

CABINET

Date of Meeting	Tuesday, 15 th October 2024
Report Subject	Adoption of Supplementary Planning Guidance
Cabinet Member	Cabinet Member for Planning, Public Health and Public Protection
Report Author	Chief Officer (Planning, Environment and Economy)
Type of Report	Strategic

EXECUTIVE SUMMARY

The Council is required to prepare a suite of Supplementary Planning Guidance Notes (SPGs) in relation to the recently adopted Local Development Plan (LDP). The Council has prepared the three SPGs in line with Welsh Government Guidance in Development Plans Manual Ed3 and in line with the Council's Delivery Agreement for preparing the LDP, which set out the broad approach to the subsequent preparation of SPG.

Decisions on planning applications are to be made in accordance with the adopted LDP, unless material considerations indicate otherwise. However, individual policies in the LDP can sometimes not provide the level of detail that is often required when considering particular development proposals.

The role of SPG is to provide that additional explanation to a policy in the LDP. Provided that an SPG is in line with the LDP, has been the subject of consultation and has been formally adopted by the Council, then it may be treated as a formal material consideration in the determination of planning applications.

The first three SPGs address Extensions and Alterations, New Housing in the Open Countryside and the Conversion of Rural Buildings.

Perhaps the most common type of planning application determined by the Council is that of extension and alterations to dwellings and the SPG provides clear guidance on extending a house in order to retain the character and appearance of the existing house and locality as well as the living conditions of residents.

There are a number of specific instances where new housing may be permitted outside settlement boundaries in open countryside and the SPG provides detailed advice on each type.

An important aspect of the rural part of the County is that of traditional farm and other buildings and the SPG will assist in retaining the character and appearance of such buildings as part of being converted to another use.

In all three cases the presence of an adopted SPG will ensure guidance is available which will inform the formulation of development proposals as well as their determination by officers or Planning Committee.

The three SPGs were endorsed for consultation by Planning Strategy Group on 1st December 2023 and 26th January 2024 and were the subject of a consultation exercise. The outcome of that consultation exercise was considered by Planning Strategy Group and a number of amendments to each SPG were endorsed.

Each SPG contains an appendix setting out the results of the consultation exercise and changes to each SPG. The three SPGs are all consistent with the LDP, Planning Policy Wales and Future Wales: National Plan and recommended for adoption as SPG.

RECOMMENDATIONS

1	That the SPGs relating to Extensions and Alterations, New Housing in the Countryside and the Conversion of Rural Buildings are adopted as SPG and made available for inspection on the Council's website.
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REPORT DETAILS

1.00	EXPLAINING THE ADOPTION OF SUPPLEMENTARY PLANNING GUIDANCE
1.01	<p>The LDP was adopted on 24th January 2023 and is now the operative Development Plan in terms of determining planning applications. The adopted LDP contains references within it to SPGs and specifically, Appendix 2 of the written statement contains a schedule of SPGs to be reviewed and updated.</p> <p>Planning applications should be determined in accordance with the adopted Development Plan unless material planning considerations indicate otherwise. It is the policies of the LDP which provide the framework against which to assess and determine planning applications. However, it is often useful for additional guidance and clarification to be set out in accompanying SPG, to supplement the policy wording and explanation.</p> <p>The Welsh Government guidance in Development Plans Manual Edition 3 explains that SPG can <i>'be taken into account as a material consideration provided it is derived from and is consistent with the adopted development plan and has itself been the subject of consultation, which will carry more weight'</i>. The guidance further advises <i>'SPG does not form part of the development plan and is not subject to independent examination, but it must be consistent with the plan and with national planning policy. SPG</i></p>

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 Welsh Government guidance advises that SPG can:

- Provide important guidance to expand on topic-based policy to assist the implementation of the LDP (e.g. design, landscape, green infrastructure, heritage, conservation, Houses in Multiple Occupation (HMOs), renewable energy)
- Cover detail and numerical guidelines/thresholds where they may change so as to avoid the LDP becoming quickly outdated and to assist flexibility (e.g. car parking standards)
- Provide additional detailed guidance on the type of development expected in an area allocated for development in the LDP. This could take the form of a development brief or a more detailed masterplan.

The guidance also advises that SPG will carry little or no weight unless it is produced in accordance with a Community Involvement Scheme and is subject to public consultation and adopted by a Council resolution. The guidance suggests the following:

- Development management officers should be involved in SPG production;
- Relevant consultees (e.g. LDP regulations, CIS) should be consulted;
- A draft SPG should be made available for public consultation;
- SEA Regulations 'screening' process should be used, if considered necessary;
- SPG should be formally adopted by the LPA, so that proper weight can be given to it by Inspectors when determining appeals;
- Adopted SPG should include, or reference, a statement of consultation and any changes made;
- Monitoring of the effectiveness of SPG alongside the relevant policy should be undertaken.

1.02

The Delivery Agreement for the preparation of the LDP contained a section on SPGs which is in line with the above Welsh Government advice, and states:

“Supplementary Planning Guidance

The Welsh Government advises that LDPs should contain sufficient policies and proposals to provide the basis for deciding planning applications, and for determining conditions to be attached to permissions, but that they should avoid excessive detail. Selective use of supplementary planning guidance (SPG) is a means of setting out more detailed site specific or themed guidance on how the policies in the LDP will be applied in particular circumstances or areas.

The Council will, where necessary and appropriate, make selective use of SPG as a means of providing guidance on how the policies and proposals of the LDP will be applied and implemented. Any subsequent SPG, whilst not forming part of the development plan, must relate to a LDP Policy.

	<p><i>They may consist of guidance on specific topics, site specific briefs, design guides or action areas.</i></p> <p><i>The requirements for SPG will be identified during the plans preparatory process. In those instances where a requirement is identified its preparation will be the subject of a formal consultation exercise prior to adoption. A statement of consultation and details of representations received will be issued with the approved SPG'.</i></p>
1.03	<p>The Council currently has a legacy suite of adopted and draft SPG which were produced in the context of the Unitary Development Plan. Not all of these are proposed to be taken forward in the context of the LDP. Appendix 2 of the adopted LDP written statement contains a schedule of the SPGs to be prepared.</p> <p>The first three SPGs to be prepared and presented for formal adoption relate to:</p> <ul style="list-style-type: none"> • Extensions and Alterations – A large proportion of planning applications submitted relate to house extensions and alterations. The determination of such planning applications involves the need to ensure that the proposed works safeguard the character and appearance of the existing house, site and locality and ensuring that over-development does not occur as a result of loss of private amenity space or car parking. It also involves ensuring that the living conditions of both the existing residents and adjoining residents are safeguarded. The SPG provides comprehensive guidance on such topics in the context of implementing policy HN5 of the LDP. • New Housing in Open Countryside – Policy HN4 sets out the types of housing development that may be permitted outside settlement boundaries and in open countryside. The SPG provides more detailed guidance on proposals for rural enterprise dwellings, replacement dwellings (Policy HN4-A), sub-division of an existing dwelling, infill dwelling in a group of houses (Policy HN4-C) and One Planet houses. It seeks to ensure that new housing development is strictly controlled and justified in line with the strong protection of open countryside stance within PPW. • Conversion of Rural Buildings – the rural part of the County contains a range of traditional rural buildings such as barns which form part of its built heritage. Many such buildings have outlived their intended use and it is important that new uses are found for them to ensure their survival. Policy HN4-B sets out a preference for business re-use of such buildings, or part residential part business or affordable housing before consideration is given to residential conversions. The SPG provides further guidance on the preferred uses and the circumstances when a residential conversion may be considered. It also provides detailed guidance to ensure that the scheme of conversion retains the character and appearance of traditional rural buildings.
1.04	<p>Preparation of each SPG has involved engagement with Development Management officers as well as other internal consultees and stakeholders where appropriate. Following endorsement by Planning Strategy Group,</p>

	the three draft SPGs have been consulted upon and reported back to Planning Strategy Group. Further details of the consultation exercise are set out in section 3.0 of this report.
1.05	The consultation resulted in a relatively modest number of representations. Some respondents welcomed the consultation or supported the consultation but had no specific comments to make. The bulk of representations were made by Clwyd Powys Archaeological Trust (CPAT) and Natural Resources Wales (NRW). CPAT sought references throughout each SPG to archaeological matters and NRW sought references to various matters including landscape, biodiversity, flood risk and the AONB.
1.06	<p>When drafting an SPG the objective is to provide further guidance on key policies in the LDP, relating to that particular topic or type of development. It will also be necessary to reference other issues or topics that may arise in the consideration of development proposals. An SPG cannot though cover every possible issue or topic as the Plan's policies should be read as a whole in conjunction with Future Wales and PPW12 and also other SPGs.</p> <p>Where the CPAT and NRW representations are considered relevant to the subject matter of each SPG then relatively minor changes have been made, to 'flag up' such issues and provide brief guidance. However, it is not considered necessary or appropriate to include the level of detail that is often sought by the two bodies.</p> <p>Each SPG is presented in its final form and contains an appendix setting out the results of the consultation exercise and changes to each SPG. The three SPG's are all consistent with the LDP, Planning Policy Wales and Future Wales: National Plan and are recommended for adoption as SPG.</p>

2.00	RESOURCE IMPLICATIONS
2.01	Only minor costs will be incurred in the publication of the final adopted SPGs. However, the presence of adopted SPGs may bring savings in Development Management Officer time by improving the consideration and determination of certain development proposals.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	The preparation of the adopted LDP involved undertaking an Integrated Impact Assessment (IIA) which included Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA), Welsh Language Impact Assessment, Health Impact Assessment (HIA) and Equalities Impact Assessment (EqIA). The Integrated Impact Assessment of the Flintshire Local Development Plan Post Adoption Statement Jan 2023 (including the Sustainability Appraisal) is included in the List of Accessible Background Documents. The preparation of the adopted LDP also had regard to the Well-being of Future Generations Act and the seven well-being principles

and five Ways of Working principles. The SPGs do not set new policy, but merely expand on policies in the LDP. Nevertheless, impact assessments are set out below:

Ways of Working (Sustainable Development) Principles Impact

Long-term	Positive (the SPGs recognise the need for the right development in the right place so as to avoid long term harm)
Prevention	Positive (by seeking to prevent development that would not deliver well-being)
Integration	Positive (the SPGs are in line with a variety of guidance, plans and strategies)
Collaboration	Positive (the preparation of SPG has involved collaboration with internal and external stakeholders who have a duty in delivering well-being).
Involvement	Positive (the SPGs have been the subject on an extensive public consultation)

Well-being Goals Impact

Prosperous Wales	Positive (by seeking to enable sustainable development which contributes to prosperity)
Resilient Wales	Positive (by embracing biodiversity net benefit as part of new development)
Healthier Wales	Positive (by ensuring high quality development which contributes to a healthier lifestyle)
More equal Wales	No impact identified
Cohesive Wales	No impact identified
Vibrant Wales	No impact identified
Globally responsible Wales	Positive (by seeking to ensure that new development makes a positive contribution to well-being)

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	<p>The preparation of Supplementary Planning Guidance is guided by the Welsh Government Publication Development Plans Manual. This requires that consultation is undertaken on draft SP and that the adopted SPG includes a statement of that consultation.</p> <p>The consultation exercise commenced on 1st December 2023 and ended on 26th January 2024. The standard six week consultation period was extended to take account of the two week Christmas and New Year holiday period. The consultation exercise featured on the Council's website https://www.flintshire.gov.uk/en/Resident/Planning/Review-of-Supplementary-Planning-Guidance.aspx . Paper copies of the consultation information and the three SPGs were made available for inspection at County Hall and Ty Dewi Sant. Direct communication was made with Members, Town and Community Councillors, statutory and non- statutory consultees and planning agents. In addition to the ability to make representations by e-mail, letter or using a standard form, the Council's own on-line consultation system https://www.smartsurvey.co.uk/s/Planning-SPG/ was used although it should be noted that the survey is now closed.</p>
4.02	<p>Within each of the SPGs presented for adoption is an appendix which sets out the consultation comments received, the Council's response and any recommended changes to the SPG as a result of the consultation. This was reported to and considered by Planning Strategy Group on 14th March 2023. Any additional changes to the SPG's endorsed by PSG are recorded in the consultation tables within each SPG's presented to this report. Factual changes to the SPGs arising from the updated PPW12 are also incorporated.</p>

5.00	APPENDICES
5.01	<p>Appendix 1 Extensions and Alterations SPG Appendix 2 New Housing in Open Countryside Appendix 3 Conversion of Rural Buildings</p>

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Flintshire Local Development Plan https://www.flintshire.gov.uk/en/Resident/Planning/Local-Development-Plan.aspx</p> <p>Welsh Government Development Plans Manual Edition 3 https://www.gov.wales/development-plans-manual-edition-3-march-2020</p> <p>Integrated Impact Assessment of the Flintshire Local Development Plan Post Adoption Statement Jan 2023 (including the Sustainability Appraisal)</p>

<https://www.flintshire.gov.uk/en/PDFFiles/Planning/Examination-Library-Documents/Final-Sustainability-Appraisal-Report.pdf>

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Adrian Walters Telephone: 01352 703294 E-mail: Adrian.walters@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
	<p>Supplementary Planning Guidance Notes (SPGs) Supplementary planning guidance produced by a Local Planning Authority to supplement development plan policies and proposals with the intention of being a material planning consideration in the determination of planning applications. May include design guides, topic based guidance or site planning briefs.</p> <p>The Development Plans Manual Ed 3, is an online reference document for practitioners who are responsible for, or contribute to, the preparation and implementation of development plans. It contains practical guidance on how to prepare, monitor and revise a development plan, underpinned by robust evidence to ensure that plans are effective and deliverable and contribute to placemaking, as defined in national policy set out in Planning Policy Wales (PPW).</p> <p>Delivery Agreement Sets out the Council's LDP preparation timetable outlining the various stages of plan preparation, when these will be undertaken and when engagement will take place. The DA includes details of the Community Involvement Scheme (CIS), detailing who will be involved in the LDP preparation process and how and when participation and collaboration will occur; and the resources the Authority will invest in plan preparation.</p> <p>The Community Involvement Scheme sets out how the LPA involved the community and other Stakeholders in the preparation of the Local Development Plan documents.</p> <p>Strategic Environmental Assessment (SEA) A formal process for assessing the effect of a larger scale plan or programme on the environment where its implementation could have significant environment consequences.</p> <p>Sustainability appraisal (SA) A process of systematically assessing a development plan against a variety of criteria to ensure that it will achieve sustainable development (see Integrated Impact Assessment).</p> <p>Integrated Impact Assessment A combined assessment looking at the social, economic and environmental impacts of a development plan and to assist in bringing about sustainable development. It includes Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA), Habitats</p>

	Regulations Assessment (HRA) and can also include Health, Equalities and Welsh Language impact assessment.
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