

**CABINET MEETING: 23 MARCH 2023**

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**RESPONSE TO THE ENVIRONMENTAL SCRUTINY COMMITTEE  
INQUIRY REPORT ON SUPPLEMENTARY PLANNING  
GUIDANCE**

**TRANSPORT & STRATEGIC PLANNING (COUNCILLOR DAN  
DE'ATH)**

**AGENDA ITEM: 12**

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**Reason for this Report**

1. To approve the Cabinet response to the Inquiry Report of the Environmental Scrutiny Committee dated October 2022 relating to Supplementary Planning Guidance.

**Background**

2. The Council is currently preparing a Replacement Local Development Plan (RLDP) and part of this process includes a review of existing planning policies and related Supplementary Planning Guidance (SPG). Given this Members of Environment Scrutiny Committee felt this was a good opportunity to inform this review and undertook an inquiry to examine when and how to use SPG and how it can be strengthened.
3. The Committee agreed the following terms of reference for the Inquiry:

**(1) To explore planning policy in Wales to understand when to use Supplementary Planning Guidance by:**

- *Examining the relationship between the Replacement Local Development Plan, Supplementary Planning Guidance (SPG), and other planning policy tools, such as Technical Guidance Notes and Planning Advice Notes.*
- *Understanding which planning policy tool is most appropriate to use when.*
- *Investigating when SPG can be used to inform adopted LDP policies, and the timescales involved.*

- *Considering the “weight” to be afforded to SPG against adopted LDP policies.*

**(2) To explore planning policy in Wales to understand how to use Supplementary Planning Guidance by:**

- *Considering what is needed in the Replacement Local Development Plan to ensure it contains the policy ‘hooks’ required to enable SPG to pass Planning Inspectorate Wales tests.*
- *Considering whether new SPG’s fall into the following three categories:*
  - *Design Guidance*
  - *Area Briefs/Masterplans*
  - *Development Management*
- *Policy notes*
- *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.*
- *Identifying any areas of Welsh planning system that prevent use of good practice English SPG*

4. To inform findings and recommendations the Inquiry sought the views of key stakeholders and local organisations that have a keen interest in planning to understand their perspective and benefit from their knowledge. Views were sought a range of issues including:

- The scope and length of LDPs and how to ensure there are strong “hooks” for SPG in the LDP; and
- The purposes, role, use, scope and status of SPG and how it could be made stronger and publicised.

This was supplemented by a case study specifically looking at LDP policy and SPG relating to Houses in Multiple Occupation (HMO) in Swansea Council and a review of wider good practice from across the UK.

5. The findings and recommendations are set out in the Inquiry Report which was presented to Cabinet for consideration in November 2022 and is attached at Appendix 2.

### **Findings and Response to the Recommendations**

6. The Inquiry Report sets out a series of findings under several headings including the need to carefully consider the scope, language and evidence needed to support the LDP together with the need to involve stakeholders and residents in the preparation process. In relation to SPG the report noted the status and weight of SPG and sets out findings relating to the scope and style of SPG and ways to ensure it is accessible. The report

also highlights ways to strengthen SPG and sets out the need to provide clear advice on the exceptional circumstances to give decision makers clarity on when flexibility is required. Finally, the report sets out findings relating to the consultation process for SPGs, the Annual Monitoring Report, Regional Strategic Development Plans (SDPs) and a series of recommendations for the future role of the Council in the LDP and SPG process.

7. These findings translate into 12 formal recommendations to Cabinet. 10 of the recommendations are accepted or 2 partially accepted for reasons stated in Appendix 1.
8. The work Scrutiny have undertaken on this exercise is appreciated and as recommended will be considered and taken forward in the ongoing review of existing and new LDP policies and related SPG.
9. The detailed case study undertaken on Swansea Council's recently adopted Houses in Multiple Occupation (HMO) LDP policy and its relationship with the HMO SPG is particularly helpful and will aid the Council's consideration of this issue. As the case study highlighted it is important for the Council to produce evidence to demonstrate the harm caused by concentrations of HMOs in a small area and the Council is working with neighbouring Councils on producing evidence to support this. This evidence will be supported by a stronger HMO policy in the Replacement LDP taking into account the Scrutiny findings and informed by best practice from across the UK. This should better ensure that decisions made by the Council on HMO planning applications are supported by Planning Inspectors at appeal.
10. As the plan develops over the coming years, we will continue to engage with Scrutiny on the LDP and related SPG and as recommended provide comprehensive consultation and engagement with residents and stakeholders to support the process going forward.

### **Reason for Recommendations**

11. To respond to the Environmental Scrutiny Committee Inquiry on Supplementary Planning Guidance.

### **Legal Implications**

12. This report seeks approval of the Cabinet Response to the Inquiry Report of the Environmental Scrutiny Committee dated October 2022 relating to Supplementary Planning Guidance
13. In the implementation of these proposals, legal advice will be provided as these proposals are progressed.
14. In considering this matter, the Council must have regard to its public sector equality duties under the Equality Act 2010 (including specific Welsh public sector duties). This means the Council must give due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of

opportunity and (3) foster good relations on the basis of protected characteristics. The protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief.

15. When taking strategic decisions, the Council also has a statutory duty to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage ('the Socio-Economic Duty' imposed under section 1 of the Equality Act 2010). In considering this, the Council must take into account the statutory guidance issued by the Welsh Ministers (WG42004 A More Equal Wales The Socio-economic Duty Equality Act 2010 (gov. wales) and must be able to demonstrate how it has discharged its duty.
16. The Well-Being of Future Generations (Wales) Act 2015 requires the Council to consider how its decisions will contribute towards meeting its well-being objectives (set out in the Corporate Plan). Members must be satisfied that the Council's decisions comply with the sustainable development principle, which requires that needs of the present are met without compromising the ability of future generations to meet their own needs.
17. The Council must also be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards when making any policy decisions and consider the impact of its proposals upon the Welsh language.

### **Financial Implications**

18. This report does not result directly in any additional financial implications. It is a response to the Environmental Scrutiny Committee inquiry on supplementary planning guidance. Any additional financial implications that arise as a result of the matters reviewed and implementation of any modifications must be considered as part of future budget setting processes.

### **Human Resources Implications**

19. There are no HR implications for this report.

### **Property Implications**

20. There are no Property implications for this report

## **RECOMMENDATION**

Cabinet is recommended to approve the response to the findings and recommendations of the Environmental Scrutiny Committee Inquiry on Supplementary Planning Guidance set out in the report and appendix 1.

<b>SENIOR RESPONSIBLE OFFICER</b>
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<b>Andrew Gregory</b>
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	Director of Planning, Transport & Environment
	17 March 2023

The following Appendices are attached:

**Appendix 1.** Response to Recommendations of Environmental Scrutiny Committee Inquiry on Supplementary Planning Guidance.

**Appendix 2** Inquiry Report of the Environmental Scrutiny Committee dated October 2022 relating to Supplementary Planning Guidance.

