

CYNGOR SIR POWYS COUNTY COUNCIL.

CABINET EXECUTIVE

9th October 2018

**REPORT AUTHOR: County Councillor Martin Weale
Portfolio Holder for Economy and Planning**

**SUBJECT: Supplementary Planning Guidance – Affordable
Housing, Planning Obligations, Biodiversity and
Geodiversity**

REPORT FOR: Decision

1. Summary

1.1 To approve:

(a) Supplementary Planning Guidance (SPG) prepared in support of the Powys Local Development Plan (LDP) for:

- Affordable Housing.
- Planning Obligations.
- Biodiversity and Geodiversity.

(b) The SPG Consultation Statement.

2. Proposal

2.1 The LDP was adopted by Powys County Council on 17th April 2018 and on adoption immediately became operative as the statutory development plan for Powys (excluding the BBNP). The LDP includes a programme for the preparation of eleven topic based SPG to be completed over the two year period up to April 2020. SPG builds on the policies in the LDP, adding detail and assisting in interpretation.

2.2 Appended to this report for Cabinet's consideration and approval are the first three SPG included in the LDP's programme:

- Affordable Housing (Appendix 1).
- Planning Obligations (Appendix 2).
- Biodiversity and Geodiversity (Appendix 3).

2.3 In order to prepare the SPG in a consistent, clear and transparent manner, an SPG protocol was prepared and approved in June 2018. Each of the SPG has been prepared in accordance with the SPG protocol including involvement and engagement with stakeholders. This follows the procedure

set out within the Community Involvement Scheme in the SPG protocol. Welsh Government's LDP Manual stresses the importance of engagement and involvement and that without it SPG would carry little or no weight.

2.4 Following consideration of the three draft SPGs by the LDP Working Group, the draft SPGs were published for a six week period of public consultation from 11th July to 21st August 2018. Comments received for each have been collated and summarised as issues in the SPG Consultation Statement (Appendix 4). The LDP Working Group considered the issues raised during the period of public consultation and draft Council responses to these at its meeting on the 7th September 2018. One of the issues that the LDP Working Group discussed and agreed to identify for Cabinet was the period in which financial contributions for planning obligations must be spent. The Working Group recommended that this should refer to a maximum of 10 years subject to negotiation with applicants when agreeing the planning obligation (Paragraph 6.17, Appendix 2).

2.5 In line with the Council's constitution, the Cabinet is responsible for considering and approving the SPG. On approval they will become material planning considerations that will be afforded weight in decision-making for planning applications and at appeal.

3. Options Considered / Available

3.1 There is a commitment to preparing SPGs in the LDP so it is not a feasible option to not prepare SPGs. The content of each SPG is however a matter for consideration, although each of the SPGs appended has been informed by engagement and public consultation and with input from the LDP Working Group.

4. Preferred Choice and Reasons

4.1 To approve the SPGs and SPG Consultation Statement in order to meet the commitment and programme of SPG preparation set out in Appendix 2 of the LDP.

5. Impact Assessment

5.1 Is an impact assessment required? Yes/No

5.2 If yes is it attached? Yes/No

The SPGs interpret and clarify the implementation of policies in the LDP and, as a consequence, impact assessments for each are not necessary. The policies in the LDP were subject to an Impact Assessment. However, as a matter of good practice, each SPG has been subject to an Impact Assessment.

6. Corporate Improvement Plan

6.1 The SPG preparation process provided opportunities for engagement, involvement and participation in each SPG, and these are part of Vision 2025's essentials for 'making it happen' The three SPGs support the Powys LDP which will contribute to many of Vision 2025's priorities such as the development of a vibrant economy, or improving the availability of affordable housing.

7. Local Member(s)

7.1 The SPG will apply to all areas of Powys with the exception of the area of Powys within the Brecon Beacons National Park.

8. Other Front Line Services

Does the recommendation impact on other services run by the Council or on behalf of the Council? Yes/No

8.1 Other services have been involved in the preparation of the three SPGs so have had a direct input into the content of each. This involvement is explained in the relevant sections of the Consultation Statement. In particular, the Development Management service will be directly responsible for implementing the SPGs and has been engaged in the preparation of each SPG.

9. Communications

Have Communications seen a copy of this report? Yes/No

Communications have commented as follows: "The report is of public interest and requires use of news release and social media to publicise the recommendation/decision".

10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

10.1 Legal - Legal Services have assisted in the preparation of the SPGs and support the recommendation.

10.2 Finance – The Finance Manager Environment and Resources notes the contents of the report.

11. Scrutiny

Has this report been scrutinised? Yes/ No

11.1 The LDP Working Group has been involved in the preparation of the SPGs and in considering how the Council should respond and amend the SPGs in light of the comments received from the period of public consultation.

12. Data Protection

12.1 Comments have not been sought from the Data Protection Officer because the three SPGs and Consultation Statement do not include personal data.

13. Statutory Officers

13.1 The Head of Financial Services (Deputy Section 151 Officer) notes the content of the report.

13.2 The Solicitor to the Council (Monitoring Officer) commented as follows: "I note the legal comments and have nothing to add to the report."

14. Members' Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation:	Reason for Recommendation:
To approve: (a) Supplementary Planning Guidance for: <ol style="list-style-type: none">1. Affordable Housing, Oct 2018 (appendix 1)2. Planning Obligations, Oct 2018 (appendix 2)3. Biodiversity and Geodiversity, Oct 2018 (appendix 3). (b) The Supplementary Planning Guidance Consultation Statement, Oct 2018 (appendix 4).	To meet the commitment and programme for Supplementary Planning Guidance preparation in the adopted Powys LDP.

Relevant Policy (ies):	Powys LDP, 2018		
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	All
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Person(s) To Implement Decision:	Peter Morris
Date By When Decision To Be Implemented:	9th October 2018

Is a review of the impact of the decision required?	N
If yes, date of review	N/A
Person responsible for the review	N/A

Date review to be presented to Portfolio Holder/ Cabinet for information or further action	N/A
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Background Papers used to prepare Report:

Powys LDP
SPG Protocol