contained in the UDP. Development Management colleagues consider that SPG to provide detailed practical guidance for applicants would be particularly valuable to the pre application planning

advice service to improve the quality of planning applications. This is a new priority included on the SPG programme for the first time this year and represents a change to reflect internal consultation.

Conversion of Rural Buildings

Design guidance on agricultural building conversions was formally adopted as SPG to the LDP in April 2015. However, it is considered that it would be beneficial to provide a more comprehensive approach, including additional policy advice and incorporating the guidance on assessment of buildings for business purposes, time and resources permitting.

- 3.5.4 Third priority has been given to SPG documents that do not have the same necessity as the projects highlighted above, do not currently have resources available for their preparation and on which little or no preparatory work has been undertaken but which are mentioned within the LDP. These include Biodiversity, Community Facility Protection Marketing Exercise, Transport and Open Space. The necessity for these SPGs, parts of which may be included in other SPGS with higher levels of priority, will be kept under review through annual SPG Programme monitoring. In addition, there are thirteen remaining Conservation Area appraisals and there may be a need for further work on Conservation Area Management Plans and Article 4 Directions, depending on the agreed outcomes from both the Conservation Area Appraisals adopted as SPG in 2016 and any future appraisals.

3.6 Next Steps

- 3.6.1 It is intended to report the updated SPG programme to the responsible Cabinet Member on 25 May 2016 with a view to seeking its formal endorsement to support the Monmouthshire LDP.
- 3.6.2 All consultation draft SPG documents will be the subject of initial consultation with elected Members at seminar/workshop events prior to political reporting.
- 3.6.3 As referred to in paragraph 3.2.4 above, the Council has an established process for SPG preparation which should be followed to accord with national planning guidance.
- 3.6.4 To annually review the SPG Programme, reporting for endorsement to the Planning Committee and relevant Cabinet Member.

4. REASONS:

- 4.1 Under the Planning and Compulsory Purchase Act (2004), as amended, 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 now being taken in accordance with policies and proposals in the LDP. SPG provides further explanation and guidance on the way in which the policies of the LDP will be applied in particular circumstances or areas. SPG can be a material consideration in the determination of planning applications, provided that appropriate consultation has been undertaken and that it has been approved in accordance with the Council's decision making process.

5. RESOURCE IMPLICATIONS:

- 5.1 Officer time and costs associated with the preparation of SPG documents and carrying out the required consultation exercises, met from within the Planning Policy and Development Management budgets. In some cases, input from consultants will be required where there is not the expertise and/or staffing resources available in-house.

For example the Landscape SPG has required the preparation of detailed Landscape Character Assessments completed by specialist external consultants in this field and for which on such a large project covering the whole of Monmouthshire there is insufficient staff time available within the Council. This section of the Landscape SPG has now been completed, with the remainder of the work completed in-house in conjunction with the Council's Landscape Officer; the consultant's fees have been met from within the existing Planning Policy budget.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

6.1 Sustainable Development

An integrated equality and sustainability impact assessment was carried out in connection with the Deposit LDP. Under the Planning Act (2004), the LDP was required, in any event, to be subject to a Sustainability Appraisal (SA). The role of the SA was to assess 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 Environment 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.

6.2 Equality

6.2.1 The LDP was also subjected to an Equality Challenge process and due consideration 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. New SPG will be subject to integrated equality and sustainability impact assessments to ensure that informed decisions can be made. Where practicable and appropriate, consultation will include targeted involvement of those with the relevant protected characteristics.

6.2.2 Assessments of Equality Impact will be required throughout the Plan's implementation wherever there is likely to be significant impact. In this respect, the LDP will be subject to an Annual Monitoring Report that will include consideration of Equality Impacts.

7. CONSULTEES:

- Head of Planning
- Development Management Officers
- Highways Officers

8. BACKGROUND PAPERS:

- Monmouthshire Adopted LDP (February 2014)
- SPG Programme October 2014

9. AUTHORS & 10. CONTACT DETAILS:

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