

# Report

## Cabinet Member for Strategic Planning, Regulation and Housing

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### Part 1

Date: 19 March 2024

**Subject** Updates to Supplementary Planning Guidance for Planning Obligations; Wildlife and Development; Waste Storage and Collection; and Archaeologically Sensitive Areas

**Purpose** To seek approval to consult on updates to four Supplementary Planning Guidance (SPG) documents:

- Planning Obligations SPG
- Wildlife and Development SPG
- Waste Storage and Collection SPG
- Archaeologically Sensitive Areas SPG

**Authors** Planning Policy Manager

**Ward** All

**Summary** It is now proposed to consult on these changes to seek views of interested parties.

**Proposal** That Cabinet Member notes the proposed changes to the SPGs and agrees that the documents be released for public consultation.

**Action by** Head of Regeneration and Economic Development

**Timetable** Immediate

This report was prepared after consultation with:

- Environment and Leisure
- Waste and Cleansing
- Head of Finance – Chief Financial Officer
- Head of Law and Standards – Monitoring Officer
- Head of People, Policy and Transformation

**Signed**

## Background

The Local Development Plan was adopted by Full Council on 27 January 2015 and is used for development management purposes and determining planning applications. The LDP is accompanied by Supplementary Planning Guidance (SPG) covering topic areas and policies which require more detailed guidance.

## Proposed Changes

Minor changes are proposed to the Planning Obligations SPG, Wildlife and Development SPG, Waste Storage and Collection SPG. The purpose of the changes is to bring the wording of each up to date ensuring effective implementation. Changes are proposed to the Planning Obligations SPG to support effective administration and monitoring of Section 106 Agreements. A wider update is proposed to the Archaeology and Archaeologically Sensitive Areas SPG. These changes relate to detail to ensure the document is all encompassing.

### Planning Obligations SPG

Policy SP13 (Planning Obligations) of the Adopted LDP requires development to help deliver more sustainable communities by providing or contributing to additional, or improved services, facilities and infrastructure, in order to mitigate the negative impact of development. The SPG sets out additional clarity and guidance on the types of contributions that will be required and the methodology used to calculate them. The guidance was last updated in 2020.

The proposed changes to the SPG are:

1. Amendments to paragraph 6.2 to increase Administration Fees. Changes comprise an increase **from** 20% of the application fee or 2% of the total financial contribution, whichever is greater with a minimum fee of £200, **to** 25% of the application fee or 3% of the total financial contribution, whichever is greater with a minimum fee of £300.

### Wildlife and Development SPG

Newport has a rich diversity of habitats and species of nature conservation importance. The Wildlife and Development SPG supports policies SP1 Sustainability, SP9 Conservation of the Natural, Historic and Built Environment and GP5 General Development Principles Natural Environment, and aims to ensure that local planning decisions maintain, restore and enhance biodiversity in Newport. It provides details on the type of survey work required, ecological survey seasons, ecological information and measures to avoid, mitigate, compensate, enhance and manage biodiversity. The document has not been updated since initial adoption in 2015.

The proposed changes to the SPG are:

1. Factual amendments relating to policy and legislation throughout.
2. Corrections to spelling and grammar throughout.

### Waste Storage and Collection SPG

The document aims to offer more detailed guidance on how to achieve the requirements of LDP Policy W3 – Provision for Waste Management Facilities in Development. In this respect, the SPG focuses on waste management practices and requirements. It contains three Guidance Notes that developers will need to consider in designing residential developments:- the provision of sufficient bin storage; the design and siting of the bin storage; and access arrangements for the refuse vehicles and operators to collect the waste. The guidance was last updated in 2020.

The proposed changes to the SPG are:

1. Amendment to Paragraph 3.1 to reflect change for 14 day to 21 day collections.
2. Amendments to Table 1, page 7 and in text on page 8 relating to the Flats, Recycling, Kerbside boxes. Bringing text up to date in accordance with Wastesavers guidance.
3. Inclusion of text in Section 3 relating to Workplace Recycling Regulations.

### Archaeology and Archaeologically Sensitive Areas SPG

Policies SP9 Conservation of the Natural, Historic and Built Environment and CE6 Archaeology, of the Adopted LDP seek to ensure areas of archaeological significance are not negatively impacted upon by development. This SPG supports these policies and provides guidance on Schedule Ancient Monuments and Archaeologically Sensitive Areas in Newport and explains how they were identified. Details are set out of how to satisfy Policies SP9 and CE6, through appropriate consultation, evaluation and archaeological work required to allow development to be granted.

Archaeologically Sensitive Areas (ASAs) have been designated following appraisal by Glamorgan-Gwent Archaeological Trust (GGAT) to define the most likely areas in which archaeology may become a factor in determining a planning application. Newport has four ASAs – Caerleon, The Levels, Lower Machen and Newport (Medieval Town).

The document has not been updated since initial adoption in 2015. The guidance has been redrafted to ensure it is structured in a clear way, to bring references to legislation and policy up to date and to ensure it reflects the role of Glamorgan-Gwent Archaeological Trust in the planning application process. The proposed changes can be summarised as:

1. Addition of sections relating to defining archaeology, roles and responsibilities, Historic Environment Records.
2. Amendments to section 3 to bring references to legislation and policy up to date. These are reflected throughout the document.
3. Amendments to Section 3 to create Section 9, covering the Archaeologically Sensitive Areas.
4. Amendments to Section 4 to create Section 8 relating to statutorily protected sites.

### **Financial Summary**

The proposed consultation would have a small financial cost in terms of advertising and printing, however the documents will be sent out electronically in most cases. All relevant information will also be made available on the Council’s website. Any costs will be met within the existing Planning Policy budget.

For the SPGs to be given maximum weight by a Planning Inspector as a material planning consideration, they must have gone through public consultation and have been adopted through a Council resolution.

### **Risks**

<b>Risk</b>	<b>Impact of Risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect</b>	<b>Who is responsible for dealing with the risk?</b>
Clarity on the LDP policies is	M	L	These SPGs have been updated to aid the planning	Planning and Development

not provided and open to interpretation and challenge.			application determination process.	Manager /Planning Policy Manager
Outdated SPGs will continue to be used meaning the Council will potentially be losing out financially.	H	L	These updated SPGs will bring the documents up to date and in line with current thinking and approaches.	Planning and Development Manager /Planning Policy Manager
Draft SPGs will carry less weight by Planning Inspectors in the determination of planning appeals.	M	L	Draft SPGs prepared and are awaiting public consultation to increase the weight of the SPG and to be followed up with adoption.	Planning and Development Manager /Planning Policy Manager

## Links to Council Policies and Priorities

The Local Development Plan is one of the statutory plans the Council has to prepare. It determines Newport's land use policies to 2026. The updated SPGs produced supplement and support the overarching principles set out in the LDP, adding more detail and clarification where required.

Newport City Council has four corporate objectives including an Ambitious, Fairer, Greener Newport for everyone. The SPGs will help deliver the corporate objectives by ensuring community facilities and adequate infrastructure is provided to deliver sustainable growth.

## Options Available and considered

Approve the draft SPGs for public consultation.

Make amendments to the draft SPGs and then approve for consultation.

Do not approve the draft SPGs for consultation.

## Preferred Option and Why

To approve the release of the draft SPGs for consultation. This will allow interested parties to provide responses on the proposed policy detail before the Council seeks to adopt the document for development management purposes. The weight attached to SPGs increases if public consultation is undertaken prior to adoption.

## Comments of Chief Financial Officer

The revised unit charging advocated in respect of Planning SPG is already pre-supposed in the 24-25 budget setting as an additional £5k income target. The other policy consultation areas exhibit no direct financial implications though clearly, appropriate s106 contributions for infrastructure, such as new schools etc are essential to ensure the Council does not itself have to unduly fund the cost of development / growth of the city.

## **Comments of Monitoring Officer**

Changes are proposed to four SPGs which support the Council's current LDP. The policies in the LDP are the basis on which planning applications are considered and determined. Therefore, the LDP and the supplemental guidance (SPGs) must be kept up-to-date so that there are clear and established principles on which to base planning decisions and judgements. I fully support the proposal to release these updated SPGs for public consultation, as the first step in the formal adoption process. To rely on outdated guidance would risk repercussions for future decisions.

## **Comments of Head of People, Policy and Transformation**

The Local Development Plan is accompanied by Supplementary Planning Guidance (SPG) covering topics and policies which require more detailed guidance.

The SPGs will help deliver the Council's corporate objectives by ensuring community facilities and adequate infrastructure is provided to deliver sustainable growth. Furthermore, the SPGs will support Gwent wide wellbeing objectives to deliver "a climate-ready Gwent, where the environment is valued and protected" and "to enable and support people, neighbourhoods, and communities to be resilient, connected, thriving and safe."

The report proposes releasing the draft SPGs for consultation. This will allow interested parties to provide responses on the proposed policy detail before the Council seeks to adopt the documents. Consultation will give greater legal weight to the guidance on their adoption.

## **Local issues**

The appraisals will affect all wards of Newport.

## **Scrutiny Committees**

The SPGs have not been through a Scrutiny Committee.

## **Equalities Impact Assessment and the Equalities Act 2010**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

## **Children and Families (Wales) Measure**

Although no targeted consultation takes place specifically aimed at children and young people, consultations on such documentation is open to all of our citizens regardless of their age. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

## **Wellbeing of Future Generations (Wales) Act 2015**

The Well-being and Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into

account the impact they could have on people living in Wales, in the future. The 5 main considerations are:

- Long term:** The updated SPGs will provide the guidance that will enable the Council to ensure that adequate community facilities are provided, along with essential infrastructure, which is necessary to support long term growth.
- Prevention:** The updated SPGs will provide the guidance to ensure that the potential negative consequences associated with development and appropriately mitigated.
- Integration:** The updated SPGs will allow the Council to ensure adequate services are provided to cater for growth. Therefore improving the physical environment will be a major part of this, which will consequently lead to further investment and integration.
- Collaboration:** This report seeks approval for consultation of these documents. The consultation will inform the final versions of these SPGs. The consultation will seek the views of developers, affordable housing providers, and Council services. The consultation will allow close collaboration between those interested stakeholders.
- Involvement:** This report seeks approval for consultation of these documents. The consultation will inform the final version of these SPGs. Stakeholders involved in the development industry are being given the chance to be involved in the production of these documents.

The proposal is in line with the Council's well-being objectives which form part of the Gwent Well-being Plan 2023. Specifically, these proposals contribute to the objective to deliver a climate-ready Gwent, where our environment is valued and protected, benefitting our well-being now and for future generations. As well as the action to enable and support people, neighbourhoods, and communities to be resilient, connected, thriving and safe.

## Consultation

The draft documents have not been made publicly available. If approval is given, the documents will be released for at least 6 weeks of public consultation.

## Background Papers



Draft Archaeology and Archaeological



Obligations Jan 2023



Storage and Collect



Development SPG Ja

**Dated: 19 March 2024**