

‘SUPPLEMENTARY PLANNING GUIDANCE’ INQUIRY - REPORT

Reason for Report

1. To provide Members with the ‘*Supplementary Planning Guidance*’ Inquiry draft report, attached at **Appendix A**, for discussion, amendment, and approval, prior to presentation to the Cabinet for consideration.

Supplementary Planning Guidance Inquiry

2. During discussions to inform the joint scrutiny of the Replacement Local Development Plan, Members raised the need to scrutinise the use of Supplementary Planning Guidance in Cardiff. Following initial scoping meetings, Members agreed the following terms of reference:
 - *To explore planning policy in Wales to understand when to use Supplementary Planning Guidance by:*
 - a. Examining the relationship between the Replacement Local Development Plan, Supplementary Planning Guidance (SPGs), and other planning policy tools, such as Technical Guidance Notes and Planning Advice Notes.*
 - b. Understanding which planning policy tool is most appropriate to use when.*
 - c. Investigating when SPGs can be used to inform adopted LDP policies, and the timescales involved*
 - d. Considering the “weight” to be afforded to SPG against adopted LDP policies.*

- *To explore planning policy in Wales to understand how to use Supplementary Planning Guidance by:*
 - a. *Considering what is needed in the Replacement Local Development Plan to ensure it contains the policy ‘hooks’ required to enable SPGs to pass Planning Inspectorate Wales tests*
 - b. *Considering whether new SPG’s fall into the following three categories:*
 - *Design Guidance* • *Area Briefs/Masterplans* • *Development Management Policy notes*
 - c. *Researching useful good practice examples in Wales and in England where these are capable of being replicated in Cardiff, including how these were successfully implemented and used.*
 - d. *Identifying any areas of Welsh planning system that prevent use of good practice English SPGs.*
 - *To gather stakeholders’ views regarding the above, including Cardiff Councillors, partners, professional bodies and relevant Cabinet Members and Cardiff Council officers.*
 - *To make evidence-based recommendations to improve use of SPGs in Cardiff.*
3. The Committee agreed the following membership for this task group: Councillor Patel (Chair), Cllr Lancaster, Councillor Sandrey and Cllr Wong. At the local elections in May 2022, Cllr Patel stood down and Cllr Sandrey was not re-elected: Cllr Lancaster and Cllr Wong were both re-elected and completed the Inquiry.
4. Attached at **Appendix A** is the draft report of the task group, which details key findings and recommendations.
5. The task group heard evidence from several external witnesses, including members of Cardiff Civic Society, Cardiff Future Wellbeing Alliance, Cardiff

University, Design Commission for Wales, Planning Environment Decisions Wales¹, and Planning Officers Society Wales.

6. Scrutiny Services emailed a variety of other external stakeholders, including developers and other professionals working in development and their representative bodies, offering them the opportunity to contribute to the Inquiry. Members were particularly keen to understand their perspectives. However, no responses were received from these contacts.
7. Desk based research was undertaken to inform the Inquiry; Members were provided with information detailing the policy context, and good practice examples of other local authorities Supplementary Planning Guidance.
8. The task group shared the draft main body of the report and key findings with Cllr De'Ath, Cabinet Member Transport and Strategic Planning, Simon Gilbert, Head of Planning, and Stuart Williams, Group Leader – Policy, Planning, to seek their views on the findings and to give them the opportunity to submit any additional evidence they wished the Inquiry to consider prior to the task group framing recommendations.
9. The task group arranged a meeting with Cllr De'Ath, Simon Gilbert and Stuart Williams; on the day, Cllr De'Ath was unfortunately unable to attend due to another call on his time. However, the task group met with officers to discuss the report, following which officers provided annotated copies of the draft report, containing their comments, suggested amendments to improve the clarity and accuracy of the report, and additional evidence they wished the Inquiry to consider.
10. All the evidence has been used to identify suitable findings from the Inquiry, which are shown at the front of the document under the headings 'Headline Findings' and 'Key Findings'. The recommendations are based on the evidence heard throughout the Inquiry.

¹ PEDW officers emphasised that the views they expressed were their own and not those of Welsh Government

Way Forward

11. During their meeting, Members may wish to discuss and agree any amendments required to the Task Group report '*Supplementary Planning Guidance*', attached at **Appendix A**.

Legal Implications

12. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

13. The Scrutiny Committee is empowered to enquire, consider, review, and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to consider the '*Supplementary Planning Guidance*' task group report, attached at **Appendix A**, and endorse the report, subject to any amendments the Committee wish to make, for submission to the Cabinet.

Davina Fiore

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7 October 2022