

CABINET

Date of Meeting	Tuesday, 23 rd January 2018
Report Subject	Adoption of a Developer Advice Note and Supplementary Guidance Relating to Newt Mitigation.
Cabinet Member	Cabinet Member for Planning and Public Protection
Report Author	Chief Officer (Planning & Environment)
Type of Report	Operational

EXECUTIVE SUMMARY

To seek final approval to formally adopt two Planning Guidance notes. The Developer Guidance Note on Speculative Development has previously been adopted, but without full public consultation. It has now been subject to public consultation and can now be formally adopted as an Advice Note. The Newt Mitigation note is a new note, which has been produced to accompany the existing Supplementary Planning Guidance Note no 8 Nature Conservation to add greater detailed advice on mitigation measure associated with Great Crested Newts. This note can now be adopted as formal Supplementary Planning Guidance.

RECOMMENDATIONS

1	Members are requested to approve the adoption of the Speculative Development Advice Note and the Newt Mitigation Supplementary Planning Guidance Note so that they can be given weight as material planning considerations when considering relevant planning applications.
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REPORT DETAILS

1.00	ADOPTION OF SUPPLEMENTARY PLANNING GUIDANCE
1.01	<p>This report seeks final approval for two Planning Guidance Notes so that greater weight can be attached to them as material planning considerations on land use planning decisions, once they are formally adopted. There are two guidance notes that require Cabinet approval:</p> <ul style="list-style-type: none">• Supplementary Guidance Note No. 8A Newt Mitigation• Developer Advice Note
1.02	<p>Supplementary Planning Guidance Note (SPGN) No 8A Newt Mitigation</p> <p>This is an additional note to complement the existing SPG No 8 Nature Conservation, and gives more extensive advice and guidance specifically on Great Crested Newt mitigation requirements for developments. One key issue that has emerged from negotiations on planning applications, is that more clarity on what types of newt mitigation requirements will be sought, is needed. The implications on the development can then be fully assessed. This additional guidance note sets out when mitigation is required, what form that should take and outlines the likely costs associated with those requirements. The Note and the results of the public consultation were considered by Planning Strategy Group (PSG) on 21st September 2017.</p>
1.03	<p>Developer Advice Note</p> <p>This gives advice to speculative developers on planning applications because at present the Council is unable to demonstrate a 5 year housing land supply as required by Welsh Government in Technical Advice Note 1 (TAN1.) This has resulted in a number of planning applications and enquiries for speculative development on sites outside settlement boundaries as defined in the adopted UDP. The Council drafted and made available on the website an updated Developer Guidance Note which was approved by Cabinet on 13 December 2016 and now this has been consulted on. The purpose of the Note is to give guidance to potential applicants on providing comprehensive evidence to demonstrate that the proposed development is sustainable, viable and deliverable. This is to ensure that it will make a genuine and early contribution to housing land supply and will lead to construction on the ground. This consultation exercise was carried out in order to attach extra weight to the Guidance Note as a material consideration in determining planning applications. Planning Strategy Group considered the Note and suggested amendments as a result of the consultation exercise. A key change was to amend the title from 'Guidance' Note to Advice Note to ensure that it is differentiated from the formal Supplementary Planning Guidance Notes.</p>
1.04	<p>Members have previously considered a series of draft Supplementary Planning Guidance Notes which have been firstly presented to Planning Strategy Group (PSG) and subsequently adopted by Cabinet. The intention is to adopt the guidance, in order to support the relevant policies in the adopted Unitary Development Plan (UDP). Although the UDP is time expired it is still the adopted development Plan for the county until it is superseded by an adopted Local Development Plan. Therefore, updated</p>

	and adopted guidance will be useful to help clarify certain policies in the UDP, for use for Development Management purposes.
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2.00	RESOURCE IMPLICATIONS
2.01	The main resources implications at this stage are staff resources to prepare the notes, carry out the consultation and publish the adopted documents.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	<p>At previous PSG meetings, Members considered and discussed the above guidance notes. Various comments were made by Members and changes were made to the notes, where appropriate. Following that process, a public consultation exercise was undertaken, whereby developers, agents, consultants, internal council departments, adjoining authorities, town and community councils, statutory consultees and local interest groups were notified by letter or email, that the guidance notes were available on the County Council website. The consultation period was Friday July 7th 2017 for a period of 6 weeks until Friday August 18th 2017. All comments received were considered and any proposed changes were reported to Planning Strategy Group on 21st September 2017. Planning Strategy Group considered the comments received, the officer's response and a recommendation as to whether any changes to the LPGs is considered necessary and appropriate.</p> <p>In relation to the Developer Guidance Note a number of comments were received from developers, Dwr Cymru/Welsh Water, planning consultants and Campaign for Rural Wales (CPRW) In relation to the Great Crested Newt Guidance note, comments were received from a planning consultant, a resident, an adjoining authority and four landscape or wildlife groups. Each comment has been considered in the light of the relevant UDP policy, the purpose and content of the SPG and other considerations such as National Policy (Planning Policy Wales).</p>

4.00	RISK MANAGEMENT
4.01	It is important to produce advice and guidance alongside the UDP particularly at this time when the UDP is time expired and the Local Development Plan (LDP) is yet to be adopted.

5.00	APPENDICES
5.01	Appendix 1 - Supplementary Guidance Note No. 8A Newt Mitigation – tracked change version showing final amendments.

5.02	Appendix 2 - Developer Advice Note – tracked change version showing final amendments.
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6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Contact Officer: Andy Roberts (Service Manager Strategy) Telephone: 01352 703211 E-mail: andy.roberts@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Supplementary Planning Guidance – Guidance that supports and expands on the interpretation and implementation of development plan policies.</p> <p>Speculative Development – Applications submitted by developers that are not allocated in the development plan, that arise from a lack of a five year land supply.</p> <p>Developer Advice Note – Advice provided to developers relating to the information required to support an application for speculative development to demonstrate that a proposal is deliverable and sustainable.</p> <p>Newt Mitigation – Measures to ensure that development that is likely to impact on this protected species can still go ahead.</p>