

Public Document Pack

Cabinet

Meeting Venue
**Council Chamber - County Hall,
Llandrindod Wells, Powys**

Meeting date
Tuesday, 9 October 2018

Meeting time
10.30 am

For further information please contact
Stephen Boyd
01597 826374
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County Hall
Llandrindod Wells
Powys
LD1 5LG

3 October 2018

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

AGENDA

1.	APOLOGIES
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To receive apologies for absence.

2.	MINUTES
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To authorise the Chair to sign the minutes of the last meeting held on 18 September 2018 as a correct record.

(Pages 5 - 14)

3.	DECLARATIONS OF INTEREST
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To receive any declarations of interest from Members relating to items to be considered on the agenda.

4.	DRAFT ANNUAL PERFORMANCE REPORT 2017 - 18
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To consider a report by the Leader, County Councillor Rosemarie Harris.

(Pages 15 - 118)

5.	GREEN WASTE KERBSIDE COLLECTION
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To consider a report by County Councillor Phyl Davies, Portfolio Holder for Highways, Recycling and Assets.

(Pages 119 - 140)

6.	SCHOOLS ASSET MANAGEMENT PLAN (SAMP) 2018 -2024
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To consider a report by County Councillor Myfanwy Alexander, Portfolio Holder for Learning and Welsh Language.

(Pages 141 - 192)

7.	SUPPLEMENTARY PLANNING GUIDANCE - AFFORDABLE HOUSING, PLANNING OBLIGATIONS, BIODIVERSITY AND GEODIVERSITY
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To consider a report by County Councillor Martin Weale, Portfolio Holder for Regeneration and Planning.

(Pages 193 - 512)

8.	FINANCIAL OVERVIEW AND FORECAST AS AT 31ST AUGUST 2018
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To consider a report by County Councillor Aled Davies, Portfolio Holder for Finance, Countryside and Transport.

(Pages 513 - 526)

9.	CAPITAL PROGRAMME UPDATE FOR THE PERIOD TO 31ST AUGUST 2018
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To consider a report by County Councillor Aled Davies, Portfolio Holder for Finance, Countryside and Transport.

(Pages 527 - 532)

10.	IMPROVEMENT AND ASSURANCE BOARD
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To receive the minutes of the meeting of the Improvement and Assurance Board held on 5th September 2018.

(Pages 533 - 536)

11.	CORRESPONDENCE
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To receive such correspondence as in the opinion of the Leader is of such urgency as to warrant consideration.

12.	DELEGATED DECISIONS TAKEN SINCE THE LAST MEETING
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To receive for information details of delegated decisions taken since the last meeting.

(Pages 537 - 538)

13.	FORWARD WORK PROGRAMME
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To note the forward work programme.

(Pages 539 - 546)

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**MINUTES OF A MEETING OF THE CABINET HELD AT COUNCIL CHAMBER -
COUNTY HALL, LLANDRINDOD WELLS, POWYS ON TUESDAY, 18 SEPTEMBER
2018**

PRESENT

County Councillors A W Davies, MC Alexander, P Davies, J Evans, S M Hayes,
R Powell and M Weale

In attendance: County Councillors B Davies for items 4 and 5 and P Lewis for item 4.

1.	APOLOGIES
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Apologies were received from the Leader, County Councillor Rosemarie Harris who was on other Council business.

2.	MINUTES
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The Chair was authorised to sign the minutes of the last meeting held on 31st July 2018 as a correct record.

3.	DECLARATIONS OF INTEREST
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County Councillor P Davies and M Weale declared prejudicial interests in item 4 Home to School Transport Policy.
County Councillor A Davies declared a prejudicial interest in item 5 Llanfyllin All-Through School.

4.	HOME-TO-SCHOOL/COLLEGE TRANSPORT POLICY AND CONSULTATION SUMMARY REPORT
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County Councillors P Davies and M Weale left the meeting for this item having declared prejudicial interests.

Cabinet considered responses to the consultation on the Home to School Transport Policy. The Portfolio Holder for Learning and Welsh Language thanked everyone who had taken part in the consultation. She noted that the proposal to potentially introduce charges for transport for 16 – 19 year olds attending schools or college in Powys had generated the most comments with 86% of people responding to the consultation opposing this proposal. Given the contentiousness of this proposal it was recommended that further detailed work be carried out into post-16 transport provision as part of the authority's improvement work around the post-16 sector, with the aim providing all learners with opportunities to improve their skills and knowledge, and to have access to a broad curriculum.

County Councillor Bryn Davies, who had chaired the scrutiny group looking at the proposals, welcomed the further work to be carried out on post-16 transport

provision. He sought and received confirmation that scrutiny would have an opportunity to look at any Post-16 proposals before they came back to Cabinet. Councillor Davies also noted that accurate catchment maps needed to be attached to the policy. He questioned the fairness of the policy which offered a choice of schools to some pupils but not others depending on where they lived and whether or not they chose Welsh language or English language education. The Portfolio Holder explained that there was a legal requirement to transport pupils to a school teaching in the language of their choice.

The Portfolio Holder confirmed that there were no proposals to change the appeals system.

RESOLVED	Reason for Decision:
<p>1. That the revised Home-to-School/College Transport Policy as set out in Appendix B of the report is approved;</p>	<p>To ensure that the Council has an effective Home-to-School/College Transport Policy.</p>
<p>2. That further work is carried out on the potential introduction of charges for transport for 16 – 19 year olds, and that further consideration is given to the provision of transport to Welsh-medium provision, in accordance with the authority’s ambition for the development of Welsh-medium education as outlined in the WESP, and a further work brought back for cabinet’s consideration in the spring term 2019.</p>	<p>To have a more detailed understanding of the impact of introducing charges for transport for 16 – 19 year olds and how the Policy impacts upon the authority’s ambition for Welsh-medium education,</p>

County Councillors P Davies and M Weale returned to the Chamber.

5.	LLANFYLLIN ALL-THROUGH SCHOOL
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County Councillor A Davies left the meeting for this item having declared a prejudicial interest. County Councillor S Hayes took the Chair for this item.

The Cabinet considered proposals to amalgamate Llanfyllin C.P. School and Llanfyllin High School to create a new all-through school on the current sites of the two schools.

County Councillor P Lewis spoke as the local member and governor of both schools in support of the proposal which he said would secure the future of bilingual education in north Powys.

County Councillor B Davies spoke as a local member to argue that the new school should embrace the concept of Bilingual Outcome Education by having an entirely Welsh-medium education in the early years, with English medium education being introduced gradually later with Welsh medium education continuing for the majority of their education through KS5 and beyond.

The Portfolio Holder and Cabinet welcomed the vision shown by the governors of both schools and encouraged people to engage in the consultation.

RESOLVED	Reason for Decision:
<p>To commence consultation in accordance with the requirements of the School Organisation Code on the amalgamation of Llanfyllin C.P. School and Llanfyllin High School, by closing Llanfyllin C.P. School and Llanfyllin High School and opening a new all-through school on the current school sites.</p> <p>The target date is to close the two schools on the 31st August 2020 and to open the new all-through school on the 1st September 2020.</p>	<p>To provide stability and security of local provision.</p>

County Councillor A Davies returned to the meeting and took the Chair.

6. FINANCIAL OVERVIEW AND FORECAST AS AT 31ST JULY 2018
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Cabinet considered the budget outturn report for the period ended 31st July. The projection was for an overspend of £4.917m against the approved budget. This position was not dissimilar to that reported at the same point last financial year when there had been an underspend at the year-end due to a number of factors. It was therefore proposed that a review of all budget lines be undertaken and where underspends were already being reported and unlikely to change, the Section 151 Officer in consultation with the Portfolio Holder for Finance be given delegated authority to freeze or realign these budgets for the remainder of the financial year.

The Director of Social Services confirmed that her services were working to reduce budget pressures.

RESOLVED	Reason for Decision:
<ol style="list-style-type: none"> 1. The contents of this report are noted 2. The virements and grants set out in paragraph 6.1 of the report be approved. 3. That a review of all budget lines be undertaken and where underspends 	<p>To monitor the council's financial performance and ensure that spending remains within approved limits and that the 3% minimum general fund reserve is maintained.</p>

<p>are already being reported and unlikely to change, or where income is higher than expected and projected to continue the Section 151 officer has delegated authority in consultation with the Portfolio Holder for Finance to freeze or realign these budgets for the remainder of this financial year.</p>	
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7.	CAPITAL PROGRAMME UPDATE FOR THE PERIOD TO 31ST JULY 2018
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Cabinet considered the capital programme update and requests for 2 virements:

£278k from the Property, Planning And Public Protection programme to the Highways, Transport and Recycling programme as a contribution from Property Services to Waste Services in respect of Abermule Business Park.

£1,790k from 2018/19 to 2019/20 relating to the Welsh Housing Quality Standards (WHQS) review within HRA, and is no longer required in the current financial year.

RESOLVED	Reason for Decision:
<ol style="list-style-type: none"> 1. The contents of this report are noted by Cabinet. 2. That the virements proposed in section 2.2 of the report be approved. 3. That Cabinet approved the virement in section 2.3 and recommends it to Council for approval. 	<p>To outline the capital budget position as at 31st July 2018.</p> <p>To ensure appropriate virements, if any, are carried out to align budgets with spending plans.</p>

8.	PERFORMANCE REPORT QUARTER 1 2018-19
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Cabinet considered the performance report for the first quarter of 2018/19. Of the top 23 measures, 6 had a green RAG status, 5 amber, 1 red and there was no status for 11. The report set out a series of remedial actions for those measures with a red or amber status. The report also set out actions to ensure consistency in reporting performance against the Corporate Improvement Plan.

Of the Public Accountability Measures, Powys was ranked 6th in Wales overall and the Cabinet also acknowledged the very good exam results achieved by Powys schools. Cabinet thanked the Programme and Performance team for their work.

RESOLVED	Reason for Decision:
The above actions (2.2 and 3.2) for Cabinet and Executive Management Team are approved and resources allocated to complete them	To ensure the council can provide appropriate and timely reporting against the CIP and Top 20 PIs

9. CORPORATE REGULATORY TRACKER
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Cabinet was advised that as a result of a consolidation exercise a number of recommendations had been identified as not being relevant for the council to action or had become business as usual which should be approved for closure. It was further proposed to cease the Corporate Regulatory Tracker turning the tracker into a signposting document for regulators.

RESOLVED	Reason for Decision:
1. To approve closure of the recommendations as set out in the report.	Ensure appropriate focus is given to delivering recommendations which are valid and relevant to the organisation.
2. To close the Corporate Regulatory Tracker to be replaced by a Corporate Regulatory signposting spreadsheet.	To enable continued improvement, removal of duplication and streamlining of corporate reporting within the council. This will enable officer time and capacity to be released to focus on delivery of key priorities e.g. Vision 2025.

10. CORPORATE RISK REGISTER QUARTER 1 2018/19
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Cabinet was advised that 4 risks had been removed from the Corporate Risk Register, one had been amended and one on risks to Children's Services if the WCCIS system was unavailable due to network issues had been added. The Portfolio Holder for Youth and Culture advised that issues with WCCIS were being addressed.

RESOLVED	Reason for Decision:
That Cabinet notes the risk register and the current risks faced by the organisation.	To ensure the adequate management of risk, and safeguard the Council

11. PCC STRATEGIC EQUALITY PLAN 2016/20: OCTOBER - MARCH PROGRESS REPORT

Cabinet considered a report on progress made against the Strategic Equality Plan. 3 actions had been completed, 18 actions were on schedule, 8 were behind schedule, and 3 were off schedule. All leads whose actions had not

progressed to plan had been asked to provide mitigations to address slippage. The Portfolio Holder for Learning and Welsh Language asked that the Council consider engaging with a broader range of young people and not just the youth forum.

Cabinet's attention was drawn to the White Ribbon day campaign opposing violence against women in November which the Council would be marking with a mobile display in Council and Health Board buildings.

RESOLVED	Reason for Decision:
The Cabinet note the report which includes SEP progress to date, areas where work is ongoing and the employment information.	To ensure the council can positively contribute to a fairer society through advancing equality and good relations in its day to day activities.

12. FLOOD RISK MANAGEMENT PLAN (FRMP)

The Cabinet was advised of the requirement on the Council to produce a Flood Risk Management Plan. A timetable for producing and consulting upon the plan was set out in the report.

RESOLVED	Reason for Decision:
<p>(1) That the Council produce a draft Flood Risk Management Plan;</p> <p>(2) That the Public, all Members, town and community councils and other stakeholders be consulted on the draft FRMP, and</p> <p>(3) That following consultation and, subject only to a further report if significant unresolved objections are made, the FRMP be submitted to the Executive for confirmation.</p>	<p>To assist the Council as Lead Local Flood Authority identify, record and manage flood risk in a structured approach to support the discharge of statutory duties.</p>

13. SUSTAINABLE DRAINAGE APPROVAL BODY (SAB)

Cabinet was advised that on 7th January 2019 Powys County Council would become the Sustainable Drainage Approval Body (SAB) for the region under Section 32 and Schedule 3 of the Flood and Water Management Act 2010. It was proposed that these duties would be managed through an extended land drainage team within the Highways, Transport and Recycling Service. The Council's statutory duties would be discharged through the Planning, Taxi Licensing and Rights of Way Committee, with sub delegation to the Director of Environment and/or the Head of Highways Transport and Recycling with the ability to further sub delegate.

RESOLVED	Reason for Decision:
1. That Cabinet Executive accept the proposal to discharge the statutory duties of the Sustainable Drainage Approval Body (SAB) through the Planning, Taxi Licensing and Rights of Way Committee.	1. To ensure that the Council discharges its statutory duty.
2. To delegate the responsibilities of the SAB to the Planning, Taxi Licensing and Rights of Way Committee with sub-delegation to the Director of Environment and / or the Head of Highways, Transport and Recycling with the ability to further sub-delegate. Delegated powers will be subject to conditions and/or limitations and will be supported by a SAB protocol developed in-line with the Planning Protocol.	2. To ensure appropriate processes are in place to support the discharge of the function.

14. ADOPTION OF LAND DRAINAGE BYELAWS

Cabinet considered a proposal for Powys County Council as Lead Local Flood Authority to adopt proposed Land Drainage Byelaws. The byelaws had been drafted by key strategic partners in response to concerns about measures available to manage risk arising from potential flooding.

RESOLVED	Reason for Decision:
<ol style="list-style-type: none"> 1. That the Land Drainage Byelaws attached as Appendix 1 to the report be adopted and sealed; 2. That, when made, the byelaws be advertised in the local press in accordance with the Local Government Act 1972; 3. That the byelaws be deposited for public inspection for a period of six weeks; 4. That all town and community councils be consulted on the byelaws; and 5. That, at the end of the consultation period, and, subject only to a further report if unresolved objections are made, the byelaws be submitted to the Cabinet Secretary for 	To ensure appropriate measures are available to the LLFA to manage land drainage issues through a consistent approach to Land Drainage Byelaws across Wales.

confirmation.	
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15. IMPROVEMENT AND ASSURANCE BOARD
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15.1. Update report from the Chair of the Improvement and Assurance Board

Cabinet received the report of the Chair of the Improvement and Assurance Board setting out his views on where the Council was on delivering change and improvement. The Acting Chief Executive advised Cabinet that the report was a balanced and fair reflection of where the Council was, recognising progress to date and highlighting further challenges. He advised that there was a good working relationship between the Board and senior officers of the Council. He reminded members that the Board's remit went beyond ensuring the Council delivered the improvements required following CIW inspections of Adults and Children's Services to overseeing the transformational activity of the Council.

The Portfolio Holders for Adult Social Care and Youth and Culture acknowledged the supportive approach taken by the Improvement and Assurance Board and the Welsh Government.

15.2. Minutes of the Improvement and Assurance Board held on 27 June 2018

Cabinet received the minutes of the Improvement and Assurance Board held on 27th June 2018.

15.3. Minutes of the Improvement and Assurance Board held on 1 August 2018

Cabinet received the minutes of the Improvement and Assurance Board meeting held on 1st August 2018.

16. JOINT PARTNERSHIP BOARD MINUTES
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Cabinet received the minutes of the Joint Partnership Board meeting held on 19th July 2018. The Portfolio Holder for Adult Social Care, who chaired the Board, drew Cabinet's attention to work on integrating mental health services and the potential for a North Powys Regional Rural Centre for the joint delivery of services with Powys Teaching Health Board in the future.

17. CORRESPONDENCE

There were no items of correspondence.

18. DELEGATED DECISIONS TAKEN SINCE THE LAST MEETING

Cabinet noted details of decisions taken by Portfolio Holders since the last meeting.

19. FORWARD WORK PROGRAMME

Portfolio Holders were reminded of the need to keep the Cabinet forward work programme populated.

County Councillor Aled Davies
Chair

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CYNGOR SIR POWYS COUNTY COUNCIL.

CABINET
9th October 2018REPORT AUTHOR: County Councillor Rosemarie Harris, Leader
County Councillor Aled Davies

SUBJECT: DRAFT Annual Performance Report 2017 – 18

REPORT FOR: Consideration

1. Summary

1.1 The purpose of this report is to present the draft **Annual Performance Report (APR) 2017-18** (attached at Appendix A) for consideration and approval. It sets out Powys County Council's performance during 2017-18 against delivering the Corporate Improvement Plan (2016 – 2020) priorities which were:

- Services delivered for less – remodelling council services to respond to reduced funding
- Social Service Improvement
- Developing the economy
- Learning – improving learner outcomes for all, minimising disadvantage

1.2 In April 2017 the council set and published well-being objectives as required under the Well-being of Future Generations (Wales) Act 2015 (Well-being Act). The well-being objectives were the same as the priorities for improvement outlined in 1.1 above and show the council's commitment to contribute to delivery of the seven national well-being goals in the Act. The council is required to report on the progress it has made in meeting its well-being objectives and must publish an annual report by no later than 31st March the following year.

1.3 The Annual Performance Report 2017-18 in Appendix A has been designed to meet the council's reporting duties under the Well-being Act and the Local Government (Wales) Measure 2009. In doing so, it includes:

- An overview of the progress we have made to deliver our priorities and commitments from:
 - The One Powys Plan 2014-17
 - Service plans and improvement plans
 - The Medium Term Financial Strategy and Capital Strategy
- How the steps we have taken contribute to a more sustainable Wales; the seven well-being goals
- How we are using the sustainable development principle, five ways of working to change the way we work

- Our performance against the Public Accountability Measures which are used to evaluate local council performance across Wales
- Key conclusions from audit and inspection work carried out by our external regulators, including the Wales Audit Office Annual Improvement Report 2017-18 (attached at Appendix B)

1.4 The APR 2017-18 aims to provide a balanced and open account of performance and has been developed using information from the following reports to ensure clear alignment and consistency:

- Quarterly SIP Achievements, Issues, Actions reports
- Quarterly programme highlight reports
- Director of Social Services Annual Report 2017-18
- Assurance and Improvement Board Reports
- Schools service Self Evaluation Report
- Efficiency Tracker
- Revenue and Capital outturn reports

2. Proposal

2.1 It is proposed that Cabinet consider the content of the DRAFT Annual Performance Report 2017 – 2018 (Appendix A), and recommend to Full Council for approval on the 18th October 2018.

2.2 On approving the APR 2017-18, cabinet will be satisfied that the following criteria have been met:

- Key achievements identified are collectively considered to be the most important/relevant ones to be published
- The report provides an open, balanced and realistic self-assessment of performance
- There is appropriate information which demonstrates not only what and how much the council does, but also the difference the council is making in terms of outcomes
- The document is clear and provides the right level of information that will be meaningful and relevant to all audiences

3. Options Considered / Available

3.1 N/A

4. Preferred Choice and Reasons

4.1 N/A

5. Impact Assessment

5.1 Is an impact assessment required? No

6. Corporate Improvement Plan

6.1 The Annual Performance Report 2017 - 2018 sets out performance and progress against the council's Corporate Improvement Plan priorities and commitments which are also its well-being objectives.

7. Local Member(s)

7.1 The Annual Performance Evaluation impacts with equal force across the whole County.

8. Other Front Line Services

8.1 The APR reports progress against the commitments that were in the Corporate Improvement Plan 2016-20 and is not intended to be a comprehensive performance report of ALL council services, however the CIP did include key objectives from Service Improvement Plans during 2017-18.

9. Communications

9.1 As with previous editions of the APR, the Communications Team will be involved in publishing the document to ensure that it is made accessible to as many audiences as possible including residents, staff, members, partners, and regulators.

10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

10.1 Legal : The recommendations can be supported from a legal point of view.

10.2 Finance: The contents of the report have been noted.

11. Scrutiny

11.1 The Annual Performance Report was presented to the scrutiny Joint Chairs and Vice Chairs meeting on 11th September 2018. Their comments are attached at Appendix B, for your consideration. A number of amendments were made to the Annual Performance Report as a result of scrutiny recommendations.

12. Statutory Officers

The Head of Financial Services (Deputy Section 151 Officer) notes the contents of the report.

12.2 The Solicitor to the Council (Monitoring Officer) commented as follows : “ I note the legal comments and have nothing to add to the report.”

The Solicitor to the Council (Monitoring Officer) has commented as follows:

13. Members’ Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation:	Reason for Recommendation:
To approve the DRAFT Annual Performance Report 2017 – 2018 in Appendix A to the report and	To ensure the report gives a balanced and open account of Powys County Council’s performance during the

<p>recommend to County Council for approval on 18th October 2018.</p>	<p>2017-18 financial year, against its CIP priorities / well-being objectives.</p> <p>To ensure the Council meets its statutory obligations as outlined in the Local Government (Wales) Measure 2009 and Well-being of Future Generations (Wales) Act 2015.</p>
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<p>Relevant Policy (ies):</p>	<p>Corporate Improvement Plan 2016-19, Local Government Wales Measure 2009, Well-being of Future Generations (Wales) Act 2015.</p>		
<p>Within Policy:</p>	<p>Y</p>	<p>Within Budget:</p>	<p>Y</p>

<p>Relevant Local Member(s):</p>	
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<p>Person(s) To Implement Decision:</p>	
<p>Date By When Decision To Be Implemented:</p>	<p>31st October</p>

<p>Contact Officer: Emma Palmer Tel: 01874 612217 Email: emma.palmer@powys.gov.uk</p>

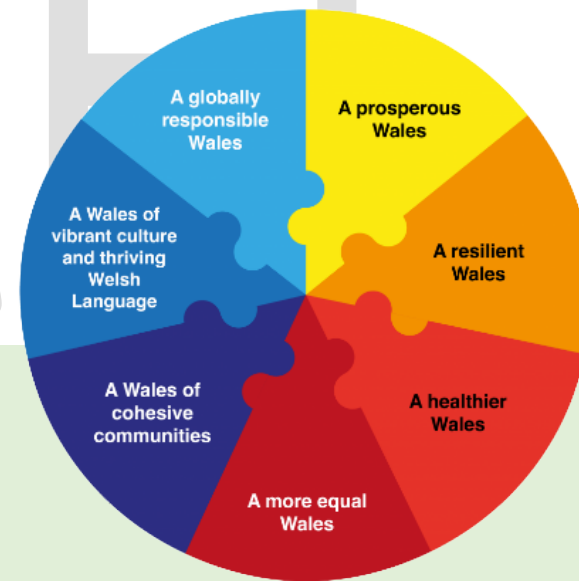
Background Papers used to prepare Report:

2017-18

Annual Performance Report

(Reporting progress against our Corporate Improvement Plan 2016-2020 and Well-being Objectives)

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This is Powys County Council's Annual Performance Report 2017-18. It sets out how we performed during the 2017-18 financial year, against the commitments that we made in our Corporate Improvement Plan 2016-2020 (2017 update), including our well-being objectives.

Let us know what you think of this report and how you think we could improve services in the future.

Get in touch:



By post:

Chief Executive and Member Support
Powys County Council,
County Hall,
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01. Leader and Chief Executive's introduction

During 2016 – 2018 we have been delivering an ambitious Corporate Improvement Plan focussed on four key priorities.

- Services delivered for less – remodelling council services to respond to reduced funding
- Supporting people in the community to live fulfilled lives
- Developing the economy
- Learning – improving learner outcomes for all, minimising disadvantage

During the 2017-18 year we remained focussed on delivering these priorities, while also responding to the findings and recommendations of an independent review of our children's and adult services.

It has been a challenging year and we know that there is still significant change and improvement to do. In the delivery of children's and adults social services, we have fully accepted the findings of the Care Inspectorate Wales (CIW) reports and the intervention by Welsh Government. They found that we had failed to meet the high standards children and families in the county should expect and deserve. In response, we developed detailed improvement plans that provide direction for deep and sustainable change and improvement to services for children, families and vulnerable adults in Powys. In the final part of 2017-18, we started to see some improvements in performance including an increase in the number of people independent following a period of reablement and those supported with technology. There have also been some signs of improvement in relation to statutory visits and safeguarding. In 2018/19 this performance needs to be improved further and sustained which will involve a clear end to end business process to enable staff to discharge their professional duties.

In this report you will find more detail on how well we delivered our priorities and commitments last year as well as what our key independent auditors have told us. It aims to provide an open and honest account of how effective our actions have been and the difference we've made for residents. It also highlights areas where our performance didn't meet the standards our residents rightly expect and what our future priorities are to improve performance in these areas.

Despite the challenges within social services, we have delivered a number of improvements in our other priority areas, including completion of five new primary schools in the Gwernyfed school catchment, adoption of a new Local Development Plan and regeneration of the Llandrindod Wells lake. We invested over £61m as part of our capital programme, including £22m on improving our schools, £18m on improving the county's transport and highways, £12m on improving council dwellings and £5m on improving museums and galleries, parks and open spaces and sports facilities.

As we continue to face financial pressures, we looked at ways of making savings and delivering our services for less and last year we made savings of £8.3m, representing 71% of the total target. Unachieved savings have been mitigated by underspends in some of our service areas, however we know there is still more we can do to strengthen our financial planning going forward. We have already reviewed and updated our Medium Term Financial Strategy for the next five years, subject to final approval by Cabinet.

According to the indicators used by the Welsh Government to evaluate local government performance, we were among the top quartiles in Wales for 10 (56%) indicators and in the bottom quartiles for 7 (39%) indicators. There is no quartile data available for one of the indicator. We improved our performance in 28.6% of the indicators, compared to performance in 2016-17 and our performance fell for 42.9% of the indicators.

This will be the final performance report against the priorities above, as in April 2018 we published a new plan that set out some changes to our long term vision for Powys. It marked a change in direction following the establishment of our new Cabinet in May 2017 and sets out four strengthened priorities, which are also our well-being objectives showing how we are contributing to the well-being of Wales.

As well as preparing our new Vision 2025 Corporate Improvement Plan 2018-2023, we have also been working as part of the Public Services Board to develop a Well-being Plan (Towards 2040) and as part of the Regional Partnership Board to develop the Health and Care Strategy Area Plan. These plans demonstrate our continued commitment to work with partners towards improving the well-being of Powys residents.

A great deal of change has taken place within the council over the last couple of years and we will continue to modernise the way we work to ensure that we are equipped to tackle the challenges that lie ahead. We must also look at the continuing challenges and opportunities and the way we deliver services, prompting us to think more creatively in how we work with communities and partners. We no longer have the financial resources to deliver everything we would like. However, what we will do is focus on the priorities that our communities have told us are most important to them, building on the strong foundations we have put in place to make progress.

I hope you will find this report useful and that it helps you to understand and constructively challenge what we are doing.

Councillor Rosemarie Harris
Leader Powys County Council

Dr Mohammed Mehmet
Acting Chief Executive

02. About this report

In April 2017 we approved the annual update to our Corporate Improvement Plan 2016-2020. It set out four key priorities with over 250 supporting commitments/activities to achieve our vision, which at that time was 'strong communities in the green heart of Wales'.

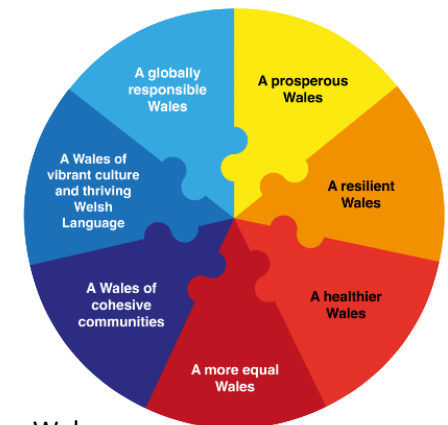
Our priorities were:

- Services delivered for less – remodelling council services to respond to reduced funding
- Supporting people in the community to live fulfilled lives
- Developing the economy
- Learning – improving learner outcomes for all, minimising disadvantage

This report looks back at our performance during 2017-18 and what progress we made against our priorities. It is important to review our progress and report to the public and elected members on improvements which have been achieved and where we need to do better.

This report includes:

- An overview of the progress we have made to deliver our priorities and commitments from:
 - The One Powys Plan 2014-17
 - Service plans and improvement plans
 - The Medium Term Financial Strategy and Capital Strategy
- How the steps we have taken contribute to a more sustainable Wales; the seven well-being goals (The tables on pages 8 -38 show our contribution to the goals with the colours representing each of the goals as shown in the diagram opposite. (Definitions of the goals can be seen in Appendix A).
- How we are using the sustainable development principle, five ways of working to change the way we work
- Our performance against the Public Accountability Measures which are used to evaluate local council performance across Wales
- Key conclusions from audit and inspection work carried out by our external regulators



Key:

In order to analyse our progress, we monitored our performance against a set of commitments and measures and the effect these were having on our desired outcomes. Each of our priorities has been given an overall status of excellent, good, adequate or poor depending on performance.

- Excellent – All commitments completed and outcomes achieved
- Good – Majority of commitments on track and outcomes improving
- Adequate – Commitments broadly on track, but limited impact on outcomes
- Poor – Majority of commitments off-track and outcomes not improving

Our Well-being objectives:

During 2017-18, we continued to implement the Well-being of Future Generations (Wales) Act 2015. The Act sets out five ways of working and seven national well-being goals to shape our thinking and ensure public bodies in Wales are working towards a common vision. In April 2017 we set and published well-being objectives to show our commitment and contribution to the goals. Our well-being objectives were the same as our priorities for improvement above and this report shows how our achievements are making a difference to the well-being goals.

Last year we reviewed our well-being objectives in light of the emerging Public Services Board Well-being Plan and also to reflect the vision of the new Cabinet members, following the local government elections in May 2017. Our objectives have been strengthened and will provide a clear focus for improving services over the next four years. Details of how we will deliver our objectives can be seen in Vision 2025: Our Corporate Improvement Plan 2018-2023.

The table below explains how our well-being objectives have been strengthened to better align with the Powys PSB Well-being Plan (Towards 2040) and to reflect our commitment to provide better integrated services. The biggest change is the introduction of a new objective that will focus on supporting our residents and communities. We want to improve the way we involve residents and ensure they have an active role in the design and delivery of services. We also want residents to be supported to take responsibility for their own actions and support one another.

Original well-being objectives published in March 2017	Revised well-being objectives published in April 2018	Links with PSB Well-being plan objectives
Supporting people in the community to live fulfilled lives	We will lead the way in providing effective, integrated health and care in a rural environment	People in Powys will be healthy, socially motivated and responsible
Developing the economy	We will develop a vibrant economy	People in Powys will experience a stable and thriving economy
Learning – improving learner outcomes for all, minimising disadvantage	We will strengthen learning and skills	
Services delivered for less – remodelling council services to respond to reduced funding	This objective has been removed for 2018 onwards, but we have a programme of work called 'Making it happen' to support delivery of our four objectives. This will focus on: <ul style="list-style-type: none"> Engagement and communication Changing how we work Leadership and governance 	
	New objective: We will support our residents and communities	People in Powys will be connected by strong communities and a vibrant culture

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03. Delivering our priorities in 2017-18

SERVICES DELIVERED FOR LESS

During 2017-18, we introduced a new Corporate Leadership and Governance Plan to ensure that the council is well-run, aspirational and high-performing, turning strategies into actions which make a difference for our communities. The actions in the plan became part of our 'Services delivered for less' priority.

Summary assessment of performance:

Overall performance for this priority was adequate. In total, there were 72 commitments/ activities supporting delivery of this priority and at the end of the year 57 (79%) were either complete or on target.

We said we wanted to make the following difference:

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- Better value for money for our citizens
- Effective, efficient and sustainable services
- Local communities are better able to provide services for themselves
- More local suppliers are being used in our contracts, either directly or through the supply chain
- Powys benefits from the council trading its professional expertise
- Customer requirements are more easily met using digital technology

What difference have we made?

Measure of success	Result 2016-17	Target 2017-18	Result 2017-18	Have we improved?
Savings achieved through remodelling services	-	£1,794,610	£1,545,100	-
Customer Satisfaction with Council Services	60% 2015-16	-	No survey undertaken	-

New self-service website

As part of our customer transformation programme we started to develop a new self-service website in August 2017 which will eventually replace the existing website. Customers now have the opportunity to set up a new and simpler 'My Powys' account where they can easily interact and request services from the council online, 7 days a week. Residents can still check their council tax balance and register for school closure alerts but now they will also be able to very quickly see their Councilor's details and bin collection dates. There is also access to a new facility called 'My Requests' which allows residents to check the progress of reports or requests, including getting a new bin/box, reporting a problem with a waste collection and getting a commercial vehicle trailer permit. Customers receive automatic updates on their service requests and are able to track progress. The new web based system being implemented will reduce manual processing and back office systems. Customers are able to leave feedback every time they request a service which enables the council to review and continuously improve the services on offer.

Feedback received so far includes:

Very easy to navigate, quick response and very quick delivery, thank you.

The process was fairly easy when I realised how to get round the net. The feedback was helpful.

What progress did we make against our commitments?

National well-being goals	How has our progress contributed to the well-being goals?	Contribution to other goals					
		Yellow	Orange	Red	Dark Red	Dark Blue	Light Blue
A prosperous Wales	<i>Powys Pound launched</i> – We launched a new commitment to boost the amount of money we spend with Powys businesses. We know that every £1 we spend with local companies generates additional investment and local job opportunities. Like all councils we have to work within procurement regulations but know that it is not just about getting the lowest price, it is about getting the best value and doing what you can to boost the local economy. To ensure the council's money is spent as efficiently and effectively as possible we have undertaken many activities. This includes e-tendering for goods and services in accordance with regulatory requirements, monitoring back office spend through a spend control process, and supporting services commissioning plans and their intended procurement approach. Work has been undertaken with the National Procurement Service and Sell2Wales who are organisations which are used to source goods and services for the council to identify businesses who are Powys based and the areas of goods/services they provide. Another activity we have developed is 'breakfast meetings' for businesses, giving them the opportunity to meet and ask questions of key council officers on how to do business with us.	✓					
	<i>Commerciality</i> - Our vision is for the council to be open and enterprising so it is important we are looking at many different options to trade, generate income and offer a wide variety of services and skills. In line with	✓					

	our vision we launched the Heart of Wales Business Solutions, which is a new initiative aimed to improve our commercial opportunities by trading some products and services. Connecting with these businesses is key and will take us one step further to boosting income and strengthening council business. We currently have 32 contracts in place providing services such as payroll, DBS, fraud and administration support to external organisations which could potentially generate additional income of £348k.							
	<i>New joint venture company implemented</i> - The Heart of Wales Property Services (HOWPS) was implemented from summer 2017 to deliver all our building repair and maintenance services. It is an exciting new partnership between us and Kier which will contribute to the local economy. However, there have been some difficulties in the first 12 months and things have not gone as hoped. There have been problems with ICT and financial systems, payment of contractors and generally the response and performance of the service. These issues have all been significantly challenging to officers of both parts of the partnership during the 12 month period and has resulted in a failure to achieve the anticipated efficiencies in the first year. Additional resources have now been applied to the organisation and it is anticipated that year 2 performance will improve significantly.	✓						
	<i>Highways, Transport and Recycling (HTR) Transformation</i> - In 2017/18 a savings target of £1.8M was set against HTR budget through a variety of initiatives, improved delivery methods and budget management. We achieved £1.5m savings against our target in 2017/18 and the remainder has already been realised at the start of 2018/19. A project to further transform HTR services and increase delivery efficiency over the next 3 years is underway.	✓						
	<i>Commercial and commissioning strategy developed</i> - A Commercial and Commissioning strategy has been developed. As part of the strategy a Local Sourcing plan has been developed which includes but not limited to the monitoring of local operators bidding and winning tenders, reducing the time taken to pay invoices to small/local businesses and the inclusion of more social clauses into contracts. The strategy will be implemented immediately after sign off.	✓						
	<i>Purchase to pay</i> - We reviewed our purchase and payment systems to make them more efficient. As a result of the review we are now increasing the use of purchase cards across the organisation for buying goods and services. This has generated efficiencies through not having to manually process invoices. Our suppliers also receive payment quicker. Implementation of the review has generated £100k savings during 2017-18 and together with an £82k rebate from the provider.	✓						
	<i>Income and awards re-design</i> - We have continued to re-design our income and awards processes to make them more efficient. The number of days taken to process housing benefit and council tax reduction claims has been maintained at seven days (this was 35 days prior to implementing a number of service changes). The number of days it takes us to process council tax queries has reduced from 64 to 24 days, whilst maintaining an 89% call answer rate, with average call waiting times now five minutes. To date, £325k has	✓		✓	✓			

	been realised in benefits as a result of streamlining our processes. Last year we started to review and re-design the financial assessment and billing process for Adult Social Care. A pilot was undertaken which showed that a number of improvements could be achieved from re-designing the process, including an increase in clients income, removal of delay in the process and improved communication for customers and families.							
	<i>ICT improvements</i> – During 17/18 we removed 11 ICT systems. The current system rationalisation programme has removed a total of 47 systems since 2016 and we continue to implement the programme of work, identifying further systems to remove as well as systems that we can join-up through the corporate hub. An efficiency of £200k has been achieved as well as other benefits such as a reduction in the number of servers and licences, reduced travel costs, reduced telephony support costs and an improved joined up approach to ICT systems across Powys.	✓						
A resilient Wales	<i>Rights of way improvements</i> – We have maintained or improved 254km of public rights of way, exceeding our target of 200km. Examples of the improvements include, a new footbridge along the public footpath that goes across Ystradgynlais’ Diamond Park and into the Wern Plemys Nature Reserve, works to repair part of the ‘Strata Florida’ byway near Abergwesyn, Llanwrtyd Wells and replacement of a stretch of stone steps leading to the waterfall at Pistyll Rhaeadr near Llanrhaeadr-ym-Mochnant. We now have a team of 102 volunteers (an increase from 71 the previous year) who clocked up 2,348 volunteer hours to deliver works such as building new bridges, installing gates and vegetation clearance. The volunteers receive health and safety training from the council and are key to ensuring we continue to maintain our rights of way which can play a vital role in maintaining the health and well-being of the people of Powys as well as maintaining our natural spaces.	✓	✓	✓				
	<i>Transfer of outdoor recreation to communities</i> – We continued to work with communities, sports clubs and others to discuss options for them to take on outdoor recreation facilities traditionally run by the council. To date we have transferred 18 outdoor recreation and play provision sites to communities, including the transfer of Radnorshire Indoor Bowls in November 2017. During 2017-18, £60k of financial savings were made through a review of our grounds maintenance and through transfer of facilities.			✓		✓		
A Wales of cohesive communities	<i>Library services re-commissioned</i> - We have consulted and worked with local communities to re-design and re-commission the library service in order to achieve savings of £125,000. We are grateful to the Town and Community Councils, schools and community organisations who are providing financial and other support to their local libraries, and to all of the volunteers who have given 2,490 hours of their time during 2017-18 <ul style="list-style-type: none"> ○ Builth library has been successfully co-located into a Powys County Council building, Antur Gwy ○ Llanidloes libraries have been successfully co-located with Llanidloes museum with the Town Council’s Town Hall, and received visitor attraction status ○ Work has progressed on agreement with a Community Interest Company formed by 12 Town and Community Councils in the Llanfyllin area in order to support the local library and look at delivery of 					✓	✓	

	<p>other services. Working with the Community Connector, there has been an increase in health and wellbeing activities and events at Llanfyllin library and community centre</p> <ul style="list-style-type: none"> ○ Crickhowell library is going from strength to strength under the partnership agreement between Crickhowell High School and our library Service, with visitor numbers up by 10% between January and March 2018 ○ Presteigne Town Council provide financial support to Presteigne library ○ Talgarth library has been co-located on the new community focused school site (Ysgol y Mynydd Du). The new site provides a vital role at the heart of the Talgarth and Bronllys community and the library will provide an additional valuable learning asset for future generations to access ○ Llandrindod Library extended opening hours by opening at 9am, from October 2017, and is now open for 45 hours per week ○ Data has shown that libraries run by volunteers alone for some hours (Llanwrtyd, Presteigne) have seen a decline in visitor figures, and we are looking at ways to address this. Volunteers have started to open Llanfair Caereinion library for 1 shift per week (3 hours) and the impact will be monitored. Volunteers working alongside paid staff is proving a more effective model for all concerned, as well as less onerous for the volunteers ○ Llanfair Caereinion Town Council are covering the premises costs for the library ○ Knighton library has moved to become part of the enhanced community hub facility at Knighton and District Community Centre. In the first 3 weeks after opening, over 1200 people visited the library, with most feedback very positive. Libraries are important for local communities, and innovative partnership working, and shared facilities such as this hub, are one way to ensure that services are still available for local people, particularly in rural areas 							
	<p><i>Youth services re-modelled</i> – In order to continue delivering the youth service within available budgets, we have re-modelled the service saving £180k in 2017/18 and a further £207k has already been achieved in 2018/19. This was achieved by removing three buildings from our portfolio (Newtown, Llandrindod, Brecon). The youth clubs in these areas have re-located to venues not owned by the council. Negotiations are still being undertaken with regards the buildings in Ystradgynlais and Welshpool. We have also restructured the open access team and reduced staff hours to make efficiencies. We currently have 13 youth workers in secondary schools across Powys and one youth club in the five main towns (Welshpool, Newtown, Llandrindod, Brecon, Ystradgynlais). We commissioned the Urdd to deliver Welsh language youth work and the YFC to deliver rural youth work across Powys.</p>					✓	✓	
<p>A globally responsible Wales</p>	<p><i>Recycling targets met</i> – 60.65% of waste was reused or recycled. Whilst this exceeds the Welsh Government’s Statutory Recycling Target (SRT), it is a fall of 4% on the previous year’s recycling rate. This was principally down to how wood waste from household waste recycling centres is now reported to NRW,</p>	✓						

and also the loss of some recycling as a result of sending some waste to incineration which does allow the authority to claim the bottom ash as recycled. The fall in recycling has been seen across most Welsh councils for the same reasons and we will be working to divert additional material from the residual stream to recycling in order to meet the next SRT of 64% in 2019/20. A new household waste recycling centre was developed in Llandrindod Wells, providing an upgrade to what was a popular community recycling site. It is centrally located to serve mid Powys residents and will help the council to recycle as much waste as possible. Opening days of the council's HWRC were also increased to encourage residents to recycle more.

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How much did we save/ spend?

Headline capital investments:



- **£2.9m** – Highways, Transport and Recycling Service vehicle replacement programme. For example, a capital investment of over £425,000 has seen the council purchase two Archway Roadmaster spray injection patching machines, which will tackle several times the number of road defects compared to traditional patching methods. One of the machines, which is operated by one person from the cab of the vehicle, recently repaired 40 square metres of potholes. It would have taken a four-person workforce using traditional patching methods and numerous pieces of equipment all day to repair the same amount of potholes. With budgets under increasing pressure, the new machines are seen as a cost-effective way of maintaining the county's highway network.
- **£330k** – Llandrindod Wells Household Waste and Recycling Centre
- **£295k** – ICT replacement infrastructure

Headline savings:

- **£100k** - Implementing the LED conversion programme for street lights and reviewing the service
- **£189,210** - Review the provision of Household Waste and Recycling Centres
- **£20k** - Decommissioning direct management of some museums and pursuing joint arrangements in the management of the Brecon Cultural Hub
- **£350k** - Year on year reductions in contract fees for managing the council's leisure facilities
- **£111k** - Business support (New Model)

What are our improvement plans for 2018-2023?

Vision 2025: Our Corporate Improvement Plan 2018-2023

You can see more detail about how we will continue to provide effective and efficient services in our Vision 2025: Corporate Improvement Plan 2018-2023. One of our priorities for 2018-2023 is called 'Making it happen' which focusses on:

- Engagement and communication
- Leadership and governance
- Changing how we work

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SUPPORTING PEOPLE IN THE COMMUNITY TO LIVE FULFILLED LIVES

An inspection of our Children's Services in July 2017 followed by an inspection of Adults Services in January 2018, highlighted some critical areas for improvement and in response we prepared two key improvement plans to help implement immediate and urgent changes.

- Children's Improvement Plan
- Adults Improvement Plan

These plans focussed on improving the standards of our statutory social care services, ensuring that our most vulnerable children and adults are safe. Recognising the importance of these plans, we took the decision to replace our original priority - 'Supporting people in the community' with a priority called 'Social Service Improvement'. The commitments and measures of success set out in the CIP 2016-20 were therefore changed to better reflect the outcomes being sought. From October 2017 onwards our performance monitoring focussed on implementation of the improvement plans and it is therefore progress against these that is the main focus of this section of the report.

More information on the Children's and Adults Services inspections can be found in section 6 of this report.

Summary assessment of performance:

Overall, performance for this priority has been adequate and improvements in our social care services will continue to be a priority for 2018-2023. In total, there were 113 commitments/ activities supporting delivery of this priority. 84 (74%) of the commitments/ activities were either complete or on target by the end of 2017-18, leaving 29 (26%) off-track. Only 3 out of the 10 measures being monitored met their target while three showed improvement compared to 2016-17 performance.

We said we wanted to make the following difference:

In Children's Services, we will:

- Support families to stay together and reduce the need for children to be looked after, by focusing on services which provide timely help, build on family's strengths and prevent greater problems arising
- Manage risk confidently and effectively when providing support to families where children and young people need to be safeguarded or they are judged to be on the 'edge of care' by making sure that their needs are accurately assessed and met effectively, with positive outcomes for them
- Provide and commission a flexible and affordable mix of high quality placements for children who are looked after to meet the diverse range of their needs and circumstances
- Give children and young people clearly planned journeys through care and into adulthood

In Adult Services, we will:

- Improve access to services through timely information, advice and assistance, as well as receiving and processing enquiries appropriately and swiftly
- Keep safe, adults at risk by ensuring that initial screening of concerns is effective and consistent, with a prompt assessment of risk and safeguarding action

- Avoid delays by providing sufficient service and fieldwork capacity
- Meet new statutory responsibilities towards individuals and their carers by increasing the range and quality of the services available for meeting needs

What difference have we made?

Technology enabled care

A 95 year old lady lives alone with her son living close by. She is adamant she wants to stay in her own home as long as possible but she has early stage dementia and although there is a care package in place the concern is that the lady might get up in the middle of the night and have a fall. Telecare was installed which included a bed occupancy sensor. This was programmed to monitor her activity between 10pm and 8am and it is programmed so that if she gets up and then doesn't return to bed within 30 minutes, the lifeline is activated and the call centre respond to check she is well.

Community connectors

Client A, now in his late 70's, recently left hospital. He refused a care package and reablement. His sister cared for him but she had to return to work. His ex-wife is caring but she can't continue any longer as it is a strain for her; in her 80's and not living locally. He doesn't want care workers coming in and can't abide ready meals. He is managing with washing and dressing. However, at the moment he can't manage getting to the shops or cooking meals. His ex-wife contacted Powys People Direct (PPD) to see if social services could help her to care for him. While speaking with client A's ex-wife, the PPD contact officer consulted with the Community Co-ordinator to see what options might available to him. In negotiation with client A and his ex-wife it was agreed that he would be referred to Red Cross support at home for preventative work (primarily shopping and confidence building) and the Community Co-ordinator would try to locate someone to deliver a hot meal to him each day. Client A relented and agreed to be referred to reablement to support him with meal preparation. This removes the stress of caring for his ex-wife and supports the immediate need of the client.

Red Cross continued to support him by taking him to the shops, encouraging improved mobility and building confidence. At the shops, client A gets to catch up with friends and enjoys hearing the local news. He told the Red Cross staff "when I know you are coming, I know it is only shopping, but I really do look forward to getting out, doing my own shopping and seeing people. As client A comes to the end of his time with the Red Cross, his confidence has improved. He is determined to increase his independence and hopes to be able to start sailing again. The Red Cross staff will put him in touch with local Community Support befriending and community transport schemes so he can continue doing his shopping and building his strength.

Early Help Team Around the Family

Person 'B', was 15 years old when a CAF was completed. His father has mental health problems and his mum has a complex health condition which meant Paul helped care for his mum at night and cared for her in the morning when she had 'bad days,' (prior to Adult Services becoming involved).

'B' had low self-esteem and low self-confidence and he rarely went out socially. He was bullied in school. He is dyslexic which means learning is hard for him. He and his parents felt he did not get the support in school. 'B' had been involved with the Police at one stage, and he had also ran away.

'B' initially received support from a Youth Intervention Service Worker (YIS) worker. The work helped increase his self-esteem and self-confidence. They helped with school issues such as bullying. A referral was made to Young Carers. 'B' went on group activities but preferred one to one support such as mountain biking. TAF meetings were held at school (which included dad's mental health advocate and a SW from Adult Services) which meant everyone came together to work to a plan and ensure a strong link between home and school. School became fully aware of the level of caring responsibilities 'B' had at home. When YIS had finished their work, 'B' had support from a volunteer from a mentoring service until he went to college.

'B' contacted the department in March 2018 to say: *"I just want to say thank you for all you did for me, to let you know that you may not get a medal at the time but a couple of years down the line I have realised that what you lot did helped more than I realised, although at the time I may not have seen it that way. My life would have been different without both you at TAF and my head of year at school (yr11). You gave me my confidence back. Going out with my mentor was something to look forward too away from my problems"*

'B' has been awarded an unconditional offer to go to university in Sept 2018.

Measure of success	Result 2016-17	Target 2017-18	Result 2017-18	Have we improved?
Children's				
The percentage of assessments completed for children within statutory timescales	95%	95%	66%	✘
% of children looked after on 31 March who have had three or more placements during the year (This measure is based on a rolling 12 month period and details all those looked children who have been in 3 or more placements during that year as a percentage of all the children looked after on the last day of the reporting period)	13.5%	6%	13%	✓
% of LAC Statutory Visits carried out within timescale	n/a	95%	75%	-
% of CP Statutory Visits carried out within timescale	n/a	95%	73%	-

% of operational staff who have had Case Supervision on a monthly basis	n/a	95%	43%	-
Adults				
The number of persons (per 1000 population) aged 75 and over who experience a delay in returning to their own home or social care setting following hospital treatment decreases	8.13	7.5	10.49	✘
Following a period of reablement support, the number of clients requiring no ongoing support will increase	66.5%	70%	76.43%	✓
The number of adult clients supported in their own home through assistive technology will increase	104.75	380	412	✓
The percentage of Carers identified offered an assessment	93.87%	91%	88.47%	✘
The number of service users with learning disabilities receiving residential care or supported tenancies outside of Powys will reduce	-	Reduce	Reduced by 1	-

What progress did we make against our commitments?

National well-being goals	How has our progress contributed to the well-being goals?	Contribution to other goals						
		Yellow	Orange	Red	Dark Red	Dark Blue	Light Blue	Blue
A healthier Wales	<i>Children's Services:</i>							
	<i>Powys People Direct (PPD)</i> - To meet the need of children and families for a timely and proportionate early contact response, we have increased capacity in Powys People Direct, our contact and early screening centre. It both provides information, advice and assistance and also receives social services enquiries from the public and professionals. Recent concerns raised about people's ability to get access to PPD were addressed through a restructuring exercise. Supervision and support for contact officers has been increased and management oversight enhanced.			✓				
	<i>Safeguarding</i> - We agreed a Corporate Safeguarding Policy which sets out the steps that the council as a whole will take to protect and safeguard children and adults at risk. We also set up a Corporate Safeguarding Group chaired by the Chief Executive to monitor delivery of the policy.			✓	✓			
	<i>Working with partners</i> – We demonstrated renewed commitment to engaging effectively with the Regional Safeguarding Board, the Regional Partnership Board, the Children and Young People's Partnership and structures for national working in areas such as fostering and adoption so that we can benefit more from partnership working and external accountability. We have re-established the Powys Local Operational Group which operates on a multi-agency basis to co-ordinate the work of the Regional Safeguarding Board and we are ensuring that senior officers make a stronger contribution to the work of the Board.			✓				

<p><i>Foster Carers</i> - We are committed to Increasing the number and range of local fostering placements. 23 foster carers have been approved in the current financial year (9 Generic and 14 Connected Persons). 13 foster carer assessments are in progress. The council's fostering recruitment strategy will set annual targets, complemented by regional recruitment work. We will explore the potential for reduced or waived council tax for Foster Carers and for their prior consideration in allocations of larger council housing properties. A listen and learn exercise has been completed with Foster Carers and recommendations are being considered and implemented. A marketing strategy has also been completed. We aim to reduce inappropriate use made of Independent Fostering Agency (IFA) placements and clearly specify their role. Agencies can continue to play a role in complementing our in-house provision through targeted commissioning of more specialist provisions rather than being used because a local authority foster placement is not available.</p>			✓		✓		
<p><i>Assessments</i> - The service has focused strongly on assessments, with twice weekly meetings of operational managers to ensure timescales are met and performance improved. An independent auditor also reviewed a small number of files and suggested more appropriate timescales for completing assessments to ensure that they are more proportionate. The council is determined to achieve 100% compliance for completion of assessments for children within the statutory timescale of 42 days. However, we are starting from a very low base of 53% completion in April, May and June 2017. In January 2018 we saw a significant improvement to 72% of assessments being completed within timescale and this has increased further to 86% for February 2018, and 96% for March 2018. This takes us past the 90% target set for March 2018. We will continue to make every effort to deliver our aspirations of 100% compliance and this will be monitored by the Leader of the council on a monthly basis and exceptions will be challenged to be understood.</p>			✓				
<p><i>Involvement of children and families in their care plans</i> - There are good examples of outcome-focused care planning which consistently reflects the outcomes of the assessment and the views of children and families. People are actively involved in planning and delivery of their care and support and they are supported to identify what matters to them and how they might achieve their personal well-being outcomes. These outcomes are clearly described and the actions to achieve them are identified. We have seen an increase in the numbers of Children who require care and support plans since April 2017. However, this has been steadily reducing since the high of 751 in December, falling to 668 by March 2018.</p>			✓	✓			
<p><i>Workforce</i> - We recruited agency staff to cover vacancies or longer-term sickness absence. On a temporary basis, we have appointed to a number of social worker posts above establishment in order to support staff, reduce caseloads and stabilise the workforce. As well as increasing social worker capacity in front line teams, the council is also committing to provide additional support staff so that front line practitioners and managers can focus on delivering safe and high quality services to children and their families. This includes strengthening the quality assurance functions (including Independent Reviewing Officers) and increasing capacity in Powys People Direct and the fostering and adoption services. A workforce strategy is being</p>	✓		✓				

<p>developed and will be relevant to both children and adult services. Having extra agency staff does increase capacity and experience within the workforce but we are aware that if workers change frequently, it can also add to instability for children and families.</p>							
<p><i>Improved HR, IT and performance monitoring systems</i> - We have improved the accuracy of data to support managers in addressing practice issues across the service. Detailed performance dashboards have been developed for front-line managers (updated daily) and for elected Members (updated monthly).</p>			✓				
<p><i>Financial planning</i> - We have produced a financial plan that incorporates a safe and sustainable budget for Children's Services. The level of political and corporate support for our Children's Services has been demonstrated especially by the level of additional financial support made available in 2017/18 and agreed for 2018/19 to deliver our improvement plans. The budget for next year includes investment of £6.172m for Children's Services, an increase of 47% at a time when the overall budget for the council is experiencing considerable pressures. This figure emerged from a structured and methodical approach to developing a safe and sustainable budget for Children's Services, including a costed Improvement Resource Plan which identifies the additional staffing and other resource requirements. An overall commissioning strategy for Children's Services is being developed, together with specific strategies in areas such as placements for children who are looked after. This will ensure that an appropriate level of budget is allocated to the service.</p>			✓				
<p><i>Looked After Children (LAC)</i> - The council has responsibilities to act when children are at risk in the family home. In some cases this means that they are removed for their own safety and well-being. The number of LAC has remained over 200 from January to March 2018 and is much higher than at April 2017 (160). One of our important roles is to ensure that we undertake visits to our LAC. The percentage of statutory visits held within the statutory timescale has improved from 49% in January 2018 to 55% in February, and 86% in March 2018. This is however below the target of 100% and it is recognised that further immediate improvement is required. This will be one of our priorities for 2018/19 going forward. The percentage of 'looked after' children who returned home from care during the year was 15.3%. The percentage of children who were supported to remain living with their family was 73.9%.</p>			✓	✓			
<p><i>Children on the Child Protection Register</i> - We have been focussed on the impact that we can have on our child population and how we need to perform in responding to those at risk. The number of children on the child protection register was 111 in March 2018, which is a drop of 12 since January 2018, but is still far higher than at April 2017 (80). The average length of time on the Child Protection Register for those removed has reduced from 229 days in January 2018 to 195 days in March 2018. To keep children safe the service must ensure statutory visits are undertaken at the right time. At the end of January 2018 performance was low at 56%, but has increased to 72% at March 2018. The organisation has set a compliance target of 95% for statutory visits.</p>			✓				
<p><i>Adult Services:</i></p>							

	<p><i>Engagement Strategy</i> - We have developed and consulted with stakeholders on an engagement strategy for adult social care and this has recently been finalised in order to implement fully during 2018. We are eager to hear about the services we already deliver and how we can support adults better. In 2017-18, 51% of adults (197 adults) felt that they could do things which were important to them. 47% (182 adults) felt that they couldn't, or could only do so some of the time. This is a reduction from 52% (267) in 2016-17 that felt they could do the things important to them. Health and mobility issues were raised as being the main limiting factors.</p>			✓	✓	✓		
	<p><i>Preventative Services</i> - We worked with the 3rd sector to develop our preventative services, but we recognise that we need to undertake further work to ensure that these are robust. We developed home based support services in East Radnorshire with the 3rd sector and in Llanidloes and Llandrindod. These are pilots for two years and will be evaluated at the end of the second year.</p>			✓		✓		
	<p><i>Powys People Direct</i> - We have used our single point of access, Powys People Direct (PPD), both to provide information, advice and assistance and also to receive social care enquiries from the public and professionals. We recognise that we have not been able to respond to calls as effectively as we would have liked and, therefore, we need to undertake significant work in 2018 to support call answering in a timely manner and to ensure that those requiring support receive it swiftly. During 2017/18 1,327 adults contacted us for information, advice and assistance. Of these individuals who contacted us in the first half of the year 90% have not contacted us again within six months.</p>			✓				
	<p><i>Carers</i> - Adult Social Care is striving to adopt good practice in terms of listening and giving carers time to participate in assessments in their own right, along with providing a timely response to assist them in their caring role. There have been delays in carers assessments being undertaken in some areas because of staffing capacity. However, the data is currently showing a significant increase in the percentage of carers being offered an assessment which is up to almost 95%. A third of carers (33% or seven individuals) felt that they can do things that are important to them, with 24% (five individuals) saying this only applied to part of the time. Three carers (15%) said that they couldn't. One comment related to ensuring the day centres remained open while others said that their caring duties were a barrier.</p>			✓				
	<p><i>Assessments</i> - The ability to provide timely assessments and reviews has varied across the county, reflecting recruitment and retention challenges in some areas of Powys. The Community Team supporting older people in the south of Powys for example has been affected by staffing instability. We have been relying on agency social workers and occupational therapists. In the short-term, an external organisation has been commissioned to undertake assessments on our behalf to eliminate the backlog of work and this is having a positive impact. Annual reviews in adult services remains a challenge but we have started to make some progress in delivering this area of performance. The council has been working closely with Powys Teaching Health Board to manage winter pressures in adopting a team approach to dealing with urgent assessments, supporting flow within both hospital and community systems.</p>			✓	✓			

	<p><i>Technology Enabled Care (TEC)</i> - During 2017/18 we aimed to introduce technology enabled care (TEC) in the form of assistive technology and accessed the Welsh Government's Integrated Care Funding in order to do so. Prior to this action in April 2017 very few people in Powys (almost zero) would have been provided with assistive technology by the council. However, during 2017/18 we prescribed 893 items of technology to 444 individuals. We have two categories of TEC: Telecare and stand-alone technology for unpaid carers. In terms of the latter, we prescribed 438 items of stand-alone TEC equipment for unpaid carers to look after 257 clients. The total number of carers benefiting would be higher than 257 as some individuals would be supported by more than one carer. We have set a target to double the number of people using assistive technology within two years from April 2018 onwards. A 24/7 rapid response technology enabled care (TEC) and floating support service have been merged. We are also able to provide short periods of domiciliary care to those who need some support to get back on their feet. This is currently being piloted and evaluated in three areas across Powys - Llanidloes, Presteigne and Rhayader (where the current service is being extended to include Llandrindod Wells).</p>			✓	✓			
	<p><i>Accommodation / Extra Care Schemes</i> - We have been working with colleagues in the housing service to develop more extra care schemes and to ensure that there are accommodation options available which provide a home for life. We have also supported the Shared Lives scheme in Powys and intend over the coming year to invest further into this scheme to support its further expansion. This service supports individuals who need support to live with families in the community rather than going into care.</p>	✓		✓				
	<p><i>Joint Health and Care Strategy</i> – With our partner, the Powys Teaching Health Board we launched the Health and Care Strategy for Powys. This is the first integrated health and care strategy in Wales, demonstrating our commitment to lead the way on truly integrated care for the people of Powys. The strategy is the result of thousands of conversations between the people of Powys, Powys Teaching Health Board, Powys County Council and key partners.</p>			✓				
A more equal Wales	<p><i>Gypsy and traveller sites</i> - Construction works commenced on the Welshpool gypsy and traveller site for two additional pitches. The project has been supported by £405,000 capital investment from Welsh Government grant and council funding. There have been some delays to the work due to technical issues but WG have agreed to extend the grant funding to March 2019 for the work to be completed. The site enhancements have been developed in accordance with Gypsy and Traveller Accommodation Assessment. Full planning permission was secured to develop a new gypsy and traveller site in Machynlleth with five pitches. We are currently undertaking the process of land de-registration and are negotiating with the land owner with regards acquiring the land prior to starting construction works.</p>				✓	✓		
	<p><i>Website improvements</i> - The website, which already had a broad range of information in both Welsh and English with leaflets to download and print, now offers sign language and a new app to make information even easier to access. Our main aim was to ensure that deaf and deafblind people have the same opportunities as everyone else.</p>				✓			

	<p><i>Active offer</i> - In order to implement the 'Active Offer' effectively we have amended systems and processes to enable staff to ascertain and record service users' first language and other languages spoken and have ascertained and recorded staff's linguistic skills in Welsh. Our next step is to promote the allocation of Welsh speaking staff to work with Welsh speaking service users where possible.</p>							
<p>A Wales of cohesive communities</p>	<p><i>Information, advice and assistance</i> - Through PAVO, the council has commissioned computer programmers to develop a link between InfoEngine and Dewis, the national well-being database, so that information from both systems is regularly shared and updated. Providing access to information is really important if we are to give people the opportunity to help themselves by access what they need.</p>		✓		✓			
	<p><i>Community connectors</i> - During 2017/18 we commissioned Powys Association of Voluntary Organisations (PAVO) to employ Community Connectors who are based within multi-disciplinary teams in the wider community and support PPD on a rota basis. The Community Connectors provide information, advice and assistance, support individuals to gain access to their local community facilities, as well as working with communities/local groups to ensure that activities are accessible. Their roles continue to develop but the evidence from case studies demonstrates that they are facilitating independent community living and that many individuals do not require formal social care as a consequence of being signposted to local community-based options as part of the assessment process. 85% of people that said Community Connectors helped to deliver 'what mattered' to them.</p>		✓		✓			
<p>Page 41 A Wales of vibrant culture and thriving Welsh Language</p>	<p><i>Welsh Language Promotion Strategy</i> – We developed and adopted a Welsh Language Promotion Strategy for 2017 to 2022. The council's target in this strategy, along with subsequent strategies, will be to contribute towards the Welsh Government's target of ensuring a million Welsh speakers by 2050. To achieve that target, a third of Powys' population must speak Welsh by 2050, but in the current strategy, the target is to restore the percentage of Welsh speakers in Powys to 21.1% - the figure of the 2001 Census. The Strategy will aim to increase the number of Welsh speakers, increase the use of Welsh and to create favourable conditions to the development and protection of the language, by working within 6 key areas; i) Planning and language policy, ii) Normalisation, iii) Education, iv) People, v) Support, and vi) Rights.</p> <p>The council has also taken advantage of the Urdd National Eisteddfod's visit to the county in 2018 to promote, raise awareness and increase the number of activities through the medium of Welsh, working in partnership with the Urdd, the Mentrau Iaith and other partners.</p>			✓		✓		
	<p><i>Welsh Language and recruitment policy</i> - The new Welsh Language and Recruitment policy, developed and adopted in 2017-18 will increase the Welsh language skills within the authority, and the council's capacity to deliver services through the medium of Welsh. The policy moves away from the practice of using Welsh Essential or Desirable. This has been replaced by specifying the Welsh language skills required for a post, from Level 1 to Level 5; from being able to pronounce names correctly and being able to give and respond to basic greetings, to fluency, in order to be clearer about the skills required to undertake a role as well as</p>			✓		✓		

	reducing anxiety about linguistic skills for potential recruits. Recruiting Managers will need to consider the skills required for a particular role, along with the skills currently within their team, to ensure they have sufficient Welsh language skills within their teams to provide services according to the Welsh Language Standards and More than Just Words.								
A globally responsible Wales	<i>Re-settled Syrian refugee families</i> - Almost 150 Syrian family members who have settled across Mid and West Wales came together at the Royal Welsh Showground in August 2017. The event, hosted on the Royal Welsh Showground and organised by the council's housing service, was an opportunity for the families to meet each other and to share their experiences. Agencies worked together to make sure the day was filled with fun, family activities from football to Zumba and creative crafts.							✓	✓

How much did we spend?

Headline capital investments:



- **£925k** – Disabled facilities grant
- **£123k** – Safe, warm and secure home improvement loans
- **£105k** – Gypsy and traveller site in Welshpool
- **£800k** – Housing Revenue Account: Older persons dwellings
- **£300k** – Housing Revenue Account: Level access bungalows

Headline savings:

- **£150k** - Older Day Care - Development of hubs to support outcome focused day activities and respite care
- **£480k** - Learning Disabilities - Remodelling of Day Time Opportunities
- **£350** - Right sizing high cost placements/packages and bring some people back into community living
- **£604k** - Right sizing of Packages - Accelerate Reablement referrals and based on current performance achieved 42% reduction in hours

What are our improvement plans for 2018-2023?

You can see more detail about how we will continue to support people in the community in our Vision 2025: Corporate Improvement Plan 2018-2023. One of our priorities for 2018-2023 is 'Health and Care':

- Focussing on well-being
- Early help and support
- Providing joined up care
- Developing a workforce for the future
- Creating innovative environments
- Developing digital solutions
- Transforming in partnership

Another priority for us in 2018 onwards, is 'Residents and Communities' which focusses on:

- Strengthening community development and resilience
 - Support communities to be able to do more for themselves and reduce the demand on our public services
- Strengthening our relationship with residents and communities
 - Improve our understanding of our residents needs and improve our service delivery

Our plans will contribute to creating a healthier Wales and a Wales of cohesive communities, as well as other national well-being goals.

DEVELOPING THE ECONOMY

Summary assessment of performance:

Overall performance has been good with 27 (84%) out of the 32 commitments/activities in place to support this priority either completed or on target. The remaining 5 were marked as amber. Eight out of the 10 measures used to monitor performance met their target and six also showed improvement, compared to performance in 2016-17.

We said we wanted to make the following difference:

- A thriving tourism economy with increased day and stay visitors taking advantage of outdoor activity opportunities and festivals, and increasing spend
- A dynamic, driven and confident council that finds and exploits opportunities for increasing the Powys economy
- A county that is recognised as a great place to live, work and play which is known for its amazing scenery, as a place for outdoor life and interesting and cultural events and festivals
- An increased population of high earners and professional who live in Powys and either work in the county or from home for organisations elsewhere in the world
- A larger percentage of small to medium sized growth businesses in industry sectors that contribute to the prosperity of the county
- Opportunities, including appropriate training and apprenticeships are available and accessible, ensuring workforce skills are aligned to the skills needs of businesses
- A safe, efficient and reliable transport service and network that enables people and businesses to travel safely to their destination

What difference have we made?

Apprentice Story

In March, I was lucky enough to start my apprenticeship with Powys County Council and it's been an exciting first couple of months. University wasn't for me, so when I saw this opportunity advertised on the council's website it was definitely one to go for. And here I am, 2 months later gaining so many great skills and experience. I felt ready to get away from the classroom, so getting paid and gaining a qualification at the same time seemed like an opportunity I could not afford to miss.

I have settled in really quickly with the Culture and Leadership Team in County Hall and already learnt so much. While working full time, I'm also doing a Business Admin Level 2 qualification with ACT training. It's a really flexible course tailored to suit me and it's great that I get a choice of what assignments I do. I'm really looking forward to the next couple of months and to progress further in my role.

Crai Community Led Broadband Project

Support was provided to the community of Crai to address their lack of access to affordable superfast broadband. The community were provided with expertise by Powys County Council's Regeneration Team to assist them in pulling together a community funding bid submitted under the Welsh Government's Access Broadband Cymru Scheme. The bid was successful and by January 2018 has resulted in 75 premises, including 30 businesses in an otherwise isolated rural community now having access to good quality internet services via stable 30MB connection speeds.

The success of the Crai project has already encouraged interest from across the county and particularly around the project area. The project has been developed as a pilot with online tools available on the council's Grow in Powys website to assist other communities looking to develop similar schemes. Since completion of the Crai scheme a further six communities have approached the council for advice and support.

Measure of success	Result 2016-17	Target 2017-18	Result 2017-18	Have we improved?
Provide more apprenticeships, work experience placements and graduate placements to improve opportunities for developing the local workforce	3 apprenticeships and 23 work experiences	To increase from 2016-17 result	<ul style="list-style-type: none"> • 35 apprenticeship opportunities offered • 32 work experience opportunities offered • 1 Graduate employed in the council 	✓
Number of post 16 learners studying key AS and A2 subjects in key strategic sectors e.g. computing, maths, chemistry	939	To increase from 2016-17 result	1072	✓
The percentage of Year 11 leavers not in education, employment or training (NEET) will be less than 3%	1.93%	Less than 3%	0.9%	✓
Number of businesses has grown in strategic sectors: - Energy & Environment	1290	1295	1305	

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- Health & Life Sciences - Creative Industries - Tourism	0 300 850	1 302 855	No Data 300 845	-
The survival rate of business in Powys improves	Not available	90% (after 1 year)	91.4% (2015-16 data)	-
The number of businesses relocating to Powys increases	4	4	6	✓
The percentage of population that are economically active increases	80.4%	80.5%	82.0% (Jan to Dec 2017)	✓
Tourism spend increases as awareness of Powys as a destination improves	£729 million (steam 2015)	£700m	£771.28m (2016 data)	✓
Citizens and businesses in Powys are supported by an efficient planning process. Percentage of planning applications determined within 8 weeks or within agreed time	93%	>75%	87%	✗
Significant economic benefit as the investment in council housing to meet the Welsh Housing Quality Standard is achieved. Number of elemental improvements carried out	2649	2600	1172	✗

What progress did we make against our commitments?

National well-being goals	How has our progress contributed to the well-being goals?	Contribution to other goals						
A prosperous Wales	<i>New apprenticeship scheme launched</i> – The new scheme offers new employment opportunities for young people to help them into work. The council has for a number of years offered fixed-term apprenticeships and now it has launched a new career-graded apprenticeship. It is believed that that Powys is the first council in Wales to offer this. A career-graded apprenticeship is set over an agreed period with proportional pay. On completion of the apprenticeship, individuals take up a permanent position on full-pay. This contrasts with fixed-term apprenticeships which are offered for a specific time period but with no guarantee that suitable permanent employment will be offered.	✓						
	<i>Support for graduates</i> - In partnership with Powys Teaching Health Board we have participated in a graduate scheme run by Cwm Taf Health Board and during 2017-18 five graduates have been on placement within the council and health board offering them good work experience opportunities as well as attracting high quality graduates into public services. This graduate scheme is being ended by Cwm Taf Health Board in November 2018. However, the council have drafted a graduate framework in conjunction with the University of South Wales, to include models that can be adopted by service areas on opportunities for	✓						

	employing/recruiting graduates. Work is currently ongoing to promote and raise awareness of this framework for all council services.						
	<i>Careers festival</i> - Around 3,500 young people from all over Powys visited the second Careers Festival at Builth Wells. Students from high schools, special schools and further education campuses visited the 2018 festival which was organised by the Positive Pathways Powys Group, where they had the opportunity to talk to more than 110 exhibitors. As well as Powys students, this year the festival also welcomed some 40 students from Ysgol Henry Richard in Tregaron, Ceredigion. During 2017-18 we also extended our use of social media to promote employment opportunities, for example we promoted opportunities for young people such as apprenticeship and training, through the Positive Pathways Powys facebook and twitter pages. All partners on the Positive Pathways Powys Multiagency group use this as a platform to promote employment opportunities for young people.	✓					
	<i>Adoption of the Local Development Plan</i> - Following the conclusion of the Examination in Public of the Powys Local Development Plan (LDP) and the receipt of the Inspector's Report, the council adopted the LDP on the 17th April 2018 and it became operative immediately. The adopted LDP replaces the former Powys Unitary Development Plan, 2010. The six week period to challenge the validity of the LDP in accordance with Section 113 of the Planning and Compulsory Purchase Act 2004 has passed.	✓	✓		✓		
	<i>Superfast Broadband fibre roll out</i> -The European funded part of Welsh Governments programme came to an end on 31 st December 2017. As a result all engineering works stopped as the contract for delivery expired. In readiness for Phase 2 of the programme we have provided a consultation response to indicate priorities for delivery across Powys. The Phase 2 works are expected to begin in late summer 2018.	✓		✓	✓		
	<i>Agora project</i> – We are a key partner in the development of the Rural Development Programme funded Agora project. Agora aims to help start-up business involved in the production of land based goods and encourages shorter supply chains. The programme is a joint initiative between South Wales local councils and Powys County Council. The three year project was launched at the Winter Fair, Llanelwedd, in November 2017 and there is a dedicated support officer in Powys who is actively engaging with local Powys businesses.	✓					✓
	<i>Marches and Mid Wales Freight Strategy</i> – A new strategy was launched setting out recommendations on how to improve the experience of businesses moving freight within and through the region, whilst enhancing the quality of life for residents near to key freight corridors and reducing environmental impacts. Both rail and road options are included. It is anticipated the strategy could provide benefits to operators of heavy goods vehicles (HGV) worth at least £149m. This would be achieved through a series of highway enhancements focused on increased opportunities for safe overtaking; improvements to alleviate bottlenecks; and changes at certain key locations to allow 44 ton HGVs to operate across the whole of the freight network.	✓					

	<i>Mid Wales Growth Deal</i> - We were tasked with taking the lead on the development of an evidence base for the Mid Wales Growth Deal. Working with Ceredigion County Council we have secured £30K of support from Welsh Government to fund the work needed to develop the evidence base. Tenders for the project were issued in early January 2018 and a contractor, Aecom Ltd, appointed to develop the work.	✓					
	<i>Grow in Powys Promotional Activity</i> – The Grow in Powys email news service has been distributed regularly to over 1500 Powys businesses and organisations. The bulletin compiles all the support that is available to Powys businesses from a range of agencies and council services. The news service includes upcoming local business events, local business intelligence, free support, and business achievements in Powys. Following the success of the Powys Drop in Business Clinic event in 2016 two further events were organised in the spring of 2017. Supported by council departments and external business support agencies the events were held in Newtown and Brecon. The events were a great success and well attended by local businesses. Over 80 businesses were assisted through this support initiative.	✓					
	<i>Workways + Powys</i> - A new project to support people over 54 get back into work was launched and is called Workways + Powys. The service is being delivered by PRIME Cymru on behalf of the council and offers free and individual support to help people overcome barriers to getting back into work, such as mentoring, confidence building, online and traditional job search techniques, interview skills, help with CV writing or guidance on setting-up in business. Through 2017-18 it supported 121 individuals, 18 of whom actually obtained employment in the year.	✓		✓			
	<i>Plans for new council homes</i> - We approved plans to develop a phased five year programme for the development of new council homes across the county. The plan will look to build around 250 properties in the next five years. In October 2017 we purchased 6 one bedroom flats in Crickhowell, developed on the council's behalf by Melin Homes. These are the first new purpose built council homes in Powys since the 1980s.	✓		✓			
	<i>Home grown homes</i> – We secured £1.5 million from the European Rural Development Programme grant to progress the Home Grown Homes project. All new council homes developed from this point on will seek to maximise the use of locally grown and home grown timber.	✓	✓				✓
	<i>Infrastructure improvements</i> - We invested £150k to replace an old bridge near Llanbister. The investment in Bron yr Efall bridge has provided a long-term access solution to a number of properties that need to use this bridge. <i>Other</i> Transport links were also improved through grant funding alongside major maintenance of road links. Operational efficiencies have also been gained through the continued replacement of age expired operational fleet, the introduction of road repair machines, upgrading of out of date car park machines, improving the depot and HWRC infrastructure and completing the replacement of all street lighting units.	✓					
A resilient	<i>Flood protection improvements</i> - We have implemented six small flood alleviation schemes which involve drainage and infrastructure improvements to improve local flood protection measures, the schemes are:		✓			✓	

Wales	Gurnos Woods, Ystradynlais, Oaklands Culvert, Builth Wells, Sarnau village, Gypsy Castle Lane, Hay-on-Wye, Springfields, Forden, Watery Lane, Castle Caereinion.								
	<i>Llandrindod lake regeneration</i> –We successfully secured £126,400 grant funding to carry out works in the Llandrindod Wells’ Lake Park area. The grant, which has been funded by the European Union through the Welsh Government’s Rural Community Development Fund, will also be used to improve the offer for visitors to the area. Works totalling £173k to enhance the lake park area has improved cycle links and footpaths, improved facilities available at the lake itself, and provided commercial concessions for two new business opportunities.	✓	✓	✓					
A healthier Wales	<i>Council home improvement works</i> - We have continued to carry out improvements to the council’s housing stock and are on track to achieve Welsh Housing Quality Standards (WHQS) by December 2018. A total of 1173 elemental improvements were carried out in 2017/18 against a target of 2600. The improvements we didn’t achieve along with underspent budgets were rolled into our 2018-19 programme of work and we are target to achieve the WHQS by the end of 2018. This includes kitchen and bathroom installations, which ensures that all council tenants live in compliant and fit for purpose property. The WHQS continues to provide capital investment year on year, 85% of which is spent with Welsh companies. Tenant satisfaction with the works completed is at 83%. Households continue to live in good quality homes, which affect the health and well-being of our communities. WHQS improves the quality of areas where our communities live, creates jobs, training and sustains the supply chain opportunities in some of our poorest areas.	✓		✓				✓	
	<i>Active travel improvements</i> - Paths have been improved in Presteigne as part of a Safe Routes in Communities project, which has been funded by the Welsh Government. The project aims to improve active travel facilities in the town so that more residents are encouraged to travel short journeys by walking or cycling rather than by vehicle. This will help improve the health and well-being of local people, reduce congestion and improve the environment. Active travel improvements have also been completed in Llandrindod, including widening sections of the footpath along Spa Road and creating a safer crossing point.	✓		✓					
A more equal Wales	<i>Successfully reduced the number of learners not in education, employment or training</i> - We have continued to monitor the percentage of Year 11 school leavers known not to be in education, employment or training (NEET) and in September 2017 the NEET figures were reduced to 0.9%. This is the lowest we’ve ever achieved and the second lowest in Wales after Ceredigion (0.8%). Our Youth Service worked with the high schools and Careers Wales to identify those young people most at risk of becoming NEET following Year 11. Contact was made with these young people in summer 2017 and additional transition support was offered. Work over the late summer and autumn concentrated on Careers Wales and the Detached Youth Work team tracking young people into their post-16 provision.	✓			✓				

A Wales of cohesive communities	<i>Community Regeneration Development fund</i> - The Community Regeneration Development Capital Fund has supported projects to the value of £230,000.					✓		
A Wales of vibrant culture and thriving Welsh Language	<i>Y Gaer, cultural hub, Brecon</i> - Work on the new flagship cultural centre facility continued, which will see the town's Grade 2* listed Brecknock Museum and Art Gallery fully refurbished and include a new library and community facilities.	✓				✓	✓	
A globally responsible Wales	<i>Electric vehicle charging points</i> - Proposals were accepted to introduce electrical vehicle charging points in council owned car parks. The country is seeing an increase in electric vehicle ownership so it is important that we look to introduce this infrastructure in Powys now. By providing an accessible network of electric vehicle charging points, we will be playing a key role in encouraging the uptake of electric vehicles, which will help improve air quality by reducing emissions from our roads.		✓					✓

How much did we spend?

Headline capital investments:



- **£11.145m** - Improvements to the councils housing stock and the acquisition of new council homes
 - **£1.62m** - Delivering improvements and adaptations to the private sector housing stock in Powys
 - **£156k** – Bronyrefail bridge replacement
 - **£1.6m** – Highways Asset Management Plan
- **£120k** – Community Regeneration and development fund
- **£4.7m** – Brecon Cultural Hub

Headline savings:

- **£50k** – Additional income from planning fees
- **£18,740** – Set up Joint Venture company to deliver property services

What are our improvement plans for 2018-2023?

You can see more detail about how we will continue to develop a vibrant economy in our Vision 2025: Corporate Improvement Plan 2018-2023. One of our priorities for 2018-2023 is 'the economy' which focusses on:

- Providing support for businesses to grow
- Promoting Powys as a place to live, visit and do business
- Improving the availability of affordable and sustainable housing
- Improving our infrastructure to support regeneration and attract investment
- Improving skills and supporting people to get good quality jobs

Our plans will contribute to creating a prosperous Wales, a more equal Wales and a globally responsible Wales, as well as other national well-being goals.

DRAFT

LEARNING

Summary assessment of performance:

Overall performance has been adequate with 23 (62%) out of the 37 commitments/activities in place to support this priority either completed or on target. 13 were marked as amber and only 1 red. Only one measure used to monitor success met its target, eight were within 10% of meeting their target and 4 were 10% or more from reaching their target. Only three measures showed improvement, compared to performance in 2016-17.

We said we wanted to make the following difference:

- Our learners will be supported to achieve their potential in a modern, inclusive learning environment
- Access to Welsh medium education will have improved

What difference have we made?

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Sensory Services – journey of a young adult

Ieuan Sparey, Psychology Student at University of Worcester, in conversation with Heidi Lorenz, Teacher of the Visually Impaired, Powys Sensory Service.

When working with pre-school, primary or secondary aged children and young people, it is impossible to know which of the games played, ideas discussed, programmes implemented, or seeds sown, will take root and flourish in later years. However, one young Powys adult believes that if we “Use children’s personal interests, these and their life experiences can lead them to particular courses.”

“The course is great. There are lots of different branches of psychology; forensic psychology sounds very interesting – it can feed into a range of careers, including working for the National Crime Agency.” And this from a young adult who was inspired to write detective stories when he was in Primary School!

Ieuan has always been a reflective individual. He recognises that “Why I’m like I am has probably a lot to do with everything I’ve experienced; just from physio... at first I had a ‘this hurts’, ‘this causes me pain’, ‘I don’t want to do this’ attitude, and after my op, when it was worse than before, I had to start thinking more positively about why I needed to carry out my exercises; and when we used to spend all that time editing my work and grammar and spelling, it did impact me to start thinking about what I liked reading, what I wanted to learn about. You taking an interest made me want to learn the practicalities of good writing, and that’s carried on to now, with my wanting to make my writing more academic - more professional.”

Ieuan continued: “Looking back and looking forward, I can see that using, or attempting to use, ‘Dragon Naturally Speaking’ in school was a help for the future. It prepared me for the frustrations of technology for a start! The software is more reliable now thank goodness. I still use ‘Dragon’ at Uni as well as ‘Claro Read’ so they were good skills to learn.”

After leaving John Beddoes, Ieuan went to RNC in Hereford. He thinks the time he spent there further developed his independence and increased his confidence in being able to live away from home. "Knowing what I needed when I got to Worcester definitely helped me. Some of the other people there found it much more difficult. I have been asked by the University to participate in some research in visual impairment and access to assist them improve the experience of any future visually impaired students."

When asked if there was anything in particular to he would like to pass on to educational professionals Ieuan paused for moment: "Teach the child whatever it is you are teaching them, but the main thing, for kids especially, is that they trust you to guide them. The more you can act as advocate for someone, the more you will aid their learning - we learn better from people we trust."

Measure of success	Result 2016-17	Target 2017-18	Result 2017-18	Have we improved?
The percentage of pupils eligible for free school meals attaining the Core Subject Indicator (CSI) at key stage 2	68.3%	78%	73.6%	✓
The percentage of pupils eligible for free school meals attaining the CSI at key stage 3	71%	78%	72%	✓
The percentage of pupils eligible for free school meals attaining the CSI at key stage 4	41.7%	42%	32%	✗
% of pupils with additional learning needs achieving the CSI at key stage 2	65%	68%	64%	✗
% of pupils with additional learning needs achieving the CSI at key stage 3	62.1%	69%	62%	✗
% of pupils with additional learning needs achieving the CSI at key stage 4	24.8%	28%	31%	✓
The number of permanent exclusions in primary schools (per 1,000 pupils)	0	0	0.3	✗
The number of permanent exclusions in secondary schools (per 1,000 pupils)	1.61	0.3	1.21	✓
Attendance levels at primary schools	96%	96.5%	95.5%	✗
Attendance levels at secondary schools	95%	95.5%	94.6%	✗
% of 15 year olds leaving full time education without a recognised qualification	0.073%	0%	0.156%	✗
% of schools inspected that were categorised as 'good' or better by Estyn for prospects for improvement	63.5%	70%	62.4%	✗
% of schools inspected that were categorised as 'good' or better by Estyn for current performance	59.4%	70%	57%	✗

What progress did we make against our commitments?

National well-being goals	How has our progress contributed to the well-being goals?	Contribution to other goals					
		Yellow	Orange	Red	Dark Red	Dark Blue	Light Blue
A prosperous Wales	<p><i>21st Century School Programme</i> - The first round of the authority's 21st Century Schools Programme, an £80m joint initiative between the local authority and the Welsh Government, had a number of projects in development:</p> <ul style="list-style-type: none"> Gwernyfed primary schools - Following a reconfiguration of primary education in the Gwernyfed catchment, the council has invested in five new primary schools in this area of Powys. The schools have an innovative 'street' space that provides a flexible area for teaching and learning Brecon high school - Construction has now started on the new 750 place secondary school, to replace the current school which is in a very poor condition. The school is expected to open in 2019 and will provide bilingual education for 11–18 year olds in the area Gwernyfed high school - The authority is working on remodelling of Gwernyfed High School, with plans to develop a new teaching and learning block, a new sports hall and refurbish some of the current teaching blocks. The design process is now underway Ysgol Calon Cymru - Llandrindod High School and Builth Wells High School are merging to become a new school on two sites in September 2018, and the Senior Leadership Team has been appointed Ysgol Bro Hyddgen, Machynlleth - Ysgol Bro Hyddgen was established as the authority's first all-through school in 2014. The next stage of the project will see the construction of a flagship 21st Century School building that will, for the first time, bring the primary and secondary campuses on the same site with brand new sporting and community facilities. The new school will be the first Passivhaus accredited all-through school in Wales and in the UK. Work is expected to start on site in 2019 with the school due to open by September 2020 Welshpool - Following the successful reorganisation of primary education in Welshpool, we are now looking forward to stage 2 of the project, which is the construction of two new primary schools. Welshpool CiW Primary School will be a 360 place English medium school and Ysgol Gymraeg y Trallwng will be a 150 place Welsh medium school. <i>CADW has confirmed that the Howell Drive site (previously Ysgol Maesydre) is now a listed building and we are working on a new design for which includes the listed building. Both schools are expected to open in September 2019 and 2020 respectively.</i> Ffwederasiwn Carno, Llanbrynmair and Glantwymyn - This formal federation of schools will see an investment in a new school building in Carno, to replace the current demountable, and remodelling at Ysgol Glantwymyn 	✓				✓	

	<p><i>Performance of secondary schools in Estyn follow up categories has improved</i> – At the end of 2016-17 academic year, five secondary schools were in Estyn statutory follow-up categories. The pace of improvement has significantly improved since the Summer of 2017. We have improved how we hold schools causing concern to account through establishing School Improvement Boards which have clearly defined terms of reference and meet each half term. We have also strengthened the function of these improvement boards through robust challenge by our officers, agreeing actions for improvement and holding schools to account. Most schools causing concern display strong progress in achieving agreed actions within the appropriate timescale. As a result, by the end of the 2017-18 academic year, there are now three Powys secondary schools in an Estyn follow up category.</p>	✓						
	<p><i>Continued support for school leaders</i> - Leadership has remained a key focus with 11 primary schools having acting headships at the start of the academic year 2017-18. Mentor head teachers have been assigned to all new and acting head teachers to provide them with the support needed as they begin to lead their schools. We have also been actively promoting and supporting school to school support by providing financial provision to schools to broker additional support from head teachers and staff from high performing schools. Consequently, a significant number of schools have made good progress as a result of this support. Bespoke core visits during both the spring and summer terms have also focussed clearly on the quality of provision, wellbeing, care, support and guidance and leadership in schools. These visits effectively evaluate the impact of support on pupil outcomes, provision and leadership against the identified priorities. They also identify any further support needs.</p>	✓						
	<p><i>Increased early years pre-school education infrastructure</i> – Following a commissioning process there are now 80 early years providers across Powys providing early learning provision for three and four year olds. With the re-commissioning of Early Years provision the local authority has identified a need for focus of training for early years settings both maintained and non-maintained. The local authority is restructuring its support for Early Years/ Foundation Phase to ensure a seamless transition from Flying Start to Early Years to school to ensure appropriate capacity and expertise.</p>	✓		✓				
	<p><i>Home to school transport policy</i> – We revised the home to school/college transport policy and consultations on the proposals began in May 2018, including workshops and an online survey.</p>	✓						
	<p><i>Schools with deficit budgets</i> - An enhanced multi-disciplinary strategy for managing schools in deficit or at risk of entering deficit has been developed. This work has focused on the secondary sector and has already seen significant improvement in the budget planning and forecasts for schools including Llanfyllin High School and Ysgol Uwchradd Caereinion. Over the last 12 months, we issued a warning notice to six secondary schools and two primary schools, requiring these schools to take action to address their deficit budgets. The few schools with excess surplus balances are consistently challenged regarding the justification for the level of reserves they choose to hold. Almost all the schools with surplus balances in</p>	✓						

	2017-2018 intend to utilise reserves to mitigate against risk from projected financial challenges in the next three years.						
A more equal Wales	<i>Support for children with additional learning needs</i> – We have made significant improvements to our processes and procedures and we continue to evaluate, develop and refine ALN and Inclusion approaches where necessary. Key permanent appointments have been made to the management of the Additional Learning Needs Service which has secured capacity and experience to support the management and development of the service. However, there are challenges in ensuring that there is a consistent approach taken to learner entitlement in all parts of the county and further work is needed to ensure that all schools have the capacity to deliver the aspirations in local policy and in the 2018 national legislation. We have begun a review and transformation project related to ALN and Inclusion to ensure that it is modernised and meets what is required in the ALN and Inclusion Act that will be in place for 2020. This major reform and change programme will affect every school in Powys and related services providing support for children and young people with additional learning needs across universal, targeted and complex levels. At all Key Stages and in respect of all categories of SEN (school action, school action plus and statemented) Powys pupils perform above Wales averages, often being within the top 5 of the 22 Welsh local councils.			✓	✓		
	<i>Improving pupil outcomes</i> – School Challenge Advisers have continued to support schools to improve outcomes for all pupils, with a specific focus on narrowing the gap between free school meal pupils and non-free school meal pupils. Comparative data for each phase in English shows that the gap in attainment for FSM pupils narrowed in key stage 2 and key stage 3. However, in foundation phase and key stage 4 the gap increased. Comparative data in Cymraeg shows that there was significant improvement of FSM pupils in key stage 2, whilst the gap in foundation phase remained the same. However, in key stage 3 and key stage 4 the gap in attainment for FSM pupils to non-FSM pupils increased. Schools in need of support for FSM pupils have been identified during the autumn term 2017 and training has been provided for these schools.				✓		
	<i>Roll out of the Cashless payment system</i> - Roll out was completed in all our primary, secondary and special schools on target by the end of March 2018 and under budget (capital expenditure for implementing the project was £750k against an original budget of £950k). Significant benefits have been realised from implementing the system, including an increase in the uptake of free school meals and a £172k of savings from removal of cashier’s posts in primary schools. The system has proved to be more efficient for pupils, parents and schools while also reducing risks for the council of holding cash in schools.				✓		
A Wales of cohesive communities	<i>New Plans for Powys Schools Policy adopted</i> – The new policy sets out our aims to move forward with a greater focus on working in partnership with schools and the communities they serve, and on alternative models of delivering education, such as collaboration models, federation, multi-site schools and all-through schools. We have also published a Delivery Plan which outlines our work programme for the period 2018-21; the priorities are:					✓	✓

	<ul style="list-style-type: none"> • Secondary schools to become ‘all-through schools’, or part of multi-sited arrangements • Small primary schools to be part of formal collaborations /federations / amalgamations • Remove infant / junior split by creating ‘all-through’ primary schools • New Welsh-medium provision to be established • Improvements to the Powys schools estate, either as part of the Welsh Government’s 21st Century Schools Programme or as part of the council’s Asset Management Programme • A new model for delivering post-16 provision to be implemented; and • Transforming the delivery of support for pupils with additional learning needs 							
A Wales of vibrant culture and thriving Welsh Language	<i>Welsh Language Charter launched</i> - The Welsh Language charter for Welsh-medium primary schools and streams in the county will encourage and recognise those schools who succeed in creating a positive attitude towards the language and increase the use of Welsh by pupils. Schools will work towards bronze, silver and gold awards, which they will achieve depending on the opportunities they provide for pupils to use Welsh in formal and informal situations.							✓
	<i>Welsh in Education Strategic Plan</i> – We approved a Welsh in Education Strategic Plan covering the next three years up to 2020 to show how we will contribute to achieving the outcomes and targets set out in the Welsh Governments Welsh-medium Education Strategy.							✓
A globally responsible Wales Page 57	<i>International school award</i> - Crickhowell High School received the British Council’s International School Award in recognition of their work in bringing the world into the classroom. The International School Award celebrates the achievements of schools that do exceptional work in international education. Fostering an international dimension in the curriculum is at the heart of the British Council’s work with schools, so that young people gain the cultural understanding and skills they need for life and work in today’s world.	✓						✓
	<i>New energy-saving project was launched</i> - Our Future’s People’, is a sustainable energy project run by Severn Wye Energy Agency and was launched in 10 Powys schools. The project will equip the next generation with the skills and knowledge necessary to cope with the social and environmental changes that will occur in the near future.	✓	✓					

How much did we spend?

Headline capital investments:



- **£17.8m** – Gwernyfed School Catchment modernisation
- **£1m** – Brecon School campus
- **£930k** – Welshpool primary school

- **£325k** – Ysgol Bro Hyddgen
- **£287k** – Cashless system for schools

Headline savings:

- **£873k** - Raise the age of admission to one point of entry in September annually following a child's fourth birthday
- **£150k** – Review of fair funding formula
- **£340k** – Reduction in school roll
- **£25k** – Restructuring of school service

What are our improvement plans for 2018-2023?

You can see more detail about how we will continue to improve learner outcomes for all in our Vision 2025: Corporate Improvement Plan 2018-2023. One of our priorities for 2018-2023 is 'Learning and Skills' which focusses on:

- Improving the educational attainment of all pupils
- Supporting children and families to have the best start in life
- Improving our schools infrastructure
- Improving the skills and employability of young people and adults

Our plans will contribute to creating a prosperous Wales, a resilient Wales and a Wales of vibrant culture and thriving Welsh Language, as well as other national well-being goals.

04. Working sustainably

How have we applied our guiding principles in 2017-18?


The Well-being of Future Generations (Wales) Act 2015 challenged public bodies in Wales to think more about the way they work and deliver services. It introduced five ways of working which focus on thinking more about the long term, looking to prevent problems before they arise, taking a more collaborative and integrated approach, and working better with residents and communities. We know that changing the way we work means changing people's behaviours and changing the organisational culture which isn't easy. As a first step we made the five ways of working our guiding principles, which means they are at the heart of our corporate and service planning.

During 2017-18 we started making some changes, but there is still a lot to do to ensure sustainable development shapes all our thinking and helps us deliver better outcomes. We introduced a Corporate Leadership and Governance Plan which has eight areas for improvement.

1. Political leadership
2. Officer leadership
3. Workforce strategy
4. Strategic and financial planning
5. ICT and business systems
6. Performance management
7. Communications strategy/engagement
8. Partnerships



These areas for improvement will help us focus change where it is needed most and will help us adapt our ways of working in line with the seven corporate areas of change set out in the guidance of the Act (these are: corporate planning, performance management, financial planning, workforce planning, risk, assets and procurement).

The table below outlines some of the initial steps we have put in place to implement our Corporate Leadership and Governance Plan and apply the principles in our work.

Sustainable development principles:	How have we applied the principle?	What we plan to improve in 2018-19
<p>Long-term Balancing short-term needs with the need to safeguard the ability to also meet long-term needs</p> 	<p><i>Corporate planning</i> – For the first time, the council's Cabinet developed a Corporate Improvement Plan covering four years, rather than focusing on annual improvements. Work has also been undertaken to integrate the corporate planning cycles of the PSB partners, to ensure our plans say and do the same things, where relevant.</p>	<p>We will continue to strengthen our financial planning arrangements and are in the process of agreeing a Medium Term Financial Strategy which will</p>

	<p><i>Performance management</i> - We agreed and began to implement a new Performance Management and Quality Assurance Framework which lays out the common systems and methods needed to perform and improve, helping us to work as one 'joined up' community rather than separate services. A new more robust approach to performance management has seen our Executive Management Team and Cabinet be challenged on a quarterly basis and think more about the longer term impact of our performance. We have continued to develop a suite of standard, integrated and interactive desktop reports for staff across the organisation to provide them with relevant and accurate performance information for making decisions and identifying areas for improvement.</p> <p><i>Financial planning</i> – We have developed a modern five year budget plan for revenue and capital in order to improve our financial resilience and meet the financial challenges we face. This includes the holding and use of reserves to ensure that we maintain a level of contingency for unexpected pressures. Our well established budget monitoring framework ensures that we identify variances to budget as early as possible in order to take corrective action if required. We have also developed a clearly defined financial framework and timetable and have held budget seminars and workshops with members and officers.</p> <p><i>Workforce planning</i> – We started developing operational workforce plans at a service level including having a planned approach to those leaving the organisation through retirement etc. We also continued to deliver ILM leadership programmes which raise awareness of the council's vision and priorities for the long term. Dedicated member development sessions have been held with elected members to raise awareness of the Well-being duty and we also continued to deliver impact assessment training to staff.</p>	<p>be clearly aligned to our Vision 2025 Corporate Improvement Plan.</p> <p>We will continue to implement the new Performance Management and Quality Assurance Framework and will introduce performance management training for all new managers as part of their induction training.</p> <p>We will embed workforce planning as part of the business planning cycle – using 6 steps methodology.</p>
<p>Prevention Putting resources into preventing problems occurring or getting worse</p>	 <p><i>Corporate Planning</i> - The Children and Young People Partnership has started testing how it can help deliver an Early Help Model and other elements of the Start Well Programme (part of the Powys Heath and Care Strategy/Joint Area Plan). This also involves aligning Early Help/Child Poverty programmes in preparation for an integrated commissioning strategy. We are exploring models of early help hubs in other places to design an appropriate service for Powys.</p> <p><i>Risk</i> – We developed a risk management guide and toolkit to help ensure that at all</p>	<p>A key next step is to ensure that all professionals understand and respect the role of Information, Advice and Assistance (IAA) and their responsibility for it in changing the way families can interact with organisations at an early stage of their involvement.</p>

	<p>levels of the organisation we are able to identify risks which would prevent us from achieving our objectives (including failing to take advantage of opportunities). All the council’s risks are recorded and monitored centrally ensuring that they are managed effectively and we look to put action in place to prevent problems occurring or getting worse.</p> <p><i>Assets</i> – During 2017-18 we agreed a new Strategic Asset Management Plan, which is based on a ‘place’ approach. Rather than looking at each council service area separately, we have looked at each geographic “place” across Powys instead so we can better understand our portfolio in the round, identify regional opportunities e.g. co-locations and better plan for the future. Taking a “place” approach recognises the importance of communities and should improve community involvement and engagement. Effective management and development of our assets also provides opportunities for employment and business start-ups.</p> <p>Through our community delivery project and Community Asset Transfer work, we have continued to seek opportunities for ensuring we make the best use of our assets and ensure that they are retained by communities who value them. When building our new schools we also ensure that they are designed for the benefit of our communities and are environmentally sustainable.</p> <p><i>Procurement</i> – We signed up to the Welsh Government Code of Practice on Ethical Employment in Supply Chains, which means we will commence the journey to meet the 12 requirements of the code to ensure that workers in the public sector supply chains are employed ethically. We are also in the process of developing a Modern Slavery Policy which adopts an integrated approach bringing together key areas of Safeguarding, Policy Support, Human Resources, Procurement and Civil Contingencies to ensure that there is no modern slavery or human trafficking in our supply chains or in any part of our business.</p>	<p>The Children and Young People Partnership has made this a priority action, within the work being done to develop prevention and early intervention across all public services. We will implement regular reporting under the Corporate Improvement Plan for delivery of Information, Advice and Assistance (IAA).</p>
<p>Integration (cross-cutting) Considering how our priorities may impact upon one another, on the well-being goals and on the priorities of other public bodies</p> 	<p><i>Corporate planning</i> - We have ensured that our revised well-being objectives published in Vision 2025 Our Corporate Improvement Plan 2018-2023 fully support and complement each other. For example, learning and skills are key to a thriving economy and business growth and will help attract inward investment. Good education and employment opportunities will help maintain resilient residents and communities and resilient communities are vital to health and care. We also reviewed and changed our</p>	

<p>Collaboration Working together with other partners to deliver our priorities</p> 	<p>objectives to ensure that they align with the PSB well-being objectives.</p> <p><i>Corporate planning</i> – We have worked with partners in the PSB to develop a collaborative Well-being plan and we have also worked closely with Powys Teaching Health Board to develop a Health and Care Strategy that will strengthen integration between our social services and health care services.</p>	<p>We will establish effective joint scrutiny arrangements for the Public Service Board, Regional Partnership Board and Joint Partnership Board.</p> <p>We will update the population and wellbeing assessment to inform our plans and decisions.</p>
<p>Involvement Involving those with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area</p> 	<p><i>Consultation and engagement</i> - Over the past year we have continued to build a dialogue and engage with Powys citizens in a number of ways, whilst also beginning to grow and utilise social media channels to ensure we hear from as many stakeholders as possible when we are looking to change the way we deliver services.</p> <p>During 2017/18, we carried out a wide range of engagement work with our residents, covering a wide range of topics and using a variety of methodologies. Some of the major projects included:</p> <ul style="list-style-type: none"> • We have also consulted the public on proposals for reshaping the way the council delivers its youth service via an online survey alongside engagement with all the youth workers themselves to capture views and ideas on how to develop and deliver the service going forward • A comprehensive consultation was carried out to seek views on the council’s current rights of way network ahead of writing a new 10 year Rights of Way Improvement Plan. The consultation consisted of three specific surveys targeting key stakeholders – the public, Town and Community Councils and landowners alongside meetings and workshops held with access groups, the healthy weights group and the older people’s forum • The schools organisation code was also the subject of a consultation during the year, with drop –in sessions organised across the county to seek the public’s views in tandem with online and offline surveys • On a more localised note, the council also asked the community of Machynlleth for their views on a location for additional cemetery provision for the town. Again, online and offline surveys and drop-ins were used to seek the views of the community 	<p>We will create an overarching Council Communications and Engagement Plan which is aligned to our Vision 2025 programmes of work. As part of the plan we will review and enhance ways of engaging with people around the difficult challenges we are facing, e.g. Annual Resident Satisfaction Survey, ‘Taking the Council to the People’ roadshows and digital approaches including Delib Dialogue tool.</p>

- Working with a variety of partners under the banner of the Powys Local Service Board, we sought the public's views on the development of a Well-being Plan as part of the Well-being of Future Generations Act responsibilities. This involved a three phase consultation. Over a thousand residents were engaged in Phase I and Phase III and views expressed helped shape the final plan which has now been adopted by the Powys Public Service Board. Drop in sessions at libraries and supermarkets, face to face meetings with community groups and an online survey helped to capture the views of residents from across all walks of life including disability groups, housing tenants and the voluntary sector. We also worked together with Powys Teaching Health Board to seek public input into our joint Health and Care Strategy
- We also carry out extensive engagement with social care clients to seek their views on the services we deliver - as part of the Social Care and Wellbeing Act – using a mixture of online and offline surveys. Other services also carry out customer research into the services they deliver – both internally and externally – including the Registration Service and internal departments such as Human Resources

05. How does our performance compare to other Welsh councils?

N.B. The all Wales analysis currently excludes data on waste and social care indicators as they are not yet available (8 out of the indicators).

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As well as monitoring performance against the commitments and performance measures in our own Corporate Improvement Plan 2016-19, there are a set of national performance indicators which the Welsh Government requires us to monitor and report to the public. They allow us to compare our performance with the other 21 council's across, Wales in delivering key statutory services.



In summary:

- We were among the top quartiles in Wales for 10 (56%) indicators
- We were among the bottom quartiles in Wales for 7 (39%) indicators. There is no quartile data available for one of the indicators
- We improved our performance in 28.6% of the indicators, compared to performance in 2016-17
- Our performance fell for 42.9% of the indicators, when compared to performance in 2016-17

We are among the highest in Wales (Upper Quartile) for:

- The average number of calendar days taken to deliver Disabled Facilities Grant (ranked 1st)
- Percentage of appeals against planning applications dismissed (ranked 1st)
- Percentage of pupil attendance in primary schools (ranked 2nd)
- Percentage of year 11 leavers known not to be in education, training or employment (NEET) (ranked 2nd)

We were among the lowest in Wales (Lower Quartile) for:

- Percentage of empty private sector properties brought back into use during the year through direct action by the local authority (ranked 19th)
- The percentage of reported fly tipping incidents cleared within 5 working days (ranked 19th)
- The percentage of principal B roads that are in overall poor condition (ranked 20th)
- The percentage of principal C roads that are in overall poor condition (ranked 22nd)

The following table details our performance against each of the individual indicators, showing our performance in 2017-18 compared to previous year's performance and our rank and quartile position on an all Wales level.

Measure	2013/14 Actual	2014/15 Actual	2015/16 Actual	2016/17 Actual	2017/18 Actual	Trend between 2016/17 to 2017/18	Welsh Average	All Wales Rank and quartile position (Upper=1 st to 6 th (Upper Middle=7 th to 11 th Lower middle=12 th to 16 th Lower=17 th to 22 nd)
Adults – Social Care								
Percentage of adults who are satisfied with the care and support that they receive	Awaiting National Data							
The rate of delayed transfers of care for social care reasons per 1,000 population aged 75 or over								
Percentage of carers reporting that they feel supported to continue in their caring role								
Children – Social Care								
Percentage of children who are satisfied with the care and support that they receive	Awaiting National Data							
Percentage of assessments completed for children within statutory timescales								
The percentage of children looked after on 31 March who have had three or more placements during the year								
Housing / Homelessness / Planning								
The average number of calendar days taken to deliver a Disabled Facilities Grant	268	170	152	126	122	↑	213	1st Upper

Measure	2013/14 Actual	2014/15 Actual	2015/16 Actual	2016/17 Actual	2017/18 Actual	Trend between 2016/17 to 2017/18	Welsh Average	All Wales Rank and quartile position (Upper=1 st to 6 th (Upper Middle=7 th to 11 th Lower middle=12 th to 16 th Lower=17 th to 22 nd)
Percentage of empty private sector properties brought back into use during the year through direct action by the local authority	n/a	n/a	n/a	n/a	1.4	n/a	5.2	19th Lower
Percentage of households threatened with homelessness successfully prevented from becoming homeless	n/a	n/a	n/a	n/a	63.3	n/a	66.4	14th Lower Middle
Percentage of all planning applications determined within required time periods					88.1	n/a	88.5	16th Lower Middle
Percentage of appeals against planning applications dismissed					100	n/a	62.2	1st Upper
Leisure / Libraries								
(LCL/001) The number of visits to Public Libraries during the year, per 1,000 population	6399	6,002	6,193	5,726	5,411	↓	5,270	7th Upper Middle
LCS/002(b): The number of visits to local authority sport and leisure facilities during the year per 1,000 population where the visitor will be participating in physical activity	7885	7,348	7,075	8511	8,873	↑	8,502	9th Upper Middle
Education								
Percentage of pupil attendance in primary schools	94.2	95.6	95.7	95.7	95.5	↓	94.9	2nd Upper
Percentage of pupil attendance in secondary schools	93.3	94.4	94.7	95	94.6	↓	94.1	5th Upper

Measure	2013/14 Actual	2014/15 Actual	2015/16 Actual	2016/17 Actual	2017/18 Actual	Trend between 2016/17 to 2017/18	Welsh Average	All Wales Rank and quartile position (Upper=1 st to 6 th (Upper Middle=7 th to 11 th Lower middle=12 th to 16 th Lower=17 th to 22 nd)
The percentage of year 11 pupils achieving the Level 2 threshold including a GCSE grade A*-C in English or Welsh first language and mathematics in schools maintained by the local authority	N/A	N/A	N/A	N/A	62.2	n/a	54.8	3rd Upper
Percentage of year 11 leavers known not to be in education, training or employment (NEET)	N/A	N/A	N/A	N/A	0.9	N/A	1.6	2nd Upper
Waste Management								
(WMT/004) The percentage of municipal waste collected by local authorities sent to landfill	37.56	35.62	25.79	21.02	Awaiting National Data			
(WMT/009) The percentage of municipal waste collected by local authorities and prepared for reuse and/or recycled, including source segregated biowastes that are composted or treated biologically in another way	52.52	52.07	59.13	65.20				
Street Scene								
The percentage of highways inspected of a high or acceptable standard of cleanliness	99.6	97.8	N/A	N/A	N/A	N/A	N/A	N/A
The percentage of reported fly tipping incidents cleared within 5 working days	91.81	90.09	91.56	85.95	87.69	↑	95.08	19th Lower
Transport and Highways								

Measure	2013/14 Actual	2014/15 Actual	2015/16 Actual	2016/17 Actual	2017/18 Actual	Trend between 2016/17 to 2017/18	Welsh Average	All Wales Rank and quartile position (Upper=1 st to 6 th (Upper Middle=7 th to 11 th Lower middle=12 th to 16 th Lower=17 th to 22 nd)
The percentage of principal A roads that are in overall poor condition			2.8	3.6	3.9	↓	3.7	14th Lower Middle
The percentage of principal B roads that are in overall poor condition			5.2	5.5	5.7	⇒	4.3	20th Lower
The percentage of principal C roads that are in overall poor condition			25.1	24.4	23.0	↑	14.1	22nd Lower
Public protection								
The percentage of food establishments which are 'broadly compliant' with food hygiene standards	90.28	94.69	90.93	96.01	95.88	↓	95.27	10th Upper Middle
Corporate Services								
CHR/002: The number of working days/shifts per full-time equivalent (FTE) local authority employee lost due to sickness absence	N/A	7.4	10.6	9	9.7	↓	10.4	7th Upper Middle

06. Listening to our regulators

We are answerable to a number of external regulatory bodies, who perform inspections on our services. We have embraced the findings of these inspections and will work in partnership with our regulators to put actions in place to deliver the required service improvements.

Further to the key messages that we published in Vision 2025: Our Corporate Improvement Plan 2018-2023, outlined below is a summary of the feedback that we received from regulators during 2017-18.

WALES AUDIT OFFICE

The Wales Audit Office (WAO) has a duty to report to the public on the arrangements councils in Wales put in place to secure continuous improvement. The Local Government (Wales) Measure 2009 (the Measure) requires the Auditor General to undertake a forward-looking annual improvement assessment, and to publish an annual improvement report, for each improvement authority in Wales.

Their Annual Improvement Report 2017-18 states:

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“The Council is not meeting its statutory requirements in relation to continuous improvement”.

In his annual audit letter issued in January 2018 the Auditor General stated that in his view the Council did not have sufficient appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources, and the current and future financial position represents a significant challenge. He issued a statutory recommendation covering this area – outlined below.

As a consequence, based on, and limited to, the work carried out by the Wales Audit Office and relevant regulators, the Auditor General believes that the Council is not complying with the requirements of the Local Government Measure (2009).

Statutory Recommendation: In setting a balanced budget, the Council must ensure that all savings plans are sufficiently well developed for inclusion in the annual budget. The Council must also act immediately to update its Medium Term Financial Strategy to enable the Council to live within its means going forward, and design and implement actions to address the weaknesses identified and reports by me in respect of its corporate and financial arrangements.

The Council accepted the Statutory Recommendation at a meeting on 22nd February 2018 and agreed an Action Plan for improving Strategic and Financial Planning. This action plan forms part of the council’s wider Corporate Leadership and Governance Plan that is monitored monthly at the Improvement and Assurance Board.

The WAO has carried out a number of audit, regulatory and inspection work during 2017-18. The table below outlines the reviews where proposals for improvement or recommendations were issued:

Brief description	Key conclusions	Proposals for improvement
-------------------	-----------------	---------------------------

<p>Service User Perspective Review In Powys County Council, we reviewed the Housing service.</p>	<p>The Council is making progress towards achieving the Welsh Housing Quality Standard for many components and most Council tenants are satisfied with the quality of the service and their homes, but it needs to accelerate its approach to ensuring tenants homes are warm.</p>	<p>Three proposals for improvement were issued by WAO.</p>
<p>'Scrutiny: Fit for the Future?' Review Review of how well placed Councils' overview and scrutiny functions are to respond to current and future challenges.</p>	<p>The Council has been slow to develop its scrutiny arrangements and there are fundamental areas it needs to address if scrutiny is to operate effectively and have impact in the face of future challenges.</p>	<p>Six proposals for improvement were issued by WAO.</p>
<p>Annual audit letter 2016-17 Letter summarising the key messages arising from the Auditor General's statutory responsibilities under the Public Audit (Wales) Act 2004 and his reporting responsibilities under the Code of Audit Practice.</p>	<p>The Council complied with its responsibilities relating to financial reporting but did not have sufficient appropriate arrangements in place to secure economy, efficient and effectiveness in its use of resources. I issued a certificate confirming that the audit of the accounts has been completed on 22 November 2017. My work to date on certification of grant claims and returns has not identified significant issues that would impact on the 2017-18 accounts or key financial systems. The Council did not have sufficient appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources, and the current and future financial position represents a significant challenge.</p>	<p>WAO issued a statutory recommendation.</p>

The WAO also undertook a number of national reviews, which included proposals for improvement, these include:

- Savings Planning in Councils in Wales
- Public Procurement in Wales
- Good governance when determining significant service changes – National Summary
- How Local Government manages demand – Homelessness
- Housing Adaptations
- Speak my language: Overcoming language and communication barriers in public services

- Strategic Commissioning of Accommodation Services for Adults with Learning Disabilities

The full report can be found on the WAO website: www.audit.wales

CARE INSPECTORATE WALES

The Care Inspectorate Wales (CIW) encourages improvement of social care, early years and social services by regulating, inspecting, reviewing and providing professional advice to ministers and policy makers. During 2017-18 the council received comprehensive inspections of both its children's and adult services.

Inspection of Children Services:

CIW inspected the quality and effectiveness of children's services during July 2017 and published their findings in a report in October 2017. The inspection report highlighted a significant number of serious concerns with regard to the performance, quality and delivery of children's services compounded by instability in management, poor and confused direction and weak governance. The council fully accepted the findings in the inspection report and the subsequent warning notices issued by Welsh Government. It quickly acknowledged the need for urgent and sustained change which would demonstrate both a genuine commitment to safeguarding children in Powys and also deliver effective systems for helping them to achieve positive well-being outcomes.

In response to the First Warning Notice, the council:

- appointed an interim Director of Social Services;
- appointed an Improvement Board to oversee the actions of the Director, to provide constructive challenge and strategic oversight of the Director's actions as regards all social services functions relating to children;
- ensured that the Improvement Board has provided reports to the Leader of the Council with a copy to the Director of Social Services and Integration, Welsh Government;
- delivered an improvement plan drawn up by the interim Director of Social Services to address the issues raised in the July inspection report within the 20 days required ;
- started to implement the improvement plan

CIW carried out a follow-up monitoring visit in December 2017 where they continued to be concerned about a range of issues including timescales for the completion of assessments and care and support plans, safeguarding practice issues and performance and quality monitoring. A follow up warning notice was issued setting out further actions required by the council.

Further CIW monitoring activity undertaken in March 2018 concluded the following:

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1. *We have increased confidence the local authority understands more fully what it needs to do to improve services and has taken tangible steps toward this. We found evidence of progress in assessment and care and support services for children. We also recognise increased corporate support for the improvement journey and appreciation of the importance of this for the safety and well-being of the most vulnerable children in Powys.*
 2. *We note investment in additional resources has reduced caseloads and increased senior management capacity to support the performance of individual frontline staff and managers. There is now sufficient performance information in most areas to provide a clear view of the service provided.*
 3. *We saw evidence of the implementation of the quality assurance framework with comprehensive case file reviews providing much needed information on the quality of practice. People we spoke to, at all levels, were able to articulate what needs to be done, including a concerted effort to improve recording practice by frontline staff. However until staff have more confidence in the electronic case management system there will continue to be questions around the reliability of performance data.*
 4. *While some performance indicators have improved, progress is still required in other key areas. Now there are reduced caseloads, it is vital the workforce is committed to quality and timely support for children and families and has the means to deliver on this. At this visit, senior managers were clear about the need to address any performance issues directly with individual staff through additional support and training.*

We spoke to social workers who trained outside Wales who received very little induction into the Welsh legal context when taking up their contract. We are disappointed planned training on the Social Services and Well-being Wales Act has not yet occurred. The high turnover of staff continues. This prevents stability and security within teams and continues to impact on the children and families the authority is supporting.
 6. *The Head of Service is clear about planned work to review the efficacy of early help services and the quality of direct work being delivered by statutory social services. There are substantial improvements required in commissioning, quality assurance, multi-agency decision making and support of looked after children placed out of the area.*

Inspection of Adult Services:

CIW carried out a comprehensive and detailed inspection of front line services and safeguarding in January 2018 and published their findings in a report in May 2018. We developed an improvement plan in readiness for the inspection. It identified the financial investment needed to strengthen reform of services and the council is committed to investing further support over the next 12 months if needed. The investment will increase the numbers of frontline care staff and provide Powys People Direct (the single point of access to services) with more resources.

Inspectors provided positive feedback about a number of areas, including urgent safeguarding work and staff morale, but they also described significant concerns about the need for prompt responses to people in need of help to keep them safe and improve their quality of life. Their report states:

Access

The high number of abandoned calls by people attempting to contact Powys People Direct (PPD) means a significant number of people do not get consistent access to timely information, advice and support. Opportunities for people to have their voices heard are being missed, as are opportunities to prevent the need for further care and support.

Assessment

Not all geographic areas of Powys have suitable arrangements in place for assessing need and determining people's eligibility for care and support or for assessing the support needs of carers. This means some people are waiting too long for assessment and support. Some of these delays are very significant. They have a negative impact on people, their carers and families and create a burden on other parts of the social and healthcare system.

Care & support

There are many good quality care and support plans in Powys; most demonstrate positive engagement with people. Some could be improved with a renewed focus on strengths as outlined in the SSWBA. Too many people were waiting an excessive amount of time for care and support to begin.

Safeguarding

Safeguarding referrals that explicitly articulated and clearly identified risks received a robust, timely response. In these cases there was evidence of intelligent working and well written comprehensive record keeping. However, not all safeguarding referrals received a timely, proportionate and where appropriate well-coordinated multi-agency response. There was a backlog of safeguarding work at screening and enquiry stages and an insufficient focus on multi-agency safeguarding discussions and meetings.

Leadership, management & governance

Senior managers and elected members held a shared vision for improving safeguarding and for promoting services that supported people to lead independent lifestyles. Neither performance management arrangements nor quality assurance mechanisms were sufficiently well embedded to provide a thorough understanding of the difference that help, care and support and/or protection was making for people. Senior leaders need to improve their knowledge about performance to enable them to discharge their responsibilities more effectively. High level plans, including joint plans, need to be translated into tangible action plans for the delivery of good quality and well integrated services. Recruitment and retention of the adult social services workforce presents some significant challenges.

Their report set out six priority recommendations and a further ten where they expect to see improvement in the next 12 months. The Assurance Board, which is independently chaired and includes external advisors to secure improvement across social services, monitors progress towards the recommendations on a monthly basis and will continue to challenge poor performance. CIW will carry out a monitoring visit in July 2018.

Estyn are the main inspectorate of educational outcomes, provision and leadership at a regional, local authority and school and pre-school setting level. All inspections are carried out by a team of Her Majesty's Inspectors against a Common Inspection Framework. Estyn visit on a termly basis for one day to assess progress against previous inspections and to challenge current performance.

Improvement Conference 2018:

Powys was selected to be one of three councils involved in piloting the new improvement conference inspection activity. The schools service has carried out a lot of work to ensure that it responds to the scrutiny which takes place in these meetings as well as the recommendations made by HMI. A Self-Assessment Report was developed in preparation for the second Improvement conference held in April 2018. The conference focussed on:

- The council's plans for addressing the underperformance of secondary aged pupils, including the response to the recommendations from the initial improvement conference
- The effectiveness of central finances support in overseeing schools budgets

The Estyn outcome letter, which was published following the improvement conference in April 2018 states:

Inspectors sought assurance that the authority:

- *has taken appropriate action since the initial improvement conference*
- *is making suitable progress in securing better outcomes for learners*
- *has coherent plans to continue to address the issues raised at the initial improvement conference, and that these plans may need to be revised to take into account changing circumstances*
- *has sufficient resources to implement its plans*

- *has rigorous processes in place to monitor the implementation of its plans and evaluate the impact*

The authority's plans for addressing the underperformance of secondary aged pupils

Estyn remains assured that the local authority understands the reasons behind the relative weak performance of its secondary schools in recent years. Two-thirds of secondary schools in Powys have been identified locally as requiring significant support and are amber or red category. Although progress has been slow and the local authority acknowledged that its monitoring of schools had not been rigorous enough, the authority is strengthening its work to quicken the pace of improvement in schools. This includes new staff to support school improvement work, a more robust approach to challenging, supporting and monitoring schools causing concern and tighter performance management arrangements.

Four secondary schools have appointed a new head teacher since the initial conference, and the authority has ensured that there is support available to these new head teachers, though it is not possible to evaluate this as part of the conference process. Only two secondary schools have middle leaders participating in the professional learning programme for middle leaders available through ERW, and I am concerned at this low take-up. I recommend that the authority works with ERW to ensure that middle leaders in other schools are receiving appropriate professional learning to meet their needs and to strengthen the quality of leadership and management in schools where this is an area for improvement.

The effectiveness of central finance support in overseeing school budgets

The local authority knows that its current budget position is unacceptable and has a good understanding of the reasons that have caused this. The authority has detailed financial data on the position of every school as well as its internal service areas. School leaders and governors as well as senior offices and elected members are all aware of relevant financial information to enable them to fulfil their responsibilities. Over the last 12 months, the authority has issued a warning notice to six secondary schools and two primary schools, requiring these schools to take action to address their deficit budgets. The local authority has recently ensured that Brecon High School, which is in a very poor deficit position, agreed a plan to address their budget. I note that, as a result, the local authority has not used its powers to suspend the governing body's right to a delegated budget.

No further improvements were requested, but there is now a clear mandate to continue on the improvement journey that the service has commenced and to show clear evidence of impact. A new cycle of local government education services inspections will commence in September 2018.

07. Scrutiny and Audit Reviews

Examples of Scrutiny and Audit Reviews undertaken in 2017/18

The following are examples of areas which were scrutinised / Pre-scrutinised during 2017/18:

Scrutiny Committee A:

- **Commissioning of the Highways, Transport and Recycling Service (Pre-scrutiny)** – a full business case for future options for delivery of the HTR Service was considered in association with representatives of Scrutiny Committee B and Audit Committee. However, following a change in political leadership, it was agreed that a modified in-house option would be pursued and Scrutiny will now take place on a regular basis as proposals develop.
- **Adult Social Care Scrutiny Group** – a number of briefing sessions have been held to ensure that new Members are fully informed. Pre decision scrutiny has been undertaken on Residential Care Pooled Budgets (Joint with Audit Committee representatives), Fee Setting in Residential Care and Charging for Community Based Services. The Group scrutinized the draft Adult Services Improvement Plan and contributed to the pre inspection Self-Assessment. Ongoing exception monitoring of the Action Plan is underway and this will be revised once the CIW Inspection Report is received. The Group considers financial details on a quarterly basis and monitors the service Risk Register at every meeting.
- **Household Waste Recycling Centres** – Members reviewed the changes to reduce days of operation implemented in April 2017 and supported a change to increased opening hours bearing in mind the additional costs to the service and the requirement for savings under the Medium Term Financial Strategy.
- **North Powys Office Accommodation Review** – reviews of office accommodation are to be undertaken across the County and the first area considered was in the North. Members were briefed on a number of options together with costs.
- **Crime and Disorder** - the Committee continues to monitor performance reports of the Community Safety Partnership biannually.
- **General Data Protection Regulations (GDPR)** – a review was undertaken of the council's preparedness for the implementation of GDPR in May 2018. The review considered the action plan as well as its progress. A further review will consider the position once the regulations have been implemented.

Finance Scrutiny Panel

The Finance Scrutiny Panel has reviewed proposals for the 2018/19 and 19/20 budgets. However, the Panel were frustrated by the lack of information on the budget until late in January which compromised their ability to provide effective scrutiny. The Panel continues to support the development of 5 year budget plans but the lack of detail going forward poses a substantial risk to the delivery of savings. The Panel are pleased that there will be a thorough review of the Medium Term Financial Strategy but remain concerned that the 2018/19 budget has been balanced by use of one off inputs and technical accounting practices.

Audit Committee

In addition to its regulatory requirements, the Committee reviews the Corporate Risk Register, Regulatory Tracker and Treasury Management on a quarterly basis. Summary reports relating to the work of the Finance Scrutiny Panel and Internal Audit Working Group are also considered.

- **Internal Audit Working Group** – the Group reviews action plans arising from Internal Audit reports which have limited or low assurance. Consideration is also given to reports relating to internal fraud.

- **Joint Audit / Education Scrutiny Group** – the group has been asked to undertake work on the financial viability of Schools following receipt of a WAO report. A report was prepared and considered by Cabinet.

Joint Adult and Children’s Services Scrutiny Group

- **Powys People Direct** - the joint Group met to consider concerns relating to Powys People Direct following the CIW Inspection of Children’s Services. The service is to be reviewed by Children’s and Adults’ Services, and the Joint Scrutiny Group will monitor progress of that review.
- **Health and Care Strategy** – the joint Group considered ‘A Healthy Caring Powys – Discharging our Duties in Relation to the Area Plan which considers delivery of the first five year’s of the Health and Care Strategy. Comments were made to Cabinet and were submitted to the Welsh Government by 1st April 2018.

Scrutiny Committee B

- Annual Report of Director of Social Care
- Pre-Cabinet scrutiny of the new Schools Policy promoting collaborative working
- Welsh in Education Strategic Plan

Children’s Scrutiny Group

- Members undertook pre-Cabinet scrutiny of the redesign of Youth Services
- Members received the CIW Inspection report on Children’s Services. The initial Improvement Plan was considered along with further iterations of the Plan. The group have received performance monitoring reports, the Member Tracker and have undertaken specific work on the following areas:
 - Safeguarding
 - Governance
 - Looked After Children, Fostering and Out of County Placements
 - Assessment compliance and quality assurance

Education Scrutiny Group

- Ongoing education scrutiny:
 - Standards (provisional and verified)
 - Attendance and exclusions
 - Inspection outcomes
- Annual scrutiny of the regional consortia for education improvement (ERW)
- Pre-Cabinet Scrutiny of the Education Self Evaluation Report
- Pre-Cabinet Scrutiny of Home to School/College Transport Policy
- Scrutiny of proposals regarding implementation of 30 hours free child care
- Scrutiny of Transformation of Additional Learning Needs and Inclusion Service
- Scrutiny of Governor Training programme

Two representatives of the Education Scrutiny Group also attend twice yearly meetings of the Joint ERW Scrutiny Group.

Schools Scrutiny Panel

- Monitoring progress of schools who have attended School Scrutiny Panel
- School categorisation

Leisure/Culture Scrutiny Group

- Members undertook pre-Cabinet Scrutiny of proposals regarding changes to the Leisure provision (closure of the Staylitttle Outdoor Pursuits Centre)

Joint Chairs and Vice-Chairs Steering Group

The Steering Group scrutinised the following:

- Draft CIP
- Draft Annual Performance Statement 2016-17
- PSB: Vision 2040
- Draft Well-Being Plan
- Corporate Leadership, Governance Improvement Plan.

The Steering Group also reviewed:

- Work Programmes for all scrutiny committees (each meeting)
- The Scrutiny Service.
- The Scrutiny Committee Structure
- Arrangements for the Scrutiny of the PSB in Powys

DRAFT

The seven goals of The Wellbeing of Future Generations (Wales) Act 2015

A prosperous Wales An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.

A resilient Wales A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).

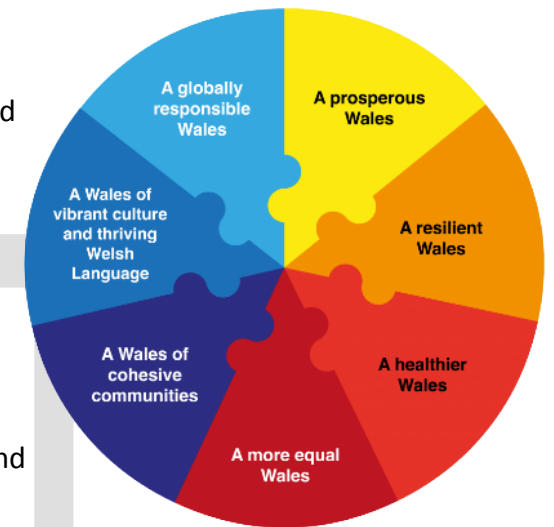
A healthier Wales A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.

A more equal Wales A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).

A Wales of cohesive communities Attractive, viable, safe and well-connected communities.

A Wales of vibrant culture and thriving Welsh language A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.

A globally responsible Wales A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.



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WALES AUDIT OFFICE
SWYDDFA ARCHWILIO CYMRU

Annual Improvement Report 2017-18

Powys County Council

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This Annual Improvement Report has been prepared on behalf of the Auditor General for Wales by Colin Davies, Jeremy Evans and Justine Morgan under the direction of Jane Holownia and Huw Rees.

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The Auditor General is independent of government, and is appointed by Her Majesty the Queen. The Auditor General undertakes his work using staff and other resources provided by the Wales Audit Office Board, which is a statutory board established for that purpose and to monitor and advise the Auditor General. The Wales Audit Office is held to account by the National Assembly.

The Auditor General audits local government bodies in Wales, including unitary authorities, police, probation, fire and rescue authorities, national parks and community councils. He also conducts local government value for money studies and assesses compliance with the requirements of the Local Government (Wales) Measure 2009.

Beyond local government, the Auditor General is the external auditor of the Welsh Government and its sponsored and related public bodies, the Assembly Commission and National Health Service bodies in Wales.

The Auditor General and staff of the Wales Audit Office aim to provide public-focused and proportionate reporting on the stewardship of public resources and in the process provide insight and promote improvement.

We welcome correspondence and telephone calls in Welsh and English. Corresponding in Welsh will not lead to delay. Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

This document is also available in Welsh.

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Summary report

2017-18 performance audit work

- 1 In determining the breadth of work undertaken during the year, we considered the extent of accumulated audit and inspection knowledge as well as other available sources of information including Powys County Council's (the Council) own mechanisms for review and evaluation. For 2017-18, we undertook improvement assessment work at all councils. We also undertook work at all councils in relation to the Wellbeing of Future Generations Act, a service-user-perspective themed review and a review of overview and scrutiny arrangements. At some councils, we supplemented this work with local risk-based audits, identified in the Audit Plan for 2017-18.
- 2 The work carried out since the last Annual Improvement Report (AIR), including that of the relevant regulators, is set out in [Exhibit 2](#).

The Council is not meeting its statutory requirements in relation to continuous improvement

- 3 Following a critical report by Care Inspectorate Wales (CIW) relating to their inspection of Children's Services, the Cabinet Secretary issued a warning notice requiring the Council to publish an improvement plan and establish an Improvement and Assurance Board. The Improvement Board has an independent chair and is supported by Welsh Local Government Association (WLGGA) advisors. The Board is tasked with overseeing the progress the Council is making in delivering its improvement plan.
- 4 In May 2018 CIW published their report on Adult Services, as a result the Council extended its improvement plan to cover this area and bring this activity into the Improvement and Assurance Boards remit.
- 5 In his annual audit letter issued in January 2018 ([Appendix 3](#)) the Auditor General stated that in his view the Council did not have sufficient appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources, and the current and future financial position represents a significant challenge. He issued a statutory recommendation covering this area. ([Exhibit 1](#)).
- 6 As a consequence, based on, and limited to, the work carried out by the Wales Audit Office and relevant regulators, the Auditor General believes that the Council is not complying with the requirements of the Local Government Measure (2009).

Recommendations and proposals for improvement

- 7 Given the wide range of services provided by the Council and the challenges it is facing, it would be unusual if we did not find things that can be improved. The Auditor General is able to:
- make proposals for improvement – if proposals are made to the Council, we would expect it to do something about them and we will follow up what happens;
 - make formal recommendations for improvement – if a formal recommendation is made, the Council must prepare a response to that recommendation within 30 working days;
 - conduct a special inspection, and publish a report and make recommendations; and
 - recommend to ministers of the Welsh Government that they intervene in some way.
- 8 During the course of the year, the Auditor General issued a statutory recommendation and made a number of proposals for improvement and these are repeated in this report. We will monitor progress against them and relevant recommendations made in our national reports ([Appendix 2](#)) as part of our improvement assessment work.

Statutory Recommendation

- 9 The table below contains the statutory recommendation issued by the Auditor General.

Exhibit 1 – statutory recommendation

Statutory Recommendation	
R1	<p>In setting a balanced budget, the Council must ensure that all savings plans are sufficiently well developed for inclusion in the annual budget.</p> <p>The Council must also act immediately to update its Medium Term Financial Strategy to enable the Council to live within its means going forward, and design and implement actions to address the weaknesses identified and reported by me in respect of its corporate and financial arrangements.</p>

Audit, regulatory and inspection work reported during 2017-18

Exhibit 2 – audit, regulatory and inspection work reported during 2017-18

Description of the work carried out since the last AIR, including that of the relevant regulators, where relevant.

Issue date	Brief description	Conclusions	Proposals for improvement
August 2018.	<p>Service User Perspective Review</p> <p>To understand the 'service user perspective' at every Council within Wales. In Powys County Council, we reviewed the Housing service. In particular, whether the Council was using the experiences and aspirations of service users to inform the design and delivery of services for the Welsh Housing Quality Standard.</p>	<p>The Council is making progress towards achieving the Welsh Housing Quality Standard for many components and most Council tenants are satisfied with the quality of the service and their homes, but it needs to accelerate its approach to ensuring tenants homes are warm.</p> <ul style="list-style-type: none"> the Council is making progress towards achieving the Welsh Housing Quality Standard for many components by 2020, but it needs to accelerate its approach to ensuring tenants homes are warm; tenant engagement has worked well in the past but now needs to be built upon and strengthened to gather more views; and most Council tenants are very satisfied with the quality of the service and their homes. 	<p>P1 The Council should urgently strengthen the future delivery of the WHQS by accelerating its development of a comprehensive strategy and action plan to address the issues facing tenants who are living in cold homes.</p> <p>P2 The Council should work with tenants to strengthen its approach to assisting people experiencing problems with condensation and damp.</p> <p>P3 The Council should strengthen its approach to engagement and explore more innovative ways to reach the many people who are hard to reach due to the geographical challenges of living in Powys.</p>

Issue date	Brief description	Conclusions	Proposals for improvement
July 2018	<p>‘Scrutiny: Fit for the Future?’ Review</p> <p>Review of how well placed council’s overview and scrutiny functions are to respond to current and future challenges.</p>	<p>The Council has been slow to develop its scrutiny arrangements and there are fundamental areas it needs to address if scrutiny is to operate effectively and have impact in the face of future challenges.</p> <p>We came to this conclusion because:</p> <ul style="list-style-type: none"> • the Council’s governance framework does not help to create a supportive environment for scrutiny to operate effectively and to have impact; • the Council recognises that its scrutiny function needs to improve. There is scope for improvement in how scrutiny is planned, how scrutiny meetings are conducted and how forward work programmes are developed; and • the Council does not evaluate the impact of overview and scrutiny and cannot demonstrate its overall effectiveness. 	<p>P1 Be specific in the reports presented to overview and scrutiny why the committee is receiving the information and how this relates to the role of the scrutiny committee.</p> <p>P2 Provide more training specifically for Chairs and Vice Chairs of overview and scrutiny committees to enable them to be more effective in their role.</p> <p>P3 Make arrangements for further training for scrutiny committee members on the Well-Being of Future Generations (WFG) Act in order to help embed WFG considerations into the Council’s decision-making processes</p> <p>P4 Strengthen arrangements for public and other stakeholder engagement in overview and scrutiny.</p> <p>P5 Clarify the arrangements for feeding back overview and scrutiny committees’ views to Cabinet and for Cabinet to respond to recommendations made.</p> <p>P6 Put in place arrangements for assessing the effectiveness and impact of overview and scrutiny.</p>

Issue date	Brief description	Conclusions	Proposals for improvement
January 2018	Follow-up review of Powys County Council whistleblowing and grievance policy arrangements	<ul style="list-style-type: none"> • The Council's whistleblowing policy has improved since our last review and complies with recommended good practice • The Council signposts its whistleblowing policy to staff but the Council may wish to consider more formal training arrangements • The Council withdrew its Fairness and Dignity at Work policy in October 2015 but the Grievance Policy is not clear on how to raise a complaint in respect of bullying and harassment. 	None.
March 2018	Observations of the HTR Commissioning Project	<ul style="list-style-type: none"> • In our observation role we did have concerns about aspects of the project but were ultimately reassured by the level of challenge shown; and • Certain governance aspects of the project could have been more robust. 	None

Issue date	Brief description	Conclusions	Statutory recommendation
January 2017	<p>Annual Audit Letter 2016-17</p> <p>Letter summarising the key messages arising from the Auditor General's statutory responsibilities under the Public Audit (Wales) Act 2004 and his reporting responsibilities under the Code of Audit Practice. The Annual Audit Letter is in Appendix 2 of this report.</p>	<p>The Council complied with its responsibilities relating to financial reporting but did not have sufficient appropriate arrangements in place to secure economy, efficient and effectiveness in its use of resources.</p> <p>I issued a certificate confirming that the audit of the accounts has been completed on 22 November 2017.</p> <p>My work to date on certification of grant claims and returns has not identified significant issues that would impact on the 2017-18 accounts or key financial systems.</p> <p>The Council did not have sufficient appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources, and the current and future financial position represents a significant challenge.</p>	<p>In setting a balanced budget, the Council must ensure that all savings plans are sufficiently well developed for inclusion in the annual budget. The Council must also act immediately to update its Medium Term Financial Strategy to enable the Council to live within its means going forward, and design and implement actions to address the weaknesses identified and reported by me in respect of its corporate and financial arrangements.</p>

Issue date	Brief description	Conclusions	Proposals for improvement
Improvement planning and reporting			
April 2017	<p>Wales Audit Office annual improvement plan audit</p> <p>Review of the Council's published plans for delivering on improvement objectives.</p>	The Council has complied with its statutory improvement planning duties.	None
November 2017	<p>Wales Audit Office annual assessment of performance audit</p> <p>Review of the Council's published performance assessment.</p>	The Council has not complied with its statutory improvement reporting duties. The Local Government Measure 2009 requires the Council to publish its assessment before 31 October in the financial year following that to which the information relates, or by any other such date as Welsh Ministers may specify by order. The Council published its assessment on 20 November 2017.	None

Issue date	Brief description	Conclusions	Recommendations
Reviews by inspection and regulation bodies			
CIW July 2017	<u>Inspection of Children's Services</u>	<p>The implementation of the recommendations of an external review further exacerbated failings in children's services, and destabilised the workforce to a significant extent and as a result placed children at risk of harm.</p> <p>Children and young people do not appear to be well served by the current arrangements for accessing support services in Powys. A lack of assessment, care and support planning combined with an inconsistent approach to working in line with the child sexual exploitation guidance and the management of sexual exploitation and risk assessment framework process placed children at risk of harm. In addition, child protection processes did not always comply with statutory guidance with delays in investigations and assessments being undertaken and completion of statutory visits.</p> <p>There is evidence of missed opportunities to safeguard children, despite requests for support. Risks were not being appropriately and robustly assessed and there is no effective system to identify and manage risks.</p>	<p>Immediate priority (within 1 month):</p> <p>Case management</p> <ol style="list-style-type: none"> 1 The local authority must ensure assessments are carried out within statutory timescales and are undertaken in partnership with children and families. <p>Staffing</p> <ol style="list-style-type: none"> 2 Arrangements for team managers and senior practitioners should be reviewed to ensure capacity to effectively and consistently provide management and leadership oversight and testing of decision making along with support and direction for frontline staff. 3 The local authority and senior managers should take steps to improve the frequency, consistency and quality of supervision for front line staff; an assurance mechanism must be implemented to ensure compliance with expectations and quality of decision making, recordkeeping and reporting. 4 Caseloads monitoring is required to ensure there is sufficient capacity for workers to engage effectively with children and their families.

Issue date	Brief description	Conclusions	Recommendations
Reviews by inspection and regulation bodies			
CIW July 2017	<u>Inspection of Children's Services</u>	<p>The vision and strategic direction for children's services has been set out by the interim leadership team, together with members of the operational management team. However, this vision requires significant corporate and political support for it to be delivered. There is a lack of awareness of its content outside of children's services and considering its reliance on the full support of council this is of concern.</p> <p>There are serious performance issues with front line services, however these arose because of instability in management, poor and confused direction and weak governance. Without effective support and capacity to undertake the work frontline staff cannot be expected to undertake the complex work required in children's social services.</p> <p>Inspectors noted the commitment of the staff, who have shown resilience and professionalism whilst coping with significant changes, and depletion in support services and leadership capacity. We have seen real commitment to protect and respond to safeguarding children in very difficult circumstances. Staff have been mutually supportive through challenging and difficult times and have shown us their real desire to move on.</p>	<p>Leadership</p> <p>5 The chief executive must immediately provide strong corporate support for children's services to ensure service improvements are prioritised and the pace of improvement accelerated and sustained.</p> <p>6 The council leader and the portfolio member must provide strong political support to children's services and take the necessary steps to put in place well informed and effective scrutiny to make sure service improvements are made quickly, effectively and are sustainable.</p> <p>Assurance</p> <p>7 An assurance mechanism must be implemented as a priority to ensure compliance with legislation, statutory guidance and protocols with regard to looked after children and children at risk.</p>

Issue date	Brief description	Conclusions	Recommendations
Reviews by inspection and regulation bodies			
CIW July 2017	<u>Inspection of Children's Services</u>		<p>Medium term priority (within 4 months):</p> <p>Case management</p> <p>8 The quality of assessments and plans must be improved to ensure they are consistently of a good quality, with a clear focus on the needs, risks, and strengths of children and families, and that desired outcomes, timescales and accountabilities for actions are clear.</p> <p>9 The quality and consistency and timeliness of record keeping must be improved; all staff and managers must ensure that records are of good quality, up to date and systematically stored.</p> <p>10 The local authority must clarify the role and purpose of Powys People Direct (PPD) within the overall provision of information, advice and assistance and must ensure staff and partners have clear guidance to support decision making. The local authority must ensure that all staff are suitably trained, skilled and supported to deliver this role. A clear protocol is required between PPD and the Emergency Duty Team to ensure cases are not lost between services.</p> <p>11 The local authority must implement an effective model of assessment to support its interventions with families, which is understood by all staff and partners, underpinned by robust training and development.</p> <p>12 The local authority must ensure its fostering service provides consistent support, training and guidance to foster carers in order to improve the quality and availability of placements.</p> <p>13 The local authority must ensure that all care and support plans have a clear focus on outcomes for children, which incorporate the voice of the child.</p>

Issue date	Brief description	Conclusions	Recommendations
Reviews by inspection and regulation bodies			
CIW July 2017	<u>Inspection of Children's Services</u>		<p>Staffing</p> <p>14 The local authority must ensure every employee understands the legislative and statutory requirements in safeguarding children and action is taken to address poor performance.</p> <p>15 A robust workforce strategy should be developed as a matter of urgency to include short, medium and long term plans for recruitment and retention of social work and senior staff. Permanent appointments are required in key posts as a high priority to provide resilience and stability to the service.</p> <p>Interagency/partnership working</p> <p>16 Effective multi-agency quality assurance systems and training arrangements should be established to ensure thresholds for assessments to statutory children's services are understood by staff and partners and are consistently applied; this should include multiagency child protection decision making protocols.</p> <p>17 There is a need for clear strategic direction supported by operational protocols to enable partners to have a clear understanding of the purpose, structure and decision making in children's services. Leadership</p> <p>18 There should be an early consideration of the impact of the changes made as a result of the commissioned review and whether decisions made as part of the review should be revisited.</p> <p>19 Elected members need to be clear about the vision for children's services and recognise this as a high risk area for the council. To support this members need clarity about, and training to understand, the direction of services and the particular risks inherent in children's services.</p>

Issue date	Brief description	Conclusions	Recommendations
Reviews by inspection and regulation bodies			
CIW July 2017	<u>Inspection of Children's Services</u>		<p>20 The chief executive with support from the statutory director of social services must make arrangements to ensure all elected members have a clear understanding of, and are able to fulfil, their corporate parenting responsibilities</p> <p>21 The local authority needs to undertake further work in relation to implementing the requirements of the Social Services and Wellbeing (Wales) Act 2014 so there is understanding at a corporate level in relation to the delivery of information, advice and assistance. Assurance</p> <p>22 Performance management and quality assurance arrangements, including scrutiny of service demand and routine auditing of the quality of practice needs to be embedded so that managers at all levels have timely, relevant and accurate performance and quality assurance information.</p> <p>23 At a corporate level the local authority must establish systems and structures effectively monitor and evaluate progress within children's services'.</p> <p>24 The consistent application of a quality assurance system must be implemented to ensure families who are referred to the Team around the Family service are not subject to drift and delay and to ensure there 10 are targeted plans in place which are reviewed and checked by managers.</p> <p>25 The local authority must strengthen the oversight of the response to complaints to improve reporting and analysis and ensure there is a mechanism to capture lessons learned.</p>

Issue date	Brief description	Conclusions	Recommendations
Reviews by inspection and regulation bodies			
CIW July 2017	<u>Inspection of Children's Services</u>		<p>Longer term priority (within 12 months):</p> <p>Case management</p> <p>26 The local authority must ensure compliance with the active offer of the Welsh language. Interagency/ partner working.</p> <p>27 .A multi-agency child protection protocol (drawing on regionally agreed arrangements) should be implemented to support decision making on the need for assessments in statutory children's services. This needs to be understood by staff and partners and consistently applied. Multiagency quality assurance systems and training arrangements are required to support this.</p> <p>28 The local authority and partners must work together to develop a cohesive approach to the collection and analysis of information about the needs of communities, which includes the views of children and families. This should be used to inform the shaping of strategic plans to achieve effective alignment of service delivery between information, advice and assistance services, the preventative sector and statutory services.</p> <p>Leadership</p> <p>29 Future changes to structure and service delivery need to include consultation with all stakeholders in its shape and development. The change needs to be incremental and with changes implemented at a pace that will ensure the full involvement of staff and young people and ensure children are not placed at risk.</p>

Issue date	Brief description	Conclusions	Recommendations
Reviews by inspection and regulation bodies			
CIW May 2018	<u>Inspection of Adult Service</u>	<p>Some people received good care and support but this was not consistent. Some people faced significant delays in being assessed for care and support and in receiving a service. Significant improvement is required.</p> <p>There was good co-operation between frontline health and social care staff and a range of voluntary sector and community groups.</p> <p>Urgent safeguarding referrals were dealt with swiftly and effectively but there was an unacceptable backlog of safeguarding work at screening and enquiry stages.</p> <p>Inspectors noted the commitment of staff who have shown professionalism whilst coping with many changes and depleted resources</p>	<p>As a priority:</p> <ul style="list-style-type: none"> • senior leaders must continue to provide strong political and corporate support for adult services to ensure service improvements; • ensure all safeguarding enquiries are undertaken within statutory timescales; • ensure clear management oversight and understanding of demand, capacity and prioritisation of workflow within adult safeguarding; • strengthen the existing adult services improvement plan; and • produce a robust workforce strategy including short, medium and long term plans for recruitment and retention of the adult services workforce.

Appendices

Appendix 1 – Status of this report

The Local Government (Wales) Measure 2009 (the Measure) requires the Auditor General to undertake a forward-looking annual improvement assessment, and to publish an annual improvement report, for each improvement authority in Wales. Improvement authorities (defined as local councils, national parks, and fire and rescue authorities) have a general duty to 'make arrangements to secure continuous improvement in the exercise of [their] functions'.

The annual improvement assessment considers the likelihood that an authority will comply with its duty to make arrangements to secure continuous improvement. The assessment is also the main piece of work that enables the Auditor General to fulfil his duties. Staff of the Wales Audit Office, on behalf of the Auditor General, produce the annual improvement report. The report discharges the Auditor General's duties under section 24 of the Measure, by summarising his audit and assessment work in a published annual improvement report for each authority. The report also discharges his duties under section 19 to issue a report certifying that he has carried out an improvement assessment under section 18 and stating whether (as a result of his improvement plan audit under section 17) he believes that the authority has discharged its improvement planning duties under section 15.

The Auditor General may also, in some circumstances, carry out special inspections (under section 21), which will be reported to the authority and Ministers, and which he may publish (under section 22). An important ancillary activity for the Auditor General is the co-ordination of assessment and regulatory work (required by section 23), which takes into consideration the overall programme of work of all relevant regulators at an improvement authority. The Auditor General may also take account of information shared by relevant regulators (under section 33) in his assessments.

Appendix 2 – Annual Audit Letter

Councillor Rosemarie Harris – Leader / David Powell - Acting Chief Executive
Powys County Council
County Hall
Llandrindod Wells
Powys
LD1 5LG

Reference: AJB356

Date issued: 25 January 2018

Dear David and Councillor Harris

Annual Audit Letter Powys County Council 2016-17

This letter summarises the key messages arising from my statutory responsibilities under the Public Audit (Wales) Act 2004 and my reporting responsibilities under the Code of Audit Practice.

The Council complied with its responsibilities relating to financial reporting but did not have sufficient appropriate arrangements in place to secure economy, efficient and effectiveness in its use of resources

It is Powys County Council's (the Council) responsibility to:

- put systems of internal control in place to ensure the regularity and lawfulness of transactions and to ensure that its assets are secure;
- maintain proper accounting records;
- prepare a Statement of Accounts in accordance with relevant requirements; and
- establish and keep under review appropriate arrangements to secure economy, efficiency and effectiveness in its use of resources.

The Public Audit (Wales) Act 2004 requires me to:

- provide an audit opinion on the accounting statements;
- be satisfied that the Council has appropriate arrangements to secure economy, efficiency and effectiveness in its use of resources; and
- issue a certificate confirming that I have completed the audit of the accounts.

Local authorities in Wales prepare their accounting statements in accordance with the requirements of the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom. This code is based on International Financial Reporting Standards. On 28 September 2017, I issued an unqualified audit opinion on the accounting statements confirming that they present a true and fair view of the Council's and Powys Pension Fund's financial position and transactions. My report is contained within the Statement of Accounts.

The key matters arising from the accounts audit were reported to members of the Audit Committee in my Audit of Financial Statements report on the 22 September 2017, and a more detailed report will follow in due course.

I issued a certificate confirming that the audit of the accounts has been completed on 22 November 2017

My report dated 28 September 2017, highlighted that at that point in time I could not formally conclude my audit until I had completed my consideration of matters brought to my attention by a local authority elector. This matter has now been resolved and I issued my certificate confirming the completion of the audit on 22 November 2017.

My work to date on certification of grant claims and returns has not identified significant issues that would impact on the 2017-18 accounts or key financial systems

My ongoing work on the certification of grant claims and returns has not identified any significant issues to date in relation to the accounts or the Council's key financial systems. A more detailed report on my grant certification work will follow in the spring 2018 once this year's programme of certification work is complete.

The financial audit fee for 2016-17 is currently expected to be in line with the agreed fee set out in the Annual Audit Plan.

The Council did not have sufficient appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources, and the current and future financial position represents a significant challenge

My consideration of the Council's arrangements to secure economy, efficiency and effectiveness has been based on the audit work undertaken on the accounts as well as placing reliance on the work completed under the Local Government (Wales) Measure 2009. In my [Annual Improvement Report](#), I highlighted a number of areas where the effectiveness of these arrangements has yet to be demonstrated or where improvements could be made.

I have concluded that whilst the Council has clearly articulated a strategic ambition to achieve transformational change, its ability to drive the pace of change required is compromised by a lack of capacity and expertise. Strategic workforce planning has been slow in development, and staff resources have been depleted as a result of the Council's response to austerity. New business planning and programme management is placing demands for specialist skills and competencies which are in scarce supply, and the Council has difficulty in recruiting to fill some key positions. A significant proportion of key management positions are now held under interim arrangements.

I have further concluded that given the ambition and pace of its service change programme, there is significant scope for the Council to strengthen its governance arrangements. The findings of our corporate assessment, undertaken in November 2016, were that the Council's scrutiny and decision-making arrangements were neither strategic nor robust. Key decisions around fundamental service change have been predominantly driven by the need to deliver financial savings, with Council policy and service outcomes being less influential. There has been an insufficient clear line of sight, for example through the Cabinet Forward Work Programme, to facilitate appropriate and timely scrutiny. At the time of our assessment relationships between the then Cabinet and Scrutiny function were strained, and scrutiny recommendations were not always valued or appropriately responded to by the then Cabinet. The conduct of Cabinet meetings we observed in November 2016 led to a lack of clarity and consequently transparency with regard to decision-making. It was not clear to us at that time that key officers were providing members with appropriate advice and direction in the circumstances. For some key service changes that we reviewed, the quality of option appraisals was mixed as were the arrangements for engaging with citizens and stakeholders in relation to those proposed changes. Overall, I concluded that there were weaknesses in the sufficiency and timeliness of information made available to members in relation to both scrutiny and decision-making functions of the Council.

In relation to its use of resources, I:

- recommended that the Council strengthen its financial planning arrangements by ensuring that all savings plans are sufficiently well developed for inclusion in the annual budget; forecasting the use of reserves over the medium term financial plan period; and ensuring that the service savings targets set for third party spend, income and cost improvement opportunities can be achieved in planned timescales; and
- reported the need for the Council to increase the pace and scale of change in implementing its 'Schools Organisation Policy, Planning Education Provision', in order to achieve an affordable and sustainable education service.

In October 2017, the Care and Social Services Inspectorate Wales (CSSIW) issued a critical report in respect of the provision of Children's Services within the Council. An independently chaired Children's Services Board is in place and the Council has submitted an improvement plan in response to the recommendations contained within the report. This improvement plan is in the process of being costed. Some of the resource needed has been identified but if the requirements impacting on the current financial year exceed the amount set aside then this could have a further significant impact on the forecast operating deficit for the financial year ended 31 March 2018. In addition, the Council has drafted a Corporate Leadership and Governance Plan.

The Council has contacted the Cabinet Secretary for Local Government and Public Services (the Cabinet Secretary) seeking support under section 28 of the Local Government (Wales) Measure 2009. As a result a formal package of support will be provided.

The Council has acknowledged that it is facing significant financial challenges in the 2017-18 financial year and as at November 2017, the Council anticipated an operating deficit of £4.5 million for the year ended 31 March 2018. The Council has reported that the projected operating deficit is largely due to the combination of unachieved in year (and previous years) savings plans, coupled with service overspends primarily within Adult Social Care and Children's Services.

The Council is currently exploring a range of options to reduce the level of forecast deficit as at 31 March 2018. These include:

- reducing projected spend across services by either not incurring or delaying non-essential expenditure;
- utilising under committed revenue budgets set aside to support transformation and change; and
- reviewing a number of technical accounting options to generate in year revenue.

The Council intends to utilise a combination of the above options to reduce the forecast operational deficit to a balanced position for the financial year to 31 March 2018. Specifically, it intends to utilise the release of non-recurrent savings of £4 million via a planned reduction to the Minimum Revenue Provision (MRP) charge. The projected General Fund reserves position is expected to remain at £8.5 million as at 31 March 2018. In addition to the General Fund, the Council has two specific reserves (Budget Management Reserve £3.6 million and Adult Services Reserve £2.0 million) which are ring fenced to support financial pressures and these specific reserves are projected to amount to approximately £5.6 million as at 31 March 2018.

The Council continues to face significant financial challenges in 2018-19 and beyond. Initially, the Council identified the need to find savings of £8.4 million in 2018-19 but further annual costs pressures have been identified of £8.3 million and £6.8 million for Children's Services and Adult Social Care respectively. Therefore, the Council will need to find savings totalling approximately £23 million in 2018-19.

We understand that plans are in place to deliver a balanced financial budget for the financial year 2018-19. However, a balanced position is primarily dependent on:

- the need to deliver £8 million of efficiency savings;
- the release of non-recurrent savings of £5 million via a planned reduction to the MRP charge; and
- the use of the specific reserve set aside to support financial pressures (Adult Social Care £2 million) and following a review of other reserves, the use of the specific reserve originally set- aside for 21st Century Schools of £5 million.

Given that the Council has acknowledged that it has had difficulty in achieving its planned level of efficiency savings in previous years, this represents a significant risk to the Council. It is imperative that the Council delivers these savings plans and adopts a more robust approach to budgetary control to manage and mitigate the potential for in-year over spends. Both Cabinet and scrutiny committees will need to play a key role in monitoring the delivery of the savings plans.

As outlined above, the Council intends to utilise reserves to support the financial pressures identified in 2018-19. Whilst reserves provide a temporary cushion against financial pressures, they should not be considered as a sustainable medium or longer term solution. In this respect, the Council's General Fund reserve (and any other reserves utilised to support the financial position) will need to be closely monitored to ensure they are maintained at appropriate levels.

Financial pressures continue in 2019-20 with the Council predicting the need to deliver efficiency savings of £17 million.

Given the scale of the future financial challenge, a strategic and transformational approach is required to the way the Council currently delivers its services as it can no longer afford to deliver its services in their current form. In this respect, the Council need to revisit and update their medium term financial strategy to enable it to live with its means going forward.

I have decided to make a Statutory Recommendation to the Council under section 25(2) of the Public Audit (Wales) Act 2004

Having carefully considered the improvements required to the Council's governance arrangements and financial challenges outlined above, I have decided to make a Recommendation pursuant to section 25(2) of the Public Audit (wales) Act 2004 (the Act).

In setting a balanced budget, the Council must ensure that all savings plans are sufficiently well developed for inclusion in the annual budget. The Council must also act immediately to update its Medium Term Financial Strategy to enable the Council to live within its means going forward, and design and implement actions to address the weaknesses identified and reported by me in respect of its corporate and financial arrangements.

In accordance with sections 25 and 26 of the Act, the Council is now required to consider my Recommendation at a meeting within one month of the date of this letter.

Specifically, and in accordance with section 26(5) of the Act, that meeting of the Council should decide:

- 1 whether the report requires the Council to take any action;
- 2 whether the Recommendation made is to be accepted; and
- 3 what action, if any, is to be taken in response to the Recommendation.

As soon as is practicable after the meeting, I should be notified of the decisions made by the Council and provided with a notice summarising the decisions which, once approved by me, must be published in a local newspaper circulating in the Council's area, subject to the exceptions in relation to confidential issues contained in section 26(5) of the Act. The Council is also required to publish the recommendation and its decisions in relation to it.

Yours sincerely



Anthony Barrett

Assistant Auditor General

For and on behalf of the Auditor General for Wales

Appendix 3 – National report recommendations 2017-18

Exhibit 3 – national report recommendations 2017-18

Summary of proposals for improvement relevant to local government, included in national reports published by the Wales Audit Office, since publication of the last AIR.

Date of report	Title of review	Recommendation
June 2017	<u>Savings Planning in Councils in Wales</u>	The report did not include any recommendations or proposals for improvement, although proposals for improvement were included in local reports issued to each Council.
October 2017	<u>Public Procurement in Wales</u>	The report contained seven recommendations. Six of the recommendations were for the Welsh Government, one of the recommendations was for public bodies: R3 It was clear from our sampling that some procurement strategies are out of date and there has also been a mixed response to new policy and legislation, such as the Well-being of Future Generations (Wales) Act 2015. We recommend that public bodies review their procurement strategies and policies during 2017-18 and on an annual basis thereafter to ensure that they reflect wider policy and legislative changes and support continuous improvement.
October 2017	<u>Good governance when determining significant service changes – National Summary</u>	The report did not include any recommendations or proposals for improvement, although proposals for improvement were included in local reports issued to each Council. The report was designed primarily to provide insight, share existing practice and prompt further conversations and discussions between councils and other organisations.
December 2017	<u>Local Government Financial Reporting 2016-17</u>	The report did not include any recommendations or proposals for improvement.

Date of report	Title of review	Recommendation
January 2018	How Local Government manages demand – Homelessness	<p>R1 Implementing the Housing (Wales) Act 2014 requires local authorities to develop services which are focussed on preventing homelessness and reducing demand. These are very different to traditional casework led homelessness services, and prevention work requires new skills and early interaction with users and potential users. We found local authorities' progress in revising and strengthening services is variable (paragraphs 1.12 to 1.20). We recommend that local authorities:</p> <ul style="list-style-type: none"> • ensure their staff are sufficiently skilled to deal with the new demands of mediating, problem solving, negotiating and influencing with homeless people; and • review and reconfigure their services to engage more effectively with homeless and potentially homeless people to prevent homelessness. <p>R2 The Welsh Government provided funding to support local authorities to implement the Housing (Wales) Act 2014 and this funding has been critical in enabling new preventative services to be developed. The funding is in place until 2019-20 but authorities need to ensure they use headspace provided by these resources to revise their services to deliver their responsibilities in the future (paragraphs 1.21 to 1.28). We recommend that local authorities review their funding of homelessness services to ensure that they can continue to provide the widest possible preventative approach needed. Reviews should consider use of Supporting People as well as General Council fund monies to support delivery of the authority's homelessness duties.</p> <p>R3 How services are configured and managed at the first point of contact can significantly influence how effective local authorities are in managing and reducing demand. Easy to access services which maximise usage, avoid gate keeping and focus on early solutions can significantly improve the prospects for successful homelessness prevention. We found that some authority point of entry systems are poorly designed which reduces the authority's prospects for early intervention to prevent homelessness from occurring (paragraphs 2.4 to 2.11). We recommend that local authorities:</p> <ul style="list-style-type: none"> • design services to ensure there is early contact with service users; • use 'triage' approaches to identify and filter individuals seeking help to determine the most appropriate response to address their needs; and • test the effectiveness of first point of contact services to ensure they are fit for purpose.

Date of report	Title of review	Recommendation
January 2018	How Local Government manages demand – Homelessness	<p>R4 Establishing clear standards of service that set out what the authority provides and is responsible for is critical to ensuring people know what they are entitled to receive and what they need to resolve themselves. We found that authorities are not always providing clear, concise and good quality information to help guide people to find the right advice quickly and efficiently (paragraphs 2.12 to 2.17). We recommend that local authorities publish service standards that clearly set out what their responsibilities are and how they will provide services to ensure people know what they are entitled to receive and what they must do for themselves. Service standards should:</p> <ul style="list-style-type: none"> • be written in plain accessible language. • be precise about what applicants can and cannot expect, and when they can expect resolution. • clearly set out the applicant’s role in the process and how they can help the process go more smoothly and quickly. • be produced collaboratively with subject experts and include the involvement of people who use the service(s). • effectively integrate with the single assessment process. • offer viable alternatives to the authority’s services. • set out the appeals and complaints processes. These should be based on fairness and equity for all involved and available to all. <p>R5 Local authorities need to design services to engage with service users effectively and efficiently, but current standards are too variable to ensure service users are getting access to the advice they need (paragraphs 2.18 to 2.24). To improve current performance we recommend that local authorities make better use of their websites to help manage demand by:</p> <ul style="list-style-type: none"> • testing the usability and effectiveness of current website information using our lines of enquiry set out in Appendix 5; • increasing and improving the range, quality and coverage of web based information; making better use of online applications; and • linking more effectively to information from specialist providers and advice specialists, such as Citizens Advice. <p>R6 The Housing (Wales) Act 2014 introduces a new duty on social services and housing associations to collaborate with local authority homelessness services in preventing homelessness. We found that these arrangements are not operating effectively and service responses to prevent homelessness and assist homeless people are not always being provided, nor are they consistently effective (paragraphs 3.13 to 3.25). We recommend that local authorities set out and agree their expectations of partners identifying how they will work together to alleviate homelessness. The agreement should be reviewed regularly and all partners’ performance reviewed to identify areas for improvement.</p>

Date of report	Title of review	Recommendation
January 2018	How Local Government manages demand – Homelessness	<p>R7 Local authorities monitoring systems and evaluation approaches to ensure compliance with their responsibility under the Equality Act 2010 and the Public Sector Equality Duty are not working as well as they should (paragraph 3.35 to 3.39). We recommend that local authorities address weaknesses in their equalities monitoring, and ensure that their homelessness service accurately records and evaluates appropriate data to demonstrate equality of access for all service users that the local authority has a duty towards.</p> <p>R8 Managing demand can be challenging for local authorities. There are some clear lessons to be learnt with regard to the implementation of the Housing (Wales) Act 2014 and homelessness prevention duties that can be applied to managing demand in other services (paragraphs 4.24 to 4.27). We recommend that local authorities use the checklist set out in Appendix 10 to undertake a self-assessment on services, to help identify options to improve how they can help manage demand.</p>

Date of report	Title of review	Recommendation
February 2018	Housing Adaptations	<p>The report contained nine recommendations. One of the recommendations was for the Welsh Government, eight of the recommendations were for local authorities and/or delivery organisations:</p> <p>R1 There are many sources of funding and policies for adaptations, which results in disabled and older people receiving very different standards of service (paragraphs 1.5 to 1.9). To address these discrepancies we recommend that the Welsh Government set standards for all adaptations to ensure disabled and older people receive the same standard of service irrespective of where they live, who their landlord is and whether they own their own home.</p> <p>R2 Most public bodies are clear on how their work on adaptations can positively impact on disabled and older people, and have set suitable aims that provide focus for action. For adaptations, having the right strategic goals also establishes a clear basis for decision-making on who should be prioritised for services and how and where to use resources. However, we found that current policy arrangements have a number of deficiencies and public bodies are not maximising the benefit of their investment (paragraphs 3.8 to 3.15). We recommend that local authorities work with partner agencies (health bodies, housing associations and Care and Repair) to strengthen their strategic focus for the provision of adaptations by:</p> <ul style="list-style-type: none"> • setting appropriate strategic objectives for adaptations that focus on wellbeing and independence; • improving the quality of information on the demand for adaptations by using a wide range of data to assess need including drawing on and using information from partners who work in the local-authority area; and • linking the system for managing and delivering adaptations with adapted housing policies and registers to make best use of already adapted homes. <p>R3 Ensuring that all those who might need an adaptation have all the information they need in order to apply for and receive an adaptation is important. Good-quality and accessible information is therefore essential for delivery organisations to demonstrate fair access and transparency. However, we identified weaknesses in the quality and coverage of public information relating to housing adaptations (paragraphs 2.6 to 2.15). We recommend that delivery organisations provide information on housing adaptations in both Welsh and English, and accessible formats including braille, large fonts, audio versions and other languages. Information should be promoted widely via a range of media including social media, websites and published information, and also through key partners. Preferably, information should be produced jointly and policies aligned between delivery bodies to improve coverage and usage.</p>

Date of report	Title of review	Recommendation
February 2018	Housing Adaptations	<p>R4 Given the wide number of routes into services, delivery organisations need to ensure they have robust systems to deal effectively and quickly with applications. However, we found that the processes used by delivery organisations vary widely and often create difficulties for disabled and older people seeking assistance (paragraphs 2.16 to 2.19). We recommend that delivery organisations streamline applications by creating single comprehensive application forms covering all organisations within a local-authority area that are available via partners and online.</p> <p>R5 Delivery of adaptations can be delayed by a variety of factors (paragraphs 2.20 to 2.33). To improve timeliness in delivery we recommend that:</p> <ul style="list-style-type: none"> • the Welsh Government reviews whether local authorities should continue to use the means test for Disabled Facilities Grants (DFGs); • local authorities provide or use home improvement agency services to support disabled and older people to progress their DFG applications efficiently; • delivery organisations work with planning authorities to fast track and streamline adaptations that require approvals; • delivery organisations use Trusted Assessors to undertake less complex adaptation assessments; and • the Welsh Government streamlines its approval processes for Physical Adaptation Grants (PAGs).

Date of report	Title of review	Recommendation
February 2018	Housing Adaptations	<p>R6 Most local authorities, housing associations and Care and Repair agencies have established processes to appoint, oversee and manage builder and/or contractor performance. However, we found wide variations in how delivery organisations arrange, contract and deliver building works (paragraphs 2.37 to 2.44). We recommend that delivery organisations:</p> <ul style="list-style-type: none"> • introduce formal systems for accrediting contractors to undertake adaptations. These should include: <ul style="list-style-type: none"> – standards of customer care such as keeping to appointments, keeping the site tidy, controlling noise etc; – vetting of financial standing, tax and VAT status; – promoting good health and safety practices; – requiring the use of warranty schemes; – ensuring that adequate insurance is held; and – requiring references. • use framework agreements and partnered contracts to deliver adaptations; • address weaknesses in the contracting of adaptations, updating Schedule of Rates used to tender work and undertaking competitive tendering to support value for money in contracting; • develop effective systems to manage and evaluate contractor performance by: <ul style="list-style-type: none"> – setting an appropriate range of information to judge performance and delivery of works covering timeliness of work; quality of work; applicant/tenant feedback; cost of work (including variations); health and safety record; and customer feedback; – regularly reporting and evaluating performance to identify opportunities to improve services; and – providing formal feedback to contractors on their performance covering key issues such as client satisfaction, level and acceptability of variations, right first-time work, post-inspection assessment and completion within budget and on time.

Date of report	Title of review	Recommendation
February 2018	Housing Adaptations	<p>R7 Maximising impact and value for money in provision of adaptations requires effective joint working between housing organisations and health and social care services to ensure the needs of often very vulnerable people can be met, and their quality of life improved. However, our findings highlight that delivery organisations continue to have a limited strategic focus on adaptations, concentrating on organisational specific responses rather than how best collectively to meet the needs of disabled or older people (paragraphs 3.16 to 3.21). We recommend that local authorities work with partner agencies (health bodies, housing associations and Care and Repair) to develop and improve joint working to maximise both take-up and the benefits of adaptations in supporting independence by pooling of resources, co-locating staff and creating integrated delivery teams.</p> <p>R8 Most public bodies recognise the value of adaptations in reducing the risk of falls, preventing hospital admissions and speeding up discharge from hospital. However, the importance of adaptations is not always reflected in local partnership arrangements and outside of Occupational Therapists, health professionals noted that the different local-authority and housing-association systems for administering, approving and delivering adaptations are difficult to navigate (paragraphs 3.22 to 3.24). To enhance take-up and usage of adaptations with health bodies we recommend that delivery organisations jointly agree and publish joint service standards for delivery of adaptations within each local-authority area. The service standards should clearly set out how each agency approaches delivery of adaptations and how they will provide services to ensure people know what they are entitled to receive. Service Standards should:</p> <ul style="list-style-type: none"> • be written in plain accessible language; • be precise about what people can and cannot expect to receive; • be produced collaboratively to cover all adaptations services within an area; • set out the eligibility for the different funding streams, application and assessment processes, timescales and review processes; and • offer the viable options and alternatives for adaptations including linking with adapted housing registers to maximise use of already adapted homes.

Date of report	Title of review	Recommendation
February 2018	Housing Adaptations	<p>R9 Having the right performance indicators and regularly reporting performance against these are important for public bodies to manage operational performance, identify areas of improvement and evaluating the positive impact of services. We found that the current range of performance indicator data is extremely limited and not sufficient to enable a full evaluation of performance (paragraphs 4.5 to 4.20). To effectively manage performance and be able to judge the impact of adaptations, we recommend that the Welsh Government and delivery organisations:</p> <ul style="list-style-type: none"> • set appropriate measures to judge both the effectiveness and efficiency of the different systems for delivering adaptations and the impact on wellbeing and independence of those who receive adaptations; • ensure delivery organisations report against their responsibilities in respect of the Equalities Act 2010; • ensure performance information captures the work of all delivery organisations – local authorities, housing associations and Care and Repair agencies; and • annually publish performance for all delivery organisations to enable a whole systems view of delivery and impact to support improvement to be taken.
April 2018	Speak my language: Overcoming language and communication barriers in public services	<p>Ensuring that people who face language and communication barriers can access public services</p> <p>R1 Public bodies are required to ensure that people can access the services they need. To take account of the requirements of the 2010 Equality Act and other legislation, we recommend that public bodies regularly review the accessibility of their services to people who do not speak English or Welsh as a main language including Deaf people who use sign language. This assessment can include using our checklist.</p> <p>Developing interpretation and translation services in Wales</p> <p>R2 Our work with public bodies, interpretation and translation service providers and service users has identified some challenges for interpretation and translation services. We recommend that the Welsh Government work with public bodies, representative groups and other interested parties to make sure that:</p> <ul style="list-style-type: none"> • the supply of interpreters is sufficient especially for languages in high demand such as BSL and Arabic; • interpreters with specialist training are available to work in mental health services and with people who have experienced trauma or violence; and • quality assurance and safeguarding procedures are in place.

Date of report	Title of review	Recommendation
May 2018	<u>Reflecting on Year One: How Have Public Bodies Responded to the Well-being of Future Generations</u>	The report did not include any recommendations or proposals for improvement.
May 2018	<u>Strategic Commissioning of Accommodation Services for Adults with Learning Disabilities</u>	<p>R1 People with a learning disability have a right to live independently. The last 50 years have seen significant changes in the provision of accommodation and support. Service provision has moved to a model that enables people to live in the community in ordinary houses throughout Wales (paragraphs 1.3 to 1.10). We recommend that local authorities continue to focus on preventing people becoming dependent on more expensive placements in care homes by providing effective support at home and a range of step up accommodation by:</p> <ul style="list-style-type: none"> • improving the evaluation of prevention activity so local authorities understand what works well and why. • utilising the mapping of prevention services under the Social Services and Well-being (Wales) Act 2014 that covers other agencies and service providers. • improving the signposting of additional help so carers and support networks can be more resilient and self-reliant. This should include encouraging carers to make long-term plans for care to maintain and protect their dependants' wellbeing. • sharing risk analysis and long-term planning data with other local authorities, service providers, and partners to agree a shared understanding of the range of options. <p>R2 Population projections show that the number of people with a learning disability will increase in the future, and those aged over 65 and those with a moderate or severe learning disability will rise significantly (paragraphs 1.3 to 1.10). We recommend that local authorities improve their approach to planning services for people with learning disabilities by building on the Regional Partnership Boards' population assessments for people with learning disabilities and agreeing future priorities.</p>

Date of report	Title of review	Recommendation
May 2018	<u>Strategic Commissioning of Accommodation Services for Adults with Learning Disabilities</u>	<p>R3 The Welsh Government produced guidance to local authorities, entitled 'developing a commissioning strategy for people with a learning disability' to support authorities in producing strategic plans for the commissioning of learning disability services. In conjunction with codes of practice developed following the Social Services and Well-being (Wales) Act 2014, the Welsh Government requires local authorities to develop integrated commissioning options with Local Health Board services. The aim is to provide a joined-up and cost-effective approach to the commissioning of services but our review highlighted weaknesses in current arrangements (paragraph 2.4 to 2.12). We recommend that local authorities do more to integrate commissioning arrangements with partners and providers and take account of the work of the National Commissioning Board by:</p> <ul style="list-style-type: none"> • understanding the barriers that exist in stopping or hindering further integration; • improving the quality of joint strategic plans for learning disability services (see also paragraphs 3.11 to 3.14); • establishing investment models and sustainable financial structures, joint workforce planning and multi-year budgeting; and • developing appropriate governance and data sharing frameworks with key local partners that include a clear process for managing risk and failure. <p>R4 Local authorities' engagement with people with learning disabilities and their carers is variable. Whilst many authority services have positive relationships with advocacy groups, some are less successful in involving these groups and carers in evaluating the quality of services (paragraph 2.18 to 2.20). We recommend that local authorities do more to involve people with learning disabilities and their carers in care planning and agreeing pathways to further independence by:</p> <ul style="list-style-type: none"> • consistently including people with learning disabilities and their carers in the writing, monitoring and development of care plans; • systematically involving carers and advocacy groups in evaluating the quality of services; • involving people with learning disabilities in procurement processes; and • ensuring communications are written in accessible and appropriate language to improve the understanding and impact of guidance and information.

Date of report	Title of review	Recommendation
May 2018	<u>Strategic Commissioning of Accommodation Services for Adults with Learning Disabilities</u>	<p>R5 Local Authorities could do more to involve service providers in commissioning and make the tendering process more effective by making it easier to navigate and more outcome focused. However, providers are not as effectively engaged as they should be (paragraphs 2.28 to 2.38). We recommend that local authorities collaborate with providers, the third sector and suppliers in understanding challenges, sharing data, and pooling expertise by:</p> <ul style="list-style-type: none"> • improving the quality, range, and accessibility of tendering information; and • working with providers to shape local markets by coming to a common understanding of the opportunities, risks, and future priorities in providing learning disabilities services. <p>R6 Most local authorities do not have effective arrangements to monitor and evaluate their commissioning of learning disability services (paragraphs 3.3 to 3.15). We recommend that local authorities develop a more appropriate set of performance indicators and measures of success that make it easier to monitor and demonstrate the impact of service activity by:</p> <ul style="list-style-type: none"> • co-designing measures, service and contract performance indicators with service providers, people with learning disabilities and their carers; • ensure commissioners have sufficient cost and qualitative information on the full range of placement and care options available; • equipping commissioners with data to demonstrate the long-term financial benefits of commissioning choices, this includes having the right systems and technology; • integrating the outcomes and learning from reviews of care plans into performance measures; • evaluating and then learning from different types of interventions and placements; and • including learning disability services in local authority scrutiny reviews to challenge performance and identify improvements.

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CYNGOR SIR POWYS COUNTY COUNCIL.

CABINET EXECUTIVE

9th October 2018

REPORT AUTHOR: County Councillor Phyl Davies
Portfolio Holder for Highways, Recycling and Assets

SUBJECT: Green Waste Kerbside Collection

REPORT FOR: Decision

1. Summary

- 1.1 Green waste is currently primarily collected in Powys via a network of Household Waste Recycling Centres (HWRCs) and Community Recycling (Bring) Sites (CRS).
- 1.2 Green waste is also currently collected along with the residual waste with chargeable orange sacks. This is not promoted as the material is sent for landfill and hence only used where residents have no alternative.
- 1.3 The provision of green waste banks at Community Recycling Sites is unique to Powys. As they are unmanned, they are unfortunately open to abuse from commercial gardeners using them illegally at the taxpayers expense and also to people using them to flytip other types of waste.
- 1.4 An alternative service is proposed where the CRS banks are removed and residents pay an annual charge (circa £35) for a wheeled bin collected fortnightly. This is a convenient service for householders and has proved very popular in other authority areas where it has been introduced.
- 1.5 Green waste is a specified waste type in the Controlled Waste Regulations 2012 for which a charge for collection can be made.
- 1.6 Whilst in itself this service would not generate a surplus, there would be savings in operating costs following the removal of the banks at Community Recycling Sites. The estimated reduction in cost would be £280k which will make a significant contribution to savings required under the Medium Term Financial Strategy (MTFS).
- 1.7 The facilities at the Household Waste Recycling Centres would remain for residents to take larger items of green waste. Residents would also have the option of composting at home.

2. Proposal

- 2.1 It is proposed that a green waste collection service is introduced to all households on a chargeable basis. This would be on the basis of an annual charge (typically £35 per year) for a 240 litre wheeled bin collected fortnightly. The bin would be brown to distinguish it from the grey residual bin and of a larger size than the standard 180 litre residual wheeled bin.
- 2.2 This service has proved very popular in other authority areas as it provides a convenient method for residents to recycle their green waste. There are still some authorities providing a collection service free of charge but these are now in the minority with many now introducing a charge. Green waste is a specified waste type in the Controlled Waste Regulations 2012 for which a charge for collection can be made.
- 2.3 It is proposed that the green waste banks at Community Recycling (Bring) Sites are removed. These are unique to Powys as all other authorities only provide facilities at manned Household Waste Recycling Centres. The banks at the unmanned 'bring' sites are subject to considerable abuse, both by commercial gardeners illegally using them and also by unscrupulous people disposing of other material, such as DIY waste, which will contaminate the entire load which then needs to be sent for disposal.
- 2.4 With the removal of the green waste Banks at 'bring' sites, residents needing to recycle their green waste would either have to use the Household Waste Recycling Centres (of which there are five in Powys which would not be affected by this proposal) or pay for the collection service. In reality, very few residents use the bring sites without using a vehicle, and hence the cost of fuel is likely to outweigh the annual cost of the service.
- 2.5 The current arrangements where residents (with no other alternative available to them) can purchase orange sacks to be put out for collection with their residual waste would be discontinued as with this material being taken to landfill, it is not a sustainable service. Furthermore, it is unlikely that there would be demand for the orange sacks if an alternative chargeable service is introduced, where the green waste can be securely stored in a wheeled bin and collected more frequently.
- 2.6 With the introduction of a collection service and the removal of the green waste banks at bring sites, estimated savings of £280k would be achieved. It is estimated that the chargeable service itself would operate at a small loss (£18k), but the saving would be achieved through the reduction in operating cost of £298k to service the green waste banks.
- 2.7 The modelling that has been carried out shows that there would be a slight increase in overall green tonnage collected. This is critical if the

Council is to reach the Welsh Government Statutory Recycling Targets and avoid significant infraction fines.

- 2.8 A number of the Community Recycling Sites are looked after by a local group who do receive a small contribution for each tonne of material collected at the site. This has reduced over the years with the rationalisation of the facilities at the sites, but there would be an impact on these organisations. These agreements were set up many years ago prior to the introduction of the kerbside recycling service and the requirements of the Welsh Government.
- 2.9 It is proposed that a consultation exercise is carried out during November so that residents can have a say in how the service should be implemented.

3. Options Considered / Available

3.1 Option 1 – Do nothing – retain existing green waste banks at Community Recycling Sites along with orange sack collection system.

This option would mean continuing with the existing service so there would be no change for the public. The green waste banks would continue to attract illegal traders and contamination which is a cost to the Council, as it is very difficult to manage an unmanned site. Savings would not be achieved as required under the MTFs.

3.2 Option 2 – Introduce a chargeable green waste collection service, whilst maintaining the green waste banks at Community Recycling Sites.

This option would provide residents with a convenient service from their property which has proved popular elsewhere. Maintaining the green waste banks would mean that there is still a service available at no extra direct cost to residents, but it is likely to reduce the uptake of the collection service which would jeopardise its viability. The problems with the abuse of the green waste banks would continue with this option. There would be no savings as a result of this option with an overall additional cost due to operating both systems in tandem.

3.3 Option 3 – Introduce a free garden waste collection service, remove all green waste banks at Community Recycling Sites.

This option would provide residents with a convenient collection service, which would prove very popular. There would be an estimated cost of £850k to operate the service, although this would be slightly offset by a saving in operating costs of the green banks of £298k. This option would leave the service with an additional budget pressure of £450k.

3.4 Option 4 – Introduce a chargeable green waste collection service, remove all green waste banks at Community Recycling Sites.

This option would achieve savings of circa £280k, dependant on take-up, and would provide a convenient service to all householders willing to pay the nominal charge. Traders who have previously used the green waste banks illegally would have to make their own legitimate arrangements which could bring in additional income through the HWRCs.

3.5 It is important to note that the green waste facilities at HWRCs would not be affected by any of the options.

3.6 Table 1 below provides the risks and benefits along with the estimated capital and revenue costs of these options.

Table 1 – Options – risks / benefits / costs

Option	Benefits	Risks	Capital Requirements	Revenue Implications
1) Do nothing – retain existing green waste banks at Community Recycling Sites along with orange sack collection system	<ul style="list-style-type: none"> No impact on residents 	<ul style="list-style-type: none"> Savings identified will not be achieved resulting in a requirement to find the savings from elsewhere in the Highways, Transport and Recycling service Difficult to control illegal use of facilities 	<ul style="list-style-type: none"> No additional capital requirement 	<ul style="list-style-type: none"> No savings would be achieved with this option
2) Introduce a chargeable green waste collection service, whilst maintaining the green waste banks at Community Recycling Sites	<ul style="list-style-type: none"> Additional convenient service offered to residents Bring sites still available for residents at no direct cost Positive impact on recycling rates 	<ul style="list-style-type: none"> Savings identified will not be achieved resulting in a requirement to find the savings from elsewhere in the Highways, Transport and Recycling service Difficult to control illegal use of facilities Uptake for the new service will be limited which will increase net cost of service 	<ul style="list-style-type: none"> £290k for wheeled bins 	<ul style="list-style-type: none"> Additional cost of £18k, but highly dependant on take-up of service
3) Introduce a free garden waste collection service, remove all green waste banks at Community Recycling Sites	<ul style="list-style-type: none"> Additional convenient service offered to residents free of charge Positive impact on recycling rates 	<ul style="list-style-type: none"> Not only will the savings identified not be achieved, but there will be an additional budget pressure Residents required to change behaviour which will require a comprehensive communications strategy Public perception that a service is being withdrawn, particularly where the distance to a HWRC is greater The local groups that look after the 	<ul style="list-style-type: none"> £500k for wheeled bins 	<ul style="list-style-type: none"> Additional cost of £450k

		CRS would lose the contribution they currently receive		
4) Introduce a chargeable green waste collection service, remove all green waste banks at Community Recycling Sites.	<ul style="list-style-type: none"> • Projected savings achieved • Convenient service offered to residents • Most residents are likely to benefit from overall saving due to negation of fuel costs • Uptake is likely to be considerable as less alternative options • Positive impact on recycling rates 	<ul style="list-style-type: none"> • Residents required to change behaviour which will require a comprehensive communications strategy • Public perception that a service is being withdrawn, particularly where the distance to a HWRC is greater • The local groups that look after the CRS would lose the contribution they currently receive • Uptake for the service is lower than modelled 	<ul style="list-style-type: none"> • £390k for wheeled bins 	<ul style="list-style-type: none"> • Annual projected net saving of £280k

4. Preferred Choice and Reasons

- 4.1 **Option 4** – Introduce a chargeable green waste collection service, remove all green waste banks at Community Recycling Sites.
- 4.2 This is the only option that would provide a convenient service to residents as well as making the savings required.
- 4.3 Abuse of the existing green waste banks would be removed as well as potentially generating further income through the Council’s trade waste and recycling service as well as the HWRCs.
- 4.4 The requirement for the unsustainable orange sack system would be removed.
- 4.5 The service would be introduced in April 2019, following a consultation in November 2018 which will shape the service. Between January and March of 2019, a communications campaign will be undertaken to promote the new service and advise residents of the removal of the green waste banks.

5. Impact Assessment

- 5.1 Is an impact assessment required? Yes
- 5.2 If yes is it attached? Yes

6. Corporate Improvement Plan

- 6.1 The proposal accords with one of the key essentials of an effective council in Vision 2025, ‘Changing how we work – Making best use of what we have and working in new, innovative ways to deliver our priorities for the benefit of the county’s residents and communities.’
- 6.2 It is in accordance with the sustainable development principle of ‘balancing short-term needs with the need to safeguard the ability to also meet long-term needs’.
- 6.3 The Well Being of Future Generation (Wales) Act specifies seven well-being goals, one of which is a globally responsible Wales. This proposal will ensure that as much green waste is collected for composting as possible, thus reducing the need for disposal.

7. Local Member(s)

- 7.1 Whilst all Members will be affected, those with electoral divisions further from HWRCs are likely to receive more negative feedback from their residents who may be concerned that they are having the ‘free’ green waste banks removed.

8. Other Front Line Services

Does the recommendation impact on other services run by the Council or on behalf of the Council? No

9. Communications

Have Communications seen a copy of this report? Yes

Have they made a comment? Yes

The report is of public interest and requires use of news release and social media to publicise the recommendation/decision.

10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

10.1 Legal: The Professional Lead notes the proposals and how this impacts on the MTFs. Legal Services will support the Service in pursuing the agree proposal.

10.2 Finance: The Finance Manager Environment and Resources notes the contents of the report. The service has worked closely with finance to compile a business case to cost the options. The savings noted within the report of £280k are based on an assumed take up of the kerbside recycling scheme, using knowledge from other similar local authorities and consultant's advice. If the take up changes significantly from the assumed rate it will affect the amount of saving possible to be achieved.

10.3 Business Support and Customer Services: The proposal is supported, customers will be able to log a request via the contact centre or via the web-site, therefore keeping administration costs to a minimum.

11. Scrutiny

Has this report been scrutinised? Yes

A working group reviewed the draft cabinet paper and proposal on 14th September 2018, report to follow

12. Data Protection

The personal data of those wishing to pay for a kerbside collection will need to be processed in compliance with data protection legislation.

13. Statutory Officers

13.1 The Solicitor to the Council (Monitoring Officer) commented as follows :
“ I note the legal comments and have nothing to add to the report.

13.2 The Head of Financial Services (Deputy Section 151 Officer) notes the comments of the Finance Manager. The proposal will support the Council's Medium Term Financial Strategy and Budget Plan.

14. Members' Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation:	Reason for Recommendation:
1) Introduce a chargeable green waste collection service, remove all green waste banks at Community Recycling Sites – Option 4 above	To provide a convenient service to residents whilst achieving identified savings
2) A consultation exercise is carried out during November so that residents can have a say in how the service should be implemented. - Approval of the detailed implementation to be delegated to the Portfolio Holder for Highways, Recycling and Assets.	To allow residents to shape the implementation of the service

Relevant Policy (ies):	Vision 2025		
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	
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Person(s) To Implement Decision:	Ashley Collins
Date By When Decision To Be Implemented:	April 2019

Is a review of the impact of the decision required?	Y / N
If yes, date of review	
Person responsible for the review	
Date review to be presented to Portfolio Holder/ Cabinet for information or further action	

Contact Officer:	Ashley Collins
Tel:	01597 826974
Email:	ashley.collins@powys.gov.uk

Appendix 1 – Impact Assessment

Appendix 2 – Scrutiny Observations

Background Papers used to prepare Report:

- WRAP Cymru – Powys Garden Waste Feasibility – Stage 1 Results
- WRAP Cymru – Powys Garden Waste Feasibility – Stage 2 Results
- PCC – Kerbside Garden Waste Feasibility – Summary Report

Cyngor Sir Powys County Council

Impact Assessment (IA)

The integrated approach to support effective decision making



This **Impact Assessment (IA)** toolkit, incorporating Welsh Language, Equalities, Well-being of Future Generations Act, Sustainable Development Principles, Communication and Engagement, Safeguarding, Corporate Parenting, Community Cohesion and Risk Management, supporting effective decision making and ensuring compliance with respective legislation.

Please read the accompanying guidance before completing the form.

Draft versions of the assessment should be watermarked as "Draft" and retained for completeness. However, only the final version will be made publicly available. Draft versions may be provided to regulators if appropriate. In line with Council policy IAs should be retained for 7 years.

Service Area	Highways, Transport and Recycling	Head of Service	Adrian Jervis	Strategic Director	Nigel Brinn	Portfolio Holder	Cllr Phyl Davies
Proposal	Introduction of chargeable garden waste collection service						
Outline Summary / Description of Proposal							
To provide a chargeable garden waste collection service to all residents in Powys utilising an additional wheeled bin. This would replace the garden waste collection containers at the Community Recycling (Bring) Sites, although the facilities for bulkier material would remain at the Household Waste Recycling Centres located in the 5 largest centres of population. The existing 'last resort' method of collecting garden waste with the residual waste in paid for orange sacks will also be discontinued.							

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1. Profile of savings delivery (if applicable)

2018-19	2019-20	2020-21	2021-22	2022-23	TOTAL
£0	£280k	£	£	£	£

2. Consultation requirements

Consultation Requirement	Consultation deadline	Feedback considered
Public consultation required	November 2018	Yes

3. Version Control (services should consider the impact assessment early in the development process and continually evaluate)

Version	Author	Job Title	Date
1.0	Ashley Collins	Senior Manager – Compliance and Waste Strategy	18 th June 2018

Cyngor Sir Powys County Council

Impact Assessment (IA)

The integrated approach to support effective decision making



4. Impact on Other Service Areas

Does the proposal have potential to impact on another service area? (Including implication for Health & Safety and Corporate Parenting)
PLEASE ENSURE YOU INFORM / ENGAGE ANY AFFECTED SERVICE AREAS AT THE EARLIEST OPPORTUNITY

In the short term, the contact centre will receive a surge in calls whilst the new service beds in. There may be a potential increase in some fly tipping if residents and traders are not able to use the free of charge bins at the Community Recycling Sites.

Service Area informed: _____ **Contact Officer liaised with:** _____

Mitigation

Effective communication and if necessary enforcement action.

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5. How does your proposal impact on the council's strategic vision?

Council Priority	How does the proposal impact on this priority?	<u>IMPACT</u> Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	<u>IMPACT AFTER MITIGATION</u> Please select from drop down box below
The Economy We will develop a vibrant economy	By increasing the amount collected for composting, waste is being used as a resource which will contribute to the circular economy	Good	N/A	Neutral
Health and Care We will lead the way in effective, integrated rural health and care	Having a kerbside collection will assist those less able to transport their garden waste to a central point	Good	N/A	Neutral
Learning and skills We will strengthen learning and skills	There will be no impact	Neutral	N/A	Neutral
Residents and Communities We will support our residents and communities	Some residents may see the removal of free banks as a reduction in service which will encourage flytipping and other antisocial behaviour. Others will see it as an additional service with the kerbside collection	Neutral	Effective communication and awareness raising	Good

Source of Outline Evidence to support judgements

External feasibility reports and experienced learned from other authorities.

6. How does your proposal impact on the Welsh Government’s well-being goals?

Well-being Goal	How does proposal contribute to this goal?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
A prosperous Wales: An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.	Making it easier for residents to recycle their garden waste will help towards the circular economy.	Good	Good communications to boost awareness and availability of service.	Very Good
A resilient Wales: A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).	Increasing the amount of garden waste collected will contribute to increasing our recycling rates to conserve natural resources, reduce landfill and meet the WG targets.	Good	As above, good communications to boost awareness and availability of service.	Very Good
A healthier Wales: A society in which people’s physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.	Not applicable for this service change	Neutral	N/A	Neutral

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<p>A Wales of cohesive communities: Attractive, viable, safe and well-connected Communities.</p>	<p>Maximising recycling from the kerbside collection will benefit all members of the community through the positive impact on climate change and the reduction on the cost of the service allowing Council funds to be spent more effectively.</p>	<p>Good</p>	<p>All residents within the communities will need to be targeted effectively through communication and awareness.</p>	<p>Very Good</p>
<p>A globally responsible Wales: A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.</p>	<p>One of the key drivers of this change is the positive impact on climate change through the increase in recycling and reduction in landfill. It will also impact positively on social and economic well-being as funds can be diverted to be spent more effectively on services for the public.</p>	<p>Good</p>	<p>All residents within the communities will need to be targeted effectively through communication and awareness.</p>	<p>Very Good</p>
<p>A Wales of vibrant culture and thriving Welsh language: A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.</p>				
<p><i>Opportunities for persons to use the Welsh language, and treating the Welsh language no less favourable than the English language</i></p>	<p>All residents within the communities will need to be targeted effectively through communication and awareness. All promotional material is produced in both languages.</p>	<p>Good</p>	<p>Welsh speakers are available if required for awareness events.</p>	<p>Good</p>
<p><i>Opportunities to promote the Welsh language</i></p>	<p>All promotional material is produced in both languages.</p>	<p>Good</p>	<p>Welsh speakers are available if required for awareness events.</p>	<p>Good</p>
<p><i>Welsh Language impact on staff</i></p>	<p>Opportunity to speak Welsh if required</p>	<p>Good</p>	<p>Welsh speakers are available if required for awareness events.</p>	<p>Good</p>
<p><i>People are encouraged to do sport, art and recreation.</i></p>	<p>Not applicable for this policy/service change.</p>	<p>Neutral</p>	<p>N/A</p>	<p>Neutral</p>
<p>A more equal Wales: A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).</p>				
<p><i>Age</i></p>	<p>The service will be equally available to all age groups, and is likely to be welcomed by the elderly population who may have more difficulty in transporting their garden waste and thus welcome the convenience of a kerbside collection.</p>	<p>Good</p>	<p>Effective communication and promotion of the service will ensure that all residents are aware of the benefits</p>	<p>Very Good</p>

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<i>Disability</i>	The service is likely to be welcomed by disabled residents who may have more difficulty in transporting their garden waste and thus welcome the convenience of a kerbside collection.	Good	Effective communication and promotion of the service will ensure that all residents are aware of the benefits	Very Good
<i>Gender reassignment</i>	No impact - every household in Powys will be offered the service	Neutral	N/A	Neutral
<i>Marriage or civil partnership</i>	No impact - every household in Powys will be offered the service	Neutral	N/A	Neutral
<i>Race</i>	No impact - every household in Powys will be offered the service	Neutral	Potential to communicate with key groups if there appears to be limited recycling by a household, including providing promotional material in alternative languages.	Good
<i>Religion or belief</i>	No impact - every household in Powys will be offered the service	Neutral	N/A	Neutral
<i>Sex</i>	No impact - every household in Powys will be offered the service	Neutral	N/A	Neutral
<i>Sexual Orientation</i>	No impact - every household in Powys will be offered the service	Neutral	N/A	Neutral
<i>Pregnancy and Maternity</i>	No impact - every household in Powys will be offered the service	Neutral	N/A	Neutral

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Source of Outline Evidence to support judgements
External feasibility reports and experienced learned from other authorities.

7. How does your proposal impact on the council's other key guiding principles?

Principle	How does the proposal impact on this principle?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
Sustainable Development Principle (5 ways of working)				
Long Term: Looking to the long term so that we do not compromise the ability of future generations to meet their own needs.	There is an immediate pressure to make savings, however in the longer term there is a need to increase recycling to achieve WG targets and minimise risk of fines. Introducing garden waste collections will contribute to this aim.	Good	Effective communication and promotion to maximise the take-up of the service.	Very Good
Collaboration: Working with others in a collaborative way to find shared sustainable solutions.	The move to a chargeable garden waste collection service is one of several methods of achieving the WG statutory targets. We will be working with our third party suppliers to maximise the effectiveness of the service as well as the recycling of the bulkier material at the Household Waste Recycling Centres.	Good	Maintaining proactive dialogue with third party providers on any changes to service to ensure consistent delivery.	Good
Involvement (including Communication and Engagement): Involving a diversity of the population in the decisions that affect them.	Views will again be sought from residents on how to best implement the service and seek input re any concerns so as to plan accordingly for the service and how to communicate with households and about what.	Good	Results from consultation will be used to inform decision and subsequent implementation	Good
Prevention: Understanding the root causes of issues to prevent them from occurring.	Good communications required and engagement by Powys residents to ensure smooth implementation of service.	Good	Communications plan and resources will be put in place to help respond to any concerns expressed and encourage residents to take up the new service.	Good

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Principle	How does the proposal impact on this principle?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
Integration: <i>Taking an integrated approach so that public bodies look at all the well-being goals in deciding on their well-being objectives.</i>	One of the key drivers of this change is the positive impact on climate change through the increase in garden waste collected for composting. It will also impact positively on people and the economy as funds can be diverted to be spent more effectively on services for the public.	Good	All residents within the communities will need to be targeted effectively through communication and awareness.	Good
Preventing Poverty: Prevention, including helping people into work and mitigating the impact of poverty.	N/A	Neutral	N/A	Neutral
Unpaid Carers: Ensuring that unpaid carers views are sought and taken into account	There may be an impact on people who care for relatives and friends which is likely to be positive due to the convenience of the service	Good	Views will be sought via the consultation process	Good
Safeguarding: Preventing and responding to abuse and neglect of children, young people and adults with health and social care needs who can't protect themselves.	N/A	Neutral	N/A	Neutral
Impact on Powys County Council Workforce	Some impact on working practices with changes to how garden waste is collected	Neutral	Workforce will be involved in implementation	Good
Source of Outline Evidence to support judgements				
External feasibility reports and experienced learned from other authorities.				

8. Achievability of proposal?

Impact on Service / Council	Risk to delivery of the proposal	Inherent Risk
Low	Low	Low
Mitigation		
Effective planning for the implementation of the changes with extensive consultation and communication.		

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9. What are the risks to service delivery or the council following implementation of this proposal?

Risk Identified	Inherent Risk Rating	Mitigation	Residual Risk Rating
Removal of Community Recycling Banks may result in some flytipping	Medium	Effective communication and awareness raising	Low
Community Groups losing income from banks at Community Recycling Sites	Medium	Effective communication and awareness raising	Low
Low take-up of new service resulting in lower income than expected	Medium	Effective communication and promotion of service	Low
Overall judgement (to be included in project risk register)			
Very High Risk	High Risk	Medium Risk	Low Risk
			X

10. Indicative timetable for actions to deliver change proposal, if approved

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Action	Target Date	Outcome	Decisions made
Consultation	November 2018		
Implementation	March 2019		
Portfolio Holder decision required	No	Date required	N/A
Cabinet decision required	Yes	Date required	9 th October 2018
Council decision required	No	Date required	N/A

11. Indicative resource requirements (FTE) – link to Resource Delivery Plan

Support Requirements	2018-19				2019-20				2020-21			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
FTEs				3	3	3	3	3	2	2	2	2

12. Overall Summary and Judgement of this Impact Assessment?

Outline Assessment (to be inserted in cabinet report)	Cabinet Report Reference:
The introduction of a green waste collection service will have an overall positive effect with no specific groups being disadvantaged in any way.	

13. Is there additional evidence to support the Impact Assessment (IA)?

What additional evidence and data has informed the development of your proposal?

External feasibility reports and experienced learned from other authorities. Further financial analysis has also been carried out.

14. On-going monitoring arrangements?

What arrangements will be put in place to monitor the impact over time?

The costs and impact on recycling rate will be monitored on a monthly basis to establish and analyse impact of new service

Please state when this Impact Assessment will be reviewed.

Following consultation with public

15. Sign Off

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Position	Name	Signature	Date
Impact Assessment Lead:	Ashley Collins		
Head of Service:	Adrian Jervis		
Strategic Director:	Nigel Brinn		
Portfolio Holder:	CLlr Phyl Davies		

16. Governance

Decision to be made by	Cabinet	Date required	9 th October 2018
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FORM ENDS

Learning, Skills and Economy Scrutiny Committee Scrutiny Observations to Cabinet on: Green waste proposals

The Learning, Skills and Economy Scrutiny Committee met on the 14th September 2018 and considered the following documents:

- Draft Cabinet Report – Green Waste Kerbside Collection v1

The Learning, Skills and Economy Scrutiny Committee thank the Portfolio Holder Cllr P Davies, the Senior Manager Highways Technical and Senior Manager Compliance and Waste Strategy for attending scrutiny.

Scrutiny make the following observations:

It was clear that much work had been undertaken regarding green waste and that the changes that are proposed are working elsewhere.

Scrutiny welcome the proposed consultation which will provide a further opportunity for work to be undertaken on areas where questions remain and the group highlighted in particular the following areas:

- Payment for the service will need to be simple for users and the link between those who have paid for and those who receive the service should be seamless
- The sizes of bins, the regularity of collection, including during different seasons and the costs of different options including the cost of hire compared to purchase of collection vehicles will need further consideration
- The operation of the service within towns with communal area as opposed to private areas will need careful management and further research of how other authorities manage this is suggested
- The service should consider a trial of the proposals prior to full rollout
- It is essential that the proposals receive appropriate publicity to explain the overall benefits of changing to a paid for kerbside collection in conjunction with the removal of the green waste banks at the Community Recycling Centres.

Recommendations:

- **That the work identified in the observations is carried out during the consultation period**

Membership of the Highways Transformation Scrutiny Group on 14th September 2018
County Councillors **P Roberts (in the Chair)**, L George, D Jones, G Jones, I McIntosh,
J Pugh, D Selby and R Williams.

CYNGOR SIR POWYS COUNTY COUNCIL

CABINET
9th October 2018

REPORT AUTHOR: County Councillor Myfanwy Alexander
Portfolio Holder for Learning and Welsh Language

SUBJECT: Schools Asset Management Plan (SAMP) 2018 -2024

REPORT FOR: Decision

1. Summary

- 1.1 This report requests approval of a new Schools Asset Management Plan (SAMP) for implementation from 2018 – 2024. It replaces the previous Schools Asset Management Plan.

The report is supported by the following appendices

- Appendix 1 – Schools Asset Management Plan
- Appendix 2 – Current condition data for schools 2018
- Appendix 3 – Learning, Skills and Economy Scrutiny Committee report

2. Proposal

- 2.1 The SAMP sets out Powys County Council's approach to developing and improving the school estate. This Plan provides a long-term approach for effectively developing and managing the schools estate in Powys, ensuring that it supports the ambition of the Council as outlined in Vision 2025 and the Schools Organisation Policy 2018.

- 2.2 The Council aims to ensure that Powys has the right number of schools in the right place and in the right condition, for the current and future pupil population. It aims to have an educational model which meets the following objectives:

- Provides all learners with the opportunity to achieve their potential;
- Has high quality, resilient leadership and management;
- Has high quality learning environments, with the long term aim that all schools will be assessed as condition A or B;
- Has a greater focus on collaboration and partnership working, in order to enable schools to provide the best possible opportunities for learners;
- Enables schools to operate effectively and efficiently within the funding available;
- Increases demand for Welsh-medium provision and provides access to provision which will enable pupils to become confident Welsh speakers;
- Develops our schools into establishments that are central to community activity;

- Has a high quality ICT infrastructure that will enable all schools to provide enhanced opportunities for learners;
- Provides access to high quality early years provision;
- Provides support for learners with additional learning needs which aligns with the requirements of the new Additional Learning Needs and Education Tribunal (Wales) Act;
- Provides access to high quality post-16 provision in schools, which is attractive to learners, financially sustainable and minimises learner travel.

2.3 The purpose of the SAMP is to support the delivery of the aims outlined above by:

- Providing a framework for the collection and comparison of information about the condition, suitability, sufficiency, sustainability, and health and safety requirements of all schools, defined in accordance with national and local guidelines;
- Identifying priorities and allocate spending on a needs-led basis, linked to and influenced by policies and plans being developed by the Council and the Welsh Government;
- Demonstrating fairness of treatment for schools, and transparency of decision making processes for capital and revenue spending;
- Delivering value-for-money through the cost-effective use of education assets;
- Managing demand for school places more effectively, and remove excessive surplus places;
- Ensuring that all schools premises are a safe environment for all users.

3. Options Considered/Available

The Local Authority is required to implement a Schools Asset Management Plan therefore no other options are available.

4. Preferred Choice and Reasons

Not applicable.

5. Financial Impact

5.1 Implementing the SAMP from 2018 to 2024 will have a financial impact on the authority, but this will be managed and maintained within the existing funding allocations listed below:

- The 21st C Schools Programme is worth approximately for Band A £80million and Band B £113million for a period of 10 years, although this is part-funded by the Welsh Government. A Strategic Outline Plan was agreed by Cabinet in November 2017;
- The Major Improvement Programme, approved by Cabinet in April 2018, included a draft five year programme with forecast costs and indicated in the table 1 below:

Table 1

Financial year	2018/19	2019/20	2020/21	2021/22	2022/23	Total
Estimated costs of programme £m	£2.0m	£5.41m	£6.22m	£2.45m	£1.28m	£17.36m
Approved budget £m	£2.0m	£2.0m	£1.0m	£1.0m	£1.0m	£7.0m
Budget Shortfall £m	£0	£3.41m	£5.22m	£1.45m	£0.28	£10.36m

The existing Central Revenue and Asset Management Revenue budget has an annual allocation totalling £93,300. This must be maintained to respond to minor DDA, safeguarding, health and safety and compliance remedial works under £10,000. The Asset Management Revenue budget must be maintained to ensure the Schools Service can commission property advice from Property and Civil Engineering Professionals.

6. Impact Assessment

6.1 Is an impact assessment required? NO

7. Corporate Improvement Plan

Improving the schools infrastructure is a key priority within Vision 2025.

8. Local Member(s)

All learners across the Council are affected by the policy, therefore all local members have an interest.

9. Other Front Line Services

Does the recommendation impact on other services run by the Council or on behalf of the Council? Yes

Catering Services: agrees with the recommendations made within the SAMP in particular 4.3.2 (Repair & Maintenance of Kitchen Equipment Scheme) and 5.3.5 iii (Environmental Health legislation – Structural requirements in the kitchen). The catering service will continue to liaise with the school's capital and property manager, regarding school kitchen health & safety and environmental health legislative requirements.

10. Communications

Have Communications seen a copy of this report? Yes

Communications comment: “The report is of public interest and requires use of news release and appropriate social media to publicise the decision

11. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

11.1 Legal: The recommendations can be supported from a legal point of view

11.2 The Capital Accountant can confirm that the funding detailed in section 5.1 of the report is in place and included within the Councils Capital Programme.

11.3 Corporate Property: “The Professional Lead, Strategic Property notes the contents of the plan. The property team will continue to support schools services in relation to their estate.”

12. Scrutiny

Has this report been scrutinised? Yes – 14th September 2018. Comments are attached at Appendix 3. The recommendations were:

Scrutiny recommendation	Response
<ul style="list-style-type: none">• That the capacity figures included in Appendix A of the report are checked for accuracy	The capacity figures have been checked for accuracy against the Council’s Schools Places submission to Welsh Government. However, schools were requested to confirm their capacity information before the summer holidays, and once this information is checked, it will be incorporated into the Schools Asset Database.
<ul style="list-style-type: none">• That the Schools Asset Management Plan reflects the viability of schools in the short to medium term to ensure that resources are spent most appropriately	The Schools Asset Management Plan is closely aligned with the Council’s School Organisation Policy 2018, which includes a Delivery Plan outlining actions that are being taken to develop the schools infrastructure. The SAMP includes clear links to this Policy.
<ul style="list-style-type: none">• That funding is prioritised within that available for schools’ maintenance for those matters which are of a safeguarding concern	Section 5.2 of the SAMP outlines the criteria for scoring priorities for spend. These include A scoring methodology is applied which allows projects to be prioritised. The methodology considers the following key categories/factors: <ul style="list-style-type: none">• Health & Safety issues including:

	<ul style="list-style-type: none"> - Legislative compliance; - Environmental Health issues (kitchen environmental health reports); - DDA compliance; - Property safeguarding issues.
<ul style="list-style-type: none"> • That the Schools Asset Database is promptly completed within a defined timeframe to be set out within the report 	<p>Appendix A of the SAMP includes the following action for 2018/19</p> <ul style="list-style-type: none"> • Review, revise and update the Schools Asset Database with property and building asset changes and updated survey information by January 2019.
<ul style="list-style-type: none"> • That the scoring methodology referred to in section 4.2 of the report as approved by Cabinet in 2015 is attached as an Appendix to the 2018-2024 plan 	<p>Attached at Appendix D</p>
<ul style="list-style-type: none"> • That the Schools Asset Database is kept up to date on an annual basis to ensure that there is confidence that the Major Improvements Plan and Maintenance Plan for the estate are targeting resources to those areas most in need 	<p>Section 5.1 states that the Schools Asset Database will be reviewed every year.</p>

13. Data Protection

13.1 If the proposal involves the processing of personal data then the Data Protection Officer must be consulted and their comments set out below.

14. Statutory Officers

14.1 The Solicitor to the Council (Monitoring Officer) commented as follows : “ I note the legal comments and have nothing to add to the report.”

14.2 The Head of Financial Services (Deputy Section 151 Officer) notes the comments from the Capital Accountant.

15. Members' Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation:	Reason for recommendation
To approve the Schools Asset Management Plan 2018 – 2024	To provide a comprehensive and coherent framework to ensure that the Powys school estate is continually improved, resulting in a more efficient and effective infrastructure.

Relevant Policy (ies):	Corporate Asset Management Plan Schools Organisation Policy 2018 Schools Asset Management Plan		
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	All
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Person(s) To Implement Decision:	Marianne Evans/David Thompson
Date By When Decision To Be Implemented:	9 th October 2018

Contact Officer Name:	Tel:	E-mail:
David Thompson	01597 826543	David.thompson1@powys.gov.uk

POWYS COUNTY COUNCIL

SCHOOLS ASSET MANAGEMENT PLAN 2018 - 2024



Author:	David Thompson, Schools Capital and Property Manager
Status:	Version 1 – draft for comments
Date of issue:	
Agreed by:	
Mid-term review:	Annually
Formal Review date:	October 2023

APPENDIX 1

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APPENDIX 1

1. INTRODUCTION

The Schools Asset Management Plan (SAMP) sets out Powys County Council's approach to developing and improving the school estate.

This Plan provides a long-term approach for efficiently and effectively developing and managing the school estate in Powys, ensuring that it supports the ambition of the Council as outlined in Vision 2025 and the Schools Organisation Policy 2018.

It replaces the previous Schools Asset Management Plan.

2. STRATEGIC CONTEXT

Vision 2025 sets out the Council's ambition for the future of Powys. A key priority within Vision 2025 is to strengthen Learning and Skills in the county by:

- Improving the educational attainment of all pupils;
- Supporting children and families to have the best start in life;
- Improving our schools infrastructure;
- Improving the skills and employability of young people and adults.

The Council's Key Purpose in line with the four core purposes of The National Mission is to enable the children and young people of Powys to become:

- Safe, healthy, confident and resilient individuals;
- Ambitious, capable learners, ready to learn throughout their lives;
- Enterprising, creative contributors, ready to play a full part in life and work;
- Ethical and informed citizens ready to lead fulfilling lives as valued members of society.

2.1 Policy drivers

This Schools Asset Management Plan is aligned with, and supports a wide range of strategies and policies. These can be summarised as:

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National policy drivers:

- 21st Century Schools and Education Programme;
- Education in Wales – Our national mission 2017 – 21;
- Welsh-medium Education Strategy;
- Additional Learning Needs Transformation;
- The Well-being Future Generations (Wales) Act 2015.

Local policy drivers:

- Vision 2025 – Corporate Plan;
- Schools Organisation Policy 2018;
- Strategic Asset Management Plan 2017-2020;
- Powys Welsh in Education Strategic Plan 2017-20;
- Draft Schools Local Authority Partnership Agreement 2018-2021;
- Draft Schools Service Safeguarding & Child Protection Policy 2018
- Draft Accessibility Strategy for Educational Settings in Powys 2018-2021;
- Additional Learning Needs Transformation Programme;
- Powys Regeneration Strategy;
- Powys ICT strategy.

2.2 Organisational Overview

The Powys school estate is diverse It includes buildings of different ages and construction types. Whilst the Council has recently built six new primary schools, and is planning on a significant investment programme to improve the estate, the majority of schools are now of ageing stock. Some are of historic interest and are actually listed buildings.

The total number of schools that are maintained by the Council are listed below:

- 83 primary schools, including infant and junior schools, community primary schools, voluntary controlled and voluntary aided schools;
- 12 secondary schools;
- 3 special schools;
- 3 pupil referral units;

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- 10 school houses

A number of schools are categorised as condition C or D, which means they are poor and deteriorating.

Schools in Powys play a central role in their communities, and any improvements to school buildings will need to take account of how the building can be utilised further to provide additional services to the community e.g. early years provision, childcare support, multi-agency services, library services, and include areas for community activity, where appropriate. This provides an efficient value-for-money approach and may support the continuation of community services, especially in rural areas.

There are also a number of primary schools adjoining community hall facilities, some of which have shared usage, and also a number of schools are adjacent to leisure centres.

A number of primary schools have adjoining early year's settings which are either run by the schools or by private settings. Many secondary schools are situated adjacent to leisure centres, and these facilities are used by the school to support the curriculum. Two secondary schools operate on multi-sites, as well as some primary schools.

3. AIMS AND OBJECTIVES

The Council aspires to ensure that Powys has the right number of schools in the right place, and in the right condition, for the current and future pupil population, and aims to have an educational model which meets the following objectives:

- Provides all learners with the opportunity to achieve their potential;
- Has high quality, resilient leadership and management;
- Has high quality learning environments, with the long term aim that all schools will be assessed as condition A or B;
- Has a greater focus on collaboration and partnership working, in order to enable schools to provide the best possible opportunities for learners;
- Enables schools to operate effectively and efficiently within the funding available;
- Increases demand for Welsh-medium provision and provides access to provision which will enable pupils to become confident Welsh speakers;
- Develops our schools into establishments that are central to community activity;
- Has a high quality ICT infrastructure that will enable all schools to provide enhanced opportunities for learners;
- Provides access to high quality early years provision;
- Provides support for learners with additional learning needs which aligns with the requirements of the new Additional Learning Needs and Education Tribunal (Wales) Act;
- Provides access to high quality post-16 provision in schools, which is attractive to learners, financially sustainable and minimises learner travel.

3.1 The purpose of the Schools Asset Management Plan is to support the delivery of the aims outlined above by:

- Providing a framework for the collection and comparison of information about the condition, suitability, sufficiency, sustainability, and health and safety requirements of all schools, defined in accordance with national and local guidelines;

APPENDIX 1

- Identifying priorities and allocate spending on a needs-led basis, linked to and influenced by policies and plans being developed by the Council and the Welsh Government;
- Demonstrating fairness of treatment for schools, and transparency of decision making processes for capital and revenue spending;
- Delivering value-for-money through the cost-effective use of education assets;
- Managing demand for school places more effectively, and remove excessive surplus places;
- Ensuring that all schools premises are a safe environment for all users.

Appendix A outlines the targets and measures by which the success of the SAMP will be measured.

3.2 Linkages with the Council's Strategic Asset Management Plan

The SAMP does not stand in isolation. The schools estate makes up a significant part of the Council's overall property portfolio, and any developments linked to schools must be considered within the wider corporate approach.

On a strategic basis, the development of new schools will be considered in accordance with the strategic priorities of the Council, and a cross-service approach will be undertaken.

Every opportunity to incorporate other services in new and remodelled school buildings will be taken, to enable a more effective and efficient management of assets, whilst providing an improved approach to service delivery.

All schools have access to leisure facilities to deliver core curriculum activities. Primary schools take up swimming lessons and secondary special schools and the PRU use leisure centres for swimming and dry-side activities. Some leisure centres are adjoined, co-located or adjacent to all secondary schools, and these are currently run by Freedom Leisure, on behalf of the Council – the contract is for a 15 year period until 2030.

A Service Level Agreement is in place between the Council and Freedom Leisure that sets out the operational usage and allocation of hours per cluster. The SLA is

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currently being reviewed and will clarify future liability in terms of the repair and maintenance of the property – it is essential that all leisure centres are kept in good condition in order to provide appropriate learning opportunities for pupils.

The Schools Service liaises and consults with other statutory agencies including for example, statutory undertakers, Natural Resources Wales and emergency services. In the event a statutory undertaker requests access across a school sites for infrastructure works, for example electrical, gas, foul and water services and supplies, this work is authorised by the Schools Property Team in conjunction with Powys Legal Services.

4. IMPLEMENTATION OF THE PLAN

The Schools Asset Management Plan is delivered via the following main programmes:

- 21st Century Schools and Education Programme;
- Major Improvements Programme;
- Central Revenue and Asset Management Revenue;
- Schools Maintenance Programme;
- Other sources of funding.

4.1 21st Century Schools and Education Programme

The 21st Century Schools and Education Programme is a collaboration between the Welsh Government, local authorities and further education colleges. It is a major long term and strategic capital investment programme, and represents the largest school building programme in Wales since the 1960s.

The Council is currently delivering projects within Band A of the 21st C Schools Programme, which runs from 2014 – 2019, and has already successfully built five new schools in the Gwernyfed catchment area and a new primary school at Ysgol Dafydd Llwyd, Newtown. Work is underway on two new primary schools in Welshpool, a new high school in Brecon, a new primary school in Carno and an extension at Ysgol Glantwymyn. Planned work includes a significant remodelling at Gwernyfed High School and Ysgol Calon Cymru, Llandrindod campus. The total value of Band A is £80m, with the Welsh Government contributing 50% of the funding.

The Council has also submitted its ambitious Strategic Outline Programme for Band B of the Programme, which runs from 2019 to 2024 – this was approved by Cabinet in November 2017 and subsequently by the Welsh Government.

Within this £113m Programme, projects include new school at Ysgol Bro Hyddgen, Machynlleth; a significant investment in primary schools in Newtown; new schools for Ysgol Cedewain and Brynllwarch Hall special schools; new Welsh-medium provision; investment in primary schools in Brecon and plans for improving other schools across the county.

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The 21st C Schools Programme prioritises strategic school reorganisation developments and/or targets schools which are in need of significant improvement. Most of the projects in Band A are the result of major school reorganisation in specific areas.

4.2 Major Improvements Programme

This Programme focuses on developing extensions, replacement of boilers/roofs and windows, DDA and environmental health and statutory improvements, safeguarding boundary fencing and gates. The annual capital funding available is between £1m and £2m, and therefore projects must be carefully prioritised in order to maximise value for money and maintain operational continuity of schools.

The Programme is split into the following areas of work:

- Building adaptations & addition accommodation;
- Building fabric (Roofs, windows etc.);
- DDA & Additional Learning Needs adaptations;
- External work;
- Primary energy source & systems;
- Toilets & cloakrooms.

The scoring methodology and prioritisation was approved by the Cabinet in 2015 (C48-2015). Cabinet approved the Major Improvement Programme for financial year 2018/19 in April 2018.

4.3 Central Revenue and Asset Management Revenue;

The Central Revenue and Asset Management Revenue budget has an annual allocation totalling £93,300. It supports minor works outside of schools repair and maintenance including minor DDA, safeguarding, health and safety and compliance remedial works under £10,000. The Asset Management Revenue budget purpose is to ensure the Schools Service can commission property advice from Property and Civil Engineering Professionals.

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4.4 Schools Maintenance Programme

The Council is developing a planned and prioritised maintenance programme as this is an important part of strategic estate management. Using the Schools Asset Database, it is proposed to develop:

- An overall maintenance plan for the estate;
- A plan for day-to-day planned maintenance.

Maintenance of land and buildings is often categorised as either Planned Preventative Maintenance or Reactive Maintenance. Currently there is a balance between these two categories in schools. It is recognised good practice to allocate funding for these two areas of work on the basis of a 70:30 ratio, according to the Chartered Institute of Professional Financial Advisors.

Planned Preventative Maintenance includes works or activities that are undertaken:

- Before something fails;
- To prevent or stop building condition or equipment breakdowns;
- To fulfil a legal duty.

Reactive Maintenance covers works or activities that are not planned or cyclical. They will be undertaken because of:

- Unexpected failure of a component;
- Vandalism;
- Accidental damage.
- Urgent Health and Safety works.

4.5 Schools Delegated Budget and the Property Plus Scheme

A significant portion of repair and maintenance to schools premises is funded by the schools' delegated budget, which should be utilised to ensure that school buildings are serviceable and in good repair. The budget covers a balance of reactive and planned maintenance. Information from the Schools Asset Database is used to inform the allocation of annual delegated repair and maintenance budgets to schools.

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Schools have the option to either undertake repairs and maintenance works themselves or to opt into the Council's Property Plus scheme, which covers minor repair and maintenance of buildings. These works are delivered by the Heart of Wales Property Service (HoWPS).

The Scheme is offered via a service level agreement, where schools currently pool over 80% of their delegated repair and maintenance budget over a period of three years. This funding provides and pays for:

- Keeping existing items serviceable and in good repair;
- The provision of a responsive maintenance service;
- The provision of a statutory remedial works service within limits of the Property Plus scheme;
- The provision of minor cosmetic repairs which might not otherwise be funded.
- The covering work occasioned by vandalism except where such work is covered by school's insurance.

Secondary schools have opted to undertake their own repair and maintenance and remedial works arising from statutory compliance testing and inspection reports to schools property, rather than utilising the Property Plus Scheme. However, if there are significant maintenance costs resulting from unforeseen factors, including any Estyn recommendations, then these will be need to be initially discussed with the Schools Capital and Property Manager before any work is agreed.

4.6 Repair and Maintenance Kitchen Equipment Scheme.

This again is an insurance approach to pooling schools delegated repair and maintenance funding managed by the Council's Catering Service. The service includes annual monitoring visits to ensure compliance with Health and Safety and food hygiene requirements. It also covers PAT testing of the Council's kitchen equipment and the repair and maintenance of kitchen equipment.

4.7 Energy and water management

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The Council is benchmarking energy and water consumption, both between schools of similar sizes within the Council, and relative to aggregate figures for other LEAs and national comparators. The Schools Capital and Property Manager works in conjunction with the Corporate Energy Manager to:

- Monitor energy and water usage (including ways to operate school buildings more efficiently);
- Monitor gas and water leakage;
- Identify cost-effective options for reducing water and energy consumption in the design specification of new and refurbished buildings including planned maintenance or smaller capital projects such as boiler replacements.

The Schools Capital and Property Manager is working in conjunction with the Corporate Energy Manager to undertake investment grade proposals for a first tranche of schools which is likely to be funded by Welsh Government 'Salix' funding. There are likely to be further tranches of funding and work to schools, as well as on-going improvements through the 21st Century Capital programme and significant refurbishment and extensions.

4.8 Other sources of funding

Other sources of funding sometimes become available to support the SAMP for Schools. These include:

- Section 106 agreements;
- Specific capital grants;
- Capital Revenue and Maintenance Programme for denominational schools;
- Capital Revenue and Maintenance Programme for voluntary aided schools.

4.8.1 Section 106

When there is new non-school third party housing or commercial development in an area, this often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment.

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The impact of new developments are addressed by the planning system. The Council considers that it is appropriate to expect developers to pay for, or contribute to, improvements to infrastructure that would not otherwise be needed. The mechanism for achieving this level of mitigation is through legally binding agreements. Such agreements between a developer, or developers, the Local Planning Authority (LPA) and where appropriate other parties are known as Section 106 (S.106) Agreements and detail all the planning obligations that need to be fulfilled to enable the development to be implemented.

The Council uses Section 106 income appropriately to support schools infrastructure projects.

New Supplementary Planning guidance for developers on the Council's Section 106 policy is undergoing consultation by the Planning Service.

4.8.2 Specific grants

A number of grants are made available by the Welsh Government on an ad-hoc basis. Recently, these have included the Rural and Small Schools Grant; the Infant and Class Size Grant; funding to support the roll-out of the 30 years childcare offer and funding to develop Welsh-medium provision. The Council will ensure that it maximises any benefit from the availability of grant funding by ensuring that any grant applications are aligned with the Council's strategic policies and priorities, and based on information taken from the Schools Asset Database.

Other capital grants available from the Welsh Government include 'Salix' or 'Re-FIT' - capital funding to reduce energy consumption and CO₂ emissions.

4.8.3 The demonitional schools receive financial assistance from the Welsh Government for capital projects

4.8.4. The Voluntary Aided (VA) Schools Capital Grant Programme provides financial assistance for the establishment and capital maintenance of such schools in partnership with the school governors and local authorities.

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Responsibility for the provision, repair and maintenance of a VA School is shared between the school governors and the local authority. Governors are responsible for the fabric of the school. The local authority is responsible for repair and maintenance and for the initial provision of the kitchen, dining hall, medical inspection room, caretaker's house and playing fields.

Under paragraph 5 of schedule 3 of the School Standards and Framework Act 1998, the Welsh Government has the power to grant aid 85% of the costs of the governors' approved expenditure, with the governors themselves required to meet the remaining 15%.

5. PRIORITISATION OF PROJECTS

The Schools Asset Management Plan provides the means by which needs are assessed to enable short, medium and long-term decisions on local spending priorities to be made. This approach will bring longer term certainty to the development, improvement and maintenance of school buildings and a more effective and efficient service delivery.

5.1 Schools Asset Database

A Schools Asset Database is used to underpin all decisions related to prioritisation, with information about individual school buildings, their ownership and usage, site area, playing fields, etc. The Database is currently being reviewed and is being updated to ensure that information is as up-to-date as possible. This will be completed by January 2019, and then will be subject to a review every year.

The Database includes data about condition, suitability and sufficiency of each school and this will be reviewed on an annual basis, prior to each financial year. Information contained in the Database will be updated regularly, as more condition surveys are undertaken, or on completion of any building improvement works at a school. In this way changing needs and priorities can be taken into account.

The use of the Database enables the Council to respond to changes in schools property requirements. It help to promote the equitable use of assets and enables the Council to make informed decisions regarding the retention and the disposal of buildings as well as providing a transparent basis for property investment decisions.

Some of the information below is already in place and where there are any gaps, these will be incorporated into the Database.

- A plan of the buildings with useful information such as fire safety measures, location of hydrants, location of utility meters and incoming services;
- A plan of the site with utilities information, such as mains drainage, stopcocks, cabling and isolation points;

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- A breakdown of areas by use;
- An inventory of important components and their life expectancy, such as boilers, plant and equipment;
- Up-to-date statutory compliance records;
- A schedule of maintenance contracts such as annual portable appliance testing (PAT), gas safety, boiler maintenance and fire measures;
- Building condition surveys;
- Asbestos management survey and plan;
- Contacts for regular building works contractors and property services consultants.

5.2 Methodology

A scoring methodology is applied which allows projects to be prioritised. The methodology considers the following key categories/factors:

- Condition;
- Sufficiency;
- Suitability;
- Sustainability;
- Health & Safety issues including:
 - Legislative compliance;
 - Environmental Health issues (kitchen environmental health reports);
 - DDA compliance;
 - Property safeguarding issues.
- Consideration is also given to whether a school is part of a current or future strategic school reorganisation development.

Projects may also be prioritised on an ad hoc basis e.g.

- Where there is an unprecedented event on a school site, then the Council will direct resources to ensure the health, safety and welfare of pupils and staff.
- In the event that there are recommendations by Estyn about the school property following an Estyn inspection, these will be immediately prioritised and ranked for funding and delivery.

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For each project, the key categories and factors in each of the points above are scored against the criteria as set out in Appendix D. The total score for all key categories and factors is added up and this total score for a project is ranked against other schools projects. If the business case for the project is justifiable to meet the Schools Service needs, then funding route for the project is determined by the Schools Service in consultation with the Finance Team. The categories and criteria in Appendix D applies to all Schools Service projects.

5.3 Key Factors

The following provides further detail about each of the key factors that are taken into account during prioritisation:

5.3.1 Condition

The condition of each building or property element is graded as follows, which are based on national assessment criteria for school buildings.

- **Grade A – Good.** Performing as intended and operating efficiently;
- **Grade B – Satisfactory.** Performing as intended but exhibiting minor deterioration;
- **Grade C – Poor.** Exhibiting major defects and/or not operating as intended;
- **Grade D – Unsatisfactory.** Life expectancy expired and/or serious risk of imminent failure.

In addition, condition issues are further assessed by the following criteria which is based on urgency of need:

- **P 1 – Urgent work** that will prevent immediate closure of premises and/or address an immediate high risk to the Health and Safety of occupants and/or remedy a serious breach of legislation;
- **P 2 – Works required within 2 years** that will prevent serious deterioration of the fabric or services and/or address a medium risk to the Health and Safety of occupants and/or remedy less serious breach of legislation;
- **P 3 – Desirable work required within 3 to 5 years** that will prevent deterioration of the fabric or services and/or address a low risk to the

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Health and Safety of occupants and/or remedy a minor breach in legislation;

- **P 4** – Long term work required outside the 5 year planning period that will prevent deterioration of the fabric or services.

The Council commissions an annual programme of condition surveys.

Although condition surveys provide a systematic approach, information on the state of a building can also be collected in other ways and schools play a vital role, by ensuring that information is collected on an on-going basis, as part of other routine maintenance or compliance inspections.

Condition surveys are non-intrusive and should identify critical elements that may require further investigation. These could include possible structural problems or health and safety risks. The need for further investigative surveys must be recorded in the overall condition assessment.

All surveys will identify work necessary to bring premises up to a serviceable state and to achieve a condition grading of A or B, including any work to rectify breaches in legislation.

Surveys should also provide an estimated cost for repair or replacement works and include any associated professional fees.

5.3.2 Suitability

Suitability is defined as ‘how well premises meet the needs of pupils, teachers and other users and contribute towards raising standards of education’.

Suitability assessments are concerned with the numbers and characteristics of each type of internal space and external area. They also cover some aspects of health and safety requirements. Property education professionals will be commissioned to carry out assessments for suitability for teaching and learning.

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5.3.3 Sufficiency

Sufficiency focuses on measuring the capacity of schools and on the quantity and organisation of places within and across schools in relation to demand. The aim of a sufficiency assessment is to offer a fair and consistent method of identifying any surplus or deficit of pupil places, and assess demand for school places.

For the purposes of the Plan, the definition of sufficiency includes two separate measurements:

- The number of pupil places available (the capacity) compared to the current and future numbers on roll;
- The overall areas of buildings and external grounds in support of the places available and the current number on roll.

A capacity measurement will be used to

- Be used to measure surplus places;
- Indicate an admission number for schools;
- Identify the surplus accommodation on school sites which might then be relocated to meet needs on other school site.

Local authorities are guided by the Welsh Government's circular 021/2011 document "Measuring the Capacity of Schools in Wales". The capacity of all schools in Powys have been re-calculated according to the latest formula.

The measurement of school grounds for team game playing fields must comply with the School (Premises) Regulations 1999.

5.3.4 Sustainability

Whole life costs are considered to inform future revenue needs and to reduce the impact on the services and schools budgets. As part of any option appraisals for a priority where for example, there is a boiler replacement, the schools Display Energy Certificate rating, annual fuel costs, fuel source availability and location is considered to assess where energy usage and emissions of CO₂ can be reduced and whether there is an option to switch the energy source.

5.3.5 Health and Safety Policy and Compliance

The Council must constantly ensure it is complying with all necessary legal requirements relating to the occupation of the estate, including:

- Health and Safety law and other relevant laws and guidance;
- Planned preventative maintenance;
- Statutory inspecting and testing;
- Environmental Health – Structural Compliance in school kitchens;
- Occupiers Liability Act.

The Council has a Corporate Health and Safety policy which recognises the duties and obligations under the Health and Safety at Work Act 1974. To support compliance with the regulations when appointing more persons [to comply with statutory compliance] and regulations it must comply with the Management of Health and Safety at Works Regulations 1999, relating to maintenance and construction works.

i) Statutory compliance

Statutory compliance in buildings is the legislative requirement to protect the building, fabric, systems and users. A list of the certifications generally needed in schools can be found in Appendix C.

All schools have statutory compliance testing and servicing funded centrally and this is undertaken by the Council's delivery partner HoWPS.

The Council responds to RADON testing by undertaking statutory remedial works at all schools affected in Powys.

ii) Tree Safety

If any trees on school property are not safe and present a hazard to pupils, staff and others, responsibility for the management of trees on school sites rests with schools. The inspection or management of trees must be undertaken by a competent Arboriculturalist or a Tree Surgeon on a regular basis, and schools are advised to have a Tree Management Plan in place

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which is regularly reviewed, particularly where woodland or habitat areas are in regular use.

iii) Environmental Health legislation – Structural requirements in the kitchen

Schools must comply with Environmental Health kitchen inspections with a frequency of inspections between 12-18 months for each school. The Schools Service receive copies of the Environmental Health Officer reports issued to Head Teachers. Any structural requirements to repair or to improve the property fabric, plant and equipment are in general funded by the school from their delegated school repairs and maintenance budget. If there are significant works, these are funded from the Schools Major Improvements Programme or Central Revenue budget.

iv) Schools property safeguarding and site security

Safeguarding audits have been undertaken for all schools and these have been collated and prioritised. It is proposed to update this information and prioritise any findings into the programme of planned works.

v) Equalities and property adaptations

Where there are specialist needs for a pupil being admitted or already admitted to a Powys County Council School, then reasonable adjustment will be considered for funding, whilst taking into consideration all property options and approach to meeting these needs.

6. MANAGEMENT OF THE SCHOOLS ESTATE

6.1 Programme/project management

The Senior Manager Schools Transformation manages the delivery of the SAMP and its associated programmes:

- Individual projects within the 21st C Schools Programme are managed by a team of programme managers from the Schools Transformation Team'
- The Major Improvement Programme and the Schools Property Maintenance Programme are managed by the Schools Capital and Property Manager and Support Officer.

Once a project is approved, it is assigned a project manager from within these teams. Project management teams are then established, mostly for larger projects - these include officers from across various services who meet regularly to ensure effective progress of each project.

Smaller projects are managed individually by the School Capital and Property Manager and Support Officer.

Programme and project management within the Council are based on the principles of Managing Successful Programmes (MSP) and Prince 2. All project managers are MSP and Prince 2 trained.

6.2 Commissioning

The next stage in the SAMP process is to commission a project for implementation – projects could be commissioned to a range of property professionals, for example, the Heart of Wales Property Services (HoWPS), Powys County Council's Engineering Design Services or other external consultants, as appropriate. The work is commissioned by the Schools Capital and Property Manager using a commissioning template. This records all key information for all commissioning orders.

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The Authority has established a joint-venture with Kier Construction Ltd, and has established a 'partnering' approach with HoWPS. Once HoWPS receive a commission for work from the Council, officers from within HOWPS are then assigned to work alongside the Council's project managers. Clear roles and responsibilities have been agreed between both organisations to ensure effective delivery of projects.

Commissioned work could include

- providing all property advice;
- delivering reactive and planned maintenance works;
- the construction of new schools, extension and alteration works;
- professional advice, feasibility, site investigation, design, contract administration and project management;
- Development of business cases.

6.3 Procurement

As well as traditional procurement methods, new approaches have been used including NEC Design & Build, to achieve maximum value for money. CHAS and Constructionline is the approach being used to identify suitable firms for inclusion on tender lists, in relation to all construction works. Larger new-build projects are tendered via the SEWSCAP2 framework.

Delivery of added value through Community Benefits (Social Value) policy must be an integral consideration in procurement. Community Benefits are a key part of securing any Welsh Government funding through the 21st C Schools Programme and other centrally funded grants, and the authority utilises the Welsh Government's Community Benefits toolkit to monitor impact.

It is essential that all projects include community benefits and a benefits realisation plan. These benefits are a critical part of the 21st Century Schools and Education Capital programme, so that all funded projects are 'fit for purpose'. They also ensure wider social, environmental and economic issues are also taken into account during the project life cycle.

6.4 Management of school buildings

Where the local authority, Welsh Government and diocese funds the construction of new schools or significant alteration and/or extension works, there may be existing school building which the Authority and School Governing body needs to ensure essential repairs and maintenance and statutory remedial works are undertaken. This will apply where there is a like for like replacement on the same site or a consolidation and closing of schools.

When the local authority, Welsh Government and diocese funds the construction of new schools or significant alteration or extension works and these facilities are handed over to the School and Governing Body, in general, there is a twelve months defect liability period with the contractor. Within this period it is unlikely repairs and maintenance will be required which is already covered by the defects liability. In the long term to maintain the property asset after the end of the defects period, then primary and special schools must either opt into the Property Plus scheme within two years of the handover date or provide the Schools Property Team with a comprehensive School Asset Management Plan every three years for their repair and maintenance from the handover date. The Schools Property Team are developing guidance information for schools preparing asset management plans. Where a new high school is constructed then the Schools Property Team will work with the school to develop a school asset management plan for repairs and maintenance.

Where schools are not within the Property Plus scheme then the Schools Property Team will assess and inspect schools where appropriate to ensure the building condition is maintained and compliant.

6.5 Disposal of school buildings

The disposal of school buildings and property will follow Powys County Council's Corporate Asset Policy.

7. GOVERNANCE, RISK AND BENEFITS MANAGEMENT

7.1 Governance structures and accountability

The Schools Asset Management Plan is governed by the Council's **Learning and Skills Programme Board**. Membership of the Learning and Skills Programme Board includes Leader of the Council, Portfolio Holders for Education, Property and Finance, Director of Education and Heads of Services. This enables a cross-service/portfolio holder oversight of the SAMP and associated programmes. The Board is responsible for monitoring progress, financial monitoring and risk management. The Board is also responsible for approving any strategic changes to programmes within the SAMP.

More detailed reporting and monitoring takes place at the **Schools Transformation Capital Projects Board**, where individual projects are monitored and reported, and issues/risks identified and addressed. Any issue or risk that is not able to be addressed at this Board is escalated to the Learning and Skills Programme Board. Membership of the Schools Transformation Capital Project Board includes Portfolio Holders for Education and Property, Senior Manager Schools Transformation, programme and project Managers, finance officers, communications officers, and representatives from Heart of Wales Property Services.

The Council's **Strategic Asset Management Board** also receives regular progress reports as part of its role in delivering the Corporate Asset Management Plan, to ensure that there is synergy between the SAMP and the corporate programme.

7.2 Benefits Management Strategy

Benefits that will be realised may be either financial or qualitative (for example improvement in educational standards). For larger projects such as those funded via the 21st C Schools Programme, a strategy and supporting plan for benefits is included within each Full Business Case. This identifies what will

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happen, where and when the benefits will occur. Details of who will be responsible for delivery of proposed benefits are included.

The plan for benefits will be integrated into or coordinated with the project plan and will be very clear regarding handover and responsibilities for on-going operations in the changed state (where the benefits will actually accrue). There will be a tracking process, which monitors achievement of benefits against expectations and targets. The tracking process will be capable of tracking both 'hard' (e.g. cost, headcount) and 'soft' (e.g. image) benefits and operates alongside the changing operation. The progress of this plan will be reported by the project manager to the Learning and Skills Programme Board.

In particular, the Benefits Management Strategy will be integrated into the programme plan and will address the following issues:

- That the potential benefits are clearly identified;
- That the benefits are clearly understood across the project and the various Project Teams. It is the role of the Project Manager to ensure that this is achieved;
- That benefits are placed into manageable groups and managed by the relevant teams:
 - Standards of Education;
 - Places, Participation and Accessibility to wider provision;
 - Standards of provision - State of art facilities and education provision;
 - Effective financial management.

7.3 Risk Management Strategy

All projects have an element of risk and there must be a proactive approach to risk management to balance risks against the potential rewards and plan to minimise or avoid them. It is also acknowledged that taking some amount of risk will be inevitable to the success of the project. The strategy for dealing

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with the management of risk for the preferred option follows a PRINCE2 methodology.

Each project will have a risk register which will be managed by the project manager, and this will be a 'living document' and reviewed and amended (where required) at each meeting of the Schools Transformation Capital Projects Board, in line with the corporate approach to managing risks. The framework and plan of the risk register will involve a rated table format. The risk will be described and the date of its identification noted. An initial risk rating will be made and the probability and impact of the risk evaluated, followed by a residual risk rating column. The effects and impact of risk can involve elements such as environment, time, quality, cost, resource, function or safety and regular meetings will be held to review all aspects. Within the format there will also be the facility for proposals to mitigate and manage, identifying the control strategy, risk owner and the current risk status.

The risks and issues identified within this project will be cross referenced with the risks/issues held by the Programme Board so that cross cutting issues can be mitigated safely.

This approach underpins the risk management strategy for the Council and, as such, has been incorporated as a standard approach across all projects.

7.3.1 Risk Identification

Risk identification can occur at all levels of the project, whether from the project teams or the project manager regarding the sub-elements of the project or from the Programme Board (where external risks are identified). Initial risks will be identified through structured workshops attended by the relevant experts and these risks will be captured in a formal risk register document.

When a risk is identified, the project manager will be responsible for evaluating each risk in terms of the likelihood and impact. The project manager will also enter this information onto the risk register and assign a risk owner who will update the project manager on the status of the risk including the results of mitigating actions.

7.3.2 Risk Analysis and Mitigation

It is acknowledged that risks will change as the project develops and for that reason the risk mitigation strategy will be fundamental to the success of the project undertaken by the Council. A risk mitigation strategy refers to the additional efforts, if any, that must be taken by management to lower the likelihood of the risk occurring and/or to minimise the impact on the programme if the risk did occur. While risk can never be totally eliminated, it can be managed and mitigated to lessen the likelihood and or impact of the risk on the programme. The process proposed by the Council will include:

- Roles and responsibilities for developing, implementing and monitoring the strategy;
- Timelines;
- Conditions present in order for the risk level to be acceptable;
- Resources required to carry out the planned actions;
- Managers responsible for the various areas of the project will need to routinely monitor or review the status of risks. This will be achieved by:
 - Reporting on risk areas along with performance;
 - Developing risk indicators to monitor the status of risks, particularly for those areas of the project which are complex or seen as risky initiatives.

Risk management will be fundamental to the management of the project and as such, the project risk register will be reviewed on a weekly basis by the project manager. All risks arising from the project teams will be sent to the project manager for evaluation.

8. Stakeholder Engagement

To ensure roles and responsibilities are clearly defined, the Council has an established Local Authority-School Partnership Agreement which is run over three year periods for the Major Improvement and Schools Maintenance Programmes. It sets out the responsibility of the school and the Council for the control of schools premises and their maintenance and repairs.

Within the partnership agreement, it clearly sets out the responsibility of the school and Council for health and safety matters.

The partnership agreement and health and safety policy are regularly reviewed.

It is the responsibility of schools to advise the Schools Capital and Property Manager when any works funded by schools directly have been undertaken and there have been changes to the school buildings layout. This ensures that all building capacity and condition data information is kept updated and room layouts are correct.

Existing school capacity assessments will only be amended if there are changes to the buildings or rooms due to new school buildings, refurbishment or reconfiguration works.

8.1 Communications Plan

A Communications Strategy and Plan will support the SAMP and each project will have an individual and specific communications action plan. Information about various projects will be shared through the following platforms:

- Plans for Powys Schools webpage www.powys.gov.uk/en/schools-students/plans-for-powys-schools
- Social media <https://www.facebook.com/powysschoolsplans> and <https://twitter.com/Planpowysschool>
- Letters to parents and stakeholders
- Termly newsletters
- Corporate updates
- Press releases

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8.2. Contact details

Please use the email schoolbuildings@powys.gov.uk for any enquiries related to the Schools Asset Management Plan or ring telephone number **01597 826155** or **01597 826543**

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APPENDIX A -TARGETS AND MEASURES 2018 - 2024

From Powys Vision 2025 - Our vision for the future we will be open an enterprising council strengthening Learning and Skills by improving our schools infrastructure through the implementation of the targets and measures noted in the table 2 below.

Table 2

Targets and measures	2018-2024
The number of school blocks with an overall condition assessed status of 'C' or 'D'	Reduce blocks from 132 to 120 blocks by 2025.
Percentage of surplus places in primary schools	Aim to reduce surplus places to 14% (from a baseline of 16.7%)
Percentage of surplus places in secondary schools	Aim to reduce surplus places to 21% (from a baseline of 24%) by 2020

The Schools Service will review and assess the number of on-going surplus places and look at ranking improvements to school building infrastructure through 21st Century Schools projects, Major Improvements programme and other funding sources.

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ACTION PLAN 2018/19

- Continue with commissioning of annual condition and suitability surveys to inform investment priorities;
- Review, revise and update the Schools Asset Database with property and building asset changes and updated survey information by January 2019.
- Review and update the Property Plus and Kitchen Equipment Agreements for schools repair and maintenance for implementation in financial year 2018/19;
- Update Schools property safeguarding and site security and prioritise findings into planned programme of works;
- Continue work to review schools identified to have potential capacity and suitability issues in the period from 2018-2023. This work will include:
 - Reviewing and agreeing projected future numbers with the Headteacher and Governors of the identified schools;
 - Reviewing any potential change to usage of available space in each identified school and amending the capacity calculation within the capacity calculation;
 - The identification of primary schools that require additional space to meet projected future pre-school and school place demand;
 - The identification of works required to address identified suitability issues;
- Continue to deliver Band A of the 21st C Schools Programme;
- Commence Band B of the Programme and carry out initial feasibility work and develop outline designs;
- Continue forecasting of pupil numbers from live birth data, Pupil Level Annual School Census and potential housing developments for school catchment areas;
- Finalise the impact on schools properties from the proposed change to the age of admission from September 2017 and the location of feeder early years settings into schools;

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- Assess the available buildings and spaces for the delivery of pre-school education settings, to meet the requirements of the proposed change in the age of admission for the children living in each primary school area;
- Develop plans and forecast places for the provision of 3 year old settings for 30 hours per week from September 2020 to meet Welsh Government policy;
- Implement the annual programme of planned maintenance to schools, funded from the Major Improvements programme;
- To improve the housing quality, begin the transition to transfer school houses from the Schools Service to the Housing Service within financial year 2018/19;

Appendix C – Certification requirements

- Air conditioning systems;
- Asbestos;
- Boilers (and other gas installations);
- Concertina seating;
- Fire escape and safety;
- Electrical fixed wiring;
- Lifts and lighting equipment;
- Local Exhaust Ventilation (LEV) extraction systems;
- Water systems;
- Electrical and lighting systems including:
 - a. Portable appliance testing;
 - b. Fixed electrical installation tests (including lightning conductors);
 - c. Emergency lighting.
- Heating and cooling systems including:
 - a. Gas appliances and fittings;
 - b. Fuel oil storage;
 - c. Air conditioning systems (including heat pumps);
 - d. Pressure systems.
- Legionella: tests and checks;
- Building fabric including:
 - a. Asbestos;
 - b. Glazing.
- Working at height and fall protection systems;
- Safety and security systems including:
 - a. Fire detection and alarms systems;
 - b. Existing school estate to ensure the health, safety and welfare of pupils;
 - c. New schools;
 - d. Fire doors;
 - e. Firefighting equipment including extinguishers, fire blankets, sprinkler systems;

APPENDIX 1

f. Fire service facilities including dry risers, access for emergency vehicles, emergency switches and information about the contents of the premises.

- Fire safety covers fire risk assessments for premises;
- Fume cupboards and extract systems;
- Catering extract duct cleaning;
- Chemical storage;
- Hydrotherapy and swimming pools;
- Playground and gymnasium equipment;
- RADON.

APPENDIX 1

Appendix D – Methodology and criteria for prioritisation

Category	CRITERIA TO MEET AND/OR PREVENT:	Score
Health & Safety and Statutory legislation		
	Very High - Danger to Life / Property / Structure	70
	High - Imminent closure of property / loss of asset service continuity / inadequate and/or not fit for purpose operation accommodation if the project is not undertaken or risk to users	20
	Medium - Further deterioration of asset / reduction in service delivery/ restrictive operational accommodation and risk to users if the project is not undertaken	10
	Low - Minor deficiencies with operational accommodation and little or no impact on service delivery if the project is not undertaken	2
	Not applicable	Nil
Overall Condition (Grading) of School Building & Site		
	D - Life Expired	10
	C - Poor	3
	B - Satisfactory	2
	A - Good	1
	Not applicable	Nil
Overall Condition (Priority) of Building Element at School Building & Site		
	1 - Urgent Work to prevent closure of premises	10
	2 - Essential work required within 2 years	5
	3 - Desirable work required within 3-5 years	2
	4 - Long term work outside the 5 year period	1
	Not applicable	Nil
Sufficiency		
	Inadequate teaching space (for either Early Years, Primary, Special or Secondary school) to deliver curriculum within 12 months	30
	Inadequate teaching space (for either Early Years, Primary, Special or Secondary school) to deliver curriculum within 24 to 36 months	22.5
	Inadequate teaching space (for either Early Years, Primary, Special or Secondary school) to deliver curriculum within 48 months	15
	Inadequate non-teaching space to support the delivery of curriculum (for either Early Years, Primary, Special or Secondary school) and operation of school	15
	Surplus teaching & non-teaching space	30
	Not applicable	Nil

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Suitability		Score
	Environmental controls and systems (boilers, cylinders etc.) and to ensure minimum temperatures are met in accordance with Regulations and design guidance	20
	Primary energy source and infrastructure systems (statutory undertakers for electric, gas, water, BT, biomass etc.)	20
	DDA & SEN facilities	30
	Safeguarding / Security	25
	Unsuitable toilets for under 8 year olds	25
	Kitchen facilities to meet EHO, design guidance and Food Act requirements	25
	Unsuitable toilets for over 8 year olds	25
	Unsuitable Teaching space and associated facilities (including ICT infrastructure)	15
	Unsuitable non-teaching areas	10
	Statutory Team Game Playing field to meet The Schools Premises Regulations 1999	10
	Not applicable	Nil
Sustainability - Welsh Government & Powys CC policy and key Capital Funding Criteria		
	Annual reductions of CO2 emissions between 1-3%	1
	Annual reductions of CO2 emissions between 4-6%	4
	Annual reductions of CO2 emissions between 6-10%	8
	Annual reductions of CO2 emissions between 11-25%	12
	Annual reductions of CO2 emissions greater than 25%	16
	Schools Organisational Policy - schools are part of a current or future strategic school re-organisation and development	30
	Schools Organisational Policy - schools maybe part of a current or future strategic school re-organisation and development	10
	Schools Organisational Policy - schools are not part of a current or future strategic school re-organisation and development	Nil
	Not applicable	Nil

Appendix 2 - Primary Schools

PRIMARY SCHOOL PREMISES DATA 2018

School Name	Welsh Indicator	Type of School: Community/ VC/VA/ Foundation	Age Range	School Capacity	Condition Grade	Suitability Grade
Abermule C. P.	EM	C	4-11	92	C	C
Archdeacon Griffiths C. in W. (Aided)	EM	VA	4-11	120	A	A
Ardleen C. P.	EM	C	4-11	94	C	B
Banw C. P.	WM	C	4-11	72	C	B
Berriew C. P.	EM	C	4-11	104	B/C	B
Brynhafren C. P.	EM	C	4-11	82	B	B
Builth Wells C. P.	DS	C	4-11	260	B	B/C
Buttington/Trewern C. P.	EM	C	4-11	162	C	B
Caersws C. P.	EM	C	4-11	102	B	B
Carreghafa C. P.	EM	C	4-11	115	B	B
Castle Caereinion C. in W.	EM	VC	4-11	58	B	B
Churchstoke C. P.	EM	C	4-11	87	C	B/C
Clyro C. in W.	EM	VC	4-11	110	A	A
Cradoc C. P.	EM	C	4-11	176	C	B/C
Crickhowell C. P.	EM	C	4-11	237	C	B/C
Crossgates C. P.	EM	C	4-11	162	B	A
Forden C. in W.	EM	VC	4-11	88	B	B
Franksbridge C. P.	EM	C	4-11	41	B	B
Gladestry C. in W.	EM	VC	4-11	53	B	B
Ysgol Golwg y Cwm	EM	C	4-11	210	A	A
Guilfield C. P.	EM	C	4-11	157	B	B
Hafren C. P. Junior	EM	C	7-11	210	C	B
Hay-on-Wye C. P.	EM	C	4-11	172	A	A
Irfon Valley C. P.	EM	C	4-11	90	C	B/C
Knighton C. in W.	EM	VC	4-11	249	B	B
Ladywell Green N & I	EM	C	4-7	146	C/D	B
Leighton C. P.	EM	C	4-11	91	C	B
Llanbedr C. in W. (Aided)	EM	VA	4-11	57	B	B/C
Llanbister C. P.	EM	C	4-11	45	C	B
Llandinam C. P.	EM	C	4-11	53	C	C
Llandrindod Wells Cefnlllys	EM	C	4-11	258	B	B
Llandrindod Wells Trefonnen	DS	VC	4-11	212	A	A
Llandysilio C. in W.	EM	VC	4-11	116	C	C
Llanelwedd C. in W.	EM	VC	4-11	90	C/D	B/C
Llanerfyl C. in W. (Aided)	WM	F	4-11	44	B	B
Llanfaes C. P.	EM	C	4-11	205	A	A
Llanfair Caereinion C. P.	EM	C	4-11	190	C	B
Llanfechain C. in W.	EM	VC	4-11	47	C	B
Llanfihangel Rhydithon C. P.	EM	C	4-11	36	B	B
Llanfyllin C. P.	DS	C	4-11	172	C	B/C
Llangatock C. in W.	EM	VA	4-11	104	B	A/B
Llangedwyn Controlled	EM	VC	4-11	41	B	B
Llangors C. in W.	EM	VC	4-11	138	A	A
Llangynidr C. P.	EM	C	4-11	150	C	B/C
Llanidloes C. P.	EM	C	4-11	269	C	B
Llanrhaeadr Ym Mochnant	DS	C	4-11	85	A	A
Llansantffraid C. in W. (Aided)	EM	VA	4-11	97	B	C
Ysgol Bro Hyddgen Primary Campus	DS	C	4-18	213	C	B
Maesyrrhandir C. P.	EM	C	4-11	208	C	B/C
Montgomery C. in W.	EM	VC	4-11	116	C	B/C
Mount Street Infants	EM	C	4-7	135	C	B/C
Mount Street Junior	EM	C	7-11	172	C	A/B
Newbridge-on-Wye C. in W.	EM	VC	4-11	107	A	A
Penygloddfa C. P.	EM	C	4-11	304	C	B
Pontrobert C. P.	WM	C	4-11	58	B	B
Presteigne C. P.	EM	C	4-11	224	C	B
Priory C. in W. (Aided)	EM	VA	4-11	140	A	A
Radnor Valley C. P.	EM	C	4-11	97	C	B
Rhayader C. in W.	DS	VC	4-11	183	B	B
Sennybridge C. P.	DS	C	4-11	102	C	B/C
St Mary's R. C. (Aided)	EM	VA	4-11	117	B	B/C
St Michaels C in W (Aided), Kerry	EM	VA	4-11	140	C	B/C
Treowen C. P.	EM	C	4-11	172	B	B
Ysgol Bro Cynllaith	EM	C	4-11	48	C	B
Ysgol Bro Tawe	EM	C	4-11	233	A	A
Ysgol Carno	WM	C	4-11	49	A	A
Ysgol Dafydd Llwyd	WM	C	4-11	210	A	A
Ysgol Dolafon	DS	C	4-11	69	B	B/C
Ysgol Dyffryn Trannon	DS	C	4-11	144	B	B
Ysgol Dyffryn y Glwyr	WM	C	4-11	286	A	A
Ysgol Glantwymyn	WM	C	4-11	84	C	C
Ysgol Llanbryn-mair	WM	C	4-11	53	B	B
Ysgol Meifod	EM	C	4-11	91	C	C
Ysgol Pennant	WM	C	4-11	78	B	B/C
Ysgol Rhiw Bechan	DS	C	4-11	146	B	A
Ysgol Y Bannau	WM	C	4-11	182	A	A
Ysgol y Cribarth	EM	C	4-11	157	A	A
Welshpool Church in Wales Primary School - Gungrog Site	EM	VC	4-11	77	C	B
Welshpool Church in Wales Primary School - Oldford Site	EM	VC	4-11	64	B	B
site	EM	VC	4-11	221	D	C
Ysgol Gymraeg y Trallwng	WM	C	4-11	72	C	C
Ysgol Mynydd Y Du - Taigarth site	EM	C	4-11	93	A	A
Ysgol Mynydd Y Du - Bronllys site	EM	C	4-11	54	B	C
Total number of schools				10,848		

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Appendix 2 - Secondary Schools

2018

School Name	Welsh Indicator	Type of School: Community/ VC/VA/ Foundation	Age Range	School Capacity	Condition Grade	Suitability Grade
Brecon High School	CB	C	11-18	872	D	D
Builth High School	CB	C	11-18	659	C	B
Crickhowell High School	EM	C	11-18	857	C	B/C
Gwernyfed High School	EM	C	11-18	569	C	C
Llandrindod High School	EM	C	11-18	714	C/D	B/C
Llanfyllin High School	CB	C	11-18	916	C	B/C
Llanidloes High School	CB	C	11-18	692	C	B/C
Newtown High School	EM	C	11-18	1,453	C	B/C
Newtown High - John Beddoes campus					C	B
Welshpool High School	EM	C	11-18	1,181	C	B/C
Ysgol Bro Hyddgen Secondary Campus	AB	C	4-18	463	B	C
Ysgol Maesydderwen	EM	C	11-18	706	A	A
Ysgol Uwchradd Caereinion	CB	C	11-18	603	C	B/C
Total number of schools				9,685		

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Appendix 2 - Special Schools

Facility Name	Welsh Indicator	Type of Facility e.g. PRU, Special School, ICC	Age Range	Pupil Places	Condition Grade	Suitability Grade
Cedewain Special School	EM	Special	3-19	120	C	C
Penmaes Special School	EM	Special	3-11	110	A	A
Brynllwarch Hall Special Sch	EM	Special	10 - 19	75	D	C/D
Total number of schools				305		

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Learning, Skills and Economy Scrutiny Committee Scrutiny Observations to Cabinet on: Schools Asset Management Plan

The Learning, Skills and Economy Scrutiny Committee met on the 14th September 2018 and considered the following documents:

- Cabinet Report on Schools Strategic Asset Management Plan for Schools (SSAMP) 2018-24
- Schools Strategic Asset Management Plan 2018 – 2024 v1 draft for comments
- Appendix A – Schools Building Condition, Suitability and Sufficiency data 2018
- Appendix B Certification requirements

The Learning, Skills and Economy Scrutiny Committee thank the Head of Learning, Senior Manager School Transformation and School Capital and Property Manager for attending scrutiny.

Scrutiny make the following observations:

A number of Members are Governors of the schools listed in Appendix A and questions were raised regarding the accuracy of the information as the capacity stated did not accord with their understanding of the capacity at their schools. It is understood that a review of capacity is currently being undertaken which should ensure that the capacity of every school is correct.

The report references Vision 2025 and the following two measures in the Vision relate to this Management Plan:

Reduction in the number of our school buildings with an overall condition standard of C or D from 132 to 120 by 2025

Reduce surplus places to 14% in primary (Baseline 16.7%) and 21% in secondary (Baseline 24%) by 2020

To be able to track these measures it is necessary to have the correct baseline data and confirmation is sought that the figures regarding capacity contained within the report are correct.

A number of years ago a piece of work was undertaken mapping the location of secondary pupils across the County and the schools that they attended. It does not appear that this type of information is used to ensure that investment in schools is appropriately targeted to those schools which will continue to be viable in the near to middle future. The authority should ensure that it is not targeting scant resources on schools which may be unviable in the near future.

It is accepted that safeguarding issues are prioritised but it was acknowledged that there was a shortage of funds set aside for small scale improvements.

The development of an overall maintenance plan for the estate will be undertaken by utilising the Schools Asset Database. It is acknowledged within the report that this is incomplete.

Concerns were expressed at the working relationship between the Heart of Wales Property Service and individual schools which would be issued with a new Service Level Agreement during the autumn term.

Scrutiny welcome the proposals set out within the Asset Management Plan to deal with Risk and would hope that by following the Risk Management Strategy it would be hoped that the problems that arose with the schools in Welshpool could be avoided.

Recommendations

- **That the capacity figures included in Appendix A of the report are checked for accuracy**
- **That the Schools Asset Management Plan reflects the viability of schools in the short to medium term to ensure that resources are spent most appropriately**
- **That funding is prioritised within that available for schools' maintenance for those matters which are of a safeguarding concern**
- **That the Schools Asset Database is promptly completed within a defined timeframe to be set out within the report**
- **That the scoring methodology referred to in section 4.2 of the report as approved by Cabinet in 2015 is attached as an Appendix to the 2018-2024 plan**
- **That the Schools Asset Database is kept up to date on an annual basis to ensure that there is confidence that the Major Improvements Plan and Maintenance Plan for the estate are targeting resources to those areas most in need**

Membership of the Learning, Skills and Economy Scrutiny Committee on 14th September 2018

County Councillors **P Roberts (in the Chair)**, G Breeze, K W Curry, B Davies, S. Davies, D Evans, L George, D R Jones, E M Jones, G Jones, D Jones-Poston, I McIntosh, J Pugh, E Roderick, D Selby, G Thomas and R Williams.

Parent Governor A Davies and S Davies and Church Representative M Evitts

CYNGOR SIR POWYS COUNTY COUNCIL.

CABINET EXECUTIVE

9th October 2018

REPORT AUTHOR: County Councillor Martin Weale
Portfolio Holder for Economy and Planning

SUBJECT: Supplementary Planning Guidance – Affordable Housing, Planning Obligations, Biodiversity and Geodiversity

REPORT FOR: Decision

1. Summary

1.1 To approve:

(a) Supplementary Planning Guidance (SPG) prepared in support of the Powys Local Development Plan (LDP) for:

- Affordable Housing.
- Planning Obligations.
- Biodiversity and Geodiversity.

(b) The SPG Consultation Statement.

2. Proposal

2.1 The LDP was adopted by Powys County Council on 17th April 2018 and on adoption immediately became operative as the statutory development plan for Powys (excluding the BBNP). The LDP includes a programme for the preparation of eleven topic based SPG to be completed over the two year period up to April 2020. SPG builds on the policies in the LDP, adding detail and assisting in interpretation.

2.2 Appended to this report for Cabinet's consideration and approval are the first three SPG included in the LDP's programme:

- Affordable Housing (Appendix 1).
- Planning Obligations (Appendix 2).
- Biodiversity and Geodiversity (Appendix 3).

2.3 In order to prepare the SPG in a consistent, clear and transparent manner, an SPG protocol was prepared and approved in June 2018. Each of the SPG has been prepared in accordance with the SPG protocol including involvement and engagement with stakeholders. This follows the procedure

set out within the Community Involvement Scheme in the SPG protocol. Welsh Government's LDP Manual stresses the importance of engagement and involvement and that without it SPG would carry little or no weight.

2.4 Following consideration of the three draft SPGs by the LDP Working Group, the draft SPGs were published for a six week period of public consultation from 11th July to 21st August 2018. Comments received for each have been collated and summarised as issues in the SPG Consultation Statement (Appendix 4). The LDP Working Group considered the issues raised during the period of public consultation and draft Council responses to these at its meeting on the 7th September 2018. One of the issues that the LDP Working Group discussed and agreed to identify for Cabinet was the period in which financial contributions for planning obligations must be spent. The Working Group recommended that this should refer to a maximum of 10 years subject to negotiation with applicants when agreeing the planning obligation (Paragraph 6.17, Appendix 2).

2.5 In line with the Council's constitution, the Cabinet is responsible for considering and approving the SPG. On approval they will become material planning considerations that will be afforded weight in decision-making for planning applications and at appeal.

3. Options Considered / Available

3.1 There is a commitment to preparing SPGs in the LDP so it is not a feasible option to not prepare SPGs. The content of each SPG is however a matter for consideration, although each of the SPGs appended has been informed by engagement and public consultation and with input from the LDP Working Group.

4. Preferred Choice and Reasons

4.1 To approve the SPGs and SPG Consultation Statement in order to meet the commitment and programme of SPG preparation set out in Appendix 2 of the LDP.

5. Impact Assessment

5.1 Is an impact assessment required? Yes/No

5.2 If yes is it attached? Yes/No

The SPGs interpret and clarify the implementation of policies in the LDP and, as a consequence, impact assessments for each are not necessary. The policies in the LDP were subject to an Impact Assessment. However, as a matter of good practice, each SPG has been subject to an Impact Assessment.

6. Corporate Improvement Plan

6.1 The SPG preparation process provided opportunities for engagement, involvement and participation in each SPG, and these are part of Vision 2025's essentials for 'making it happen' The three SPGs support the Powys LDP which will contribute to many of Vision 2025's priorities such as the development of a vibrant economy, or improving the availability of affordable housing.

7. Local Member(s)

7.1 The SPG will apply to all areas of Powys with the exception of the area of Powys within the Brecon Beacons National Park.

8. Other Front Line Services

Does the recommendation impact on other services run by the Council or on behalf of the Council? Yes/No

8.1 Other services have been involved in the preparation of the three SPGs so have had a direct input into the content of each. This involvement is explained in the relevant sections of the Consultation Statement. In particular, the Development Management service will be directly responsible for implementing the SPGs and has been engaged in the preparation of each SPG.

9. Communications

Have Communications seen a copy of this report? Yes/No

Communications have commented as follows: "The report is of public interest and requires use of news release and social media to publicise the recommendation/decision".

10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

10.1 Legal - Legal Services have assisted in the preparation of the SPGs and support the recommendation.

10.2 Finance – The Finance Manager Environment and Resources notes the contents of the report.

11. Scrutiny

Has this report been scrutinised? Yes/ No

11.1 The LDP Working Group has been involved in the preparation of the SPGs and in considering how the Council should respond and amend the SPGs in light of the comments received from the period of public consultation.

12. Data Protection

12.1 Comments have not been sought from the Data Protection Officer because the three SPGs and Consultation Statement do not include personal data.

13. Statutory Officers

13.1 The Head of Financial Services (Deputy Section 151 Officer) notes the content of the report.

13.2 The Solicitor to the Council (Monitoring Officer) commented as follows: "I note the legal comments and have nothing to add to the report."

14. Members' Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation:	Reason for Recommendation:
To approve: (a) Supplementary Planning Guidance for: 1. Affordable Housing, Oct 2018 (appendix 1) 2. Planning Obligations, Oct 2018 (appendix 2) 3. Biodiversity and Geodiversity, Oct 2018 (appendix 3). (b) The Supplementary Planning Guidance Consultation Statement, Oct 2018 (appendix 4).	To meet the commitment and programme for Supplementary Planning Guidance preparation in the adopted Powys LDP.

Relevant Policy (ies):	Powys LDP, 2018		
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	All
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Person(s) To Implement Decision:	Peter Morris
Date By When Decision To Be Implemented:	9th October 2018

Is a review of the impact of the decision required?	N
If yes, date of review	N/A
Person responsible for the review	N/A

Date review to be presented to Portfolio Holder/ Cabinet for information or further action	N/A
---	------------

Contact Officer:	Peter Morris
Tel:	01597 827773
Email:	peter.morris@powys.gov.uk

Background Papers used to prepare Report:

Powys LDP
SPG Protocol

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Powys Local Development Plan (2011-2026)

Supplementary Planning Guidance

Affordable Housing

October 2018

Mae'r ddogfen hefyd ar gael yn Gymraeg

This document is also available in Welsh



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1. Introduction

1.1 This guidance supplements the affordable housing related policies of the Powys Local Development Plan (LDP) (2011-2026), which was adopted by Powys County Council on the 17th of April 2018, and has been prepared to assist decision-making on planning applications within the Powys LDP area. This guidance does not apply to areas of the County of Powys located within the Brecon Beacons National Park Authority area (BBNP).

1.2 This SPG is intended to be read alongside the relevant policies of the LDP (see section 5), along with any other related adopted Supplementary Planning Guidance (SPG). The guidance within the Planning Obligations SPG, in particular, complements and adds to this guidance in respect of using planning obligations for affordable housing purposes.

1.3 This SPG has been prepared with regard to the aspirations set nationally by the Welsh Government to deliver 20,000 new affordable homes, to make homes available at affordable rent in every part of Wales, and to make buying a home more affordable, including in high cost rural areas. At a local level, the delivery of affordable housing is a key corporate priority of Powys County Council, as expressed through Towards 2040 - the Powys Well-being Plan, Vision 2025: Corporate Improvement Plan and the Local Housing Strategy for Powys (2016-2020).

2. Purpose of the guidance

2.1 The purpose of this guidance is to assist in the delivery of affordable housing by providing detailed guidance on how the Council will implement the relevant policies and proposals contained within the LDP. It is aimed at providing practical information for officers, developers, landowners, the Strategic Housing Authority (SHA), Registered Social Landlords (RSL), and the public involved in proposals for affordable housing.

2.2 This SPG provides guidance on:

- Local need for affordable housing, including definitions and types.
- Planning policy requirements in respect of affordable housing contributions.
- Negotiations over affordable housing contributions based on evidence of need and viability.
- Affordable housing policy relating to exception sites.
- Processes and mechanisms to ensure the provision, affordability and availability of affordable housing in perpetuity.
- Monitoring and review processes associated with the LDP and SPG relating to affordable housing.

3. Status of the guidance

3.1 This SPG updates and replaces the Council's previous Affordable Housing for Local Needs SPG (approved in 2010 and updated in 2011) and has been produced to support the policies of the LDP. This SPG will be taken into account as a material consideration in the planning decision making process. The guidance within the SPG has had regard to relevant national planning policy and other available guidance and information (a list of documents referred to is provided in Appendix A).

3.2 This SPG has been prepared in accordance with the Council's approved Protocol for Preparation and Adoption of SPG, which includes a Community Involvement Scheme. It has been subject to a 6 week public consultation stage undertaken 11th of July – 21st of August 2018. A summary of the responses received to the public consultation along with an explanation as to how the responses have been addressed can be found within the Consultation Statement. This SPG was adopted by the Council on **the 9th of October 2018.**

DRAFT

4. Affordability and Affordable Housing Need

4.1 Definitions and types of Affordable Housing

4.1.1 The LDP defines Affordable Housing in the same way as it is defined nationally in Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006), as follows:

Housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.

See Glossary in Appendix 5 of the LDP.

4.1.2 There are generally two main types of affordable housing – **social rented housing** and **intermediate housing**. The various types of affordable housing are defined for planning purposes in the LDP area, as follows:

Social rented housing is provided by Local Authorities and Registered Social Landlords (RSLs) (otherwise known as Housing Associations) for rent at a level that has regard to the Welsh Government's guideline rents and benchmark rents.

Intermediate rented housing is housing where rents are above those of social rented housing but below market housing rents. Intermediate rent levels are set at a maximum of 80% open market rental value but should not exceed the prevailing Local Housing Allowance for the respective Broad Market Rental Area and no. of bedrooms. Intermediate rented housing can be provided by an RSL, or a developer who is also an established landlord.

Shared Equity Housing is where the applicant is offered the opportunity to purchase the property at a discounted rate, with the amount of discount treated as an interest free loan secured as a second charge on the property and repayable to the provider on the sale of the property or stair casing to 100% ownership. Shared Equity Housing can be delivered through a Home Buy scheme operated by a RSL or the SHA, or by a developer who has a scheme in place and capacity to operate it.

Shared ownership is where the occupant owns a percentage of the property and the remainder is owned (usually) by a RSL. The occupant pays a rent to the RSL for the proportion of the property they do not own. It can also be provided by the SHA or a developer who has a scheme in place and capacity to operate it.

Intermediate affordable housing for sale is where the sale price of the housing is restricted to a maximum percentage of open market value (based on the Affordability Level) and where there are secure mechanisms in place to ensure that the housing is affordable and available to those in local housing need and remains so in perpetuity. This type of housing can be built and sold by developers to persons in local housing need for affordable housing or can be developed and occupied by individuals in local housing need as self-build.

4.1.3 Affordable housing may be developed as 'tenure neutral' which allows housing to be allocated as a particular tenure on the basis of need and can take the form of social rented housing, intermediate rented housing, shared equity housing, and shared ownership housing. Such schemes should enable the RSL or SHA to buy back the property and recycle the asset in the future.

4.1.4 Other types of housing, such as low-cost market housing, are not considered to be affordable housing within the definition of TAN 2, as they comprise private housing for sale or rent on the open market with no restrictions on future occupancy.

4.1.5 Specialist types of housing may be considered as affordable housing providing arrangements are in place to ensure that the housing remains affordable and available to those in need, for instance through the involvement of an RSL or the SHA.

4.2 Housing affordability

4.2.1 The affordability of housing was identified as a key issue and consideration for the LDP, particularly due to the combination of high house prices and a low wage economy making housing unaffordable to a significant proportion of Powys' households. This issue is demonstrated by comparing local incomes against average open market house prices, and taking into account the mortgages that local people can afford and have access to. The key figures relating to affordability in Powys are as follows:

The average house price is **£175,326**, which has increased by 2.6% over the past year, and is above the average house price in Wales of £152,999.

Land Registry House Price Index (March 2018)

The average house price by property type is £234,530 for detached; £154,540 for semi-detached; £121,236 for terraced; £79,382 for flat/maisonette.

Land Registry House Price Index (March 2018)

The average wage for a full-time worker is **£24,884**.

Office for National Statistics Annual Survey of Hours and Earnings (2017)

The house price to earnings ratio is **7:1**, meaning that the average house price is 7 times the average wage.

The gross disposable household income per head in Powys is £16,303 (2016). Based on the average household size of 2 persons, the gross disposable household income per household is, therefore, **£32,606**.

Regional Accounts, Office for National Statistics (2016)

The typical deposit for a first time buyer in Wales is **13%** of the property value and the loan to income ratio is **3.38**.

UK Finance Regulated Mortgage Survey (2017)

On average, households in Powys are able to afford houses of values up to **£126,676** which is £48,650 below the average house price paid.

4.2.2 The figure of £126,676 is referred to as the Affordability Level and the calculation and sources used to arrive at this figure are detailed in Appendix B. This level is also used as the basis for calculating the percentage discount on open market value applied to intermediate affordable housing for sale, as explained under section 8 of this SPG (see also Appendix B).

4.3 Affordable Housing Need

4.3.1 The Powys Local Housing Market Assessment (LHMA) undertaken in 2010 (and updated in 2014) establishes the nature and level of affordable housing need in Powys. Based on the findings of the LHMA for the LDP area, there is an authority-wide need for 1,530 additional affordable homes over the remainder of the LDP period (up until 2026). The level of need by tenure and LHMA area according to the updated LHMA (2014) is as follows:

Area	net social rented	intermediate rented	intermediate for sale	all affordable housing
LHM1 Welshpool Triangle	90	7	1	98
LHM2 Machynlleth Border	14	1	0	15
LHM3 Newtown & Llanidloes	23	6	1	30
LHM4 Knighton & Presteigne Border	15	2	0	17
LHM5 Llandrindod Wells & Rhayader	-1	3	0	2
LHM6 Builth & Llanwrtyd Wells	20	2	0	21
LHM7 Brecon, Talgarth & Hay	66	6	1	72
LHM8 Ystradgynlais Border	-27	2	0	-24
LHM9 Crickhowell Border	21	1	0	22

(see table 43 of the updated LHMA 2014)

NOTE: The LHMA is in the process of being reviewed. See para. 6.6.5 for further information as to how evidence relating to housing need is used in decision-making.

4.3.2 The LDP aims to meet future needs arising from within the LDP area for affordable housing through its policies and proposals. The policy approaches applied by the LDP, including the affordable housing contributions required from market housing developments (Policy H5) and provision made for affordable housing exception sites (Policy H6), will contribute towards meeting the identified need.

LDP Objective 1 – Meeting Future Needs

To meet the needs arising in Powys over the plan period up to 2026, to provide adequate, appropriately located land for:

- i. 5,588 dwellings to deliver a dwelling requirement of 4,500 which will meet all the housing needs of Powys' increasing and ageing population and its decreasing size of households, including open market and affordable housing, gypsy and traveller accommodation and other specialist housing needs.....

4.3.3 The LDP's Viability Assessment Update (August 2016) has informed the affordable housing contributions (set out in Policy H5) and affordable housing target (set out in Policy SP3) that can realistically be delivered through the policies and proposals of the LDP. This evidence has formed the basis for the LDP's target for delivery of 952 new affordable homes through the planning system during the LDP period (2011-2026). 186 affordable homes have already been built during the early years of the LDP period (2011-2015) and the remainder of the target is expected to be met through affordable housing delivered on allocated and windfall sites.

5. Local Planning Policy relating to Affordable Housing

5.1 The LDP contains specific strategic and topic-based policies relating to the delivery of affordable housing in Powys, which are to be read alongside policies relating to housing provision generally.

5.2 Policy SP3 is a strategic policy that sets the context for other detailed policies relating to affordable housing. It sets out the LDP's affordable housing target and the policy measures used by the LDP aimed at meeting this target.

Strategic Policy SP3 – Affordable Housing Target

Over the Plan period 2011-2026, the LDP will seek to provide 952 affordable dwellings through the following measures:

- 1. Setting thresholds and targets requiring housing development to contribute to affordable housing provision in accordance with Policy H5; and**
- 2. Providing a framework for determining affordable housing exception sites in accordance with Policies H1 and H6.**

The provision of affordable housing will be controlled to ensure that dwellings remain affordable and available to those in local need in perpetuity.

5.3 Policy H5 sets out the threshold and target contributions required from market housing developments towards affordable housing provision. The level of contribution sought under this Policy varies across four different sub-market areas identified by the LDP. Further guidance on the implementation of this policy is provided in section 6 of this SPG.

Policy H5 - Affordable Housing Contributions

Proposals for new housing development of five or more dwelling units or on sites of 0.25ha and above will be required to make contributions towards the provision of affordable housing.

The target contributions required to be made by development proposals will be based on the required contribution for the relevant sub-market area as set out below:

- i. Central Powys – 30% contribution.**
- ii. Severn Valley – 20% contribution.**
- iii. North Powys - 10% contribution.**
- iv. South West Powys – 0% contribution.**

Contributions shall be made in the form of on-site affordable housing provision. Alternative forms of contributions, including off-site provision or financial contributions in lieu of on-site provision, will only be considered where it can be demonstrated that on-site provision would not be appropriate.

The provision of affordable housing will be negotiated on a site-by-site basis taking into account the evidenced viability of the development.

Affordable housing provided under this policy will be controlled in accordance with Policy SP3.

5.4 Policy H6 sets out the criteria used to determine the acceptability of proposals for 100% affordable housing developments on exception sites. It is aimed at enabling the provision of affordable housing in locations that would not normally be acceptable for

housing development in order to meet local needs. Further guidance on the implementation of this policy is provided in section 7 of this SPG.

Policy H6 - Affordable Housing Exception Sites

Proposals for the development of affordable housing to meet a proven, unmet local need in Towns, Large Villages, Small Villages and Rural Settlements will be permitted where:

- 1. The proposed development is of a size, scale and tenure commensurate with the defined need and appropriate to the settlement tier, and accords with the requirements of Policy H1; and**
- 2. The site is solely for affordable housing and there are clear and adequate arrangements to ensure that the benefits of affordable housing are secured for initial and subsequent occupiers, in accordance with the requirements of Policy SP3.**

5.5 Other LDP policies relating to housing development are also relevant, in that they set out the strategic framework and criteria for determining the location and distribution of housing growth. References are made specifically to Policies SP5, SP6 and H1, along with other individual LDP policies, where relevant, within this SPG.

5.6 Affordable housing contributions are also referred to as examples of planning obligations that may be sought under Policy DM1, the implementation of which is supported by separate guidance within the Council's Planning Obligations SPG for the Powys LDP area. The approach towards using planning obligations for affordable housing purposes is set out under section 8 of this SPG.

6. Affordable Housing Contributions

6.1 Policy Thresholds

6.1.1 In accordance with Policy H5, affordable housing contributions will be required on proposed developments of 5 or more dwelling units or on sites of 0.25ha and above. The threshold applies to proposals on both LDP housing allocations and on windfall sites not allocated by the LDP. It applies to proposals submitted in outline and full, and also to proposals for renewal of planning permission that are to be assessed under current planning policies.

6.1.2 The threshold applies to proposals for housing development and mixed use development involving an element of housing, together with proposals for redevelopment, conversions and subdivisions of existing buildings, where new additional dwellings are provided. For avoidance of doubt, the threshold and requirements within policy H5 do not apply to development proposals for 100% affordable housing. Live-work units are classed as *sui generis* and, therefore, are not housing proposals and are exempt from providing affordable housing contributions.

6.1.3 For proposals that involve specialist forms of market housing, including retirement housing, sheltered housing or supported housing, the Council will only seek contributions towards affordable housing where there is evidence of local need for affordable forms of the specific type of housing proposed. Where this is the case, consideration will be given to site suitability, development viability, management arrangements, and to the potential for alternative types of contribution.

6.1.4 Sites with an area of 0.25 ha or more are considered under policy H5 to be capable of delivering 5 or more houses, and therefore are expected to contribute towards affordable housing. Where the density of a housing development (number of units per hectare) falls below the relevant guide ranges set out in Policy H4, and appears to have been done so to either avoid or reduce the affordable housing contribution required, applications may be refused on this basis.

6.1.5 The subdivision or phasing of development sites to avoid or reduce the affordable housing contributions required will not be permitted. Where the subdivision of a site results in housing proposals on two or more adjoining sites, any of which fall below the threshold, the Council will treat them as one site for the purposes of policy H5, and the affordable housing contribution will be based on the total number of dwellings proposed or capable of being provided across the different sites or phases.

6.2 Target Contributions

6.2.1 In accordance with Policy H5, the following target contributions towards affordable housing will be required from housing developments that meet the threshold within the relevant sub-market areas:

Sub-market area	% of total number of units proposed required to be affordable
Central Powys	30%
Severn Valley	20%
North Powys	10%

6.2.2 The target contributions required in connection with the LDP's housing allocations (expressed in terms of the number of affordable housing units required based on the above percentages) are set out in Appendix 1 of the LDP.

6.2.3 The LDP's Viability Assessment Update (August 2016) found that housing developments in the South-West Powys sub-market area (Ystradgynlais and Tawe Uchaf Town/Community Council areas) could not support the provision of affordable housing and therefore no contributions are required from housing developments within this area.

6.2.4 It should be noted that RSLs, the SHA or equivalent may continue to develop affordable housing on suitable sites within the South-West Powys sub-market area, to meet local or specialist housing needs. The mix of housing types on market developments within this sub-market area will also need to suitably reflect local housing needs, in accordance with Policy H3, which applies to all housing development proposals throughout the LDP area.

6.2.5 A map of the sub-market areas accompanied by a list of Town/Community Council areas within each of the sub-market areas, is provided in Appendix 4 of the LDP.

6.3 On-site provision

6.3.1 Policy H5 requires contributions to be made in the form of on-site affordable housing provision, which reflects the strong presumption for on-site provision set out in national guidance, and ensures that housing is provided in the location where it is needed. The Policy explains that alternative forms of contribution (off-site provision or a financial contribution) will only be considered where it can be demonstrated that on-site provision would not be appropriate.

6.3.2 This means that the number of affordable dwellings required under Policy H5 would need to be provided on the planning application site itself, unless the nature or circumstances of the proposal or site justify alternative provision. Examples of circumstances where alternative provision may be considered appropriate by the Council include:

- Where the required contribution equates to less than one whole unit and therefore would not be practicable to provide on-site, for example on housing developments of between 5 and 9 units in the North Powys sub-market area where the target contribution of 10% would equate to between 0.5 and 0.9 units;
- Where it is not possible to deliver the required type or tenure on-site, for example the need identified is for social housing and there is no commitment from an RSL or SHA to partner with the developer (providing that agreement has been sought from these providers);
- Where the management arrangements of the proposed housing make it difficult to provide affordable housing as part of the development, for example in connection with retirement/supported/sheltered housing proposals;
- Where the nature or location of the development would not be suitable to meet the identified local housing need, such as conversions or subdivisions in remote rural areas;
- Where a contribution towards affordable housing in a different location would have a greater contribution towards meeting the local affordable housing need.

6.3.3 A combination of types of provision may also be considered. For instance, in cases where the required contribution results in a combination of full and part units, the number of full units should be provided on-site, with the equivalent of a part unit provided as a financial contribution (see example of calculation in Appendix B). In this situation, the developer may be given the option at the planning application stage to provide an additional whole unit on-site, instead of providing a separate financial contribution for the part unit.

6.3.4 Affordable housing delivery options for on-site provision are set out below. The appropriateness of any options proposed will depend on the evidence of local housing need and the involvement of RSL, SHA or equivalent in the process. Further details of the planning mechanisms involved in the delivery of these options are provided in Section 8.

Developer builds and transfers affordable housing to RSL, SHA or equivalent to manage

The developer may decide to build the affordable housing and then transfer the built units to an RSL, the SHA or equivalent. Where the need is for social rented housing, which is expected to be mainly the case, it will be necessary for the developer to partner with an RSL or the SHA, as arrangements will need to be made for the affordable housing built to be transferred for management by a social rented housing provider.

Developer to transfer land/plots and financial contribution to RSL/SHA or equivalent to develop and manage

Where the developer does not wish to build the affordable housing, a proportion of the site can be transferred to an RSL, SHA or equivalent for the development of the affordable housing element. In addition to the transfer of land, a financial contribution must also be made in order to cover the cost of building the units.

Developer to build and let as intermediate rented housing or to sell as intermediate affordable housing for sale

It may be agreed that a proportion of the affordable units can be built and let as intermediate rented housing by a developer who is also an established landlord, which may include shared ownership/shared equity schemes. Where the evidence of local housing indicates a need for a proportion of intermediate affordable housing for sale, the developer may build and sell this type of affordable housing.

6.4 Off-site provision

6.4.1 Where it has been determined that on-site provision is not appropriate in a particular case, off-site provision on an alternative site within the control of the developer may be agreed, providing the alternative site is located on a suitable site for affordable housing elsewhere within the same settlement or Town/Community Council area, or adjacent Town/Community Council area. The number of affordable dwellings provided will be based on the relevant percentage of the total number of dwellings provided on both sites.

6.4.2 Planning applications for development of the site itself and alternative site must be submitted and determined simultaneously, and the principle of developing both sites would need to be agreed by the Council for this option to be acceptable. A planning obligation to

secure the provision of the affordable housing on the alternative site will be required, which will be expected to include similar arrangements for the provision, affordability and availability of the housing in perpetuity as would be expected on-site using planning conditions (see section 8).

6.5 Financial contributions

6.5.1 Where it has been demonstrated that on-site provision would not be appropriate (in accordance with the guidance in para. 6.3.2 above), and the circumstances do not allow for off-site provision, financial contributions (also known as commuted sums) will be required. Financial contributions in lieu of on-site provision should be based on the percentage target contribution required by policy H5 for the sub-market area of the application site itself.

6.5.2 Contributions will be calculated based on the following formulas (for worked examples see Appendix B). The values used to calculate the required contributions will be based on the values of the dwelling types that would otherwise have been required on site according to the evidence of local housing need.

6.5.3 Where the evidenced need is for social rented housing, the calculation is based on the appropriate level of Acceptable Cost Guidance (ACG) and takes into account the rate of Social Housing Grant payable to RSLs (currently 58%).

Social rented housing

Number of units in scheme x affordable % target for sub-market area = A

A x ACG £ per unit = B

B x % of ACG = C

C = required financial contribution

6.5.4 For intermediate housing, the calculation is based on open market valuations which must reflect the value of equivalent types of market housing on the site, and the applicant should confirm the valuation with the District Valuers Services or a RICS Chartered Surveyor. The contribution will take into account the % discount of open market value (currently set at 28%) which reflects the Affordability Level to give the Maximum Sale Price (currently set at 72%).

Intermediate rented housing / intermediate affordable housing for sale

Number of units in scheme x affordable % target for sub-market area = A

A x Open Market Value of affordable unit = B

B x Maximum Sale Price (%) = C

C = required financial contribution

The management and use of financial contributions

6.5.5 Financial contributions secured in lieu of affordable housing on-site will be used to support affordable housing provision within the Powys LDP area. The sums paid will be

managed by the SHA in order that they are spent in a way that addresses the evidence of local housing need.

6.5.6 Examples of how financial contributions may be used by the Council include:

- To support on-site provision of affordable housing on other developments;
- To support affordable housing developments developed by an RSL, SHA or equivalent on land owned by them, or to support the purchase of land for this purpose;
- To support affordable specialist housing provided by an RSL, SHA or equivalent;
- To support the renewal of existing Council housing stock or to bring back empty properties into use as affordable housing;
- Other measures identified by the SHA aimed at increasing the supply of affordable housing in Powys.

6.5.7 The Council will look to use financial contributions to meet the affordable housing needs within the locality where the development that has made the contribution is located. Where it is not possible to use the money within the same settlement, usually where there are no suitable schemes available, the following cascade will be applied to the use of contributions:

- a) Settlement, if no suitable schemes available then;
- b) Town/Community Council area, if no suitable schemes available then;
- c) Adjoining Town and Community Council areas within the Powys LDP area, if no suitable schemes available then;
- d) Local Housing Market Area within the Powys LDP area, if no suitable schemes available then;
- e) Remainder of the Powys LDP area, if no suitable schemes available then;
- f) Remainder of the Brecon Beacons National Park Authority area.

6.5.8 Further detail regarding the process for handling financial contributions is included within section 6 of the Planning Obligations SPG.

6.6 Affordable housing negotiations

6.6.1 The Council will use the target contributions set out in Policy H5 as the basis for site by site negotiations with applicants or developers over affordable housing provision on market developments, and will generally expect the policy requirements to be met. Evidence relating to local housing need in terms of the amount, type, size and tenure mix of affordable housing, and relating to development viability, will be relevant to these negotiations.

Evidence of local housing need

6.6.2 The Powys LHMA (2010, updated 2014) provides robust evidence of local housing need and will be used for negotiating an element of affordable housing on market developments under Policy H5. Based on this evidence, there is an overall need for affordable housing across all areas of the LDP, and market housing developments are expected to contribute towards meeting this need.

6.6.3 The evidence within the LHMA will also be used to inform negotiations on the range of sizes, types and tenures of affordable housing to be provided under policy H5 in order to

ensure that this reflects local housing needs. Overall, the LHMA identifies a need for additional affordable housing for smaller households of 1 or 2 bedrooms and a greater need for social rented housing.

6.6.4 The required tenure mix, as identified by the LHMA, is made up of 75% social rented housing and 25% intermediate housing (mainly comprising intermediate rented housing). However, the balance in the need for social rented and intermediate housing varies locally across the nine Local Housing Market Areas covered by the LHMA. The evidence used by the Council will normally be based on the need identified within the relevant area of the LHMA.

6.6.5 The LHMA is currently undergoing review (due to be completed by April 2019) and will be regularly updated thereafter on a two-yearly basis, therefore any updated evidence will be referred to by the Council. The Council will also consider other sources of evidence in order to determine need, including:

- Common Housing Register (which identifies need for social housing).
- Affordable Housing Register (Tai Teg).
- RSL and Council housing waiting lists.
- Local Housing Needs Surveys.
- Other relevant information gathered by the Council or other affordable housing provider.

6.6.6 Where the details of a proposal are not considered to adequately meet the affordable housing need identified, and cannot be fully justified by the applicant or developer by reference to other robust evidence, the Council will seek to negotiate revisions to the proposals, and failing this, may refuse the application. In assessing evidence of local need, reference should be made to the relevant definition of local need according to the LDP's Glossary (see Appendix 5 of the LDP) and to the local need assessment process (Appendix C of this SPG).

Evidence relating to development viability

6.6.7 The LDP's Viability Assessment Update (August 2016) has been used to inform the affordable housing policy requirements. The target contributions set by Policy H5 allow for a degree of headroom to take into account changes in viability and site specifics. This means that site specific viability assessments should not generally need to be carried out at the planning application stage.

6.6.8 In cases where an applicant or developer considers that the level of affordable housing required is not viable, a detailed financial viability appraisal will need to be submitted by the applicant or developer on an open book basis to the Council in support of the case. The appraisal process should also be used in cases where there are concerns regarding the viability of other types of contributions referred to in the Planning Obligations SPG. In recognition of the sensitivity of the information supplied, it will be kept confidential. The appraisal will need to demonstrate that there are genuine economic constraints relating to the proposed development, which justify either a reduced affordable housing contribution or removal of the required contribution.

6.6.9 The submitted financial viability appraisal will, where possible, be assessed by the Council, or the District Valuations Services will be commissioned as an independent expert

to carry out a site specific viability assessment, the cost of which will be borne by the applicant/developer. The main outcome of the viability assessment is to identify the level and type of affordable housing that can realistically be delivered by the development, which will take into account the affordable housing options described within this SPG. The conclusions of the assessment will be considered by the Council and used to finalise negotiations on affordable housing contributions with the developer/applicant.

6.6.10 Where the Council is satisfied, based on the financial viability appraisal and subsequent viability assessment, that the required affordable housing contribution is not viable, a lower contribution may be negotiated or the requirement removed. In the event that the Council decides to approve a scheme with a reduced or nil percentage/proportion of affordable housing provision, mechanisms will be used to enable the position on viability to be kept under review. This may involve imposing a shorter time limit on the permission than the standard five years for commencement (through condition) and/or setting time limits for the completion of development (through planning obligation). Failure to meet the timescales within the condition or obligation would trigger a review of the development's viability (either through the need to apply to renew permission or extend the time limit, or as part of the section 106 agreement). The mechanisms used will depend on the site specific circumstances of the case, taking into account the nature, scale, complexity and viability situation of the development.

6.6.11 Where the Council determines that the financial viability appraisal submitted by the applicant or developer (taking into account the conclusions of the viability assessment) fails to demonstrate that the required or a reduced affordable housing contribution for a development is not viable, or that the evidence submitted by the developer is insufficient to allow for a proper assessment, the Council may refuse the application. Further information on viability considerations and financial viability appraisal requirements are set out in Appendix D.

Re-negotiation of affordable housing contribution

6.6.12 Where a developer seeks to re-negotiate the level or type of affordable housing previously agreed at the time of the original planning application, the developer will be required to demonstrate how the circumstances relating to economic viability have changed through the submission of an updated financial viability appraisal. Updated evidence will also be required in situations where the removal or reduction of the required contribution was agreed at the time of the original application, and an application is made for renewal of planning permission or to vary planning conditions to extend time limits for commencement of the development.

6.6.13 The evidence submitted in these circumstances will be assessed as per the process explained above. It should be noted that the Council will also take into account changes in the level or type of affordable housing required, based on updated evidence of local housing need, as part of this process.

7. Affordable Housing Exception Sites

7.1 Policy H6 requires proposals for development of affordable housing on exception sites to demonstrate that they will meet a proven, unmet local need. The criteria set out within the Policy require such proposals to be appropriate to the settlement tier, to accord with the requirements of policy H1, and for the size, scale and tenure of the proposed affordable housing to be commensurate with the defined need.

7.2 This section explains how this Policy and associated policies are intended to be implemented across the different settlement tiers, in terms of the approach taken towards assessing proposals and the evidence of local housing need required to support the proposal. Settlements within each settlement tier are either named or defined in Policy SP5. In assessing evidence of local need, reference should be made to the definition provided within the Glossary of the LDP (see Appendix 5 of the LDP) and also to guidance on the assessment process set out within Appendix C of this SPG.

Towns and Large Villages

7.3 Policy H1 enables affordable housing to be developed on sites outside the development boundaries of Towns and Large Villages where the site would form a logical extension to the settlement. Sites are expected to be located adjacent to the development boundary of the settlement and should be capable of connecting to the existing infrastructure serving the settlement (roads, footways, drainage, etc). Sites that are poorly related (physically or visually) to the existing built form of the settlement will not be permitted.

7.4 Proposals on sites where housing development would harm the character and appearance of the surrounding landscape should be avoided (in line with the objectives of LDP policy DM4), and should only be considered where there is an overriding need for affordable housing that cannot be met elsewhere either within the settlement or on an alternative, less harmful, site adjacent to the development boundary. Consideration should also be given to whether the need could be met elsewhere within the Local Housing Market Area.

7.5 The scale of development considered appropriate will vary from settlement to settlement depending on the size and characteristics of the existing built up area, and also on the level of local need for affordable housing. It should be noted that the policy is aimed at accommodating the larger types of affordable housing schemes adjacent to Towns and Large Villages, given that these are the most sustainable locations for housing growth, and particularly as large scale development would not be appropriate or permitted in lower settlement tiers. This will usually mean that proposals for affordable housing developments on exception sites in these settlements would be expected to be for more than 5 units.

7.6 In order to retain the advantages of the location and to ensure effective, coordinated release of these sites, exception sites in Towns and Large Villages will only be suitable for social or intermediate housing developments by RSL, SHA or equivalent affordable housing providers, as they are usually capable of delivering and managing larger affordable housing schemes. For this reason, small scale or single unit developments by private developers or individuals for affordable housing for sale will not be permitted on exception sites related to these settlements. Consideration will only be given to these other types of smaller schemes on exception sites in Towns and Large Villages in exceptional circumstances. For instance,

where the nature of the site or site constraints make it unsuitable for larger development by an RSL, the SHA or equivalent, and providing that the development of the site would not prejudice the future development of adjacent land for affordable housing.

7.7 Proposals for affordable housing on exception sites in Towns and Large Villages must be supported by evidence based on the local need for affordable housing from within the Town/Community Council area or adjoining Town/Community Council areas. It is recognised that Towns, in particular, in the LDP area, often serve the needs of several surrounding Town/Community Council areas, and therefore evidence of local need from areas beyond may also be taken into account, particularly where the need is from within the same Local Housing Market Area.

7.8 In order to reflect the type of affordable housing tenure expected on sites in Towns and Large Villages, evidence of local need may be based on numbers and information recorded on the Common Housing Register, the Affordable Housing Register (Tai Teg), RSL waiting lists, other local housing surveys and information relating to social and intermediate rented/shared equity/shared ownership tenures.

Small Villages

7.9 Policy H1 provides the following options for locating small scale affordable housing developments in Small Villages:

- On infill sites within the settlement (defined as being located between existing buildings in an otherwise built up frontage).
- On sites which form a logical extension to the settlement.

7.10 The Policy sets a limit on the scale of affordable housing proposals in Small Villages to no more than 5 affordable housing units and alongside this stipulates that the site should be capable of accommodating no more than 5 dwellings (with a maximum site area of 0.25 ha). This restriction on the scale of development and site area applies to proposals on both infill sites and logical extensions, and reflects the limited housing growth planned for in Small Villages under the LDP.

7.11 The LDP's strategy seeks to enable affordable housing provision in Small Villages to meet local housing need, and the flexibility given to the location and scale of affordable housing in Small Villages reflects this aim. Proposals for market housing are, however, restricted to infill sites located between existing buildings in an otherwise built up frontage and for no more than 2 dwellings.

7.12 Sites that form logical extensions to Small Villages will not be released for market housing. Where sites are located adjacent to, but not in between, existing buildings within the settlement, they will be considered as extensions to the settlement and therefore will only be suitable for the development of affordable housing. Such proposals must represent a logical extension to the settlement and therefore should closely relate to the built form of the settlement and should reflect the existing settlement pattern. In order to be considered as infill, the built up frontage within which the site is located will need to be visually and physically related to the built form of the settlement. The limit on the site area for market developments of 0.1 ha in Small Villages means that only small gaps within a built up frontage will be suitable, and proposals will be expected to complete the frontage.

7.13 Proposals for solely market housing on infill sites, or on parts of infill sites, of a larger scale (and, therefore, capable of accommodating more than 2 dwellings) will not be permitted. However, larger infill sites may still be appropriate for either affordable housing, or for a mixed market and affordable housing development. The mixed option is intended to allow for situations where the site area of an infill site is more than 0.1 ha but no more than 0.25 ha. Where mixed schemes are proposed, they should comprise of no more than 2 market housing units, the phasing of which will be controlled to ensure that the affordable housing is provided alongside or in advance of the market housing.

7.14 Affordable housing in Small Villages may be developed by an RSL, SHA or equivalent, or by an individual (for instance, through self-build), to meet a specific identified local need. For RSL, SHA or equivalent developments, evidence taken from the Common Housing Register, Affordable Housing Register (Tai Teg), RSL waiting lists, and other local housing surveys and available information, should be used to identify specific individuals in need of affordable housing. For individuals proposing to develop the housing themselves, sufficient evidence should be submitted for the Council to assess their local housing need (see Appendix C).

7.15 Evidence should be based on the local need of households from within the Town/Community Council area or adjoining Town/Community Council areas. It will not be appropriate to use evidence from outside these areas to support affordable housing proposals in these settlements. This approach is intended to ensure that the evidence used to justify the need for the housing in the first place reflects the needs of the local community.

Rural Settlements

7.16 Policy H1 enables proposals for affordable housing in Rural Settlements where the development proposal is for a single dwelling on a site which is well integrated into the settlement. The LDP does not identify the location of Rural Settlements, however the criteria set out within Policy SP5 is intended to be used to identify Rural Settlements and requires the settlement to be historically named or recognised and to contain at least 10 closely grouped dwellings. Therefore, the tests to be met in order for a settlement to qualify as a Rural Settlement relate to the settlement's history, the number of dwellings contained within the settlement and the proximity of dwellings within the settlement to each other.

7.17 To meet the test relating to the settlement's history, the name and location of the settlement must be documented, which will usually mean that the settlement is named and shown on an Ordnance Survey map and/or has a Council road sign naming the settlement. The presence of former or existing established community facilities, such as a public house, church, chapel, community hall or school, also provides an indication of the past or current role of the settlement as a focus for the local rural community. Where this is not the case, the onus is on the applicant to provide historical documentation to prove past knowledge of it as a named settlement. It should be noted that past reference to a particular settlement within former Council Plans does not in itself confirm the settlement as a Rural Settlement under the LDP, as this will also depend on meeting the other tests relating to the size and nature of the settlement.

7.18 In terms of the test relating to the number of dwellings contained in the settlement, the requirement for at least 10 dwellings ensures that the group of dwellings is recognisable as a settlement and that the settlement is of a size that is capable of accommodating a

degree of growth for individual affordable homes. Dwellings that in themselves have been allowed as exceptions (local need/affordable housing/rural enterprise dwellings) or are characteristic of rural areas, including conversions and farmhouses, do not count towards meeting the 10 unit threshold for Rural Settlements. This ensures that proposals for new affordable homes are directed towards settlements that comprise of more established dwellings. It also ensures that relatively new housing growth in these locations is not used to justify continuous expansion of smaller settlements to the detriment of the rural character and appearance of the area and contrary to the sustainability objectives of the LDP.

7.19 To meet the test of proximity of existing dwellings within the settlement to each other, the 10 dwellings or more concerned must be closely-grouped in order to form an identifiable settlement within which the proposed site must be capable of being integrated. This test is aimed at preventing sporadic forms of development in the open countryside that are poorly related to the existing built form of settlements. Consideration will be given to the physical and visual relationship between the dwellings that make up the settlement and also to the relationship between the group of dwellings and the proposed site. Where there are visibly large gaps between existing dwellings within the group and/or the proposed dwelling, the test of proximity and requirement for proposals to be well-integrated will not be met.

7.20 Affordable housing in Rural Settlements may be developed by a RSL, SHA or equivalent, or by an individual (self-build) to meet a specific identified local need. Sufficient evidence of the local housing need of the specific individual(s) intended to occupy the housing will need to be submitted to the Council for assessment (see Appendix C).

7.21 The purpose of this exception is to allow people in local housing need to remain within their local community, and therefore it is expected that more often than not, this will involve a household in local need from within the same Town/Community Council area, or from within adjacent Town/Community Council areas. It will not be appropriate to use evidence from beyond these areas to support affordable housing proposals in these settlements.

8. Ensuring affordable housing provision, affordability and availability

8.1 This section sets out the planning processes and mechanisms for ensuring the required level and type of affordable housing is provided and remains affordable and available to those in local need in perpetuity, in accordance with policy SP3. The planning processes involved in affordable housing proposals under Policy H5 and under Policy H6 are summarised in Appendix E, which also sets out roles within these processes.

Pre-application

8.2 Applicants and developers are encouraged to seek pre-planning application advice from the Council in order to enable early discussions on affordable housing and other policy requirements, along with site-specific considerations. Development Management will involve the Council's Affordable Housing team in these discussions, which will focus on negotiations around evidence of local need and, where relevant, viability. As a result of these discussions, it should be possible to establish how the required affordable housing contribution or exception site is intended to be delivered, to inform the details submitted at the planning application stage.

Planning application

8.3 Where an application is made for outline planning permission, the details submitted with the application should enable the level (%) and type (tenure and whether on-site) of affordable housing contribution, or in the case of exception sites of the affordable housing provision, to be determined. The details of subsequent applications made on the site, including for reserved matters approval or full planning permission, will need to reflect the level and type of contribution or provision agreed at outline stage, and any changes proposed to these details will require re-assessment of the required contributions. The acceptability of the proposed plans and details of the proposed affordable housing will be assessed at the reserved matters stage.

8.4 Where an application is made for full planning permission, details of the required number, type, tenure, mix, size, design, and location of affordable housing, will be determined at the application stage, and these details will need to be reflected in the approved plans. These details should be submitted in the form of an Affordable Housing Scheme. The following guidance in respect of Affordable Housing Schemes will be referred to in assessing the different elements of an affordable housing proposal.

8.5 Where it has been resolved to grant outline planning permission for a development involving the provision of affordable housing on-site or on an exception site, a planning condition will be attached to the permission requiring an Affordable Housing Scheme to be submitted and approved by the Local Planning Authority, prior to commencement of the development. The condition to be attached to outline planning permissions is as per the model affordable housing condition set out in Welsh Government Circular 016/2014. A condition will be attached to full planning permissions which will require the implementation of the Affordable Housing Scheme approved as part of the planning application. This condition will be accompanied by a set of conditions (restricting size, value and occupancy, and withdrawing permitted development rights) to ensure consistency in the way that the future affordability and availability of the affordable housing is controlled.

8.6 The use of planning conditions in these circumstances, instead of using planning obligations entered into under section 106 agreements, is consistent with the approach adopted by Planning Inspectors in recent appeal decisions. It should be noted, however, that planning obligations (through section 106 agreements or unilateral undertakings) will continue to be used to secure contributions that are to be made off-site on an alternative site or by way of a financial contribution, as the delivery of these contributions cannot be achieved through a planning condition. The need for planning obligations will be determined before planning permission (outline or full) is granted.

8.7 The following guidance focuses on the planning processes relating to planning conditions. Further guidance regarding the use of planning obligations is provided within the Planning Obligations SPG.

Applications to discharge the details of the affordable housing planning condition

8.8 In assessing details of the Affordable Housing Scheme submitted in order to discharge the planning condition (or in assessing details submitted at reserved matters stage or as part of an application for full planning permission), the Council will consider whether the level of detail submitted is sufficient and clear, and if so, whether the proposals within the scheme contain acceptable arrangements for ensuring the provision of affordable housing that is affordable and available to meet local housing need, and whether the housing can be adequately controlled to ensure that it remains affordable and available in perpetuity.

8.9 Affordable Housing Schemes should relate to the specific circumstances of the development proposed. Details of the scheme will be assessed taking into account the following guidance and principles relating to key points that should be covered by the scheme. This highlights where the guidance and requirements may differ for on-site provision determined under Policy H5 and exception sites determined under Policy H6. Examples of specific requirements that could be included in an Affordable Housing Scheme, where relevant to the scheme, are summarised in Appendix F.

8.10 The **percentage** of the total number of units on the development that are required to be affordable will be specified in the planning condition attached to the planning permission. For affordable housing contributions on market developments, the percentage will be based on the required contribution agreed, and for exception sites, will be 100%. Details of the affordable housing to be provided should reflect the evidence of type and mix needed, as agreed at the application stage, and the source of specific evidence should be stated and explained.

NOTE: In cases where the planning application involves the development of a site within the development boundary by a Registered Social Landlord on land within their ownership for 100% affordable housing, the percentage of affordable housing required by condition will reflect the % required by policy H5 for the sub-market area.

8.11 With regards to the **timing** and **phasing** of construction of the affordable housing, the completion of all open market housing prior to the completion of affordable homes will not be acceptable. Affordable housing should be constructed alongside market housing and should be completed in advance of the completion of the market housing element.

8.12 Where the affordable housing to be built by the developer, or a proportion of the land for the building of the affordable housing, is to be **transferred** to an affordable housing

provider (RSL/SHA) the arrangements for this transfer must be in place at the time of the application to discharge the condition. This means that the developer must enter into a contract agreement with an RSL or with the SHA, or equivalent, to transfer the affordable homes once built, or to transfer the land.

8.13 The purchase of affordable properties is negotiated between the RSL or the SHA at a price that reflects the relevant figures within the Welsh Government’s Acceptable Cost Guidance (the minimum price will normally be 42% of ACG). In cases where the developer proposes to transfer land, a payment must also be made to the RSL/SHA in order to cover the cost of building the units, which will be equivalent to 58% of ACG minus the serviced affordable plot value per affordable unit.

8.14 Where an RSL or SHA is not involved in the proposed development, details should be provided of the **management arrangements** for the affordable housing. For intermediate rented housing, this could include the management arrangements of an established landlord. The details of the management of housing on exception sites developed by individuals should explain the proposed arrangements for controlling the occupancy and future sale value of the affordable dwelling.

8.15 In order to ensure the affordability of housing proposed and approved under policies H5 and H6 of the LDP, consideration needs to be given to various factors that will affect the future affordability of the housing for initial and subsequent occupiers to purchase and rent.

8.16 The **size** of affordable dwellings should reflect the local housing need that has been used to inform or justify the proposal. Affordable housing provided on market developments will be expected to be of a range of sizes that reflect the local housing need and should have regard to the ACG notional space standards that give a guideline for achievable, deliverable and affordable dwelling sizes. The following extract from the ACG sets out the notional space standards for houses:

Unit Type	Floor area (m ²)
7 person 4 bed house	114
6 person 4 bed house	110
5 person 3 bed house	94
4 person 3 bed house	88
4 person 2 bed house	83
3 person 2 bed flat (common access)	59
2 person 1 bed flat (common access)	46

(see Table 1 of the Welsh Government’s Acceptable Cost Guidance (2015))

In any case, the gross floorspace of the dwelling(s) should be no more than 115 square metres, as per the maximum space standard in the ACG. This figure does not include external wall thicknesses, however it includes garages where they are integral to the dwelling.

8.17 Any detached buildings proposed as **ancillary** to the affordable dwelling, such as garages, should reflect the property size, housing needs and should not impact significantly on the overall market value of the property. As such, these buildings should be no more than single storey and the floorspace of the building should not exceed more than 15 sqm.

8.18 It should be noted that **permitted development rights** for future extensions or alterations to the affordable dwellings (including ancillary buildings) will be withdrawn by way of a separate planning condition attached to the planning permission. This will ensure that properties are not extended or altered in a way as to increase the value beyond an affordable level. Planning applications for future extensions will be assessed on a case by case basis taking into account the local need and effect on affordability.

8.19 The **plot size** is also relevant to future affordability as this will become the residential curtilage of the dwelling and therefore will influence the value of the property. Given the minimum density of development expected on sites in Towns and Large Villages (in line with Policy H4) the curtilages of affordable housing, either as part of development sites or as exceptions, will be of a limited size (of approximately no more than 0.04 ha or 400 square metres). The size of the curtilage of dwellings allowed for on sites in Small Villages is 0.05 ha (500 square metres), and for an individual dwelling in a Rural Settlement would not be expected to be more than 0.1ha (1000sqm).

8.20 The **future sale** and **re-sale value** of intermediate housing for sale must reflect local incomes and therefore will be restricted to a level based on a fixed percentage below the open market value of the house. The percentage discount to be applied will be based on the Affordability Level (the calculation used to arrive at this figure is set out in Appendix B). Based on this calculation, the percentage discount is currently set at 28% on open market value (June 2018) which means that the maximum sale price for an affordable dwelling is no more than 72% of its open market value. This figure will be kept under review and therefore, either the figure set at the time of the application for discharge of condition or the figure at the time of sale can be used.

8.21 Open market value must be defined by a RICS Chartered Surveyor, and the open market value and maximum affordable sale price should be confirmed in writing to the Council for approval prior to advertising an affordable property for sale. For housing with an open market value either at or below the Affordability Level (currently £126,676), the percentage discount will not apply as the value is deemed to be affordable. This could, for instance, apply to certain terraced properties and flat/maisonettes, given that the average price for this type of housing in Powys is less than the Affordability Level.

8.22 The **rental value** of social rented housing developed by RSLs and supported by Social Housing Grant (SHG) will remain at affordable rents. Where RSLs sell or rent properties on the open market, they have a duty to repay the grant money to the WG or re-use money to develop more affordable housing elsewhere in Powys. For intermediate rented housing, rental value is restricted to no more than 80% of the open market rental value, which must be determined by a RICS Chartered Surveyor, and also must not exceed the Local Housing Allowance. The valuation must be submitted to and agreed with the Council prior to the property being let. Future changes in rent must be agreed with the Council in writing.

8.23 In order to ensure the availability of the affordable housing, the Council will expect schemes to set out restrictions on both the **initial** and **subsequent occupancy** to ensure that it is kept available for persons in local need. This will ensure that affordable housing is occupied in perpetuity by those in local need. The LDP's definition of local need is based on the definition of local connection in the Council's Common Allocations Scheme.

8.24 Where affordable housing is managed by an RSL or the SHA, this will mean that housing will be allocated in accordance with the Council's Common Allocation Scheme and this gives control over subsequent changes of ownership and occupation. Housing will be allocated to persons on the Powys Common Housing Register or Affordable Housing Register (Tai Teg) who have been assessed and deemed to be in housing need, and this is enforced by the RSL or the SHA who ensure that applicants are in genuine need.

8.25 In the case of other forms of intermediate housing, including affordable housing for rent or sale by a developer, or to be developed by an individual, the Council will assess whether the proposed occupier meets the LDP's definition of local need (the process for which is explained in Appendix C). For dwellings on exception sites developed by individuals, the initial occupier shall be the applicant who has obtained planning permission and, therefore, who's need has been assessed by the Council at the planning application stage. The Council is to be notified of any proposed change in occupancy, and evidence submitted of the proposed occupier's local housing need for assessment by the Council, prior to occupation.

Applications to remove or vary planning conditions

8.26 In assessing applications to remove or vary planning conditions relating to affordable housing requirements submitted under section 73 of the Town and Country Planning Act, the Council will take into account updated evidence of need and, where relevant, viability. In circumstances where an applicant seeks to remove/modify the restrictions relating to affordable housing within the approved Affordable Housing Scheme, on the basis that an existing affordable dwelling is no longer needed, this will be tested by following the guidance set out in Appendix C.

8.27 In assessing applications to discharge or modify section 106 agreements that include planning obligations to control affordable housing (as previously used by the Council), the Council will, firstly, consider whether the obligations within the particular section 106 meet the tests specified in Welsh Office Circular 13/97 Planning Obligations, particularly the tests of necessity and relevance of planning. Obligations will be considered to meet these tests where they are aimed at ensuring that the dwelling remains as an affordable dwelling and accessible to those who cannot afford open market housing.

8.28 This will include obligations that limit the occupation of the dwelling to people with connections to the local area and take into account their financial circumstances and their need for affordable housing. For instance, where the occupancy is restricted to first-time buyers, this is aimed at meeting the housing needs of those people in the community who are at a disadvantage within the housing market. Obligations that include mechanisms relating to affordability, such as size restrictions and/or restrictions on sale and/or rental prices, also ensure that the dwelling remains affordable and accessible to those in local need.

8.29 If the planning obligations meet these tests, the Council will consider whether they continue to serve a useful purpose. The usual way to test this is to market the dwelling for sale and rent for a reasonable period of time and at a price that realistically reflects the occupancy restriction. The process for this testing is set out in Appendix C.

8.30 The Council may also consider the option of modifying the section 106 agreement to include updated definitions and requirements, particularly where this is intended to meet with the mortgage lender's expectations.

Compliance monitoring and enforcement of planning conditions

8.31 It is the owner and occupiers' responsibility to ensure that they satisfy the requirements set out within the Affordable Housing Scheme agreed under the discharge of condition on occupation of an affordable dwelling. The arrangements expected to set out within the Affordable Housing Scheme agreeing to notify and seek agreement from the Council of any proposed changes in occupancy and sale and rental values, should assist with ongoing monitoring of compliance with conditions.

8.32 The Council will respond to and fully investigate any reports of a breach of condition or the terms of a section 106 legal agreement. Enforcement action will be taken where necessary.

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9. Monitoring and Review

9.1 The implementation of the LDP's affordable housing policies through developments permitted and delivered under the LDP will be monitored annually and reported in the LDP's Annual Monitoring Report (submitted to the Welsh Government by 31st of October each year following adoption of the LDP). This process will monitor the number of affordable homes built per annum (in accordance with the LDP regulations) along with local indicators relating to the percentage, scale, type, and tenure of affordable housing permitted. Changes in residual values taking into account changes in any inputs, that may affect the viability of housing developments will also be monitored (e.g. residential values, build costs, etc).

9.2 Matters affecting affordability and affordable housing need within the LDP area will be monitored in conjunction with the monitoring undertaken of the LHMA. The results of this monitoring will inform future review of the LDP's policy requirements relating to affordable housing. This will include consideration of any relevant changes to the national and local context. For instance, the Welsh Government has commissioned an Independent Affordable Housing Supply Review which is due to report by the end of April 2019, which will make recommendations for changes relating to affordable housing supply. This SPG will be kept under review and, where necessary, updated to take into account changes in any relevant policy, guidance, evidence or circumstances, and in response to relevant issues raised with the SPG in practice.

APPENDIX A Reference documents

National documents

Programme for Government and National Strategy include commitments from the Welsh Government in respect of delivery of affordable housing, and set out how they will be delivered alongside the public sector in Wales, respectively.

Planning Policy Wales (PPW) 9th Edition (November 2016) sets out the Welsh Government's national land use planning policy. It confirms that affordable housing is a material planning consideration and requires LDPs to identify the contribution that the LDP's policies and proposals can make towards meeting the authority-wide affordable housing target. NOTE: Consultation has closed on the draft PPW 10th Edition and due later this year.

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006) provides further detailed practical guidance on setting affordable housing targets and policy approaches towards the delivery of affordable housing.

Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) provides further guidance on how national policy and guidance in respect of affordable housing can be taken forward in rural areas.

WG Circular Guidance 016/2014 The Use of Planning Conditions for Development Management provides guidance and references to legislation and a list of model conditions to promote best practice in Wales, including a model condition to be used for affordable housing.

Delivering affordable housing using section 106 agreements: Practice Guidance (2008) and **Delivering affordable housing using Section 106 agreements: A Guidance Update (2009)** provides Welsh Government guidance to support Local Planning Authorities in developing, negotiating and implementing section 106 agreements relating to affordable housing.

Acceptable Cost Guidance (ACG) (2015) is provided by the Welsh Government as guidance on the likely acceptability of housing scheme costs for Social Housing Grant purposes. NOTE: ACG figures have been updated January (2018) but not yet published.

Development Quality Requirements (DQR) (2005) sets out the minimum quality requirements for new and rehabilitated housing developments funded from the Welsh Government's Social Housing Grant. **Welsh Housing Quality Standard (WHQS)** are standards set by Welsh Government for social landlords to meet.

Local documents

Towards 2040 – the Powys Well-being Plan produced by the Powys Public Service Board provides a long term vision of well-being in Powys and sets out the local Well-being Objectives for the County. It's aims relating to social Well-being include the objective for people to have more choice and to be able to access the type of homes they want.

Vision 2025: Corporate Improvement Plan (2018-2023) sets out the top priorities and milestones for Powys County Council in terms of delivering improvements, and includes objectives to improve the availability of affordable and sustainable housing.

Powys Local Development Plan (2011-2026) is the statutory development plan for Powys (excluding the Brecon Beacons National Park Authority area) and sets out the Council's key local planning policies, including those relating to affordable housing, and proposals to shape the future of the plan area and guide development until 2026.

Planning Obligations SPG (2018) [\[to be hyperlinked\]](#) establishes a local framework governing planning obligations and provides guidance on planning obligations relating to a range of categories, including affordable housing.

Local Housing Market Assessment (2010) and **Local Housing Market Assessment (updated 2014)** sets out the level of housing need and demand in the local housing markets of Powys and is an important part of the evidence base for local planning policies relating to affordable housing and local housing need in the LDP. NOTE: The Powys LHMA is undergoing review in 2018/2019.

A Local Housing Strategy for Powys (2016-2020) sets out how Powys County Council and its strategic partners proposes to find practical solutions to key housing issues which affect Powys, and includes a number of key objectives and actions relating to affordable housing.

LDP Viability Assessment Update (August 2016) provides an assessment of the economic viability of providing affordable housing in Powys. It is an important part of the evidence base for the policies in the LDP, and has informed the affordable housing target contributions required by the affordable housing policies of the LDP.

Protocol for Preparation and Adoption of Supplementary Planning Guidance sets out processes and timescales for the SPG planned by the Local Planning Authority and provides information on the opportunities for stakeholders, the public and agencies to contribute through the Community Involvement Scheme.

Consultation Statement [\[to be hyperlinked\]](#) sets out the details and results of the consultation process undertaken in preparing the SPG.

Brecon Beacons National Park Authority's Affordable Housing SPG (2014) and **Affordable Housing Strategy (2016)** provide guidance to support the implementation of the local development plan policies in the Brecon Beacons National Park Authority area, specifically in terms of affordable housing contributions, and set out the strategy for spending monies collected through affordable housing contributions, respectively.

APPENDIX B Details and examples of relevant calculations

Calculation of the Affordability Level, percentage discount on open market value and maximum sale price

	Data	Value	Data source
A	Average Powys Gross Disposable Household Income	£32,606	ONS Gross Disposable Household Income per head (2016) (provisional) multiplied by 2 (rounded average household size in Powys): https://statswales.gov.wales/Catalogue/Business-Economy-and-Labour-Market/Regional-Accounts/Household-Income/householdincome-by-measure-welsheconomicregion-year
B	Mortgage Multiplier	3.38	Income multiple for first-time buyers in Wales, UK Finance Regulated Mortgage Survey (2017): https://www.ukfinance.org.uk/wp-content/uploads/2018/02/UKF-First-Time-buyers-affordability_Q4-2017-Wales.pdf
C	Amount that the mortgage lender will lend (A x B)	£110,208	N/A
D	Deposit	13%	Based on loan-to-value for first-time buyers in Wales, UK Finance Regulated Mortgage Survey (2017): https://www.ukfinance.org.uk/wp-content/uploads/2018/02/UKF-First-Time-buyers-affordability_Q4-2017-Wales.pdf
E	Affordability Level (C / {(100-D)/100})	£126,676	N/A
F	Average House Price	£175,326	Land Registry House Price Index (March 2018) https://www.gov.uk/government/statistics/uk-house-price-index-wales-march-2018
G	Affordability Gap G = F-E	£48,650	N/A
H	% discount on open market value H = G / F	28%	N/A NOTE: rounded from 27.7.

Affordability Level = **£126,676**.

Percentage discount on open market value = **28%**.

Therefore, the maximum sale price = **72% of open market value**.

Calculation of financial contributions in lieu of affordable housing on-site (full contribution)

Social rented housing

Number of units in scheme x affordable % target for sub-market area = A

A x ACG £ per unit = B

B x % of ACG = C

C = required financial contribution

Example

A development for 10 units in the Central Powys sub-market area, where Policy H5 requires a contribution of 30% of the total number of units. It has been decided that an on-site contribution would not be appropriate, and therefore a financial contribution is required. The evidenced local housing need is for social rented housing.

The relevant ACG for a 4 person 3 bed home within the Town Council area of Builth Wells (Band 2) on a scheme of 10 homes and under is £174,300.

$$10 \text{ (number of units)} \times 0.30 \text{ (affordable \% target for Central Powys)} = 3 \text{ (A)}$$

$$3 \text{ (A)} \times 174,300 \text{ (ACG £ per unit)} = 522,900 \text{ (B)}$$

$$522,900 \text{ (B)} \times 0.58 \text{ (\% of ACG)} = £303,282 \text{ (C)}$$

Therefore, the required financial contribution will be **£303,282**.

Calculation of financial contributions in lieu of affordable housing on-site (part contribution)

Intermediate rented housing

Number of units in scheme x affordable % target for sub-market area = A

A x Market Value of affordable unit = B

B x Maximum Sale Price (%) = C

C = required financial contribution

Example

A development for 5 units in the North Powys sub-market area, where Policy H5 requires a contribution of 10% of the total number of units. As the contribution does not equate to a whole unit, a financial contribution is required. The evidenced local housing need is for intermediate rented housing.

The open market value of the unit put forward by the developer is £165,000 unit.

The % discount on open market value is 28% which equates to a maximum sale price of 72% of open market value.

$$5 \text{ (number of units)} \times 0.10 \text{ (percentage \% for North Powys)} = 0.5 \text{ (A)}$$

$$0.5 \text{ (A)} \times 165,000 \text{ (open market value of affordable unit)} = 82,500 \text{ (B)}$$

$$82,500 \text{ (B)} \times 0.72 = 59,400 \text{ (C)}$$

Therefore, the required financial contribution will be **£59,400**.

Calculation where affordable housing contribution equates to whole units and a part unit

Intermediate affordable housing for sale

Number of units in scheme x affordable % target for sub-market area = A

A x Open Market Value of affordable unit = B

B x Maximum Sale Price (%) = C

C = required financial contribution

Example

A development of 12 houses in the Severn Valley sub-market area, where Policy H5 requires a contribution of 20% of the total number of units. The required contribution would be 2.4 units (12 x 20%) therefore 2 units would be provided on site as part the development, with 0.4 of a unit provided as a financial contribution. The evidenced local housing need is for intermediate affordable housing for sale.

As 2 units are provided on site, the remaining 0.4 unit would be calculated as a financial contribution.

The open market value of the unit put forward by the developer is £135,000 unit.

The % discount on open market value is 28% which equates to a maximum sale price of 72% of open market value.

12 (number of units) x 0.20 (percentage % for Severn Valley) = 2.4

Part unit to be provided as a financial contribution = 0.4 (A)

0.4 (A) x 135,000 (open market value of affordable unit) = 54,000 (B)

54,000 (B) x 0.72 = 38,880 (C)

Therefore, the required financial contribution will be **£38,880**.

APPENDIX C Local need assessment process

There are two main elements to the assessment of the local need of a proposed occupier(s) for affordable housing, which is normally based on the need of the household:

- an assessment of the **Local Connection** of the household with the area within which the dwelling is proposed or is located
- an assessment of the **Financial/Personal Circumstances** of a household i.e the ability of the household to afford market housing.

This assessment process applies in the same way to initial and subsequent occupiers of affordable housing.

Local Connection

In order to demonstrate a Local Connection proposed occupier(s) of affordable housing must comply with the following criteria. The proposed occupier(s) must:

- | |
|--|
| <ul style="list-style-type: none">• Have lived in, volunteered in or studied in the Local Community for a period of at least 12 months at the time of application; OR• Have previously lived in the Local Community for a period of at least 3 consecutive years and wish to live there; OR• Have a firm offer of employment in the Local Community or be currently employed in the Local Community; OR• Have close relatives who have lived in the area for the last 5 years continuously; OR• Wish to provide full time care to a resident in the Local Community. |
|--|

Evidence relating to the above circumstances must be submitted to the Council, such as evidence confirming the current and previous address, record of employment or employment offer, health records, etc. The submitted evidence will be treated confidentially and will be used solely for the purpose of assessing the applicant's need in connection with the planning application or eligibility to occupy an existing affordable dwelling.

The Local Community, as referred to in the above criteria, is defined as the Town/Community Council area where the dwelling (proposed or existing) is located, together with immediately adjoining Town/Community Council areas. This definition also includes adjoining Parish Council areas outside Powys, which takes into account the cross-border connections with adjoining areas outside of the County.

In order to ensure that priority is given to those in local housing need, but also to ensure that an eligible occupier(s) should be capable of being found for an affordable house for sale or rent, the LDP definition of local need includes an occupancy cascade. This allows for the definition of Local Community to be widened to cover parts of and then the entire Council area and adjoining local authority areas, in circumstances where an eligible occupier cannot be found within the Local community. The occupancy cascade is as follows:

- | |
|--|
| <ol style="list-style-type: none">i) Initially, the Town/Community Council area together with immediately adjoining Town/Community Council or Parish Council areas (including those outside Powys);ii) Secondly, the respective shire (Montgomeryshire/Radnorshire/Brecknockshire);iii) Thirdly, the rest of Powys;iv) Fourthly, adjoining authority areas. |
|--|

Substantial efforts must be made for at least 3 months and satisfactory proven prior to the widening of the eligible area in accordance with each step of the cascade set out above.

Therefore, such efforts must be made to find an occupier within or adjoining the Town/Community Council/Parish Areas where the dwelling is located for an initial period of 3 months, before the eligible area is widened to the respective shire for a further 3 months, and so on.

If, following the above efforts, an occupier has not been found after a 12 month period, the applicant may consider applying to remove/vary the condition or details within the Approved Housing Scheme or to discharge/modify the planning obligation (if entered into under a section 106 agreement). The application must provide evidence of the marketing of the dwelling for sale and rent for a minimum of 12 months in order to test the continuing need for the affordable housing. The housing must be marketed at a price that realistically reflects the occupancy restriction, the basis for which should reflect the set % discount on open market value (currently set at 28%) either as agreed or at the time of the marketing, and should be agreed with the Council prior to marketing.

NOTE: The above cascade will apply in all cases, except for situations where an approved mortgagee is in possession of an affordable dwelling (where the owner has defaulted on the mortgage). The Council recognises that re-possession is relatively rare, and also recognises the obligations of the approved mortgagee in these circumstances. Therefore, the approved mortgagee will not be required to follow the above cascade. However the approved mortgagee shall, instead, offer the Affordable Housing Unit, in writing to the SHA and to RSLs operating in Powys at the agreed or revised Maximum Sale Price (currently 72%). If, after a 2 week period, the offer is not accepted, the approved mortgagee may dispose of the affordable housing on the open market and shall notify the Council of this in writing within 14 days of such disposal.

Financial/Personal Circumstances

In order to be eligible for affordable housing, it must be demonstrated that the proposed occupier(s) is not able to afford market housing. This will involve an assessment of the financial and personal circumstances of the proposed occupier(s) carried out by the Council.

The Council will take certain principles into account in assessing whether a household is able to afford market housing in the local area and will take into account relevant evidence submitted in support of the application. In order to be in need of an affordable dwelling, the income of the household will be insufficient to purchase or rent a dwelling on the open market that would be suitable to meet the household's needs. This may apply in the following circumstances:

For social rented housing, the circumstances of a household will be assessed in accordance with Common Allocations Scheme. For intermediate forms of housing, in order to meet the eligibility criteria of the Affordable Housing Register (Tai Teg), the annual gross disposable income of the household should not be more than £45,000, however this will depend on the specific type of housing applied for. In assessing the financial circumstances of a household as part of the planning process, consideration may be given to local factors, including housing availability and house prices, particularly in high value areas of the County, subject to the submission of relevant supporting evidence.

AND the occupier(s) is a first-time buyer(s), however those who have already or recently owned a home may have exceptional circumstances, for instance where the current home is unsuitable to meet the household's needs due to affordability, family size, relationship breakdown or other specific needs. Also, where the occupier(s) currently owns an affordable dwelling, they will be allowed to move into a different sized affordable property where a change in household circumstance or household size is demonstrated.

To support a planning application, applicants or prospective occupiers are encouraged to register on the Common Housing Register or the Affordable Housing Register hosted by Grwp Cynefin (Tai Teg), as this will involve an assessment of their circumstances and will confirm their eligibility to occupy a particular dwelling/tenure. This will also enable occupiers to search for existing affordable housing in the local area that they may be eligible for.

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APPENDIX D Viability considerations and financial information requirements

The viability of a development should be assessed using the residual valuation approach, which is based on the amount remaining after the Gross Development Costs (GDC) of a development is deducted from the Gross Development Value (GDV) taking into account an appropriate level of developer's profit/return.

Some of the key aspects and principles involved in a viability assessment are summarised below.

Land value negotiations over purchasing land should take into account full planning policy requirements (such as affordable housing contributions and other contributions) any other known cost requirements and any known abnormal site conditions or constraints into account, and should be based on the existing land value, along with a reasonable level of uplift to incentivise the landowner to sell.

House values should be based on prices paid on comparable development schemes taking into account the type and locations of properties involved and should reflect an appropriate mix of housing types and tenure.

Build costs should normally be based on site specific evidence, including reported cost estimates or invoices, and they should not normally exceed the published Build Cost Information Service (BCIS) data reflecting the type of housing proposed and size of development site.

Sprinkler system costs should be included as it is a legal requirement. An allowance of £3,075 per house and £875 per flatted dwelling should normally be made as per the estimate provided by the Welsh Government.

Other normal costs associated with development include roads, parking, footpaths, drainage, services, landscaping, drainage, flood prevention, archaeological investigation, ecological mitigation, and associated surveys, and should be based on detailed site specific requirements.

Abnormal site costs associated with the development are usually seen as costs which could not have been reasonably anticipated in advance or are of a highly exceptional nature (and which would not be included within the BCIS rate). Typically, abnormal costs may constitute items such as unusual site levelling, demolition, additional foundation costs where ground conditions are poor, provision of roundabouts/traffic lights for site access, cost of remediation for contaminated sites etc.

Other section 106 contributions should be accounted for as an anticipated cost and should be based on the requirements set out as part of a proposed planning obligation and by reference to the relevant obligations set out in the Planning Obligations SPG.

Developer profit should reflect the size, characteristics and risk associated with the development/developer involved. It is considered that 17.5% for Greenfield sites and 20% for Brownfield sites should, in most cases, provide a reasonable level of return for developers in Powys. The Developer profit should be accounted for as a cost, however it should be based on a % return on the Gross Development Value of the development.

The LDP's Viability Assessment Update (August 2016) should be referred to for further detail as to the values and costs accounted for within the LDP's evidence base. Where figures accounted for within a site specific financial viability appraisal differ significantly from those included within the LDP's viability evidence, this should be fully explained and evidenced on a site specific basis.

The following information will enable the Independent District Valuers Services to carry out an assessment of development viability of a particular scheme in order to assess the viability of providing contributions required towards affordable housing and other contributions (as set out in the Planning Obligations SPG). This information should be submitted by the applicant/developer in the form of a Financial Viability Appraisal.

Financial Viability Appraisal Checklist

- ✓ Postal address and proposed plans of the scheme, inc. planning application reference.
- ✓ The size (gross and net) and characteristics of the site.
- ✓ Description of the proposal e.g. redevelopment, conversion, proposed uses, no. of units.
- ✓ Gross internal floorspace area of the proposed housing.
- ✓ Affordable housing policy requirements.
- ✓ Any planning obligations required e.g. infrastructure, open space, education, etc.
- ✓ Overview of the factors restricting full delivery of planning policy requirements.
- ✓ Site acquisition cost, stamp duty, and VAT paid.
- ✓ Opinion of the site's Benchmark Land Value along with the reasoning for this.
- ✓ Full details of costs and values associated with the development (see template below).
- ✓ Any other relevant supporting evidence.

1) Gross development value (GDV):

A) Brief description of item being built (e.g. market dwelling, affordable dwelling, office suite etc.)	Gross Internal Area (GIA) of item (sqm)	Number of each item	Value (£s) per item	Total value (£s) of item
B) Brief description of additions to GDV	Area of item (sqm)	Number of each item	Value (£s) per item	Total value (£s) of item
Ground Rents	NA			
Service charges	NA			
Car parking spaces				
Other (please specify)				

2) Development Costs:

A) Normal development costs relating to the development		
Description of cost:	Rate (if applicable):	Total cost (£s):
B) Abnormal development costs relating to the development		
Description of cost:	Rate (if applicable):	Total cost (£s):
C) Developer contributions (s106 & other public realm requirements)		
Description of cost:	Rate (if applicable):	Total cost (£s):

3) Development fees & charges:

Description of item:	% Rate:	% of:	Total cost:
A) Professional fees		Base build cost	
B) Agency & Marketing (Open Market Housing)		GDV	
C) Agency & Marketing (Affordable Housing)		GDV	
D) Agency & Marketing (Commercial development)		GDV	
E) Legal costs associated with disposals		% of GDV or £s per unit	

F) Finance- Debit interest		Borrowing	
G) Finance- Credit interest		Any development surplus	
H) Developer's return (profit) for open market housing		GDV or cost	
I) Developer's return (profit) for affordable housing		GDV or cost	
J) Developer's return (profit) for commercial development		GDV or cost	
K) Other (please specify)			

4) Development periods (for finance calculations)

Description of item:	Assumed start date	Total length of period (months)	Distribution pattern (e.g. straight-line, S-Curve, Weighted etc)
A) Total development period			
B) Construction period (Open market housing)			
C) Construction period (Affordable housing)			
D) Construction period (Commercial development)			
E) Sales period (Open market housing)			
F) Sales period (Affordable housing)			
G) Sales period (Commercial development)			
H) Other (please specify)			

Supplemental notes for Planning Applicants

1. Wherever possible, please provide sales/lettings/other market evidence in support of values listed within your Gross Development Value shown under item 1.
2. Wherever possible, please provide a full QS cost schedule or an explanation (e.g. "cost based on previous tender / completed development" etc) of the assumed costs for all cost items included under sections 2a-2c and section 3a.
3. Wherever possible, please provide an explanation for your other assumptions included under sections 3a-3k and sections 4a-4h.
4. In recognition of the sensitivity of the information supplied it is kept confidential by DVS and we confirm it will not be released beyond those party to our viability report (which, by default, we expect to be limited to the Council and Planning Applicant).

APPENDIX E Summary of the process for implementing policies H5 and H6 and roles within the process

Policy H5

Pre-application

Applicant to apply for pre-planning application advice to discuss the affordable housing and other requirements in connection with the proposed development. The applicant should inform Development Management of any viability concerns at an early stage. Applicants are encouraged to contact an **RSL**, the **SHA** or **equivalent**, to seek their involvement early on.

Development Management, in consultation with the **Affordable Housing Team**, to provide pre-planning application advice to the applicant on the required level and type of affordable housing contribution and initial advice on options for providing affordable housing. Where viability grounds are referred to by the applicant, Development Management to advise on the information requirements and process for assessing this.

Planning application

Applicant to submit a planning application for the proposed development accompanied by information relating to the affordable housing to be provided, including where relevant, a financial viability assessment.

Development Management to consider whether details submitted relating to affordable housing proposals are sufficient and acceptable, taking into account evidence of local need and, where relevant, viability evidence, and to lead on these negotiations. Also, to determine whether it is appropriate to require the contribution to be made on-site, off-site or by financial contribution.

Affordable Housing team to be consulted by Development Management on the affordable housing proposals, and to advise specifically on evidence of local housing need to inform negotiations regarding the amount, type and tenure of affordable housing required. Also, to advise on appropriateness of the different options for providing affordable housing and on arrangements to partner with an **RSL**, the **SHA** or equivalent to deliver the affordable housing element.

Where on-site provision is agreed, **Development Management** to attach a condition to the planning permission requiring an Affordable Housing Scheme to be submitted to the Council for approval prior to commencement of development, alongside a condition withdrawing permitted development rights from the affordable housing, and other necessary and relevant conditions.

Where off-site provision or a financial contribution Development Management to instruct **Legal Services** to draft Section 106 agreement to detail the necessary arrangements. Subject to the signing of the Section 106 agreement by relevant parties and completion of this process, Development Management to issue decision granting planning permission.

Policy H6

Pre-application

Applicant to apply for pre-planning application advice from Development Management to discuss proposals for development of affordable housing on an exception site and other requirements in connection with the proposed development.

Development Management to provide pre-planning application advice based on the approach towards exception sites in the relevant settlement tier and also on siting in relation to the settlement. Also, to advise on the level of evidence of local need required to support an application, in consultation with the **Affordable Housing** team.

Planning application

Applicant to submit a planning application for the proposed development accompanied by information relating to the affordable housing proposed and to submit supporting evidence of their local need or that of the proposed occupier(s).

Development Management to consider whether sufficient detail relating to affordable housing has been submitted as part of the planning application and to assess the acceptability of the proposal, taking into account the submitted evidence relating to local housing need.

Affordable Housing team to assess the evidence of local need submitted by the applicant in order to advise Development Management on whether the circumstances of the applicant/proposed occupier(s) meets the LDP definition of local need.

Development Management to attach a condition to any planning permission granted requiring an Affordable Housing Scheme to be submitted to the Council for approval prior to commencement of development, alongside a condition withdrawing permitted development rights from the affordable housing, and other necessary and relevant conditions.

Applicable to Policies H5 and H6

Application to discharge affordable housing condition

Applicant to submit an Affordable Housing Scheme containing the information as required by the planning condition attached to the planning permission.

Development Management to consider whether the details submitted as part of the Affordable Housing Scheme are sufficiently clear and acceptable in order to ensure that the housing to be provided is affordable and available to those in local need and remains so in perpetuity. Also, where necessary, to request further information or to request changes to the scheme before making a decision on the application.

Affordable Housing team to be consulted for advice on the details submitted in order to ensure that the proposal continues to match the evidence of local need as agreed. **Legal Services** also to be consulted in order to advise on the soundness of the information submitted in terms of ensuring that the condition can be enforced.

APPENDIX F Examples of Affordable Housing Scheme requirements

Market development involving the provision of a combination of social rented housing and intermediate rented housing in a Town or Large Village (policy H5)	
Type	The development will include a mix of [1, 2, 3, 4 bed] [detached, semi-detached, terraced, flats/maisonettes] as shown on the plans approved at reserved matters/full application stage.
Tenure	The tenure mix of the development will comprise of [75%] social rented housing and [25%] intermediate rented housing.
Timing and phasing	No more than 70% of the total number of open market dwellings on the site shall be completed or occupied until the total number of on-site affordable dwellings are completed.
Transfer arrangements of to RSL/SHA/equivalent	<p>A contract agreement is in place to transfer the affordable units or [1 ha] of land to [named RSL, the SHA or named equivalent].</p> <p>No open market units will be completed or occupied until the completed affordable housing units have been transferred to the [named] RSL or SHA, or equivalent.</p> <p>The development will not be commenced until the affordable housing land has been transferred to the [named] RSL, SHA or equivalent for a total consideration of one pound and until a payment to the affordable housing provider has been made to cover the costs of constructing the affordable housing units, based on ACG.</p>
Management arrangements	The intermediate rented housing will be managed by [name], an established landlord.
Dwelling size	<p>The gross internal floorspace of the dwellings will be as per the appropriate notional floor areas in the ACG according to the identified need i.e. [58sqm, 83sqm, 95sqm] and will comply with DQR.</p> <p>The gross internal floorspace of each individual dwelling for intermediate rent (including any attached garage but excluding the thickness of external walls) constructed, or at any point, will not exceed 115 square metres.</p>
Ancillary buildings	Detached ancillary buildings will be single storey and the floorspace of the buildings will not exceed more than 15 sqm.
Plot size	The plot size(s) of the affordable dwelling(s) is [0.2 ha, 0.3 ha, 0.4 ha].
Future sale	The affordable housing will not be sold on the open market by the RSL, SHA, established landlord, or equivalent].
Intermediate rent value	The affordable housing will be rented out at an affordable intermediate rental level that does not exceed 80% of open market value or the full Benchmark Rent Level or Indicative Rent prevailing Local Housing Allowance for the respective band area.
Occupancy criteria (initial and subsequent occupiers)	<p>Initial and subsequent occupiers of the social rented housing will comply with Council's Common Allocations Scheme.</p> <p>Initial and subsequent occupiers of the intermediate rented housing will comply with the LDP's definition of local need.</p> <p>The affordable dwelling will not be occupied by a person other than one who is occupying the dwelling as a sole residence together with dependents.</p>

Development involving a single intermediate affordable house for sale to be developed by an individual (self-build) in a Rural Settlement (Policy H6)	
Type	The development comprises of a single 3 bedroomed detached affordable dwelling, as shown on the plans approved at reserved matters/full application stage.
Tenure	The tenure of the development is an intermediate affordable dwelling for sale which is being provided by the applicant.
Management arrangements	The dwelling will be initially occupied by the applicant as named on the planning application. The occupier will notify the Council of any proposed change in occupancy. Any proposed subsequent occupiers of the dwelling will submit evidence of their local need for assessment by the Council in order to confirm whether they comply with the LDP's definition of local need, prior to their occupation of the dwelling.
Dwelling size	The gross internal floorspace of the dwelling (including any attached garage but excluding the thickness of external walls) constructed is [115 square metres] and will not at any point exceed 115 square metres.
Ancillary buildings	The detached ancillary building will be single storey in height and the floorspace of the building will not exceed more than 15 sqm. The detached building will not be used for habitable purposes.
Plot size	The plot size of the affordable dwelling is [0.1ha]. The residential curtilage relating of the affordable dwelling will not at any point exceed 0.1ha (1000sqm).
Re-sale value	The re-sale value of the affordable dwelling will not exceed the maximum sale price of [72%] of the open market value, which is the open market house value determined by a RICS Chartered Surveyor and reduced by the percentage discount of [28%], or as set by the Council based on the affordability level as calculated on the date that the sale of the property is agreed.
Occupancy criteria (initial and subsequent occupiers)	Initial and subsequent occupiers of the affordable house will comply with the LDP's definition of local need. The Council has confirmed that the applicant who is the initial occupier complies with this definition. The local need of proposed subsequent occupiers will be assessed by the Council in order to ensure that they comply with this definition. The affordable dwelling will not be occupied by a person other than one who is occupying the dwelling as a sole residence together with dependents.

APPENDIX G Contact details

Powys County Council Planning Policy

ldp@powys.gov.uk

Powys County Council, Planning Services, The Gwalia, Ithon Road, Llandrindod Wells, LD1 6AA

Tel: 01938 551083 / 01597 827288

www.powys.gov.uk/en/planning-building-control/local-development-plan/

Powys County Council Development Management

planning.services@powys.gov.uk

Powys County Council, Planning Services, The Gwalia, Ithon Road, Llandrindod Wells, LD1 6AA

Tel: 01597827161

www.powys.gov.uk/en/planning-building-control/

Powys County Council Affordable Housing

Affordable.housing@powys.gov.uk

Powys County Council, Old College, Station Road, Newtown SY16 1BE

Tel: 01597 827464

www.powys.gov.uk

Registered Social Landlords operating in Powys:

First Choice

customerservices@fcha.org.uk

Avon House, 19 Stanwell Road, Penarth, Vale Of Glamorgan, CF64 2EZ

Tel. no. 02920 703758

<http://www.fcha.org.uk/>

Grwp Cynefin

post@grwpcynefin.org

Tŷ Silyn, Penygroes, Caernarfon, LL54 6LY

Uned 8 Gweithdai Penllyn, Y Bala, LL23 7SP

54 Stryd y Dyffryn, Dinbych, LL16 3BW

33-35 Stryd Fawr, Llangefni, LL77 7NA

Tel: 0300 111 2122

<http://www.grwpcynefin.org/en/>

Melin Homes

enquiries@melinhomes.co.uk

Melin Homes, Ty'r Efail, Lower Mill Field, Pontypool, Torfaen NP4 0XJ

Tel: 01495 745910

<https://www.melinhomes.co.uk/>

Mid Wales

info@mid-walesha.co.uk

Tŷ Canol House, Ffordd Croesawdy, Newtown, Powys, SY16 1AL

Tel: 0300 111 3030

<https://www.mid-walesha.co.uk/>

Newydd

enquiries@newydd.co.uk

St David's House, New Church Street, Newtown, Powys, SY16 1RB

Tel: 0303 040 1998

<http://www.newydd.co.uk/>

Pennaf

enquiries@pennaf.co.uk

Tel: 01745 538300

<http://www.pennaf.co.uk/>

Pobl Group

contact@poblgroup.co.uk

The Old Post Office, Exchange House, High Street, Newport, NP20 1AA

Tel: 01633 679911

<https://www.poblgroup.co.uk/>

Wales & West

contactus@wwha.co.uk

Head Office, Archway House, 77 Parc Tŷ Glas, Llanishen, Cardiff, CF14 5DU

Tel: 0800 052 2526 or 029 2041 5300

Tai Teg, Grwp Cynefin

info@taiteg.org.uk

PO Box 167, Caernarfon, LL55 9BP

taiteg.org.uk

National Community Land Trusts Network

info@communitylandtrusts.org.uk

7-14 Great Dover Street, London, SE1 4YR

Tel: 020 3096 7790

www.communitylandtrusts.org.uk/

Powys Local Development Plan (2011 to 2026)

Supplementary Planning Guidance Planning Obligations October 2018

Mae'r ddogfen hon hefyd ar gael yn Gymraeg

This document is also available in Welsh



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PART 1

1. Introduction

1.1 This guidance supplements the policy relating to planning obligations contained in the Powys Local Development Plan (LDP) (2011-2026)¹, which was adopted by Powys County Council on the 17th of April 2018. It has been prepared to assist decision-making on planning applications within the Powys LDP area. This guidance does not apply to areas of the County of Powys located within the Brecon Beacons National Park Authority area (BBNP).

1.2 This Supplementary Planning Guidance (SPG) is intended to be read alongside the relevant policies of the LDP (see Section 4), along with any other related adopted SPG. The guidance within the Affordable Housing SPG, in particular, complements this guidance in respect of using planning obligations for affordable housing purposes.

1.3 It is important that sufficient new development is secured to meet the needs of our communities. It is similarly important to ensure that the impacts of new development are addressed by the planning system where possible.

1.4 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. The Council considers that it is appropriate to expect developers to pay for, or contribute to, improvements to infrastructure that would not otherwise be needed. This SPG has been prepared to explain how the Council, through relevant LDP policy, will use planning obligations to secure such improvements.

2. Purpose of the guidance

2.1 In determining planning applications the Council must assess the impacts of new development and, where possible, identify means by which negative impacts can be mitigated. The planning system provides a mechanism for achieving mitigation through legally binding agreements known as Section 106 (S.106) Agreements. Such agreements between a developer, or developers, and the Council as Local Planning Authority (LPA) and, where appropriate, other parties, detail all the planning obligations that need to be fulfilled to enable the development to be implemented. In cases where development is unacceptable due to negative impacts which cannot be suitably mitigated, planning permission should be refused.

2.2 The purpose of this guidance is to assist in the delivery of development by providing more information on:

- The types of development likely to require planning obligations and the thresholds and trigger points that apply to different types of development;
- The approach and procedures the Council will apply where obligations are required;
- The scale and, where appropriate, the mechanism for calculating the obligation.

¹
http://pstatic.powys.gov.uk/fileadmin/Docs/Planning/LDP/LDP_2018/Adoption/Adopted_Powys_LDP_Written_Statement_April_2018.pdf

2.3 All planning applications will be considered on their merits and planning obligations will be negotiated in accordance with Welsh Office Circular 13/97 and Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations (see Section 4).

2.4 This SPG establishes the national and local legislative and policy framework for planning obligations and provides additional detail on the following topic areas for which Powys County Council will seek obligations:

1. Affordable Housing*;
2. Education;
3. Leisure, Recreation and Open Space*;
4. Transportation and Access;
5. Welsh Language;
6. Other topic areas referenced in the LDP.

*note that separate, more detailed SPG are to be published on Affordable Housing and Open Space.

2.5 Whilst the above topic areas are accentuated in this SPG as they are the most common obligations with respect to typical development schemes in the Powys LDP area, as each planning application is assessed on its merits there will always be scope for other relevant obligations depending on the case specifics.

3. Status of the guidance

3.1 This SPG supports policies in the adopted Powys Local Development Plan (2011-26)². It has regard to relevant national planning policy and legislation and other available guidance and information.

3.2 This SPG was adopted by the Council on 9th October 2018. It has been prepared in accordance with the Council's approved Protocol for Preparation and Adoption of SPG (June 2018)³, which includes a Community Involvement Scheme. It has been drawn up with reference to an expert topic stakeholder group and subject to a six week public consultation stage undertaken 11th July - 21st August 2018. A summary of the responses received to the public consultation along with an explanation as to how the responses have been addressed can be found within the SPG Consultation Statement.

3.3 While only policies in the LDP have special status in the determination of planning applications, this SPG will be taken into account as a material consideration in the decision making process.

²

[http://pstatic.powys.gov.uk/fileadmin/Docs/Planning/LDP/LDP_2018/Adoption/Adopted Powys LDP Written Statement April 2018.pdf](http://pstatic.powys.gov.uk/fileadmin/Docs/Planning/LDP/LDP_2018/Adoption/Adopted_Powys_LDP_Written_Statement_April_2018.pdf)

³ http://pstatic.powys.gov.uk/fileadmin/Docs/Planning/LDP/LDP_2018/SPG_2018/SPG_Protocol_June_2018.pdf

PART 2

4. Legislative Background and Policy Context

National Context

Town and Country Planning Act 1990

4.1 The legislative basis for planning obligations is S.106 of the Town and Country Planning Act 1990 (“the 1990 Act”) (as amended). Typically obligations are negotiated in the context of granting planning permission and are used to secure provisions, to enable the development of land, that are not suitable or capable of being contained in a condition attached to the planning permission. The agreement is made between the Council and persons with an interest in the land.

4.2 Planning obligations can also be given unilaterally to the Council by the persons with an interest in the land (Unilateral Undertaking). Unilateral Undertakings are commitments offered by the applicant to the LPA with the intention of overcoming any obstacles that may arise in preventing the awarding of planning permission. They can be offered by the developer at any stage in the planning process and are usually drafted by solicitors representing the developers.

4.3 S.106 of the 1990 Act enables planning obligations to:

- Restrict development or use of land;
- Require specific operations or activities to be carried out in, on, under or over the land;
- Require land to be used in a certain way;
- Require a sum or sums of money to be paid to the Council to help mitigate the impact of the development.

4.4 Planning obligations secured by way of an agreement or Unilateral Undertaking under S.106, are registerable land charges which are binding on the land and are therefore enforceable against all successors in title.

Welsh Office Circulars and Planning Policy Wales (PPW)

4.5 Welsh Government advice and guidance on planning obligations is contained in Circular 13/97 (Planning Obligations). Planning obligations should play a positive role in the planning system. When used properly they can remedy genuine planning problems and enhance the quality of development. However, the Circular reminds local planning authorities and developers to place more emphasis on the overall quality of a development proposal than on the number or nature (or value) of planning benefits they can obtain or offer.

4.6 Circular 13/97 re-iterates two broad objectives of the planning system, i) that it operates in the public interest and ii) that it fosters sustainable development by providing homes, investment and jobs in a way that adds to rather than detracts from the quality of the environment. In seeking to enter into planning obligations with a developer, such arrangements must be operated in accordance with the fundamental principle that planning permission may not be bought or sold. In accordance with Circular 13/97 planning obligations should only be used where they are:

- Necessary
- Relevant to planning
- Directly related to the proposed development
- Fairly and reasonably related in scale and kind to the proposed development
- Reasonable in all other respects

4.7 Planning Policy Wales (PPW) (Edition 9, November 2016) sets out the key requirements of the 1990 Act and Circular 13/97, providing national context for development plan policies. PPW is supplemented by a number of topic based Technical Advice Notes (TANs).

4.8 Both planning conditions and planning obligations are tools used to ensure that development, which might otherwise be refused, is acceptable in planning terms.

4.9 Conditions on a planning permission can enable many development proposals to proceed where it would otherwise be necessary to refuse planning permission and the Council has wide-ranging powers under the 1990 Act to impose them. Where there is a choice between imposing conditions or entering into a planning obligation, the use of a condition is preferable. Conditions should comply with Circular 16/2014 (the Use of Planning Conditions for Development Management) which sets out the six policy tests, as determined by the Courts, applicable to the validity of planning conditions. They should be:

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

Circular 16/2014 contains model conditions. In granting conditional planning permission, the Council is obliged to give clear and precise reasons for the imposition of every condition.

4.10 Conditions cannot be used to require works on land outside the application site or outside the control of the applicant and they cannot be used to collect financial contributions. Therefore S.106 agreements are used both to secure off-site works and to secure financial contributions in lieu of the developer providing direct benefits. Financial contributions can also be sought through S.106 agreements to provide for upkeep and long term maintenance.

Community Infrastructure Levy (CIL)

4.11 The CIL is a levy that Councils can choose to charge on new developments in their area to fund infrastructure that the Council and local community want. Unlike contributions under S.106 agreements, the CIL once in force is non-negotiable. The CIL Regulations 2010 came into force on 6th April 2010 and have implications for the range and nature of contributions sought through planning obligations during the Plan period.

4.12 Regulation 122 gives legal effect to three of the established tests for planning obligations, requiring obligations to be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and

- Fairly and reasonably related in scale and kind to the development.

4.13 Primarily to encourage the take-up of the levy, CIL Regulation 123 with effect from April 2015, restricted the use of planning obligations, so that “pooled” contributions intended to serve new infrastructure are limited to a maximum of five. This means that, where relevant, up to five separate developments could be required, through S.106 agreements to contribute, for example, to the provision of a particular roundabout to improve the local highways infrastructure and mitigate the traffic impacts of the new development but no further obligations could be sought towards that same purpose from subsequent developers. Equally the Council cannot fund any general infrastructure provision (where no specific project is identified, e.g. education in broad terms) once the limit of five separate contributions has been reached as calculated from a base-date in April 2010 (when the CIL Regulations came into force).

4.14 In practice, the effect of Regulation 123 has meant that those Councils who are not CIL charging authorities (at 1 October 2016, only three of the 22 Welsh Councils had a CIL charging schedule in place) have been careful to work within the restrictions set out in the CIL Regulations. S.106 monies can still be sought and combined where necessary to fund development-specific items, or identified infrastructure “project pots” within the locality, as long as each item or project pot accepts no more than five contributions. This detailed approach complies with the CIL restrictions on pooled funding pots by focussing on local needs (relevant to the development in question) and not attempting to fund general infrastructure across a wider area (which would better suit a CIL charging schedule).

4.15 As CIL is concerned with infrastructure provision, other locally-specific mitigation matters (e.g. biodiversity measures) are not affected by the restrictions. Furthermore the CIL regulations do not apply in respect of affordable housing.

4.16 As of July 2018, Powys County Council had not introduced a CIL charging schedule as it had assessed all of the essential infrastructure needed to deliver the Local Development Plan strategy and established that it could be delivered through other mechanisms outside the remit of CIL. The Council will continue to rely on planning obligations where relevant to provide necessary facilities.

4.17 The Council will continue to monitor the suitability of introducing a CIL in the light of emerging guidance and legislation.

Local context

4.18 The policy context for negotiating planning obligations is contained in Policy DM1 of the Powys LDP:

Powys Local Development Plan (2011-2026)

Policy DM1 – Planning Obligations

Planning obligations will be sought by agreement with applicants, where necessary, to ensure that:

- 1. The development provides for adequate infrastructure necessary to serve the proposal, and that satisfactory maintenance and / or restoration arrangements are achieved;**
- 2. Significant adverse socio-economic and environmental impacts are addressed and mitigated;**
- 3. Benefits are secured in the public interest to meet the additional demands of development proposals on local communities.**

Where on-site provision or mitigation is not appropriate, off-site provision, or a financial contribution towards it, may be sought.

Should it be demonstrated that for viability reasons not all of the identified contributions can be reasonably required, priority will be determined on the basis of the individual circumstances of each case.

4.19 The policy recognises the requirement set out in PPW and Circular 13/97 in relation to the tests for the use of planning obligations. The Plan's reasoned justification to Policy DM1 includes a broad list of the types of obligation which may be sought:

- Essential infrastructure or utilities.
- The provision of affordable housing within residential developments.
- Community, educational, health, recreation, leisure and open space facilities.
- Transport infrastructure including sustainable transport measures and the rights of way network.
- Renewable/low carbon energy infrastructure.
- Ecological mitigation.
- Welsh Language mitigation.
- Other facilities and services and/or mitigation measures as considered necessary.

Links to Other LDP Policies⁴

4.20 Many of the issues identified by Policy DM1 are contained within the suite of LDP Development Management (DM) policies (DM2-DM16) which set out the matters which must be addressed in order for development to proceed. DM policies include those on the natural environment (DM2), public open space (DM3), development in Welsh speaking strongholds (DM12) and design and resources (DM13).

4.21 In assessing planning applications, the Council may determine that planning conditions and/or planning obligations are suitable in order to make otherwise unacceptable development, acceptable.

4.22 LDP strategic and topic based policies on affordable housing (SP3, H5, H6), renewable energy (RE1), and minerals restoration and aftercare (M5) also reference the potential for planning obligations. Note that some topic based policies in the LDP will be supported by individual SPG, for example on Affordable Housing which, when available, should be read alongside this SPG. The full programme of SPG is listed in Appendix 2 of the LDP.

4.23 Appendix 1 of the LDP provides details on the Plan's housing and employment sites ("site allocations") and includes commentary on the constraints already identified at site level which may necessitate a S.106 agreement in order to make the proposed development acceptable in planning terms.

5. The use of planning obligations by Powys County Council

General Principles

5.1 Planning obligations can be used to address the impacts of new development. Some forms of development place added strain on existing infrastructure. This increased strain would not necessarily have arisen if not for the development proposal. For a development proposal to be acceptable, the provision of, or contribution towards, new or existing infrastructure may be required to meet the additional needs arising as a direct result of the implementation of that particular proposal.

5.2 In real terms, for example, a new residential development may result in an influx of people into a community placing additional pressure on existing infrastructure such as local schools. Large scale residential development may warrant the construction of a new school, whereas relatively modest development may only require improvements to the existing facilities, e.g. a new classroom or improved school sports facilities.

5.3 Planning obligations can also help ensure that new development is fully integrated into the local environment which is essential if more sustainable forms of development are to be promoted. Planning obligations may also be used to either restrict specific forms of development, or encourage and promote the provision of others, for example, in relation to the development of affordable housing.

4

http://pstatic.powys.gov.uk/fileadmin/Docs/Planning/LDP/LDP_2018/Adoption/Adopted_Powys_LDP_Written_Statement_April_2018.pdf

5.4 All planning applications which meet the thresholds and triggers set out in detail in Part 3 of this SPG (Topic Specific Planning Obligations) will be required to make contributions in light of this SPG. This includes applications for the renewal of extant planning permissions. Likewise, material changes in planning circumstances will be considered regarding Section 73 applications (often used to extend the times limits on a planning permission), the practical effect of which is to grant a fresh consent.

5.5 Each planning application will be considered in line with Policy DM1. Obligations relating to matters not specifically covered by this SPG may be sought where there is sufficient robust evidence to justify such obligations.

5.6 Developers should make themselves aware of the likely planning obligation requirements associated with a proposed development. This has a direct bearing on development viability, and should be considered in any land-value negotiations surrounding land purchase. Work undertaken by developers at the pre-application stage should assist in informing likely requirements.

Costs

5.7 Applicants will be required to pay the costs incurred by the Council in administering, drafting and completing the agreements. The applicant will be advised of the likely scale of such costs at the outset.

When Can Obligations Be Applied?

5.8 It is expected that discussions will take place at an early stage between the Council and the developer prior to the formal submission of the planning application. This will allow for the early consideration of the issues specific to both the development proposal and the site location.

5.9 The S.106 agreement will usually be drafted by Legal Services within the Council. A standard S.106 template is available on request. Should a developer wish to draft the initial legal agreement instead of the Council, this option would need to be discussed and agreed in advance with the Council's Legal Services.

5.10 As detailed in paragraph 4.6, planning obligations may only be applied where a number of criteria have been satisfied. One of the criteria is that the contributions must be fair and reasonable in the context of the scale and type of development that is proposed.

5.11 As a general rule, unless otherwise identified in the LDP, planning obligations are most likely to be sought for “major” development which is defined in planning law (Town and Country Planning (Development Management Procedure) (Wales) Order 2012) as the “*winning or working of minerals, or use of the land for mineral working deposits; waste development; the provision of 10 or more dwelling houses or the site is 0.5 ha or larger; the provision of building or buildings where the floor space to be created by the development is 1000sq m or more; or, development carried out on site having an area of 1ha or more*”, provided the impacts of the development are significant and can be readily identified and assessed. However, each case will be considered on its individual merits.

5.12 In accordance with national policy and advice and the approach taken by Planning Inspectors in appeal decisions, the Council will only seek to use a planning obligation where the matter(s) cannot be adequately addressed by planning condition.

Types of Developer Contributions

5.13 Planning obligations can take various forms and the nature of the contribution that developers can make will depend on the specific circumstances of the location of the development site and the scale and type of development scheme that is being proposed. The types of contribution are:

- **In Kind or Direct Provision**

5.14 This is where the developer builds or directly provides the proposed subject of the planning obligation, for example a children's play area or affordable housing. Such provision may often be made within the development site in question. The issue of whether the developer should provide the mitigation measures in kind or whether the Council or another organisation would be in the best position to provide the necessary works will be determined on a case by case basis and will be addressed via the negotiation involving all interested parties.

5.15 In general terms, as identified in Policy DM1, it is considered appropriate for obligations to be provided in kind and on-site. Other types of contribution (off site or financial) are generally the exception rather than the norm. However, in the case of public open space, Policy DM3 acknowledges that this type of obligation may be provided on or off site depending on the local context and circumstances.

5.16 In the case of affordable housing, when provided 'in kind' by a developer, it forms an integral part of the overall proposal for new residential development. The developer can make direct provision either by themselves or in partnership with others. Given the particular need for social rented accommodation in Powys, private developers will be expected to partner with a Registered Social Landlord (RSL) or equivalent (see Policy H5, paragraph 4.6.17) so as to secure the right type and tenure of affordable homes within open market housing developments.

5.17 Where obligations are to be delivered 'in-kind' by a developer, the facilities can be provided at one particular time, or in a phased manner when there are identified advantages in providing the relevant facilities over time to match stages in the development process. The negotiation process will establish the most appropriate approach to apply on a case by case basis.

- **Financial Contributions (also known as Commuted Sums)**

5.18 In some cases it will be more appropriate for the developer to make a financial contribution to fulfil the planning obligation rather than directly provide infrastructure or facilities.

5.19 Planning obligations in the form of financial contributions can be made by developers as a one-off contribution or as a series of payments phased over time, depending on a range of factors including the scale of the facilities involved and the timetable for delivery of the obligation.

5.20 Where such payments are phased over a significant period of time then it will be necessary to ensure that the agreed sums of money retain their relative value (i.e. Index-Linking).

5.21 The guidance in Part 3 of this document includes further detail on how financial contributions are expected to be managed and utilised for each topic area. For example, the handling of monies for affordable housing will be the responsibility of the Council's Strategic Housing Authority.

- **Pooled Contributions**

5.22 It is anticipated, given the requirement that planning obligations should relate to the development, that financial contributions secured through planning obligations will be spent in the vicinity of the development site.

5.23 In circumstances where a number of development proposals are in close proximity and where the cumulative impact of the development would require specific issues to be addressed, the Council, having full regard to the requirements set out within the CIL Regulations, may combine contributions from the individual development proposals.

5.24 This will help ensure that the need for infrastructure improvements can be effectively and equitably addressed with all parties making an appropriate contribution.

5.25 Regulation 123 of the CIL Regulations limits the number of infrastructure planning obligations (excluding affordable housing) that can be combined (or pooled). This means that once five contributions to a scheme/infrastructure improvement have been made, the Council cannot request further S.106 contributions from any developer towards that specific scheme/infrastructure improvement.

5.26 To assist in transparency and open-ness and to enable effective monitoring for compliance with the restrictions set by CIL, the S.106 will be expected to specify the amount of contribution, the project (infrastructure pot) and the geographical area within which the money will be spent.

5.27 In cases where a S.106 agreement makes provision for a number of staged payments as part of a planning obligation, these payments will collectively count as a single obligation.

Who May Enter Into a Planning Obligation with the Council?

5.28 Planning obligations run with the land and are enforceable against the original landowner or owners and anyone subsequently acquiring an interest in the land.

5.29 As such it is expected that those parties with an interest in the land in question at the point in time that the S.106 agreement is signed will be expected to enter into planning obligations.

Establishing a Consistent Process

5.30 The process of determining planning obligations can inevitably take time given the level of discussion and negotiation that can be involved before matters are agreed. This SPG can play an integral role in helping to speed up the process by giving developers a firm indication of the type of obligation they will be expected to enter into.

5.31 The process will involve a number of key stages:

- Establishing the impact of the proposed development - this will depend upon a number of factors including the scale and nature of the proposed development;
- Establishing the need for a developer contribution - this will depend upon a number of factors including the geographical location, the timing of the proposed development and the existing level of infrastructure provision; and
- Determining the scale and type of developer contribution.

5.32 For some planning obligations, the identification of a set formula which can be applied consistently in specific circumstances to calculate the scale of the obligation provides a level of predictability and clarity within the overall process for the benefit of all parties. Where set formulae have been determined by the Council they are detailed in Part 3 of this SPG (Topic Specific Planning Obligations).

5.33 Early discussions with relevant officers can establish whether such a formula will be applicable in an individual case. Where this is the case, it is hoped that many applicants will be able to gauge the likely scale and cost of the planning obligations that will be expected by the Council and will be able to factor this in with regard to land-value negotiations and to their detailed proposals and plans for a site. This has the benefit of potentially reducing delays in the application and approval process.

Summary of Development Thresholds and Trigger Points

5.34 Some forms of planning obligation will be subject to thresholds (i.e. points at which a planning obligation will be sought). Table 1 provides a summary of the thresholds detailed in the LDP, whilst Part 3 of this SPG (Topic Specific Planning Obligations) provides further detailed guidance related to these topic areas.

Table 1 Development Thresholds for Planning Obligations

Type of Contribution	Applies to (types of development)	Threshold
Affordable Housing	Residential	The threshold is set at 5 dwellings or 0.25 ha.
Public Open Space	Residential	The threshold is set at 10 dwellings.
Welsh Language	Residential development in the Community Council Areas identified as Welsh Speaking Strongholds (where more than 25% of the population speak Welsh).	The threshold is set at 10 dwellings.

5.35 Where a site is subdivided, the Council will treat such sites in their totality if the schemes, together, would accommodate more than the threshold number of dwellings. Under such circumstances, each subdivided plot will be required to provide a contribution towards the relevant obligation proportionate to its size and relative to the overall site requirements for such facilities. Where the new development involves more than one developer, the Council may seek joint contributions from developers to implement or pay for improved facilities/services.

5.36 Similarly in cases where the Council consider there to be deliberate underdevelopment of a site to avoid the relevant planning obligation threshold, the Council will consider whether the requirement should still apply. In assessing the case of underdevelopment the Council will have regard to Policy H4 which sets out the housing densities considered appropriate to most sites. Where the density of a housing development falls below the relevant guide ranges, and appears to have been done so as to either avoid or reduce the contributions required, applications may be refused.

5.37 Planning obligations are identified at the time that planning permission is granted, but they don't normally become effective until the implementation of the planning permission. The decision

notice will not be issued until the S.106 agreement has been signed by all parties and legally completed. Where a planning obligation has been drawn seeking a developer to provide facilities, services or commuted sums, the S.106 will provide trigger points which specify when a particular planning obligation is due to ensure that the delivery of those obligations are timely. Trigger points can also allow for the planning obligations to be met in a phased manner. A common trigger point in agreements is that the obligation is due upon the construction/occupation of a particular unit of accommodation.

5.38 The process of discussion and negotiation between the Council and the applicant will establish which thresholds are relevant to the development proposal in question and which trigger points may be appropriate and how they will be applied.

6. How agreements are established

Introduction

6.1 Not all development proposals will be subject to planning obligations. Each case will be considered on its individual merits but it is generally expected (see paragraph 5.11) that only those proposals for development where the impacts are significant and can be readily identified and assessed will require a planning obligation in line with the requirements of the CIL Regulations and Welsh Office Circular 'Planning Obligations' 13/97.

6.2 Each planning application will be considered in line with Policy DM1 of the LDP and those planning applications which meet the thresholds shown in Table 1, as further detailed in Part 3 of this SPG, will be required to make contributions in light of this SPG. The topic based guidance in this document does not preclude the Council seeking other contributions where they meet the statutory tests and enable an otherwise unacceptable development proposal to be acceptable.

Step by Step Guide

6.3 Figure 1 explains the procedures the Council and applicant take to establish the S.106 agreement.

Scope of Agreements

6.4 Whilst all S.106 agreements are unique, in addition to the statutory requirements, it is expected that they will usually contain the following:

- Date of the agreement;
- Identification of the parties involved;
- Definition of any terms contained within the document;
- Site and development proposal details;
- Relevant conditions;
- Details of any provisions or restrictions required under the agreement; and
- Signatures of all the parties involved.

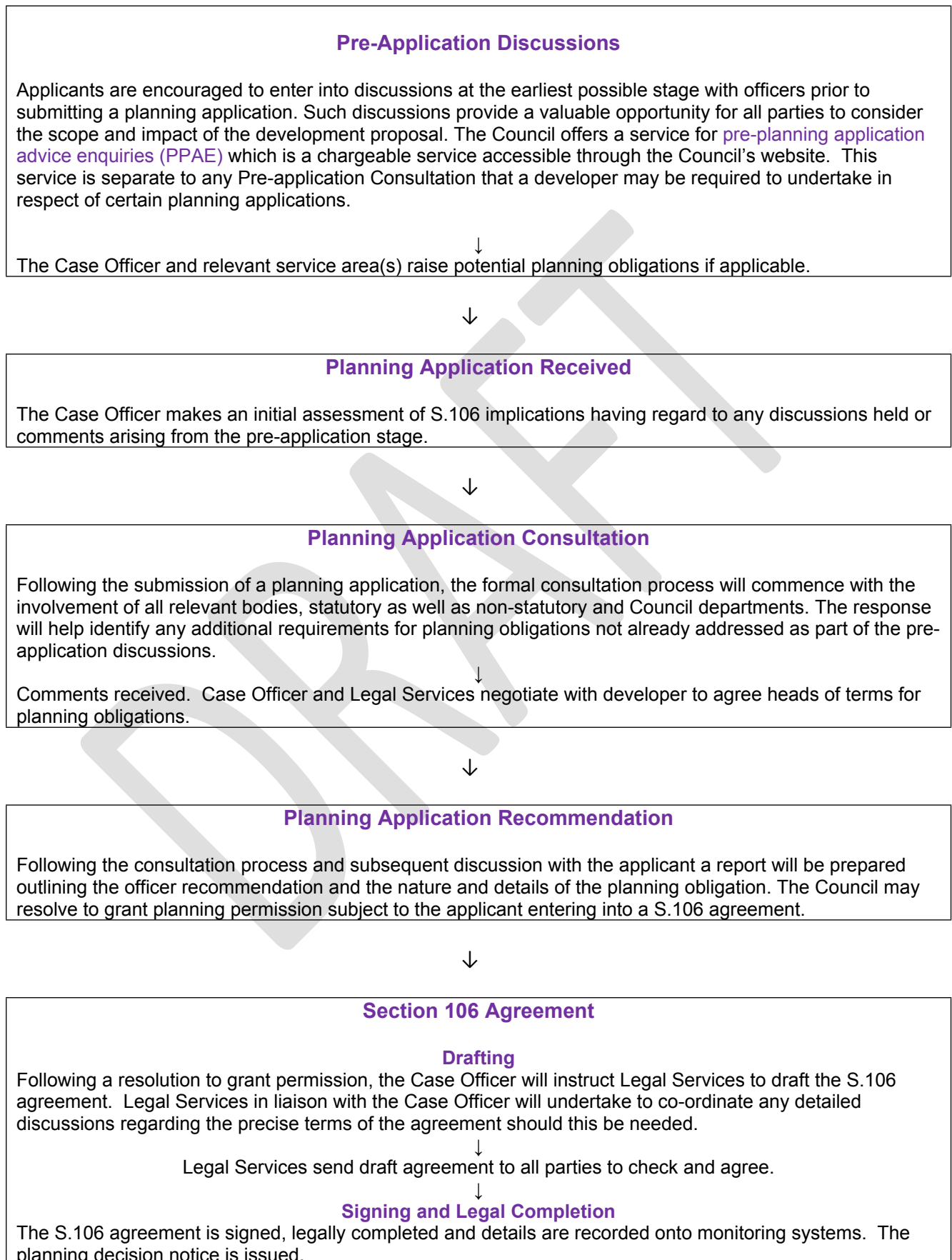
A template S.106 agreement is available on request.

Expediting Agreements

6.5 Should an application be approved subject to the signing of a S.106 agreement, the Council expects the agreement to be signed without undue delay. The Council aims is to issue decision notices within 6 months (in some cases sooner) from the date of the resolution to approve. Where evidence is provided by the applicant to the Council's satisfaction that the agreement cannot be signed within this period, then a variation on the stipulated time limit will be considered on a case by case basis. Should this information not be forthcoming, the Council may refuse the application based on the non-completion of the S.106 agreement.

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Figure 1: Step by Step Guide to establishing an agreement



Prioritising Contributions

6.6 The LDP's Viability Assessment Update (August 2016) provides evidence to support both the delivery of housing site allocations in the LDP and to inform the Plan's affordable housing policy requirements. This Assessment included a degree of headroom to take into account changes in viability and site specifics. This means that site specific viability assessments should not generally need to be carried out at the planning application stage.

6.7 However, Policy DM1 provides for the prioritisation of contributions where it is demonstrated that not all of the contributions can be reasonably required due to viability reasons. Where an applicant/developer wishes to negotiate on the grounds of development viability, they will be required to submit a detailed financial viability appraisal. Further guidance on the requirements for the financial viability appraisal is provided in Section 6.6 and Appendix D of the Affordable Housing SPG⁵.

6.8 The Council's costs for assessing the financial viability appraisal (whether in-house or otherwise) will be borne by the applicant/developer.

6.9 Where the Council determines that the financial viability appraisal submitted by the applicant or developer (taking into account the conclusions of the viability assessment) fails to demonstrate that the required (or a reduced) contribution(s) for a development is not viable, or where the evidence submitted is insufficient to allow for a proper assessment, the Council may refuse the application. Where development viability is a proven issue, the LDP, as an aid to negotiations, firstly prioritises essential transport and utility infrastructure and then, where relevant, Affordable Housing provision unless there is an overwhelming need for the available contribution to be allocated for some other necessary purpose/s. The individual circumstances of each case will always be taken into account in prioritising contributions.

Viability Evidence and Consideration of Time Limited S.106 Agreements and Review Points

6.10 In exceptional circumstances, where the Council accepts that the scheme is unable to make any, or all the required contributions based on viability evidence, it may, where applicable, impose a planning obligation or condition (as appropriate) setting a limited timeframe within which the development must be substantially completed or reducing the standard time limits (under the 1990 Act) in which development must begin.

6.11 Where reduced or nil contributions are justified, the Council may require developers to agree to timely review points in their S.106 agreement to take account of any subsequent change in the economy, which may have altered the development viability, hence making the original/additional planning obligations feasible.

⁵ [Insert link to Affordable Housing SPG once adopted]

Process for Handling Financial Contributions

Payment to the Council:

6.12 Where possible, the procedures for the payment and timing of any financial contributions will be established and agreed through negotiation between the relevant parties.

6.13 Where financial contributions have been secured they may be index linked (see para 5.20) from the date approval is granted for the proposal in question.

6.14 Where commuted maintenance payments have been secured, the payment is likely to be index linked to the point at which the maintenance costs are agreed.

Use of Financial Contributions:

6.15 Financial contributions secured will be used for the agreed purposes and may be required to be spent within an agreed time period. The S.106 Planning and Monitoring Officer will be responsible for recording how, when and where financial contributions are collected and spent.

6.16 The Council may be responsible for distributing funds to other bodies as well as internally to services within the Council. In particular, the Affordable Housing SPG sets out further detail on how affordable housing financial contributions will be managed and utilised.

6.17 With the exception of Unilateral Undertakings, contributions remaining unspent at the end of the agreed time period (if specified) will be returned unless alternative provision is agreed between the payee (or successor) and the Council. If specifying a time period, the Council will generally propose the time period as 10 years, although this will be a matter for negotiation.

Monitoring and Enforcement of Agreements

6.18 Whilst planning obligations are negotiated by the Case Officer (Planning Development Management) with the assistance of the Council's Legal Services, the Council employs a dedicated Planning and Monitoring Officer who is responsible for recording all S.106 agreements, maintaining a S.106 Register and monitoring compliance.

6.19 Effective planning obligation monitoring systems allow greater transparency and accountability for all parties. Such monitoring systems will mean that all planning obligations are held on a register and progress towards meeting them can be tracked. Any financial contributions that have been secured as part of the planning obligations process can be highlighted and the point in time at which they have to be paid will be identified. The monitoring system will also address the matter of when monies have been paid as part of a planning obligation and the point in time at which they have been spent, and for what purpose.

6.20 It should be noted that it is the responsibility of the developer to notify the Council upon commencement of development and also when any triggers specified in the agreement are reached.

6.21 An Annual Performance Report will be prepared by the Planning and Monitoring Officer at the end of each financial year summarising the types of planning obligations completed, and how any contributions that have been collected have been used.

6.22 Under separate requirements, the LDP is subject to an Annual Monitoring Report (AMR), to be submitted to the Welsh Government each year. Under the Powys LDP monitoring framework an AMR will be due annually from October 2019 and this includes an indicator which involves monitoring of the number of major developments where new or improved infrastructure has been secured through developer contributions.

6.23 Where it is found that an agreement is not being complied with, the Council will, in the first instance, seek an informal resolution with the developer concerned to ensure timely and satisfactory compliance with the agreement. If this approach remains unsuccessful, the Council's Head of Legal Services in conjunction with the Professional Lead (Planning Development Management) will consider the most appropriate course of action to be taken. This may comprise securing a mandatory injunction upon the landowner and/or other parties to the agreement or with an interest in the property, or debt recovery proceedings to ensure compliance.

Varying S.106 Agreements

6.24 If a planning obligation, over time, is no longer considered to be appropriate it may be modified or discharged by agreement between the parties, or by application to the authority. Further guidance is provided in Circular 13/97, Annex C.

7. SPG Review

6.25 This SPG will be kept under review and, where necessary, updated to take into account changes in any relevant policy, guidance, evidence or circumstances, and in response to relevant issues raised with the SPG in practice.

PART 3

8. Topic specific planning obligations

This section of the SPG considers how each type of planning obligation will be assessed including the justification, thresholds/trigger points and the amount, type and nature of the requirements. The section covers the following topic areas:

1. Affordable Housing
2. Education;
3. Leisure, Recreation and Open Space;
4. Transportation and Access;
5. Welsh Language.
6. Other Topic Areas (Infrastructure/Utilities; Community and Health Facilities, Renewable and Low Carbon Energy, Ecology; Minerals Restoration and Aftercare).

1. Affordable Housing

Synopsis

Affordable housing is housing provided to meet the needs of those who cannot afford general market housing. It is retained as affordable for the first and any subsequent occupiers. Further information on the different types of affordable housing is set out in the Council's separate Affordable Housing SPG.

There is a need to provide additional affordable housing in the County as highlighted in the Council's Corporate Improvement Plan 2018-2023 which pledges significant investment in the development of affordable and sustainable housing and contains a corporate objective for communities to have access to a choice of both affordable and market housing.

The LDP identifies a target to provide, through the planning system, 952 new affordable homes between 2011 and 2026 (the LDP plan period). The unmet and demonstrable need for affordable housing is a material planning consideration to be taken into account when planning applications are determined.

The Council will seek planning obligations (or impose planning conditions) in connection with new developments which meet the thresholds set out in the LDP to ensure the provision of affordable housing.

Justification

The detailed policy basis and justification for seeking developer contributions in respect of affordable housing is set out in:

- Planning Policy Wales and TAN 2, TAN 6
- Local Development Plan – Generic Policy DM1 (Planning Obligations) and notably Strategic Policy SP3 (Affordable Housing Target) and Housing Policies H5 (Affordable Housing Contributions) and H6 (Affordable Housing Exception Sites).

- Powys County Council – SPG: Affordable Housing
- LDP Background/Other Evidence Documents:
 - Local Housing Strategy for Powys (2016-2020)
 - Local Housing Market Assessment (2010, update 2014)
 - LDP Viability Assessment Update (2016)

Application and Use

Type of Planning Obligation:	Affordable Housing
<p>Threshold: All housing development of 5 or more dwellings or on sites of 0.25 hectares and above, where developed for market housing, will be expected to make a contribution towards affordable housing in line with Policy H5.</p> <p>Further detailed guidance provided in the SPG: Affordable Housing.</p>	
The Type of Contribution:	Policy Approach/Nature of the Requirements:
<p>1. In Kind (Direct Provision)</p>	<p>The Council will expect on-site provision unless it can be demonstrated that on-site provision is not appropriate.</p> <p>On-site provision will be secured either through planning condition or by a S.106 agreement. The Affordable Housing SPG sets out more detail on how planning conditions may be used in this context.</p> <p>The possibility of off-site provision on an alternative site may be explored, in exceptional circumstances, where on-site provision is not appropriate (see further guidance on this option under section 6.4 of the Affordable Housing SPG). Off-site provision of affordable housing, if agreed, would be secured by a S.106 agreement.</p>
<p>2. Financial Contribution</p>	<p>Given the presumption for on-site provision, a financial contribution towards the provision of affordable housing in lieu of on-site provision will only be considered in exceptional circumstances. However, this approach can be applied where the contribution calculated does not equate to a full unit and, where appropriate, in other circumstances (for examples see para 6.3.2 of the Affordable Housing SPG).</p> <p>The Council will seek financial contributions for part units (unless the developer prefers to provide one whole affordable housing unit instead of a separate financial contribution). The Affordable Housing SPG sets out how such contributions will be calculated.</p> <p>Financial contributions will be secured by a S.106 agreement.</p>
<p>3. Financial “Pooled” Contribution</p>	<p>The CIL restrictions do not apply to affordable housing. Financial contributions (e.g. arising from part units) from several developments can be combined.</p>
<p>Amount of Contribution and Guidelines to Requirements</p>	<p>The target contributions are set out in Policy H5 and depend on the relevant housing sub-market area (see Appendix 4 of the LDP) and comprise:</p>

	<p>30% contribution in Central Powys 20% contribution in Severn Valley 10% contribution in North Powys 0% in South West Powys</p> <p>The type and tenure of the affordable housing provision should respond to the evidenced needs. The Local Housing Market Assessment determined that the greatest need in Powys is for social rented accommodation. However, given the range of local needs and circumstances, developers should seek early discussions with the Council in order to clarify requirements.</p> <p>Occupants of affordable homes should meet the Council's definition of being in Local Need (see the LDP Glossary), the assessment process for which is set out in the Council's Affordable Housing SPG.</p> <p>The homes will be secured as affordable in perpetuity through either planning conditions or a S.106 agreement.</p>
Delivery Timescales	<p>The timescales for delivery of Affordable Units or payment of financial contributions will be agreed with the Council and will form part of the planning conditions or S.106 agreement.</p> <p>The Council normally requires the delivery of affordable housing alongside market housing. In cases where this is not considered possible, sufficient justification must be provided by the developer. Provision must normally be made in a phased manner and always before the completion of the last market unit.</p>
Management and Use of Financial Contributions	<p>Financial contributions secured in lieu of affordable housing on-site will be used to support affordable housing provision within the locality of the development or, where this is not possible, contributions will be used in other areas in accordance with the cascade set out under para. 6.5.7 of the Affordable Housing SPG.</p> <p>The Council as Strategic Housing Authority will manage the sums paid. More detail on the use of financial contributions can be found in the Affordable Housing SPG.</p>

2. Education

Synopsis

A planning obligation may be sought where the scale of a new proposal is such that it would create the need for new or upgraded community facilities including those for learning and education. The additional pressure that new developments will place on educational facilities will be assessed on a case-by-case basis.

The established basis for educational contributions is whether there is capacity within the local educational network for the pupils which are likely to be generated by the new development. The capacity of a school is the number of pupils it can accommodate. School capacities underpin the Council's decision making in planning school places, reporting on surplus capacity and setting admission numbers.

The Schools Service records the capacities for Powys schools, as assessed in line with current Welsh Government guidance, and this data, together with the Council's local evidence on current and estimated pupil numbers, informs whether there is a lack of capacity for the development in question. A lack of capacity indicates that contributions will be necessary.

Depending on the nature and scale of new housing development, even where "spare" capacity exists to cope with the additional demand (i.e. there are empty places), the impact of new pupils may still place added strain on existing school facilities. Where it can be demonstrated that the existing infrastructure would require additional investment to upgrade a facility or facilities to adequately cater/meet statutory provision for the needs of the additional pupils generated by the development, planning obligations can be sought.

Where new or enhanced facilities are required, applicants will be expected to make an appropriate contribution towards them.

Developer contributions for education may be sought for:

- Pre-school / 3 year-old places
- Primary schools, 4 – 11 years
- Secondary school, 11 - 16 years
- Post statutory school-age in schools, 16 +
- Children with special educational needs

The Council's Corporate Improvement Plan (Vision 2025) includes Learning and Skills as a key priority for the Council. The Plan (2018-2023) aims to a) improve educational attainment of all pupils, b) support children and families to have the best start in life, c) improve our schools infrastructure and d) improve the skills and employability of young people and adults. Improvement to schools infrastructure will include:

- The transformation of school buildings through a capital investment scheme so that new and re-furbished schools provide modern environments that are fully equipped for 21st century learning;
- The implementation of a School Organisation Policy and Delivery Plan in order to develop a more efficient schools network with the Delivery Plan focused on improving:
 - Secondary and post-16 provision
 - Primary provision
 - Welsh-medium/bilingual provision

- Developing a new county-wide sixth form delivery model

A planning obligation will be expected only where existing schools/educational provision cannot adequately absorb the estimated number of additional pupils arising from the development.

Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of educational facilities is set out in:-

- Planning Policy Wales
- Welsh Government Circular 021/2011 ‘Measuring the capacity of schools in Wales’
- Local Development Plan – Generic Policy DM1 (Planning Obligations)
- Other Evidence Documents:
 - Welsh Government School Admission Code (Statutory Code document no: 005/2013, July 2013) or any update/replacement of such, together with related Regulations
 - Costings through Build Cost Information Service (BCIS) Index
 - Powys Welsh in Education Strategic Plan (WESP) (2017-2020) - See also Section 5. Welsh Language

Application and Use

Type of Planning Obligation:	Education
<p>Threshold: Planning obligations for education may be sought in connection with new residential development. Development will be assessed on a case by case basis on individual factors and there are no set thresholds provided in the LDP. Planning obligations for education are most likely to be sought in connection with major housing development proposals comprising 10 or more dwellings.</p> <p>Contributions will be sought from proposed developments that have the potential to increase demand on local schools where those schools do not have sufficient capacity to sustain the impact of the new development. This will be for primary and secondary provision. Contributions may also be relevant in respect of nursery/pre-school places. Schools Services, Powys County Council will assess whether capacity issues exist. Empty places do not necessarily equate to there being sufficient capacity. Investment in infrastructure may be needed to bring a local school(s) up to the required standard to make it fit for purpose and suitable for the pupils generated from the proposed development.</p>	
The Type of Contribution:	Policy Approach/Nature of the Requirements
1. In Kind (Direct Provision)	Direct provision is not normally appropriate for educational requirements as the control and responsibility for schools lies with the Council as the Education Authority.
2. Financial Contribution	Financial contributions will be sought for educational requirements and will be secured by a S.106 agreement.
3. Financial “Pooled” Contribution	Where a number of developments are being proposed within close proximity which as a whole will necessitate a need for additional facilities, the Council may combine contributions as necessary to negate the cumulative effect (fully taking into account the pooling restrictions set by the CIL regulations).

	<p>The S.106 'Heads of Terms' will specify the amount of contribution, the project (infrastructure pot) and the geographical area within which the money will be spent.</p>
<p>Amount of Contribution and Guidelines to Requirements</p>	<p>Contributions will be based on: a) the number of pupils generated by the proposed development, b) the identified shortfall in capacity/infrastructure provision and c) the costs of providing the additional or enhanced facilities/services needed.</p> <p>a) number of pupils generated:</p> <p>An assessment of the likely number of additional pupils that may be generated by the proposal is required. A mechanism for achieving this is to compare the existing number of pupils with the number of dwellings in Powys with 2 or more bedrooms.</p> <p>The 2011 Census data, together with up to date population projections are robust data sources to assess the number and age of additional children likely to arise from new housing development across all school age groups. Analysis of the data allows for an average pupil yield per additional housing unit to be derived as illustrated in Table E1.</p> <p>The figures in Table E1 indicate that it is expected that on average each new residential unit developed within Powys will likely generate 0.48 children or young people with educational requirements.</p> <p>The Council will only consider it necessary to review these guideline figures if population estimate updates lead to significant change. A full review can be undertaken on the release of the next Census information.</p> <p>b) The identified shortfall in capacity/infrastructure provision:</p> <p>This will be advised by the Schools Service on a case-by-case basis.</p> <p>c) the costs of providing the additional or enhanced facilities/services needed:</p> <p>The Council will use a building cost multiplier to determine the cost per pupil of providing additional education provision. The building cost multiplier is set annually and sums are based on average cost/m² data sourced from the Building Cost Information Service.</p> <p>The multiplier includes an area adjustment to reflect the</p>

actual costs involved. In the case of Powys, the cost multiplier for the 2018/19 financial year sets an area adjustment factor of 0.95.

Table E2 – Cost of Educational Provision

Type	Generic building cost multiplier 2018/19	Powys 2018/19 (x0.95)
Pre School & Primary	£ 17,481	£ 16,607
Secondary	£ 26,598	£ 25,268
Post 16	£ 28,567	£27,139

The Schools Service will advise on the number of places and/or types of improvement required and the specifics will be included within the S.106 agreement.

Worked examples of financial contributions are provided in [Table E3](#).

If the particular situation regarding local schools infrastructure does not fit this standard contributions method, Schools Service may seek contributions based on alternative evidence/requirements. All such obligations should relate to the impacts of the development being proposed and must robustly explain the nature of the improvements required and how costs have been derived and calculated.

Delivery Timescales

The timescales for delivery of contributions will be agreed with the Council and will form part of the S.106 agreement. We would normally require contributions to be made in a phased manner alongside completion of the new homes, depending on both the nature of the development and type of contribution required and always before the completion of the last home. In cases where this is not considered possible, sufficient justification must be provided by the developer.

Management and Use of Financial Contributions

Financial contributions collected for education will be managed and utilised by the Council's Schools Service. Contributions collected will be used to increase capacity at education facilities and/or enhance associated facilities affected by the development.

Financial contributions may be used for:-

- Pre-school / 3 Year-old provision or enhancement;
- Additional school places to accommodate extra children;

	<ul style="list-style-type: none"> - The provision of new classrooms and associated facilities/statutory provision of toilets to accommodate an increase in pupil places within existing schools; - Replacement and/or improvement of existing school facilities to adequately facilitate an increase in pupil places; - Provision of land for a new school where required and related to the scale of the development; - Supporting Welsh Language immersion provision where relevant; - Provision of additional facilities or reconfiguration of existing spaces externally (for example playing fields, access, car parking) necessitated by an increase in pupil numbers; - Security and safety improvement measures to provide a safe environment (including local traffic safety schemes e.g. safer routes to schools and cycle storage) to adequately facilitate an increase in pupil places. <p>Only those schools affected by the development will receive the benefit of the financial contribution.</p> <p>The S.106 agreement will set out the use for which the contribution is being sought.</p>
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Table E1 – Calculating the Average Pupil Yield/Dwelling

Age Group	2017 Mid Year Population Estimate	Number of Dwelling Units (2 or more bedspaces) – 2011 Census	Average School Age Person per Dwelling
Early Years (2 and 3 year old)	2,468	54,551	0.05
Primary (Aged 4 to 11)	10,960	54,551	0.20
Secondary (Aged 11 to 16)	8,342	54,551	0.15
Post 16 years (Aged 16 to 18)	4,574	54,551	0.08
All			0.48

Table E3 – Worked Examples

Example Calculation of commuted sums for primary education contribution:

The commuted sum payable is based on the likely number of pupils generated by the development. This is assumed to be an average of 0.2 pupils per house for primary education. The cost per pupil place for primary education is £16,607.

For example if school capacity was 120 and if actual number of pupils 110:

Development of 80 houses $80 \times 0.2 = 16$ additional pupils. This would lead to a total of 126 pupils, 6 in excess of the school capacity. Therefore contributions would be required for 6 additional pupils.

Contributions for 6 pupils. $6 \times £16,607 = £99,642$

(which equates to £1246/dwelling if averaged across the 80 unit scheme).

Example calculation of commuted sums for secondary education contribution:

The commuted sum payable is based on the likely number of pupils generated by the development. This is assumed to be an average of 0.15 pupils per house for secondary education. The cost per pupil place for secondary education is £25,268.

For example if school capacity was 550 and if actual number of pupils 548: Development of 80 houses $80 \times 0.15 = 12$ additional pupils. This would lead to a total of 560 pupils, 10 in excess of the school capacity.

Therefore contributions would be required for 10 additional pupils.

Contributions for 10 pupils. $10 \times £25,268 = £252,680$.

(which equates to £3,159/dwelling if averaged across the 80 unit scheme).

Exceptions

The exceptions to the provision of school places will be the following type of residential development from which Powys County Council, in common with other planning authorities, will not seek contributions: -

- Housing specifically designed for occupation by elderly persons.
- One bed dwellings or one bed apartments or flats.
- Other specialist forms of development where children will not be resident.

3. Leisure, Recreation and Open Space

Synopsis

Public open space and recreation facilities are important to the overall quality of life. They contribute to the general well-being of the community in respect of providing for sport and recreation and in contributing to biodiversity, the conservation of nature and landscape, air quality and the protection of groundwater. The provision of play areas, sports facilities and open spaces, that are close to home and in many cases free to use, encourages and makes it possible for children and adults to get regular exercise with potential positive health and well-being impacts.

Open space can include public parks and gardens, natural and semi-natural green spaces, formal sports pitches, allotments, play areas, and amenity space. In proposing new development there may be scope to combine open space and landscaping provision with sustainable drainage schemes and habitat creation to enhance biodiversity. Further guidance provided in the Open Space SPG.

Policy DM13 requires developers to provide appropriate landscaping and planting within all new developments in addition to providing adequate amenity space, with the aim of contributing to the delivery of high quality, well-designed developments. The amenity space should provide for passive, informal recreation and should be appropriate to the scale and type of the proposal.

The Council will, where appropriate, seek planning obligations or impose planning conditions to ensure provision or improvement of public open space and recreation facilities in connection with new developments where the development meets the threshold set out in Policy DM3. All open space proposals should take into consideration cycling and pedestrian, including the disabled, access routes on to the site, how the area relates to existing housing development and the rights of way network. Where contributions are being made towards existing provision there may be opportunities for improvement. In some instances there may be opportunities to combine areas required for open space with other planning requirements such as for biodiversity or drainage. Discussions early on in the pre-application stage would enable this to take place so that the most appropriate area for open space can be identified within the site boundary. Further details on the approach to be taken in relation to Open Space will be given in Supplementary Planning Guidance (SPG).

Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of leisure, recreation and open space is set out in:

- Planning Policy Wales and TAN 16
- Local Development Plan – Generic Policy DM1 (Planning Obligations) and notably Development Management policies DM13 (Design and Resources) and DM3 (Public Open Space)
- Powys County Council SPG: Open Space (when available)
- Evidence Documents:
 - Powys LDP Open Space Assessment (2018) (or latest update)
 - LDP Leisure and Recreation Topic Paper
 - Fields in Trust (FIT) Standards

Providing Accessible Natural Greenspace in Towns and Cities ((Countryside Council for Wales 2006 (now part of Natural Resources Wales))

Application and Use

Type of Planning Obligation:	Leisure, Recreation and Open Space
<p>Threshold: All housing developments of 10 or more dwellings will be required to make provision for public Open Space in line with Policy DM3.</p> <p>Contributions will be sought taking into account the evidence in the Open Space Assessment for the locality. The Open Space Assessment highlights where deficiencies exist in current provision and will inform and help identify the type and nature of the provision required.</p> <p>Further detailed guidance provided in the SPG: Open Space.</p>	
The Type of Contribution:	Policy Approach/ Nature of the Requirements
<p>1. In Kind (Direct Provision)</p>	<p>Contributions will be assessed taking into account the evidence in the Powys Open Space Assessment (and any other local evidence relating to provision and needs).</p> <p>On-site provision may be appropriate depending on the scale and nature of the proposed development.</p> <p>In certain circumstances provision off-site will improve the quality of both the development and result in open space which better meets the needs of the local area.</p> <p>On-site provision will be secured by either planning conditions or S.106 agreement.</p> <p>Off-site provision will be secured by S.106 agreement.</p>
<p>2. Financial Contribution</p>	<p>Financial contributions may be required in respect of the provision or improvement of open space and for maintenance and aftercare.</p> <p>Financial contributions will be secured by a S.106 agreement.</p>
<p>3. Financial “Pooled” Contribution</p>	<p>Where a number of developments are being proposed within close proximity which as a whole will necessitate a need for additional facilities, the Council may combine contributions as necessary to negate the cumulative effect (fully taking into account the pooling restrictions set by the CIL regulations).</p> <p>The S.106 'Heads of Terms' will specify the amount of contribution, the project (infrastructure pot) and the geographical area within which the money will be spent.</p>
<p>Amount of Contribution and Guidelines to Requirements</p>	<p>The Council’s Leisure and Recreation Service will advise on the open space requirements on a case by case basis.</p>

Planning applications will be assessed with regard to the Fields in Trust benchmark standards (as used in the Open Space Assessment). These include accessibility standards (e.g. 60 metres to a Local Area for Play (LAP), 240 metres straight line/up to five minutes walking time to a Local Equipped Area for Play (LEAP), 1.2 km to a playing pitch, other outdoor sports facilities within 20-45 minute drive etc.) and quantity standards.

To determine the adequacy of provision, the FiT quantity standards are applied, currently:

Type	Per 1000 of population
A: Pitch Sports	1.2 ha
B: All Outdoor Sports	1.6 ha
C: Designated Equipped Playing Space (Children)	0.25 ha
D: Informal Play Space (Children)	0.55 ha
E: Accessible Natural Green Space	2.0 ha

In common with other Welsh planning authorities, the Council considers that the minimum standard/requirement for provision of open space is **2.4 ha per 1000** population (B + C + D) or **24 square metres** per head.

When the standards are equated to a space requirement in m² per head, it enables the impact of new development to be assessed per dwelling based on the size of the average household in Powys (published annually*):

Per 1000 of pop. (1 ha = 10,000 m ²)	Per Person (m ²)	Av. HH Size in Powys (persons)	m ² Req. Per Dwelling
A: 1.2 ha	12.0	2.2	26.4
B: 1.6 ha	16.0	2.2	35.2
C: 0.25 ha	2.5	2.2	5.5
D: 0.55 ha	5.5	2.2	12.1
E: 2 ha	20.0	2.2	44.0

Depending on the provision/enhancements required to address local circumstances the above space requirements per dwelling can be used in conjunction with up to date costings for the identified facilities/infrastructure to arrive at a relevant contributions figure per dwelling for the proposed development scheme. It is expected that the Open Space SPG will provide further guidance on costings for open space provision or enhancement.

Delivery Timescales	<p>The timescales for delivery of the required works will be agreed with the Council and form part of the S.106 or planning conditions. Proposals should be discussed at an early stage to ensure that where necessary, appropriate provision is provided in a planned way and forms an integral part of the design of the development. The timing of contributions will depend on both the nature of the development and type of contribution required.</p> <p>On site open space should normally be provided in a phased manner alongside completion of the new homes and always before the completion of the development. In cases where this is not considered possible, sufficient justification must be provided by the developer.</p>
Management and Use of Financial Contributions	<p>Financial contributions collected for open space, leisure and recreation will be managed and utilised by the Council's Leisure and Recreation Service who may transfer contributions to an appropriate third party. Financial contributions may be used to:</p> <ul style="list-style-type: none"> - improve existing recreation facilities; - improve access to existing facilities ; or - to provide new facilities within the local area affected by the development. <p>Only those areas affected by the development will receive the benefit of the financial contribution.</p>

*Welsh Government Household Estimates Released 26 September 2017, stats.wales.gov.wales

Future Maintenance and Aftercare

Where new open space is provided, in order to ensure the continued use of the open space, the Council will require developers to make appropriate arrangements for its future maintenance and care. Appropriate arrangements must be in place for long term aftercare and maintenance of the open space. For example, this may be undertaken by a residents' association or a third-party management company. It is for the developer to demonstrate, to the Council's satisfaction, how such arrangements will work.

Under current policy (July 2018), Powys County Council is no longer adopting or taking responsibility for the provision or care and maintenance of new open space. However, when the space is to be adopted by a Town or Community Council, S.106 agreements can be utilised to secure financial sums which provide for the maintenance of the facility for an agreed period. Further guidance in the Open Space SPG.

Exceptions/Suitability of Open Space

Developments comprising sheltered, extra care, elderly housing and other specialist forms of development where children will not be resident will not be expected to provide children's play areas, however, alternative open space should be provided for residents. This could include gardens, sitting areas, etc.

4. Transportation and Access

Synopsis

All developments are expected to meet highways standards to ensure a safe and efficient transport network. Developments should in particular promote pedestrian and cycle friendly access. Schemes that generate significant amounts of traffic or travel may be required to demonstrate sustainability through satisfactory travel plans and/or transport assessments.

Enhancement and improvements to provide new or upgrade existing transport infrastructure (including Public Rights of Way (PROW), pedestrian and cycling facilities and Active Travel routes and related facilities) may be sought through planning obligations.

Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of transport is set out in:

- Planning Policy Wales and TAN 18
- Local Development Plan – Generic Policy DM1 (Planning Obligations) and notably Development Management DM13 (Design and Resources) and Transport Policy T1 (Travel, Traffic and Transport Infrastructure)

Application and Use

Type of Planning Obligation:	Transportation and Access
<p>Threshold: All development will be assessed on its individual merits and there are no set thresholds. All types (e.g. residential, employment, tourism, agriculture) and sizes of development may be subject to planning obligations in respect of transport or traffic requirements where there is a requirement to mitigate the identified development impacts.</p>	
The Type of Contribution:	Policy Approach/Nature of the Requirements:
1. In Kind (Direct Provision)	On site works are generally enforced by planning condition.
2. Financial Contribution	<p>Financial contributions may be required in respect of highway and transport improvements.</p> <p>Financial contributions will be secured by a S.106 agreement.</p>
3. Financial “Pooled” Contribution	<p>Where a number of developments are being proposed within close proximity which as a whole will necessitate a need for additional facilities, the Council may combine contributions as necessary to negate the cumulative effect (fully taking into account the pooling restrictions set by the CIL regulations).</p> <p>Pooled contributions may be required for larger highway schemes and contributions to these will be based on the proportionate increase in vehicular movements generated by the new development.</p>

	<p>The S.106 'Heads of Terms' will specify the amount of contribution, the project (infrastructure pot) and the geographical area within which the money will be spent.</p>
<p>Amount of Contribution and Guidelines to Requirements</p>	<p>Consultation will be undertaken with the Council's highway department and, when relevant, with the Welsh Government Trunk Roads Agency.</p> <p>There are no standardised highway contributions required by the Council in its role as County Highways Authority. Each application is assessed on the requirements necessary to bring a development forward and will be agreed at the negotiation stage.</p> <p>Developers will be normally be required to fund the design and construction of both on site and off site infrastructure works, such as junction improvements and the provision of links to a local pedestrian/cycle system and other sustainable transport forms. This will include Active Travel routes where appropriate.</p> <p>Levels of contributions will be calculated on a site by site basis to reflect the impact of the development and the need for improved transport facilities, as well as the requirement to ensure that necessary and adequate maintenance is provided.</p>
<p>Delivery Timescales</p>	<p>The timescales for delivery of the required works will be agreed with the Council and form part of the S.106 agreement.</p> <p>The timescales for payment of contributions will depend on both the nature of the development and type of contribution required. However, some works may be required prior to the commencement of development, particularly when necessary for safety reasons. Costs will be worked out on a site by site basis depending on the issues involved and the mitigation or management measures required.</p> <p>In terms of obligations coming from a Travel Plan, public transport contributions may be required before the development is occupied. Additional measures such as parking provision and cycle links can be phased throughout the development period.</p>
<p>Management and Use of Financial Contributions</p>	<p>Financial contributions collected for transport and access will generally be managed and utilised by the relevant highway authority (i.e. County Highway Authority or WG Trunk Road Agency) or, in the case of some improvements (eg PROW), by the Council's Environment Directorate. A Transport Assessment, where applicable, is likely to form the basis of any required contributions with regards to traffic, transport and highways initiatives particularly for major developments.</p>

	<p>The types of works to mitigate impacts from the proposed development may include:</p> <ul style="list-style-type: none"> - Traffic management/calming; - Traffic engineering/highway works, temporary or permanent; - Provision of ULEV (Ultra Low Emission Vehicles) charging points; - Cycle routes, management, safety; - Pedestrianisation, pedestrian crossings; - Provision/improvement of footpaths or pathways including Active Travel routes; - Public transport initiative or improvements
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Travel Plans

Through PPW/TAN 18, it is likely that only major traffic generating schemes will be expected to prepare and implement Travel Plans. Travel Plans will be expected to promote sustainable methods of travel and aim to reduce travel and car use. Obligations and contributions covered by Travel Plans may include:-

- The provision of public transport infrastructure / initiatives in order to serve the development.
- The provision of information and schemes to promote cycling, walking and car sharing.
- The provision of ULEV charging points.
- The provision of car parking to serve the development.

An off-site contribution for public car parking may be appropriate for developments proposed within or on the edge of town centres or for developments with insufficient car parking provision to meet its own needs.

5. Welsh Language

Synopsis

The future of the Welsh language in the County and across Wales will depend on a wide range of factors, particularly education, demographic change, community activities and a sound economic base. The land use planning system can assist in providing a framework to enable sustainable communities to grow and thrive, protecting the social and cultural use of language.

To protect, promote and enhance the Welsh language, the Council will, where appropriate, seek planning obligations or impose planning conditions on large housing developments located in the Welsh Speaking Strongholds of Powys.

Justification

The detailed policy basis and justification for seeking developer provision or contributions in respect of the future of the Welsh Language and Culture is set out in:

- Planning Policy Wales and TAN 20
- Local Development Plan – Generic Policy DM1 (Planning Obligations) and notably Development Management Policy DM12 (Development in Welsh Speaking Strongholds)
- LDP Background/Other Evidence Documents:
 - Powys LDP Welsh Language Impact Assessment of Communities in the Upper Swansea Valley (June 2013)
 - Cymraeg 2050: Welsh language strategy – WG (2017)
 - Welsh language and culture LDP Topic Paper
 - Powys Welsh Language Promotion Strategy (2017-2022)
 - Powys Welsh in Education Strategic Plan (WESP) (2017-2020)

Application and Use

Type of Planning Obligation:	Welsh Language						
<p>Threshold: Residential development of 10 or more dwellings in named settlements within the Town or Community Council Areas identified as Welsh Speaking Strongholds (where more than 25% of the population speak Welsh) in line with Policy DM12.</p>							
<p>The 21 Community Council areas identified in the LDP as Welsh Speaking Strongholds are listed in paragraph 4.2.63 of the Plan and include the following named Town and Large Village settlements:</p>							
<table border="1"> <thead> <tr> <th colspan="2">Settlements in Welsh Speaking Strongholds</th> </tr> </thead> <tbody> <tr> <td>Towns</td> <td>Llanfair Caereinion, Llanfyllin, Machynlleth and Ystradgynlais</td> </tr> <tr> <td>Large Villages</td> <td>Abercrave, Carno, Coelbren, Llanbryn-mair, Llangynog, Llanrhaeadr-ym-Mochnant, Llansilin, Pontrobert, Penybontfawr, Trefeglwys.</td> </tr> </tbody> </table>		Settlements in Welsh Speaking Strongholds		Towns	Llanfair Caereinion, Llanfyllin, Machynlleth and Ystradgynlais	Large Villages	Abercrave, Carno, Coelbren, Llanbryn-mair, Llangynog, Llanrhaeadr-ym-Mochnant, Llansilin, Pontrobert, Penybontfawr, Trefeglwys.
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<p>The impact of LDP Housing Site Allocations has already been language impact assessed as part of the LDP process. In order to address the potential impact of new large housing developments within the Welsh Speaking Strongholds, housing allocations of 10 or more units <u>will</u> require a Welsh Language Action Plan (LAP). A LAP sets out measures to protect, promote and enhance the Welsh language. Responsibility for preparing the LAP lies with the developer.</p>							

<p>New housing (10+) on windfall sites (ie those not identified and allocated for development in the LDP) <i>located in or adjacent</i> (as a logical extension) to the Towns and Large Villages identified within the Welsh Speaking Strongholds <u>will</u> require a Welsh Language Impact Assessment (WLIA) which will then identify if a LAP is appropriate. Responsibility for carrying out the WLIA lies with the Council which will inform any LAP to be prepared by the developer.</p> <p>Any other housing proposals which meet the threshold, located on windfall sites <i>outside</i> the Towns and Large Villages of the Welsh Speaking Strongholds but <i>within the identified Community Council areas</i> <u>may</u> require a WLIA. Each case will be considered individually.</p>	
<p>The Type of Contribution:</p>	<p>Policy Approach/ Nature of the Requirements:</p>
<p>1. In Kind (Direct Provision)</p>	<p>Measures identified within Language Action Plans (see requirements below) will be secured by planning conditions or, where necessary, by planning obligations.</p> <p>In terms of on site measures, the phasing of the construction of new housing may be used to assist in mitigating the impact of new development on the Welsh Language. On site affordable housing can also offer mitigation as it is occupied by those with local connections and in local need.</p>
<p>2. Financial Contribution</p>	<p>Some mitigation measures included within the Language Action Plan will be of a financial nature (e.g. funding of Welsh language courses or local community initiatives).</p> <p>It is important to note that the Council's Education Department will advise on the impact of any development on Welsh-medium school age educational provision. Any specific requirements will be factored into the educational contributions sought.</p> <p>Financial contributions will be secured by S.106 agreement.</p>
<p>3. Financial "Pooled" Contribution</p>	<p>Where a number of developments are being proposed within close proximity which as a whole will necessitate a need for additional facilities or initiatives, the Council may combine contributions as necessary to negate the cumulative effect.</p> <p>The S.106 'Heads of Terms' will specify the amount of contribution, the project (infrastructure pot) and the geographical area within which the money will be spent.</p>
<p>Amount of Contribution and Guidelines to Requirements</p>	<p>In order to facilitate the types of mitigation measures that require funding, a contribution of £500 per dwelling will be sought. This will fund a package of measures (covering a 3 year period) that have been identified in connection with a specific development.</p> <p>Each proposal will be treated on its own merits and therefore the nature of mitigation measures will vary. The Council will identify local issues and potential</p>

	<p>mitigation measures working in conjunction with partner organisations, such as the local Mentrau Iaith – Menter Iaith Maldwyn and Menter Iaith Brycheiniog a Maesyfed.</p> <p>Typical mitigation measures identified by LAPs include:</p> <ul style="list-style-type: none"> - Phasing of housing proposals; - Signage and place names (including marketing, street names and other signage); - Provision of a Welcome Pack for new residents providing information on Welsh language provision in the local area; - Educational opportunities outside of formal education, for instance for pre-school children, and before or after school activities. - Contribution to community facilities and groups that provide opportunities to socialise in Welsh; - Funding for Welsh language or awareness courses. - Other related initiatives active in the community. - Other relevant actions or activities identified strategically within the Powys Welsh Language Promotion Strategy.
Delivery Timescales	<p>The timescales for delivery will be agreed with the Council and form part of the S.106 agreement or planning conditions. Proposals should be discussed at an early stage to ensure that appropriate mitigation measures can be agreed. The timing of contributions will depend on both the nature of the development and type of contribution required. Obligations and contributions in respect of the Welsh language may be required prior to commencement of development or prior to occupation.</p>
Management and Use of Financial Contributions	<p>Financial contributions will be managed and utilised by a relevant service within the Council, who may transfer contributions to an appropriate third party, as determined at the time of the drafting of the S.106 agreement.</p> <p>Where a financial contribution is sought, only those areas affected by the development will receive the benefit of the contribution.</p>

6. Other Topic Areas referenced in the Local Development Plan

As identified in Part 2 of this SPG (Local Context), the LDP highlights that the Council may seek obligations in respect of:

- Infrastructure/Utilities
- Community and Health Facilities
- Renewable and Low Carbon Energy
- Ecology
- Minerals Restoration and Aftercare

Due to the bespoke nature of the above obligations, these topics are not detailed further in this SPG. As each application is assessed on a case by case basis, any obligations relating to these topic areas which are necessary to bring a development forward will, amongst any other relevant issues, be discussed and negotiated upon at the pre-application and application stage. Where planning conditions can be used, in the alternative, to secure the necessary mitigation, they will be used in preference to S.106 agreements.

Some topic areas will be subject to separate SPG which will be of relevance. To support LDP policy areas, the Council will be producing Biodiversity SPG, Land Drainage SPG and Renewable Energy SPG.

Appendix A

Powys County Council Planning Policy:

Email: ldp@powys.gov.uk

Phone: 01597 826000

Powys County Council Planning Development Management:

Llandrindod Wells office:

Email: planning.services@powys.gov.uk

Phone: 01597 827161

Address: Planning Services
The Gwalia
Ithon Road
Llandrindod Wells
Powys
LD1 6AA

Welshpool office:

Email: planning.services@powys.gov.uk

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Address: Planning Services
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Powys
SY21 7AS

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Powys Local Development Plan (2011 to 2026)

Supplementary Planning Guidance

Biodiversity and Geodiversity

October 2018

Mae'r ddogfen hefyd ar gael yn Gymraeg

This document is also available in Welsh



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1.0 Introduction

1.1 This guidance supplements the Powys Local Development Plan (LDP) 2011-2026 and specifically supports LDP Strategic Policy SP7 and Development Management Policy DM2 (see Section 5).

1.2 The Council will have regard to this Supplementary Planning Guidance (SPG) when making planning decisions. This guidance should be read in conjunction with the Powys LDP and its supporting documentation. Neither the LDP nor this SPG apply to areas within the Brecon Beacons National Park. The Brecon Beacons National Park Authority (BBNPA) has its own LDP and SPG on Biodiversity (see Appendix B).

2.0 Purpose of the Guidance

2.1 This guidance is aimed at anyone who uses the Powys County Council planning process, either to make a planning application including developers, householders, landowners and businesses, from here on referred to as “applicants”, or involved in determining them such as the Council itself, or any other relevant organisations. It has been compiled in line with current international, European, and national regulations, policy and guidance and Powys County Council policy. (See Appendix C).

The purpose of this guidance is to:

- Explain how prospective applicants and Powys County Council as a decision maker can protect biodiversity and geodiversity via the planning process; and
- Detail the requirements that the planning process places on applicants to demonstrate how they are protecting biodiversity and geodiversity.

3.0 Status of the Guidance

3.1 This SPG updates and replaces the Council’s previous Interim Development Control Guidance (IDCG) ‘Biodiversity Conservation and Enhancement in Development Proposals’. This SPG will be taken into account as a material consideration in the planning decision making process.

4.0 Biodiversity and Geodiversity

4.1 Powys County Council has a responsibility to protect, conserve and seek to enhance wildlife and the natural environment when considering and determining development proposals. Species, habitats and geodiversity can be adversely affected as a result of development and it is essential to consider the potential impacts of proposals upon and beyond prospective development sites.

4.2 Biodiversity and geodiversity are material considerations in the planning process in their own right and this SPG provides guidance on how they can be addressed in a consistent way by all development proposals.

4.3 This SPG explains how biodiversity and geodiversity are:

- Protected by both international and national legislation and the policy drivers acting upon the Local Planning Authority (LPA);
- Taken into consideration within the Planning process; and

- Considered by applicants and taken into account within development proposals to the satisfaction of the LPA.

What is ‘Biodiversity’ and why is it important?

4.4 “Biodiversity” is the term applied to the variety of life on earth. It describes the richness and variety of all living things, from the tiniest microscopic organism to the largest tree. Biodiversity includes the number of different species, the number of individuals of a species (i.e. their population), and even covers the genetic diversity within and between populations of a species.

4.5 The following definitions summarise what biodiversity is and its importance:

‘The variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.’

(Biodiversity, the UK Action Plan, 1994)

“Biodiversity is all living things, from the tiny garden ant to the giant redwood tree. You will find biodiversity everywhere, in window boxes and wild woods, roadsides and rain forests, snow fields and the sea shore. But don’t take plants and animals for granted. We are part of biodiversity and depend on it for our quality of life. And what we don’t save now, our children will pay for later. Biodiversity is the living bank that everyone should invest in. Now it is banking on you.”

(Biodiversity: The UK Steering Group Report Volume 1: Meeting the Rio Challenge 1995)

“Loss of biodiversity not only means a loss of species for us to study or from which to gain enjoyment, but also the loss of a potentially valuable source of drugs or some other commercial products, a reservoir of genetic diversity for the future, and, most profoundly, some of the biological building blocks of the planet. Take too many of these blocks away and the global ecosystem becomes in danger of collapsing.”

(Working with wildlife, compliance and beyond in construction, 2004, CIRA C587)

Biodiversity in Powys

4.6 Powys is often described as the green heart of Wales, being a very rural county covering over 5,000 sq. km, approximately a quarter of the land mass of Wales.

4.7 Partly as a consequence of its land area, it has a considerable diversity of habitat types such as deciduous and coniferous woodlands, hedgerows, heathland, parkland, streams, rivers, canals, lakes, ponds, peat bogs, cliffs and rock outcrops, meadows and grassland, arable farmland and also urban environments. The county also has a small stretch of coastland along the tidal river bank at the head of the Dyfi estuary.

4.8 As befits such a wealth of habitats, Powys consequently has an enormously rich biodiversity. This is reflected in the high number of designated sites, habitats and species within, or near, its borders. A number of these are internationally and nationally protected including Special Areas of Conservation, Special Protection Areas, a Ramsar site, National Nature Reserves and Sites of Special Scientific Interest.

4.9 However designations alone cannot guarantee the integrity and prolonged existence of the county's invaluable biodiversity. Threats to its survival are many and varied. As the 2016 State of Nature Report identifies, up to 1 in 14 species of plants and animals found in Wales are in danger of extinction (see Appendix B). Agriculture is a vital activity in Powys that has left an indelible mark on both the uplands and the river valleys they give rise to. Much agricultural activity has been traditional, small-scale and non-intensive giving rise to a relatively rich flora and fauna associated with it. However this flora and fauna does not readily cope or adapt to more recent moves to intensify agriculture within the county. Climate change continues to present another significant threat as populations of plants and animals have to adapt to long term changes, as well as the more short term climate-related events such as extreme or unseasonal weather. Other threats are more insidious, such as the introduction or colonisation of invasive non-native species (INNS), pressure arising from increased recreational use of the countryside and insensitive or inappropriate development in both towns and the wider countryside.

4.10 Due to the often very close relationship between the natural and historic environments, where appropriate this SPG should be read in conjunction with the Historic Environment SPG.

What is 'Geodiversity' and why is it important?

4.11 Geodiversity is the variety of rocks, minerals, fossils, landforms, sediments and soils, together with the natural processes which form, alter and shape them. Geodiversity provides many of Wales' natural resources, strongly influences our landscape, biodiversity and culture and is internationally important for geoscience research. Biodiversity and geodiversity are intrinsically linked; the elements of geodiversity form the foundation upon which plants, animals and human beings live and interact providing the framework for life.

Geodiversity in Powys

4.12 For a relatively small country Wales has some of the most varied geology in the world and Powys has its fair share of fantastic geodiversity which is reflected in its mineral wealth and spectacular landscape. Powys contains a rich tapestry of topographical, geological and geomorphological features with extensive upland areas dissected by numerous river valleys and their tributaries.

4.13 Much of Powys is made up of ancient Ordovician and Silurian marine sedimentary rocks, deposited in the Lower Palaeozoic when Wales lay beneath an ocean. The rocks laid down in this Welsh Basin comprise sequences of sandstone, siltstone and mudstone which were later shaped by the Caledonian orogenic earth-movements as the sea shallowed and continents collided some 400 million years ago resulting in the folding and cleaving of the rock strata. Some volcanic activity also took place locally, notably in the Welshpool and Builth Wells areas which produced basaltic lava flows and dolerite intrusions.

4.14 Several phases of hydrothermal activity during the Upper Palaeozoic created rich mineral veins in north-west Powys. As the mountains of the ancient continent eroded, the "Old Red Sandstone" succession of sandstones, mudstones and siltstones, as seen in southern Powys, were deposited during the late Silurian and Devonian periods in shallow lagoons and river valleys on arid continental margins. In the south of Powys around Ystradgynlais, Carboniferous-age Coal Measures reflect a later change to an environment of humid swamp conditions and the extensive development of equatorial tropical forests.

4.15 Since the beginning of the Quaternary Period approximately 2.6 million years ago the landscape has been affected by a series of “ice ages” some of which lasted up to 100,000 years, the last one ending about 11,500 years ago. During these periods, ice-caps formed on the Welsh mountains and glaciers occupied and shaped the valleys. The glaciers carved deeply into the rocks to give the landscape its now familiar appearance. Since the last Ice Age, rivers have created terraces and floodplains and human activities have continued to modify the landscape by coal and lead mining and quarrying for building stone, by farming and through today’s development activities.

5.0 LDP Policies

Strategic Policy 7 (SP7) Safeguarding of Strategic Resources and Assets

To safeguard strategic resources and assets in the County, development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

The following have been identified as strategic resources and assets in Powys:

1. Land designated at international, European and/or national level for environmental protection.
2. Historic environment designations, including:
 - i. Registered Historic Landscapes.
 - ii. Registered Historic Parks and Gardens.
 - iii. Scheduled Ancient Monuments and other archaeological remains.
 - iv. Listed Buildings and their curtilages.
 - v. Conservation Areas.

AND the setting of designations i.-v.

3. Recreational Assets, including:
 - i. National Trails.
 - ii. Public Rights of Way Network.
 - iii. Recreational Trails.
 - iv. National Cycle Network.
4. The valued characteristics and qualities of the landscape throughout Powys.
5. Sennybridge (Ministry of Defence) Training Area.
6. Mineral Resource Areas.
7. Proposed Strategic Infrastructure Routes (if and when identified).

Development Management Policy 2 (DM2) The Natural Environment

Development proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site.

Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

1. The important site designations, habitats and species afforded the highest levels of protection through European legislation including:
 - A. European Sites (SAC, SPA and Ramsar).

- i. Development proposals likely to have a significant effect on a European site, when considered alone or in combination with other proposals or plans, will only be permitted where it can be demonstrated that:**
 - a) The proposal is directly connected with or necessary for the protection, enhancement and positive management of the site for conservation purposes; or**
 - b) The proposal will not adversely affect the integrity of the site.**
- ii. Where it cannot be demonstrated that development proposals would not adversely affect the integrity of the site and there is no satisfactory alternative solution, permission will be refused unless:**
 - a) There are imperative reasons of over-riding public interest; and**
 - b) Appropriate compensatory measures are secured.**

B. European Protected Species afforded strict protection by the Conservation of Habitats and Species Regulations (2017) (Habitats Directive Annex IV Species).

Development proposals likely to have an adverse effect on a European Protected Species will only be permitted where it can be demonstrated that:

- i. The proposal is for the purposes of preserving public health or public safety or there are imperative reasons of over-riding public interest; and**
- ii. There is no satisfactory alternative; and**
- iii. The action authorised will not be detrimental to the maintenance of the habitat or population of the species concerned at a favourable conservation status in their natural range.**

2. The important site designations, habitats and species afforded levels of protection in line with national policy and legislation including:

- A. National Nature Reserves and Sites of Special Scientific Interest;**
- B. Protected Species including those listed in Wildlife and Countryside Act (1981) (as amended) and the Protection of Badgers Act (1992);**
- C. Habitats and Species of principal importance for the purpose of maintaining and enhancing biodiversity conservation in Wales as listed in Section 7 of the Environment (Wales) Act (2016); and**
- D. National Biodiversity Action Plan Habitats and Species.**

Development proposals likely to have an adverse effect on the conservation value of nationally protected sites, habitats or species, either directly, indirectly or in combination, will only be permitted where it can be demonstrated that:

- i. The proposal contributes to the protection, enhancement or positive management of the site, habitat or species; or**

- ii. **There is no suitable alternative to the proposed development; and**
 - a) **It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site, habitat or species; and**
 - b) **Appropriate compensatory measures are secured; and**
 - c) **The population or range and distribution of the habitat or species will not be adversely impacted.**

3. The locally important site designations, habitats and species including:

- A. Local Nature Reserves;**
- B. Local Biodiversity Action Plan Habitats and Species; and**
- C. Regionally Important Geodiversity Sites and Geological Conservation Review Sites.**

Development proposals likely to have an adverse impact upon these sites, habitats or species will only be permitted where it can be demonstrated that:

- i. **They conserve and where possible enhance the natural heritage importance of the site, habitat or species; or**
 - ii. **The development could not reasonably be located elsewhere; and**
 - a) **The benefits of the development outweigh the natural heritage importance of the site, habitat or species; and**
 - b) **Mitigation and/or compensation measures are provided where adverse effects are unavoidable.**
- 4. The achievement of the Water Framework Directive’s overarching objectives.**
- 5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage.**

6.0 Biodiversity and Geodiversity Designations

6.1 This section describes the significant biodiversity and geodiversity designations that are to be found within or near to the county (see Table 1). It is structured according to the hierarchy of Policy DM2 and looks at designated sites first, then habitats of principal importance and then protected species.

Table 1: Summary of Biodiversity and Geodiversity Designations in Powys

	Biodiversity	Geodiversity	Site	Habitat	Species	Statutory Designation	Non Statutory Designation	In DM2	Un-named in DM2	Mapped in the LDP	Not mapped in the LDP
International & European											
Ramsar	✓		✓			✓		✓			✓
Special Areas of Conservation (SAC)	✓		✓			✓		✓		✓	
Special Protection Areas (SPA)	✓		✓			✓		✓		✓	
European Protected Species (EPS)	✓				✓	✓		✓			✓
National											
National Nature Reserves (NNR)	✓		✓			✓		✓		✓	
Sites of Special Scientific Interest (SSSI)	✓	✓	✓			✓		✓		✓	
Geological Conservation Review Sites (GCR)		✓	✓			✓		✓		✓	
Ancient Woodlands	✓		✓				✓	✓			✓
Veteran Trees	✓		✓				✓	✓			✓
National (UK) protected species	✓				✓	✓		✓			✓
Environment Wales Act Section 7 Habitats	✓	✓		✓		✓		✓			✓

	Biodiversity	Geodiversity	Site	Habitat	Species	Statutory Designation	Non Statutory Designation	In DM2	Un-named in DM2	Mapped in the LDP	Not mapped in the LDP
Environment Wales Act Section 7 Species	✓				✓	✓		✓			✓
Regional / Local											
Local Nature Reserves (LNR).	✓		✓			✓		✓		✓	
Regionally Important Geodiversity Sites (RIGS)		✓	✓				✓	✓		✓	
Sites of Interest for Nature Conservation (SINC)	✓		✓				✓		✓		✓
Local Wildlife Site (LWS)	✓		✓				✓		✓		✓
Wildlife Trust Reserves (WTR)	✓		✓				✓		✓		✓
Road Verge Nature Reserves (RVNR).	✓		✓				✓		✓		✓
Powys Local Biodiversity Action Plan (LBAP)/Powys Nature Recovery Action Plan (NRAP) Habitats	✓			✓		✓	✓	✓			✓
Powys Local Biodiversity Action Plan (LBAP)/Powys Nature Recovery Action Plan (NRAP) Species	✓				✓	✓	✓	✓			✓

6.2 More information can be sought from the Biodiversity Information Service for Powys and the Brecon Beacons National Park (BIS), or the Welsh Government's Lle Geoportal, and Geoconservation Wales (see Appendix B). It is planned to make the locations of all of the site designations described in Table 1 available-through an interactive mapping tool via the LDP website.

Designated Sites

6.3 Powys has a wide range of biodiversity and geodiversity site designations that apply to large parts of the county.

6.4 It is the applicant's responsibility to:

- Assess which site designations might be affected by a development proposal;

- Demonstrate what the effects of the proposal on the designated site might be; and
- Show how these can be managed or mitigated acceptably;
- Apply for the appropriate environmental permit from NRW to undertake activity within the designated site.

International and European Site Designations

6.5 Criterion 1.A. of LDP Policy DM2 relates to sites that have been designated at the International or European level (Ramsar sites, SAC and SPA). This affords them the highest level of statutory protection possible. This ensures that the integrity of these European sites are not adversely affected by development proposals, and outlines the circumstances under which development proposals will be permitted or refused consent.

6.6 Immediately adjacent to Powys is the Cors Fochno and Dyfi **Ramsar site**, designated under the International Ramsar Convention for Wetlands (see Appendix C). In addition, there are four other designated Ramsar sites outside the county but close enough to be potentially affected by development activity within Powys due to potential downstream effects.

6.7 Designated under the EU Habitats Directive, there are 17 **Special Areas of Conservation (SAC)** that are either wholly or partially within the Powys planning area, and a further 25 that are outside the county but close enough to the boundary to be potentially affected by development activity within Powys. SAC are designated because of their outstanding international significance and therefore of importance to the maintenance of biodiversity across Europe.

6.8 A **Special Protection Area (SPA)** is a European designation arising from the EU Birds Directive. There are three SPAs that are either within or partially within the Powys planning area, plus a further two that are outside the county but close enough to the boundary to be potentially affected by development activity within Powys. Associated with the SPA designation are species specific ranging and foraging buffers that applicants need to be aware of.

6.9 A list of the SAC and SPA sites (collectively known as Natura 2000 sites) and Ramsar sites within or adjoining the County is found in Appendix 3 of the LDP. For the purposes of planning, these three designations are collectively known as '**European sites**'.

6.10 Applicants must check whether their proposal is within, ~~close to or~~ adjacent or close to a European site. This can be done by contacting BIS or visiting the Lle Geo-portal (see Appendix B). However, certain proposals may have impacts over a longer distance particularly if they emit airborne or waterborne pollution; for example, intensive livestock units may give rise to pollution that adversely affects a European site, therefore threatening its integrity and conservation objectives. These kinds of development proposals will need to ensure they take European sites that are further away into consideration. (See also paragraphs 9.8 to 9.21).

National Site Designations

6.11 Criterion 2.A. of LDP Policy DM2 relates to sites that have been designated at the National (UK) level (NNR and SSSI). This ensures that these nationally designated sites are not adversely affected by development proposals, and explains the circumstances under which planning applications will be refused or granted planning consent.

6.12 There are eight **National Nature Reserves (NNR)** that are either wholly or partially within the boundaries of the Powys planning area. These have been designated by Natural Resources Wales (NRW) under the National Parks and Access to the Countryside Act (1949) or the Wildlife and Countryside Act (1981) because of their national importance for the study and enjoyment of biodiversity and geodiversity. These sites are usually specifically managed by NRW or, exceptionally other organisations with similar aims to NRW (e.g. a Wildlife Trust). All NNR in Wales are protected as **Sites of Special Scientific Interest (SSSI)**.

6.13 There are 222 SSSI within Powys. These are also designated by NRW due to their nationally important biodiversity and geodiversity and as such form a representative suite of the country's very best wildlife and geological sites. However, whereas NNR are largely managed by NRW, SSSI are usually managed by the landowner, under conditions and guidance from NRW, to ensure operations do not occur that are likely to damage the scientific interest or part or all of the site. These might include tree felling, ploughing grassland, draining a wetland or changing the way the land is grazed. Whilst the majority of SSSI are designated for their value to wildlife, a number of SSSI in Powys have been designated for their geological importance (see also RIGS and GCR). The landowner or land occupier must seek permission from NRW in writing to undertake activities within a SSSI, and may require a management plan and mitigation strategy.

6.14 **Geological Conservation Review Sites (GCR)** are sites of international and national importance for demonstrating the key scientific elements of the Earth Heritage in Britain. The majority of these sites in Powys have been afforded statutory protection by being designated as geological SSSI for their geological value. GCR sites are identified by the Joint Nature Conservation Committee (JNCC) (see Appendix B).

6.15 LDP Policy DM2, Criterion 5 includes protection for individual trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage. This includes ancient woodland and veteran trees. Where trees are considered to have amenity value they can be protected by a Tree Preservation Order (TPO) (see link in Appendix B).

6.16 Any development that is considered to unacceptably adversely affect these features will not be permitted. See also paragraphs 4.2.12 and 4.2.13 of the reasoned justification for Policy DM2.

6.17 **Ancient Woodlands** are identified by NRW. These are irreplaceable areas of habitat that are defined as having been under more or less continuous woodland cover since at least 1600AD. Due to their age they have enormous heritage and conservation value arising from the sometimes unique fauna and flora that has grown to be associated with them. Planning Policy Wales (PPW) (see Appendix B) requires LPAs to consult with NRW before authorising any developments that may result in damage to an Ancient Woodland.

6.18 The unique value of Ancient Woodland derives from the relationship between its soils, ground flora and other species beyond the trees themselves which may not necessarily be particularly old. They also frequently have a high cultural importance for the same reasons. Applicants need to demonstrate how they are taking into account any ancient woodland that their proposal may affect. See also PPW and Technical Advice Note 5 (TAN 5) Nature Conservation and Planning for further details (see Appendix B).

6.19 Ancient woodland includes:

- Ancient Semi-Natural Woodland (ASNW) mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.
- Plantations on Ancient Woodland Sites (PAWS) - replanted with conifer and broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi.
- Restored Ancient Woodland Sites (RAWS) – woodlands which are predominately broadleaved now and are believed to have been continually wooded for over 400 years. These woodlands will have gone through a phase when canopy cover was more than 50% non-native conifer tree species and now have a canopy cover of more than 50 percent broadleaf
- Ancient Woodland Site of Unknown Category (AWSU) - woodlands which may be ASNW, RAWS or PAWS. These areas are predominantly in transition and existing tree cover is described as 'shrubs', 'young trees', 'felled' or 'ground prepared for planting'.

6.20 Other distinct forms of ancient woodland are:

- Wood pastures identified as ancient.
- Historic parkland, which is protected as a heritage asset.

Many wood pastures and historic parklands do not appear on NRW's Ancient Woodland Inventory because their low tree density did not register as woodland on historic maps. However applicants must give consideration to any kind of wood pasture, ancient or otherwise, as it appears in the Environment (Wales) (2016) Section 7 list of Habitats of Principal Importance. (See paragraphs 6.32 - 6.35). For more information on the Ancient Woodland Inventory visit the Welsh Government's Lle Geo-portal website (Appendix B).

6.21 It is also important to note that 'continually wooded' does not mean there has been continuous tree cover across the whole site or across time. Also, not all trees in the woodland have to be old, and open space, both temporary and permanent, is an important component of ancient woodlands.

6.22 **Veteran, ancient, or aged trees** also have cultural, historical, landscape and nature conservation value because of their age, size, or condition. They can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks, or other areas.

Local Site Designations

6.23 Criterion 3.A. of LDP Policy DM2 relates to **Local Nature Reserves (LNR)** and ensures that these locally designated sites are not adversely affected by development proposals, and explains the circumstances under which planning applications will be refused or granted planning consent.

6.24 In Powys there is only one LNR, the Lake Park LNR in Llandrindod Wells. LNR are designated by local authorities under the National Parks and Access to the Countryside Act 1949 (see Appendix C), and managed for nature conservation, education and public access.

6.25 LDP policy DM2 criterion 3.C relates to areas or sites that are considered particularly high in geological and geomorphological interest and have been designated as

Regionally Important Geodiversity Sites (RIGS). RIGS sites, of which there are 78 in Powys, are selected on a local or regional basis using four selection criteria (scientific, educational, historical and aesthetic). RIGS in Montgomeryshire and Radnorshire are designated by the Central Wales RIGS Group and in Brecknock by the South East Wales RIGS Group (see Appendix B for details). RIGS sites are those which, whilst not benefiting from statutory protection (such as is afforded by being a Geological SSSI; see SSSI paragraph 6.13), they are nevertheless regionally or locally representative sites where, "... consideration of their importance becomes integral to the planning process." (Earth Science Conservation Strategy (ESCS)).

6.26 As well as sites referred to in Policy DM2, there are a number of other important locally designated sites, which applicants' proposals will need, to 'demonstrate how they protect, positively manage and enhance'.

6.27 The most common of these local designations are **Sites of Interest for Nature Conservation (SINC)**. These are assessed and selected using specific criteria, which recognise their wildlife value, agreed by members of the Powys-Biodiversity Partnership (see Appendix B). These sites help meet local and national biodiversity objectives and contribute to the quality of life and well-being of the local community. SINC are not necessarily open to the public, with the majority having no public access at all. Should a site visit be necessary for surveying purposes then applicants must contact the landowner to seek permission to enter the site.

6.28 When a SINC has been identified, subsequent negotiations with the landowner can result in a management agreement being drawn up and the site becoming a **Local Wildlife Site (LWS)**. Where funding allows, these additional negotiations are usually carried out by the three Wildlife Trusts (WT) that operate in Powys (see Appendix B).

6.29 The Wildlife Trusts also own, lease and manage land as **Wildlife Trust Reserves (WTR)**. These protect locally or nationally rare or vulnerable wildlife or habitats and many carry statutory designations. In the Powys LDP area there are approximately 45 Wildlife Trust Reserves.

6.30 Lengths of road verge that have been identified as having particular value to wildlife have been designated as **Road Verge Nature Reserves (RVNR)**. These sites are managed by the County Council as part of the rural verge management regime with the aim of conserving and enhancing their features of interest. RVNR typically support species or assemblages of species of local and/or national importance for the conservation of biodiversity. Their linear nature means that they play an important role in linking habitat areas and supporting landscape connectivity.

6.31 Although SINC (including LWS), WTR and RVNR are not specified in LDP Policy DM2 or shown on the LDP Proposals Maps, these designations are material considerations which will be taken into account in the determination of planning applications.

Habitats of Principal Importance

Nationally and Locally Important Habitats

6.32 Section 7 of the Environment (Wales) Act (2016) refers to habitats of principal importance for the conservation of Biodiversity in Wales. A list of the Habitats can be viewed on the Wales Biodiversity Partnership website (see Appendix B).

6.33 The Powys Local Biodiversity Action Plan (LBAP) identifies the following nationally important habitats that are relevant to the conservation of biodiversity in Powys:

Coniferous woodland	Lowland raised bog	Traditional orchards
Farmland	Lowland woodland pasture	Upland calcareous grassland
Garden habitat	Mesotrophic waters	Upland / lowland heath
Linear habitats	Rhos pastures	Upland oak woodland
Low dry acid grassland	Rivers and streams	Wet woodland
Lowland meadows	Scrub and ffridd	

6.34 The Powys LBAP can be found online (see link in Appendix B). For each habitat there is a separate action plan detailing the targets that need to be met in order to protect the habitat, the main threats, and the actions that local partners are taking to secure the habitat’s future. Applicants will need to demonstrate that they have taken into account any of these protected habitats in their proposals.

6.35 The Powys LBAP is due to be replaced in 2019 by the Powys Nature Recovery Action Plan (NRAP) which provides a focus for local delivery of national Nature Recovery Plan objectives, supports sustainable management of natural resources and contributes towards the goals of the Well-being of Future Generations (Wales) Act (2015). Applicants therefore need to be aware that the detail surrounding habitats (including the list above) and species of principal importance, and the actions required to protect and enhance them may well change when the NRAP replaces the LBAP (see Appendix C for more details). Appendix B of this SPG lists contact details for the Wales Biodiversity Partnership and the Powys Biodiversity Partnership which will hold updated details of the habitats of principal importance in Wales and Powys respectively.

Protected Species and Species of Principal Importance

6.36 In addition to sites and habitats, certain species have special protection, afforded to them under either European or National legislation. Furthermore, species which are locally or regionally important, across Powys, but do not necessarily have statutory protection, are identified in local policy as **species of principal importance** (formerly termed ‘priority species’).

6.37 Welsh Government’s Technical Advice Note 5 (TAN 5) states that: *It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.*

6.38 The presence of protected species or species of principal importance on a proposed development site is a material consideration in the planning process, therefore it is essential that applicants provide sufficient information with their planning applications to identify the species present and the extent to which they may be affected by the development proposals. This information cannot be considered after permission is granted so if it is absent then it may delay determination or result in refusal. The information will need to detail any avoidance measures, mitigation or compensation that is required as well as any opportunities that may exist for enhancement of the habitat or features associated with that species.

European Protected Species (EPS)

6.39 The Conservation of Habitats and Species Regulations (2017) (see Appendix C) affords protection to a number of animal and plant species (in Schedules 2 and 5 respectively) which may be found on proposed development sites in Powys. These include bats, otters, great crested newts and the (hazel) dormouse. Whilst it is an offence to kill, injure, disturb (including handle) these species, the protection also extends to their breeding sites and resting places where they are found.

6.40 This legislation also requires the Council to consider how it can best contribute to the protection, enhancement and restoration of habitat available for wild birds, both through the management of the areas of land under its control and areas of land that is influenced by its wider functions. That includes promoting and delivering habitat management and restoration, and/or habitat creation, to support wild bird species through the planning process.

6.41 Article 4(4) of the 2009 EU Birds Directive also refers to member states striving to avoid pollution or deterioration of habitats used by species of birds listed in Annex 1 of the Directive, even when they are outside designated areas. (See Appendix C for more details). For species listed in Annex 1, member states must conserve their most suitable territories as Special Protection Areas (SPA) (see also Appendix B for link to Birds Directive information).

6.42 Where development proposals will affect EPS, a Derogation Licence may also be required (see paragraph 7.50).

National Protected Species (UK)

6.43 The Wildlife and Countryside Act 1981 (as amended) provides different levels of protection for a number of nationally important species. The Act includes Schedules with lists of those species which receive special protection in the UK – Schedule 1 (birds), Schedule 5 (animals) and Schedule 8 (plants). As a result it is prohibited to kill, injure or take by any method species such as bats, great crested newts, and water vole. It is also an offence to damage, destroy or obstruct access to any structure or place which animals on Schedule 5 use. Barn owl are afforded protection under Schedule 1, which means it is an offence to intentionally or recklessly disturb them at, on or near an active nest; other species are afforded partial protection, for example, slow-worms which are protected from killing and injury.

Species of Principal Importance (Wales)

6.44 The Section 7 list of the Environment (Wales) Act (2016) contains those species that have been identified as being of principal importance for the conservation of biodiversity in Wales. As this list may change during the lifetime of this SPG applicants should refer to the Wales Biodiversity Partnership's website (see Appendix B) where the most up to date version can be viewed.

Locally Important Species

6.45 The Powys LBAP contains a list of species that are considered to be a priority-for protection in Powys. As this list may change during the lifetime of this SPG, and especially in view of the forthcoming publication of the Powys NRAP, applicants should refer to the

Powys Biodiversity Partnership's website (see Appendix B) where the most up to date species list can be viewed.

Un-designated Sites, Habitats and Mobile Species

6.46 Applicants should bear in mind that un-designated sites can have biological features of international or national significance, and these need to be considered in preparing the development proposal. For example, a number of the 'Mawn' pools frequently found on common land across North Brecknock and Radnorshire may contain protected species.

6.47 Also many protected species and species of principal importance, particularly birds, insects and mammals such as bats and otters can have quite extensive territories using areas repeatedly for travel, shelter, breeding and/or feeding and in so doing rely on habitats that may not themselves be designated. Disruption to these areas can impact species and populations significantly. As a result, these habitats are considered to be of significant conservation value because of their important role in facilitating dispersal of that protected species. Having identified any such habitats during a Biodiversity Survey (see paragraphs 7.20 to 7.49), development proposals that result in impacts upon them will need to demonstrate how their proposal will not adversely affect the functionality of these 'stepping-stone' and linear habitats (see also Habitats Regulations in Appendix C).

7.0 Biodiversity and Geodiversity Assessments, Surveys and Licences

7.1 To understand how a particular development proposal may affect biodiversity applicants must undertake research into the area where development is proposed. This research is in the form of surveys and assessments, often requires licencing and so must be carried out by suitably qualified personnel. This section explains how these surveys and assessments should be undertaken. Applicants should refer to Appendix E for a Flowchart explaining when survey work is typically incorporated into the preparation of the development proposal.

7.2 Geodiversity assessments are described at the end of this section.

Environmental Impact Assessment (EIA)

7.3 The term ‘Environmental Impact Assessment’ (EIA) describes a process that must be followed for certain types of development proposal before they can be given ‘development consent’ (see Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations (2017) in Appendix C). The process is a means of drawing together, in a systematic way, an assessment of a project’s likely significant environmental effects. Further advice on EIA is given at the pre-application stage.

7.4 Those types of development proposal requiring an EIA are listed in two Schedules within the EIA regulations:

- Schedule 1 - includes large development such as airports and industrial works which require an EIA.
- Schedule 2 - details the thresholds and criteria that the development types listed need to cross before they are considered to be a Schedule 2 development. Any Schedule 2 development must be screened by the LPA to determine if there are likely significant impacts which indicate that an EIA is required.

7.5 The process of undertaking the assessment of environmental impacts is the ‘Environmental Impact Assessment’; the submission of that information as part of a planning application is called the ‘**Environmental Statement**’.

7.6 The preparation of an Environmental Statement in parallel with a development proposal’s design provides a useful framework within which environmental considerations and design can interact. The responsibility for carrying out the Environmental Impact Assessment and compiling the Environmental Statement rests with the applicant.

Screening Opinion

7.7 The EIA regulations provide a procedure which enables applicants to apply to the planning authority for an opinion on whether they will need to undertake an EIA – this is called a ‘**screening opinion**’.

7.8 To provide a screening opinion, the Council requires:

- a plan identifying the site of the proposed development;
- a brief description of the physical characteristics of the site and its surroundings;
- the purpose of the proposal; and
- its possible effects on the environment.

This can be done well in advance of any formal planning application. The Council must give its opinion within three weeks, unless the applicant agrees to a longer period.

7.9 Where removal of uncultivated or semi natural habitat, or activities involving forestry operations, including harvesting, forest road construction and quarrying, applies, screening may be required from WG and NRW respectively under the:

- EIA (Agriculture) (Wales) Regulations (2017), and
- EIA (Forestry) (England and Wales) (Amendment) Regulations (2017).

For more information refer to Welsh Government EIA website and the NRW EIA website (see Appendix B).

Scoping Opinion

7.10 The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations (2017) also enable an applicant, before making a planning application, to ask the local planning authority for its formal opinion on the information to be included in an Environmental Statement – this is called a ‘**scoping opinion**’. If the applicant wishes, an application for a scoping opinion can be carried out simultaneously with the screening opinion.

7.11 Applicants and the Council should discuss the scope of an Environmental Statement before its preparation is begun. Statutory consultees, such as NRW will be consulted at this stage. The formal requirements as to the content of Environmental Statements are set out in Schedule 4 of the above regulations. There is no prescribed format of an Environmental Statement, provided that the requirements of the EIA Regulations are met.

7.12 The Chartered Institute for Ecology and Environmental Management (CIEEM) has produced detailed guidance for EIA (see Appendix B).

7.13 If there is disagreement concerning the outcomes of screening or scoping then the opinion can be referred to the Welsh Government for determination.

Habitat Regulations Assessment and Appropriate Assessment

7.14 A **Habitats Regulations Assessment (HRA)** considers the impacts of plans and proposed development on European sites. This is a statutory duty required under The Conservation of Habitats and Species Regulations (2017) and undertaken by the relevant competent authority. Where it is considered that there is a potential for a development proposal to impact a European site the LPA, as the competent authority, is required to undertake a HRA. There are four stages in the process;

7.15 **Stage One: Screening Assessment** - This identifies the likely impacts of a development proposal, directly or indirectly, upon a European site, either alone or in combination with other projects or plans. It considers whether these impacts are likely to be significant and is often referred to as the ‘Test of Likely Significance’. The approach to decision-making in this screening stage is to apply the precautionary principle proportionate to the development proposals in question.

7.15.1 Development proposals not likely to significantly affect a European site or which are connected with or necessary to the management of that site will be ‘screened out’ of the need for any further assessment.

7.15.2 Where it is not possible to rule out the risk of significant effects on specific qualifying features of the European site, either alone or in combination with other plans or projects it will be necessary for an Appropriate Assessment (Stage Two) to be undertaken.

7.16 **Stage Two: Appropriate Assessment** - The Appropriate Assessment (AA) establishes whether the impact of the development (either alone or in combination with other plans or projects) would have a significant adverse effect on the integrity of the European site with respect to the conservation objectives of that site and to its structure and function.

7.16.1 The level of information and detail required for an AA will reflect the complexity of the case or scale of the proposal. When undertaking the AA the competent authority must consult NRW and have regard to any representations made by them.

7.16.2 In accordance with Regulation 63 (6) of The Conservation of Habitats and Species Regulations (2017), in considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that planning permission should be given.

7.16.3 Any mitigation proposed as part of the development will be considered during the AA stage, in addition the assessment can be an iterative process with the competent authority working with NRW and the applicant, re-assessing changes and new or different mitigation measures before making the final conclusion as to the implications for the site.

7.16.4 The conclusions of the AA inform the ‘Integrity Test’ and must be made on the basis of there being no reasonable doubt as to the absence of adverse impacts.

7.16.5 The competent Authority may approve development proposals that will not adversely affect the integrity of a European site.

7.16.6 Where adverse impacts remain or if there is any doubt about adverse impacts on site integrity and the competent authority wishes to agree to the development proposal despite a negative assessment, alternative solutions (Stage Three) must be examined.

7.17 **Stage Three: Alternative Solutions** - Where an adverse effect cannot be ruled out and the competent authority is minded to approve the development proposal it must consider whether there are alternative solutions which would avoid or have a lesser effect on the European site. What constitutes an alternative solution will depend on the circumstances, including the type, scale, duration, timing and location of the development proposal and its objectives.

7.17.1 Where it is considered that there are alternative solutions a potentially damaging development proposal cannot be approved, the development proposal will need to be changed or refused.

7.17.2 If a competent authority considers that there are no alternative solutions, and still wishes to agree to the development proposals it must meet the requirements of Stage Four of the HRA process.

7.18 Stage Four: 'Imperative Reasons of Overriding Public Interest' (IROPI) and Compensatory Measures - Where adverse impacts remain, the development proposals may only be approved where it can be demonstrated that there are 'Imperative Reasons of Overriding Public Interest' – such reasons are limited to those outlined in Regulation 64 of The Conservation of Habitats and Species Regulations (2017). In addition, any necessary compensatory measures must be taken to secure the integrity of the European sites network. The Secretary of State must be consulted and will inform the European Commission about the compensatory measures adopted.

7.19 The competent authority has the power to require the applicant to provide such information as the authority may reasonably require either for the purposes of the Screening Assessment (Stage One) or an AA (Stage Two) if one is required as set out in Regulation 63 (2) of The Conservation of Habitats and Species Regulations (2017). This can take the form of a Biodiversity Report and be submitted along with the application. The scope and content of information required to inform the HRA will vary depending on the proposal. Applicants are advised to seek advice regarding the scope of information required to inform a Habitats Regulations Assessment prior to undertaking survey work. Maps showing the locations and indicative buffer zones surrounding the 21 European sites within or partially within the county are to be found in Appendix 2 of the Powys LDP's HRA Screening Report (June 2015) (See Appendix B). Documentation and maps for each of the European sites, including potential considerations that applicants will need to take into account to inform the AA are to be found on the NRW website (see Appendix B).

Biodiversity Surveys

Why are Biodiversity Surveys necessary?

7.20 All development has an impact upon the environment and the biodiversity within it. As such it is necessary to carry out desk-top and/or field surveys to understand which sites, habitats and species will be affected on or beyond the proposed development site.

When are surveys required?

7.21 Applicants may be required to submit information in support of a planning application to enable the LPA to assess the impacts on biodiversity from the proposed development. The nature of the impact and type of survey required will very much depend on the scale and type of development proposed and whether there is a need to meet regulatory requirements. It is recommended that applicants seek pre-application advice as soon as possible to determine whether a Biodiversity Survey is required. Applicants should also refer to Appendix E for a Flowchart which explains when survey work is typically incorporated into the development proposal.

7.22 If the LPA considers that insufficient information has been submitted by the applicant to inform the Favourable Conservation Status (FCS) test for the species

concerned additional information may be requested. (See Appendix A, and Habitats Directive in Appendix C),

7.23 The following table identifies types of proposed development site for which Biodiversity Surveys are likely to be required. **The list is for guidance – it is not exhaustive and is not a substitute for expert advice based on an assessment of the site.** A survey is likely to be needed when a development proposal affects one of the typical development site types (Table 2). Applicants should note that survey effort beyond the boundaries of the development proposal is likely as disturbance of EPS can occur beyond the proposed development site itself. The surveys types shown in Table 2 are explained after the table.

Table 2: Typical Types of Proposed Development Site in Powys Requiring Biodiversity Surveys

Proposed Development Site Type	Species and/or Habitat Surveys Likely to be Required
Greenfield land	Preliminary ecological appraisal *; Protected species surveys as necessary
Brownfield land	Preliminary ecological appraisal *; Protected species surveys as necessary
Open greenspace	Preliminary ecological appraisal *; Protected species surveys as necessary
Watercourses	Preliminary ecological appraisal *; potential for water vole, otter, fish, white-clawed crayfish, floating plantain, bird surveys as necessary.
Ponds / wetlands	Preliminary ecological appraisal *; Water vole, great crested newt
Woodland	Preliminary ecological appraisal *; Bats, badgers, birds, dormice, red squirrel, bryophytes, vegetation as necessary
Nature Reserves	Preliminary ecological appraisal *; Protected species surveys as necessary
Mines / caves / cellars	Bats
Quarries	Preliminary ecological appraisal *; Protected species surveys as necessary including reptiles, bats, great crested newts, bryophytes
Sites known to have protected species	Any protected species identified as present
Barn / building conversion*	Bats, barn owl, nesting birds
Loft conversion / roof-light installation / re-roofing	Bats, nesting birds such as swifts and house martins

Proposed Development Site Type	Species and/or Habitat Surveys Likely to be Required
Hedgerow, tree line or scrub removal	Hedgerow survey Bats, dormice, great crested newt, badger, nesting birds
Habitat creation / enhancement	Preliminary ecological appraisal; Protected species surveys as necessary
Road construction	Preliminary ecological appraisal; Protected species surveys as necessary
Coastal development	Preliminary ecological appraisal; Protected species surveys as necessary

(based on BBNP Biodiversity and Development SPG, May 2016)

* A Phase II Survey may also be required (See Paragraph 7.30)

Who can carry out a survey?

7.24 Applicants should appoint an ecological consultant with the expertise and qualifications to undertake the assessment of the proposed development site. Applicants and appointed consultants should note that the LPA will only accept species surveys carried out by surveyors who hold a valid NRW license for the species affected. Natural England licenses are not valid in Wales.

7.25 There are a number of professional bodies that ecological consultants may be a member of, such as the Chartered Institute of Ecology and Environmental Management (CIEEM). Surveys carried out by people who are not members of these professional bodies will not be accepted by the LPA.

7.26 Information on how to find and engage an ecological consultant is provided by NRW and CIEEM. (See Appendix B).

What kind of survey is required?

7.27 There are a number of different types of survey:

7.28 **Preliminary Ecological Appraisal** (also known as an Extended Phase I Habitat Survey) - This is a rapid initial assessment of the habitats present at the proposed development site, records of any species present at the time and an assessment for the potential for presence of other species. The appraisal should assess the potential impacts of the development and make recommendations for further surveys such as those for priority habitats and species and EPS, if they are necessary. CIEEM issued Guidelines for Preliminary Ecology Appraisal in 2017 (see Appendix B); the LPA will expect applicants and their ecological consultants to adhere to the best practice principles in this or any updated guidance.

7.29 Where a preliminary survey identifies evidence of, or the potential for, protected species to be present, additional surveys are likely to be required.

7.30 Phase II Survey - This more detailed survey is usually used to confirm the presence or likely absence of a protected species, or a detailed botanical survey of a potentially important habitat.

7.31 Surveying for European Protected Species (EPS) - EPS frequently found in Powys include bats, great crested newts, otters and (hazel) dormouse (see examples of Species Specific Surveys, paragraph 7.38 to 7.44). If a proposal is close to or likely to affect habitat known to be, or potentially, used by EPS then survey information must **always** be provided with the planning application. A planning application which could impact on these species cannot be determined until the applicant provides all the necessary information to inform the Favourable Conservation Status (FCS) test for the species concerned. To help the determination of the planning application, ecological submissions should consider both Current Conservation Status (CCS) and FCS (see Appendix A, and Habitats Directive in Appendix C). The survey, survey report, and mitigation and compensation proposals must always be undertaken and prepared by a licenced surveyor (survey licences are issued by NRW).

7.32 If the survey shows that EPS are present and likely to be impacted by the proposals, the applicant will need to provide details of appropriate mitigation measures. The mitigation proposals will depend on the results of the survey and the licenced surveyor can provide advice on those most appropriate. For bats this may involve incorporating a bat roost within the building; erecting bat boxes; or hedgerow planting. (See also paragraphs 8.33 to 8.36).

7.33 Details of these proposed mitigation measures will then need to be clearly shown on any submitted plans/drawings and the applicant will need to ensure that they match the requirements identified within the Survey Report (See paragraph 7.46). In order to satisfy the required tests, mitigation and compensation will need to consider both construction and operational phases of a development scheme including over the long term. Long term surveillance may be required to ensure the ecological functionality of post construction mitigation or compensation schemes.

7.34 The LPA will then assess the information submitted against the requirements of the Habitat Regulations (see paragraphs 7.14 to 7.19). If EPS presence has been ascertained, and disturbance or damage to their habitat or resting place cannot be avoided and planning permission is granted, the applicant will then need to apply for an EPS development licence ('Derogation') from NRW.

7.35 Before planning permission is granted, the LPA needs to take into account the three tests of derogation during its decision on the application, namely that:

- there is 'no satisfactory alternative'; and
- it is 'not detrimental to the maintenance of the populations of the species concerned at favourable conservation status in their natural range'; or
- it is 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'.

7.36 To enable the LPA to do this, these issues must be addressed in the Biodiversity Report incorporating the results of the survey/s that are submitted with the planning application, and, where appropriate, information and/or mitigation provided on the plans.

7.37 Once the application is received the LPA may consult NRW to make sure that the approach detailed in the Biodiversity Report is sufficient. If planning permission is then granted, conditions will be attached ensuring that the agreed approach is followed.

Examples of Species Specific Surveys

7.38 As well as EPS, surveys are also required for species protected under National (UK) legislation and species of principal importance identified under Section 7 of the Environment (Wales) Act, 2016. The following paragraphs describe some of the common species surveys likely to be encountered.

7.39 **Surveying for Bats** - The Bat Conservation Trust's Bat Surveys for Professional Ecologists Good Practice Guidelines (3rd Edition 2016) (see Appendix B) provides guidance on designing and undertaking surveys; the Powys LPA will expect bat survey reports that are submitted in support of planning applications to comply with these guidelines. The results of **Bat Activity Surveys** are required to ascertain the bat species present, the numbers of bats and type of roost and also where they are gaining access to the structure. These surveys can only be undertaken at a time of year when bats are active.

7.40 Applicants for smaller developments that affect roofs or other features that may support bat roosts can be asked to submit a **Bat Scoping Survey**. This is a full visual assessment of the site or structure(s) by a suitably qualified and/or experienced individual to survey for evidence of bats or potential for presence. If evidence of (bat droppings or even live bats) or potential for presence is found, bat activity surveys will need to be undertaken at an appropriate time of year.

7.41 Consultants should note that it is considered good practice for survey data (such as habitats, species and their numbers recorded) to be passed onto BIS. See Appendix B for contact details.

7.42 **Surveying for Barn Owls** - The Wildlife and Countryside Act 1981 (as amended) protects all birds, their nests and eggs. Barn owls are listed on Schedule 1 of the Wildlife and Countryside Act, which gives them special protection, making it an offence to disturb them while the bird is building a nest or is in, on, or near a nest containing eggs or young; or to disturb dependent young of such a bird.

7.43 Before any work commences applicants need to check for signs of barn owl presence in or near the property; they may be roosting or nesting. If barn owls are found, compensation proposals may include providing nest boxes in, on or near the building (or tree or structure). Any proposals which may affect barn owls should also take into account factors such as lighting and proximity of suitable habitat.

7.44 **Surveying for Nesting birds** - The Wildlife and Countryside Act 1981 (as amended) protects all wild birds from being killed, injured or taken. This protection also extends to birds' eggs, young and nests (whilst in use). Bird species such as starlings, house martins, house sparrows, swallows and swifts all use buildings to nest in/on. Areas of dense or open vegetation (e.g. hedgerows, long-derelict or agricultural land) are also important for other nesting birds. Works which might affect nesting birds should avoid the bird breeding season, which is considered to be March to August inclusive.

When can surveys be carried out?

7.45 It is important that the need for Biodiversity Surveys is identified as early as possible as there are constraints on when certain surveys can be done. A Preliminary Ecological Appraisal can usually be done throughout the year although if undertaken in the winter months, some species may be missed. Applicants and their ecological consultants should refer to best-practice guidance when designing or commissioning surveys; the following table provides general guidance on when surveys can be undertaken:

Table 3: Seasonal Timetable for Biodiversity Surveys

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Badgers	Sub-optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Sub-optimal
Bats – Preliminary Roost Assessment	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal
Bats (Hibernation Roosts)	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal
Bats (Summer Roosts)	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal
Bats (Foraging/ Commuting)	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal
Birds (Breeding) including barn owls	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal
Birds (Over-wintering)	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal
Birds (Migrant Species)	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal
Dormouse	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal
Great crested newts (Terrestrial)	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal
Great crested newts (Aquatic)	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal
Invertebrates	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal
Otters	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal
Reptiles	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal
Water voles	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal
White-clawed crayfish	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal
Habitats/ Vegetation	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal

Optimal Survey Time



Sub-optimal Survey Time



What should a Biodiversity Survey Report contain?

7.46 Once all survey work has been completed the results need to be presented in a Biodiversity Report. All submitted reports must provide sufficient information for the Council to fully consider the impacts of a proposed development. A report must therefore address two requirements:

1. Assessment of the ecological impacts of the proposed development site and surrounding area.
2. Measures to avoid, mitigate, compensate, enhance and manage wildlife features.

7.47 The following structure provides guidance on the type of information required in a Biodiversity Report:

Table 4: Typical Structure and Content for Biodiversity Reports

	<i>Information to include:</i>
Executive summary	<ul style="list-style-type: none"> • Reason for the report • Essential evidence, such as status of bat roosts identified • Outline of recommendations, including any further surveys required • NRW Standard Summary Sheet
Introduction and background	<ul style="list-style-type: none"> • Surveyors and qualifications • Site location (map) • Photographs
Methodology	<ul style="list-style-type: none"> • Apply to BIS for site related biodiversity information • Desk study (Preliminary Ecological Appraisal) • Field survey types, methods and justification • Constraints
Results	<ul style="list-style-type: none"> • Weather conditions • Survey results tables • Plans to show location of surveyors and results • Any departure from published guidance
Discussion and analysis	<ul style="list-style-type: none"> • Analysis of the results and particularly how protected species are utilising the proposed development site • Assessment of the impact of the development proposals • Consideration of Current Conservation Status (CCS) and Favourable Conservation Status (FCS)
Conclusions and recommendations	Recommendations for: <ul style="list-style-type: none"> • Mitigation measures • Timing of works • Method Statement • Details of specific enhancement measures • Further survey work • Ecological Compliance Audit method • Biosecurity Risk Assessment • Long term proposals including any dedicated compensation areas, management, wardening and surveillance

7.48 An Ecological Compliance Audit is carried out upon completion of development and is based on the criteria and parameters that may have been identified in the Biodiversity Report. Its purpose is to evidence that all proposed avoidance, mitigation and compensation measures have been implemented in accordance with the terms of a derogation licence and planning consent.

7.49 A Biosecurity Risk Assessment will produce a statement within the Report confirming the lack of biosecurity risk from Invasive Non-native Species (INNS, see paragraph 9.1 to 9.7) or how any risk identified is to be managed to prevent the spreading and/or introduction of INNS to the development site.

For more details on this subject CIEEM has produced a document entitled Ecological Report Writing (see Appendix B).

Species Licences

7.50 A protected species licence gives a person permission to carry out an activity affecting an animal or plant that would otherwise be illegal. Licences are only issued for certain purposes, which are set down in the law, and only where there is a valid justification.

7.51 The consideration and granting of such licences are separate from the process of applying for planning permission, but LPAs must take account of the legislation throughout the development management process.

Who needs a licence?

7.52 Activities that are likely to cause harm or disturbance to a protected species or its habitat as a result of proposed works, must be carried out under a derogation licence issued by NRW under Section 55 of the Habitat and Species Regulations (2017). This must be obtained before the development can be implemented.

7.53 **European Protected Species (EPS)** - If an EPS is likely to be affected by the proposals, the applicant will need to apply to NRW for a 'development licence' before any work on the proposed development site can begin. The application for a licence must be made by the applicant after planning permission has been granted. (See also paragraph 7.34) Working without a development licence could lead to a wildlife crime being committed and subsequent prosecution.

7.54 In some cases appropriate avoidance and mitigation will prevent the need for a licence; work can be managed so that it does not cause disturbance or harm. In other cases, mitigation will not remove the need for a licence, but will form part of the licence conditions, as well as being covered by planning condition(s).

7.55 Applicants need to be aware that mitigation work required as a condition for many development licences may involve a significant length of time. For example, mitigation habitat for dormouse may take several years to develop and this will require a commitment to ongoing appropriate management before it is suitable for dormouse.

7.56 **UK Protected Species** - NRW issues conservation licences for species protected under the Wildlife and Countryside Act (1981), for example, water voles; proposals that

result in the damage or destruction of a place used for shelter and protection by water voles, are likely to require displacement of individuals prior to commencements of work.

7.57 NRW is also responsible for issuing licences under the Protection of Badgers Act (1992), where the proposed works would result in damage, destruction, obstruction to an active badger sett and/or where works in close proximity to an occupied sett are likely to cause disturbance to badgers.

Tree Felling Licences

7.58 Felling of trees may also require a NRW felling licence in accordance with the Forestry Act (1967). For more information on when a licence is required refer to the NRW booklet “*Tree Felling: Getting Permission*” (see Appendix B). Exemptions include felling associated with implementing a planning permission provided the removal was justified in the planning application.

Geodiversity Assessments

7.59 Where it has been identified that geodiversity features may be affected, development proposals must be accompanied by an assessment of the impacts, a management plan and an appropriate mitigation strategy (see TAN 5 Appendix B for more information).

7.60 Applicants should be aware that subtle landscape features may be important components of the designation, e.g. low relief mounds, individual boulders or small exposures of rock in stream sections. Therefore activities such as moving rocks and boulders, carrying out groundworks, importing material from elsewhere, planting trees, trenching for utilities and diverting streams/creating ponds, all have the potential to seriously damage the special interest of the site.

7.61 Within Sites of Special Scientific Interest (SSSI) that have been designated solely for their geodiversity interest or contain recognised important geological or geomorphological features within the wider SSSI designation (e.g. talus slopes where rare colonising plants occur), an environmental permit to carry out any activity may be required to ensure no damage occurs to designated features. The landowner or land manager must seek permission in writing from NRW describing the planned activity and proposed management or mitigation. Failure to do so may result in prosecution.

7.62 Many sites identified under the Geological Conservation Review (GCR) are already designated as SSSI. Applicants proposing development in those GCR which have not yet been afforded statutory protection should seek advice from JNCC to ensure that the proposed activities do not damage geodiversity features and the special interest of the site.

7.63 Regionally Important Geodiversity Sites (RIGS) are recognised in the planning system and the LPA may refer any application for development within a RIGS to the local RIGS Group or to NRW to ensure no important geodiversity features are damaged by a development proposal.

7.64 In all cases, professional geological and/or geomorphological advice should be obtained by applicants to ensure that the geodiversity assessment identifies all the features of interest and appropriate management protocols are in place.

8.0 Biodiversity and Geodiversity in the Planning Process

8.1 This section:

- Explains how biodiversity and geodiversity is considered in the planning process;
- Outlines the steps that applicants need to consider, undertake or include in their application;
- Provides an example of how biodiversity should be addressed by householder application;
- Explains how biodiversity needs to be considered in relation to permitted development rights and Listed Buildings; and
- Provides information on how to incorporate geodiversity within development proposals.

Applicants should also refer to Appendix E for a Flowchart that outlines the typical workflow that is required to address biodiversity in the planning process.

8.2 Whilst this SPG seeks to advise applicants, applicants should seek professional advice. For certain types of development, in addition to the surveys and licences required to be submitted with a planning application, there may be a requirement for an **Environmental Permit** under The Environmental Permitting (England and Wales) Regulations 2010.

8.3 The Royal Town Planning Institute (RTPI) has developed a step-wise approach to help applicants adequately consider biodiversity interests and incorporate them into their proposals. This approach sets out the following steps:

- **Identify and safeguard** any existing, or potential, important habitats or species and ecological connectivity.
- **Avoid loss** of any existing or potential important habitats or species; or fragmentation of ecological connectivity.
- **Design** biodiversity into proposals and projects (e.g. landscaping, Sustainable Drainage Systems, site layout and green infrastructure, living roofs and facades, etc.)
- **Mitigate** for any unavoidable harm or loss to important habitats or species or the fragmentation of ecological connectivity.
- **Compensate** for any un-mitigatable habitats or species losses that can be justified.
- **Enhance** and increase the biodiversity on the site or off-site, if on-site cannot accommodate such requirements.

8.4 The purpose of the step-wise approach is to help applicants to demonstrate that there will be no unacceptable harm to important habitats and species in the county.

Incorporating Resilience into Development Proposals

8.5 It is relatively easy for applicants to incorporate features into a development proposal that will, in the long term, improve the resilience of biodiversity within Powys, and improve the proposal at the same time.

8.6 The Environment (Wales) Act 2016 emphasises the need for ‘building resilience’. This recognises five attributes (sometimes termed ‘aspects’) as building blocks of resilience which can be summarised as:

- **Diversity:** At different levels and scales, from genes to species and from habitats to landscapes. It supports the complexity of ecosystem functions. If diversity is lost systems may collapse. For example; a forest’s resilience to disease may increase with the number of tree species it contains.
- **Extent:** The greater the extent of a habitat or species, the more able it will be to contain the effects of disturbance. For example, a larger area of habitat can support larger populations of species, which will be less likely to become extinct than a smaller one. Consequently, the services provided by an ecosystem, such as water purification, flood attenuation or pollination will be become more stable and reliable as its extent increases.
- **Condition:** This considers how a system is managed, what inputs are applied, what is taken from it, and how it is influenced by the management of the surrounding land. An ecosystem in poor condition will be ‘stressed’ and have reduced capacity to resist, recover or adapt to new disturbances, or to deliver ecosystem goods and services effectively (see Appendix A).
- **Connectivity:** This deals with movement within and between ecosystems, the movement of organisms from foraging, or migration of individuals, through to dispersal of seeds and genes. Connectivity allows ecosystems to function and recover from disturbance but it is reduced through habitat loss and fragmentation. In certain situations connectivity may have negative aspects, for example, if it facilitates the spread of diseases or invasive species (see paragraphs 9.1 to 9.7). For this reason, plans to enhance connectivity need to be made in an informed and appropriate way.
- **Adaptability:** This differs from the other attributes because it is part of the *definition* of resilience rather than an attribute that *supports* it. However, its inclusion in the Environment (Wales) Act is important because it emphasizes some-of the most important features of resilience, dynamism and the ability to adapt to change. This is especially relevant to climate change where change is inevitable and maintenance of the *status quo* cannot be expected.

8.7 Resilience is likely to arise from the interplay between these attributes, rather than just one on its own.

8.8 Table 5 provides an indication of how certain, sometimes very simple additions to a development proposal can contribute towards improving the resilience of biodiversity.

Table 5: Measures that Contribute to the Five Attributes of Resilience

Measures	Five Attributes of Resilience				
	Diversity	Extent	Condition	Connectivity	Adaptability
Nesting boxes for protected or species of principal importance such as bats, barn owls, swifts or house sparrows	✓	✓	✓		
Landscaping a garden with native hedgerows, trees and wildflower areas good for butterflies or bees	✓	✓	✓	✓	
Provision for bats, such as open soffit boxes, bat bricks or access to loft spaces	✓	✓	✓		✓

Creating a reptile and amphibian hibernaculum	✓	✓	✓		✓
Planting of a native species hedgerow or landscaped area	✓	✓	✓	✓	✓
Choosing native flower species to encourage butterflies/bees	✓	✓	✓		✓
Creating a log pile or rock pile	✓	✓	✓		✓
Incorporating access points in gardens for small animals such as hedgehogs	✓	✓		✓	✓
Creation of a wildlife pond and scrapes	✓	✓	✓	✓	✓
Establishment of a meadow area	✓	✓		✓	✓
Incorporating the needs of wildflowers in any grass cutting or other management regime	✓	✓	✓	✓	✓
Improving a waterway and its riparian zone	✓	✓	✓	✓	✓
Planting a native woodland area or copse	✓	✓	✓	✓	
Creation of connecting green infrastructure, wildlife corridors or linear features for wildlife movement	✓	✓	✓	✓	✓
Creation of otter holts	✓	✓			✓
Creation of buffer zones along natural watercourses planted with native species of local provenance	✓	✓	✓	✓	✓
Naturalising or restoring watercourses and opening up culverts (after consultation with NRW).	✓	✓	✓	✓	✓

Principal Impact



Secondary Impact



8.9 Applicants should bear in mind that any one measure in Table 5 could make a contribution to any one of the five attributes, for instance creating a reptile hibernaculum may contribute towards connectivity depending how close it is to other habitat or perhaps naturally occurring hibernacula. Similarly planting a native woodland area may provide a means for wildlife to adapt if it is sufficiently close to other similar habitat that would allow an organism to migrate in response perhaps to climate change. What the table therefore lists are the principal, and secondary impacts that the measures could be making towards improving the resilience of biodiversity. The list of measures are not definitive but any additional measures should impact upon one of the five attributes.

Green Infrastructure and Resilience

8.10 Green Infrastructure (GI) encompasses a variety of natural and semi-natural spaces in the countryside and urban settings. It includes at the local scale, woodlands, fields, parks, allotments, cemeteries, and gardens. Even individual street trees and green roofs all contribute towards GI. For the purposes of this document the phrase 'Green Infrastructure' will also apply to and include 'Blue Infrastructure' which refers to the different types of water-based environments, man-made or natural, such as wetland, ponds, lakes, reservoirs, streams, rivers, canals and tidal waters.

8.11 GI provides many benefits for biodiversity and the resilience of our ecosystems, chiefly through the roles it plays in ecological goods and services and connectivity, providing corridors and routes for organisms to travel to improve their genetic pool and inhabit new places. This is crucial for adapting to climate change for example.

8.12 However the importance of GI goes beyond these environmental interests and lies in its multi-functional ability to provide benefits across a wide range of both social and economic interests, for example in providing places for human relaxation, exercise, or social cohesion, with the associated mental and physical health benefits, as well as tourism and other economic activities.

8.13 Whilst Powys has a large amount of GI, it is nonetheless crucial, particularly in urban or built up areas, that applicants consider the role that their development proposal can play in improving it. This could be quite straightforward through the use of native planting schemes and provision of connections with existing areas of GI or green corridors and routes. Finding ways to improve GI within a development proposal will therefore automatically contribute towards ecological connectivity and the resilience of biodiversity and ecosystems.

8.14 Applicants should seek further guidance by checking any local Green Infrastructure Assessments that may be available.

Cumulative and In Combination Effects

8.15 Both cumulative and in combination effects (see Appendix A for definitions) can result from individually insignificant but collectively significant development taking place over a period of time or being concentrated in a location.

8.16 Considering the effects of developments is particularly important as many ecological features are already exposed to background levels of threat or pressure and they may be close to critical thresholds where further, sometimes very small (or on their own insignificant), impacts, could cause irreversible decline.

8.17 LDP Policy DM2 protects:

1. European sites from development proposals that are likely to have a significant effect upon them, when considered either alone or in combination with other proposals or plans; and
2. Nationally protected sites, habitats and species from development that is likely to have an adverse effect on their conservation value, either directly, indirectly or in combination with other proposals.

8.18 Applicants need to be aware that where an EIA is required (see paragraphs 7.3 to 7.13) the cumulative effects of the proposal on the environment will be considered. This is detailed in the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations (2017) (see Appendix C). Where European sites are concerned and a HRA is required, the potential for in combination effects must be included in the assessment process. This is detailed in the Conservation of Habitats and Species Regulations (2017) (see Appendix C). The requirements of both processes are also cited in PPW and TAN 5.

8.19 For other development proposals (not requiring EIA or HRA), that have potential to impact on a national site as per Policy DM2, the in combination effects upon biodiversity

(habitats and species) resulting from proposed or consented similar developments nearby, or other proposed or consented developments that produce a similar risk to ecological features, will be taken into consideration in determining applications.

Biodiversity and Development

8.20 Following the step-wise approach in paragraph 8.3, this section describes how biodiversity needs to be considered at each of the different steps of the planning process:

- The Pre-application stage.
- The Design Stage.
- The Application Stage.

Applicants should also refer to Appendix E for a Flowchart that outlines the typical workflow that is required to address biodiversity in the planning process.

8.21 Wherever possible, development should avoid impacting on any biodiversity feature. If avoidance is not possible, the applicant should be able to justify why avoidance of adverse impacts is not possible.

8.22 The applicant should show how their proposals have been designed in such a way as to minimise any adverse effects on those habitats or species present, this may involve incorporating appropriate new features or habitats within the proposed development. Applicants should therefore **consider biodiversity at the pre-application stage**, which will also help to prevent delays that may otherwise be caused by the need for survey work and redesign.

The Pre-Application Stage

Pre-application discussions

8.23 The Council welcomes early discussion of biodiversity issues at the pre-application stage, as recommended by national policy (PPW). Pre-application discussions with statutory consultees such as NRW are recommended, in addition to non-statutory consultees such as the Wildlife Trusts and the Royal Society for the Protection of Birds (RSPB) if appropriate, especially when the development proposal is in the vicinity of a designated site (see section 6). Furthermore NRW has a regulatory function with regards to the water environment. The 'Our Service to Developers' pages of the NRW Website (see Appendix B) provides more information on NRW's role in the planning process.

8.24 Under Schedule 1C of Article 2D of the Development Management Procedure (Wales) Order (2012), pre-application enquiries for major developments are required to consult with NRW where the relevant criteria are met.

8.25 Where pre-application discussions suggest the need for a Biodiversity Survey, up-front survey work, including applying for biodiversity information from BIS, will demonstrate a professional approach to a planning application and will enable design work to fully take account of constraints and opportunities on-site. Applicants should also be aware of the **seasonal** nature of ecological surveying (see Table 3) and early and appropriate surveying could minimise delays in the application process.

8.26 In some cases there may not be a reasonable likelihood of a biodiversity feature being affected by development. In these cases survey work will not be needed.

8.27 Applicants should also be aware that in some cases additional information may be requested; the local planning authority can direct the applicant to supply any further information reasonably necessary to determine any planning application.

Unlawful Activity

8.28 Where it is suspected that a proposed development site has deliberately been cleared of its habitats or other biodiversity features prior to pre-application discussions, survey work, or a planning application, the LPA may refer the activity/ies to the relevant enforcing authority.

8.29 If protected species or sites are known to be present at the affected location and a criminal offence is suspected under current wildlife protection legislation (refer to Appendix C) the LPA and/or NRW will report the incident to the police and support them in their investigations.

The Design Stage

8.30 It is important that the findings of any survey work are taken into careful consideration during the design stage. Good survey work will provide details of both constraints and opportunities on a proposed development site and allow an applicant to...

Avoid, Mitigate, Compensate, Enhance and Manage (see below).

8.31 Ensuring **Ecological connectivity** is prominent in recent legislation and guidance.. Certain habitats provide corridors or stepping stones across the landscape, such as hedgerows or networks of ponds. For example, protecting an existing pond would not be satisfactory if that pond is then completely isolated from nearby terrestrial and wetland habitats by the development itself. Ecological connectivity allows species to forage, migrate, colonise new areas and respond to habitat and climate change. Connectivity is an essential aspect in securing ecosystem resilience. (See also paragraphs 8.6 to 8.14).

Avoid

8.32 The primary objective should be to **avoid** negative impacts by designing the proposed development site around the existing biodiversity features. For example, if the site includes a watercourse or existing hedgerow try to incorporate it into the layout of the proposal.

Mitigate

8.33 Where avoidance is not at all possible then the design should aim to **mitigate** any negative impacts. Applicants should ensure that they take account of all the potential effects of a development and make sure that avoidance and mitigation are appropriate to the situation.

8.34 When designing for mitigation all stages and processes of the development should be considered. Development proposals should consider whether the land required is larger than that solely needed for construction (e.g. the displacement of soils may impact upon biodiversity where it is moved from and where it is moved to) and the boundary of the application should reflect this requirement where necessary.

8.35 Impacts can also extend beyond the proposed development site boundary in unexpected ways such as light pollution or disturbance from domestic pets. Relatively small developments can also have larger impacts, for example, removing a hedgerow or line of trees could break up a bat feeding route, negatively affecting a breeding colony some distance from the proposed development site.

8.36 Very occasionally, translocation of a certain species, habitat or feature can be considered when no other options exist, by moving it to another part of the proposed development site or to a receptor site in another area. For example where hedgerows are concerned translocation is preferred to hedgerow removal and replanting where possible as this retains the original hedgerow's species mix and provenance and will function as a hedgerow sooner than a newly planted one.

Compensate

8.37 In some cases it is not possible to avoid or mitigate for certain biodiversity features on a proposed development site. In these instances and where it can be demonstrated that the need for the development outweighs the impacts to the biodiversity features, either on or off-site **compensation** is required. Compensation recreates the feature damaged by a development to ensure no net loss. Compensation should always be seen as a last resort. It should be noted that some habitats and features, such as ancient woodland, cannot be compensated as they are considered irreplaceable.

8.38 It takes time for new habitats and features such as hedgerows and ponds to establish and become functional and there is no certainty that they will ever achieve the same value to nature conservation as the original.

8.39 Compensation will not therefore be regarded as an alternative to avoidance or mitigation and where a habitat or feature is unavoidably damaged or lost to development a replacement ratio that delivers a greater quantity of the replacement may be required. This would need to be discussed with the LPA on a case by case basis to ensure that the replacement gain has integrity and value in the environment it sits within.

8.40 Proposals resorting to compensatory measures must demonstrate why avoidance or mitigation is not achievable and applicants may need to establish compensatory features before development itself begins. Compensatory measures may also be subject to planning conditions and ongoing monitoring (via an Ecological Compliance Audit).

Enhance

8.41 PPW requires the planning system to promote approaches to development which create new opportunities to **enhance** biodiversity. The Council also has a statutory duty under Section 6 of the Environment (Wales) Act (2016) to promote and seek enhancements to biodiversity. One simple way the Council can achieve this duty is through encouraging action by others.

8.42 Enhancement of biodiversity should be a goal for all planning applications. Enhancement is additional to any mitigation or compensation measures required as a result of the impact of the development. Enhancement that contributes to the objectives set by Powys LBAP and NRAP are welcomed.

8.43 The ways in which enhancement can be achieved will vary from site to site and in scale. As such it will be considered on a case by case basis by the LPA. Examples of how enhancement could be achieved are to be found in Table 5.

Manage

8.44 On development sites where wildlife features are retained or new habitats and features are created on or off site, appropriate ongoing **management** must be put in place to ensure long lasting benefits. The management needed will vary according to the site and species involved. In some cases a habitat will largely manage itself if the initial design

was appropriate. However, some compensation sites associated with major development may need specific or ongoing management regimes, the implementation of which may involve delegation to third parties, the use of planning conditions and/or obligations, and/or the use of management contracts.

8.45 In such cases a **management plan** will need to be produced and submitted as part of the biodiversity report. As a minimum, a management plan should cover at least the five years following completion of a development and ideally plan for longer term management and maintenance. Where compensation measures are required, particularly where relocation of species is involved, 25 years is considered to represent the minimum duration.

8.46 Criteria should be included in the management plan to measure success, such as a population of an indicator species reaching a certain size. It should identify specific actions required for good management and include phasing where necessary. The organisations and personnel responsible for implementing the plan also needs to be identified. The implementation will be overseen by a suitably qualified and experienced ecologist who will be required to liaise with the Council's Ecology Officer and submit relevant monitoring information.

Design and Access Statement

8.47 For those development proposals where Design and Access Statements are required, the applicant should provide a summary within their Design and Access Statement which explains how they have addressed the impact of their proposals on any wildlife features and show how they aim to enhance biodiversity. **Applicants should note however that this is not a substitute for a full Biodiversity Report.**

The Application Stage

8.48 By the time a planning application is ready for submission, the biodiversity features present on a proposed development site should have been fully considered. In those cases where survey work is required, a Biodiversity Report should accompany the application. The Council will then consider the information submitted against relevant legislation and policy as part of the planning application process.

8.49 Applicants should be aware that if permission is granted, conditions are likely to be attached to the consent, and occasionally subject to planning obligations. These might include restrictions on certain operations to particular times of year, good practice during construction, additional surveying / monitoring, or appropriate future management and maintenance.

Example – How to Incorporate Biodiversity into a Householder Application

8.50 By way of an example, applicants of householder development proposals such as loft conversions or house extensions, must consider the impact of development proposals on the following species: **Bats, nesting birds, great crested newts** and very rarely **otters, dormouse** and **barn owls**. Bats and nesting birds (especially starlings, house sparrows, swallows, swifts and house martins) and barn owls, are all species which regularly use buildings to nest or 'roost' in. Great crested newts are often found in garden ponds, cellars, and ditches. Householders should also take care to ensure any species that are considered invasive are correctly identified and appropriate measures are in place to either eradicate or manage any risk of these species spreading (see paragraphs 9.1 to 9.7).

8.51 If evidence of any of these species are found then it will, in most cases, be necessary to accommodate the needs of the species concerned within the development proposal and expert advice may need to be sought concerning this. (N.B. Remember it is an offence to knowingly harm or disturb these species, and accommodating them within a proposal need not be expensive).

8.52 Householder applicants should refer to Table 2 (following paragraph 7.23) and use column 1 'Proposed Development Site Type' to select the type(s) of work relevant to the application (if any). The column on the right will then indicate whether survey work is likely to be required and for what species.

8.53 If applicants need to carry out surveys please refer to paragraphs 7.20 to 7.49 for more information. Powys County Council encourages pre-application discussion on all applications.

8.54 For householder applicants, the biodiversity issues most likely to be encountered are outlined in the following paragraphs. Applicants should note, however, that this is not an exhaustive list and cannot account for all biodiversity issues or every householder applications. Please contact the LPA for more information.

Bats

8.55 Bats are an EPS and roost and/or breed in trees, caves and buildings, including underground structures such as cellars and tunnels. The protection for bats extends to the structures that they use for roosting or breeding, even when the bats are absent or not currently using them. Within buildings they are most commonly encountered in roofs (e.g. under slates or roofing felt) or roof spaces (e.g. the attic itself). They usually have regularly used entrance and exit points. Their use of a particular building or tree may change quite suddenly so their physical absence at any one time is not necessarily evidence that they do not use the building or tree. Other signs such as droppings or insect remains will need to be looked for by a licenced surveyor. Further advice on bats can be found in the Bat Conservation Trust (BCT) leaflets 'Bats and Buildings' and 'Bats and Lighting' (see Appendix B).

Otters

8.56 Otters are an EPS and can be found in many rivers, streams and lakes in Powys. However, their distribution is not limited to aquatic environments, with many individuals travelling overland between waterways (see also paragraph 6.47). Spraints or droppings and other evidence of their presence can be found by licenced surveyors.

Dormouse

8.57 The dormouse encountered in Powys is also known as the hazel dormouse. This is an EPS and is typically found in woodland or extensive, mature hedgerows. However they have also been found in some much less typical situations in Powys so it is particularly important that signs for this species, such as discarded empty nut shells, are looked for by a competent and licenced surveyor, wherever woodlands or any hedges in areas known to support dormice, are close to or likely to be impacted by a development proposal.

Great crested newts

8.58 Great crested newts are an EPS and can be found in ponds (including garden and ornamental ponds), canals and ditches and sometimes even cellars. If a planning

application is likely to impact on a pond, canal, ditch or cellar a great crested newt survey may be required.

Barn owls

8.59 These birds are a Schedule 1 Species under the Wildlife and Countryside Act 1981 (as amended), and usually found nesting or roosting in derelict rural buildings but are also found in trees, particularly older ones, including ones in or near to more rural gardens. It is an offence to destroy or disturb the bird, its nest, eggs or young.

Nesting birds

8.60 All wild birds are protected by the Wildlife and Countryside Act 1981 (as amended) from being killed, injured or taken. This protection also includes the bird's eggs and young. Wild bird nests are also protected from damage or destruction, whilst in use. The species that use a building itself and are most commonly encountered by householders, include house sparrows, starlings, swallows, house martins and swifts. Many other species use gardens and areas around dwellings and so can be affected by development proposals.

Designated Sites

8.61 Householder applicants should also check whether their application is within or near to a designated site. Further survey information such as a Preliminary Ecological Appraisal (see paragraph 7.28) may be required if an application is likely to impact upon a designated site.

Enhancing Biodiversity

8.62 Householder applicants can easily provide new opportunities for wildlife, and examples of how such enhancement could be achieved are to be found in Table 5. Further advice can be sought from the Wildlife Trusts and numerous printed guides and publications.

Biodiversity, Permitted Development and Listed Buildings

General Permitted Development Orders (GPDO)

8.63 Permitted development does not negate the need to comply with wildlife legislation and therefore, although a planning application may not be required, ecological advice, surveys and licences may still be required.

GPDO and European Sites

8.64 Regulation 73 of The Conservation of Habitats and Species Regulations 2017 imposes a condition on all development permitted under the GPDO to ensure that it is not in breach of the terms of the Habitats Directive. More information on permitted development and designated sites can be found in TAN 5.

GPDO and EIA

8.65 If the LPA considers that the proposed development, which may otherwise be permitted under the GPDO, is an EIA development, then it will require a full planning application, including an Environmental Statement and will no longer be considered permitted development (see also paragraphs 7.3 to 7.13).

GPDO, Protected Species and Species of Principal Importance

8.66 Certain works under the GPDO may have an impact on protected species and species of principal importance. Of particular impact may be works affecting or close to roofs, blocking eaves, clearing scrub, integrated solar PV, etc. Applicants must take full responsibility for ensuring they comply with wildlife legislation and get advice and licenses where necessary from NRW. Where EPS are affected, a full planning application may be required.

‘Prior notification’ for demolition

8.67 Demolition of a building may result in impacts on protected species and species of principal importance. Therefore, the LPA will require the appropriate Biodiversity Survey/s where relevant for ‘Prior Notification’ of demolition applications.

8.68 Where EPS are affected and insufficient information is provided with regards to methods of demolition and how protected species will be considered, a full planning application may be required.

Listed Building Consent

8.69 Applications for listed building consent may require a Biodiversity Survey. The LPA should be consulted to determine when that is the case. Negative impacts from works to listed buildings could include the closing of gaps for bat access, changes to soffits, works to windows, disturbing or destroying nesting birds, removal of vegetation used by birds, bats or reptiles, etc.

Building Control

8.70 Works which require Building Regulation Approval may require an EPS survey where there may be an impact on those species, e.g. through the use of breathable membrane and external cladding which may impact upon locations where bats may be present.

Geodiversity, Soil and Development

8.71 Geodiversity is frequently encountered on proposed development sites, and this may often be of significance or worth safeguarding. Development and regeneration proposals should provide protection for important geological sites (SSSI, GCR and RIGS), but also take into account the wider geodiversity of Powys. Proposals should incorporate positive elements that contribute to the enhancement and conservation of this natural heritage.

8.72 Important geodiversity sites can represent a range of geological features, including rocks of specific time periods (Precambrian, Ordovician, etc.), structural features (faults, folds), mineralogical sites, active landforms (rivers and landslides) and fossil landforms (glacial features). These features can be found, for example, in quarries (working or disused), road and rail cuttings, natural outcrops (mountain crags, stream sections, etc.), actively eroding rivers, landslides, etc., and can be a distinctive component of topography

8.73 Geodiversity manifests itself in important ways within the built environment with local building stone influencing local character. Using such stone in new developments could be an effective way to show local geodiversity and reinforce the local character. Consideration should also be given to how existing structures that use local stone could best keep this in public view.

8.74 Development may offer opportunities to study temporary or permanent geological exposures which reveal geological features not seen previously. These may be trenches dug for services, new road sections, borrow pits or quarries. Applicants should make sure that where earthworks are involved in a proposal, such as road cuttings or the restoration and aftercare of mineral workings or waste sites, any geodiversity encountered should be assessed. The geodiversity importance of new or temporary exposures should be assessed for their scientific or educational interest and if possible conserved to allow future access.

8.75 A good example is the design of cuttings in road schemes where early design to maintain the rock exposure rather than rock netting or shotcrete would be a significant enhancement to the geodiversity of Powys.

8.76 Other positive measures to enhance the geodiversity can include the promotion of the geodiversity resource. Opportunities can include:

- encouraging local community involvement in identifying and developing initiatives;
- providing controlled, safe access to sites for educational, interpretation and recreational use;
- developing access arrangements to quarries for educational and interpretational use;
- off and on-site interpretation.

8.77 RIGS groups, the Mid Wales Geology Group, NRW, the Geological Society of London, the Geologists Association, and the British Geological Survey will all be interested in any Geodiversity features encountered at a proposed development site.

Soils

8.78 Soil is a precious and finite resource created after many thousands of years of interaction between the underlying geology and climate, and the vegetation that grows and decays upon it. It performs vital ecological services such as water absorption, and provides a nutrient bank for agriculture. Chapter 3 of SoNaRR states that across Wales soil contains over 400million tonnes of carbon, so it also has an important role in mitigating the impacts of climate change. It also provides a seed bank of wild plants and harbours vital populations of soil borne micro-organisms and biodiversity, which are essential in maintaining the quality and structure of the soil as a whole, as well as the functions it performs. Soil therefore is pivotal, not only to humans but to geodiversity, biodiversity and the associated ecosystems that rely upon it.

8.79 Whilst it takes many years to accumulate, soil can be lost or irrevocably damaged very quickly. SoNaRR states that soil quality has deteriorated across all habitats, with the exception of woodlands. Soil erosion, particularly where soils are left exposed, and soil compaction where soil is compressed (for example by farm or construction traffic) are major factors in this deterioration. In addition almost half of agricultural fields contain more than the optimum levels of soil phosphorous.

8.80 Applicants must therefore demonstrate in their development proposals how they are considering the conservation and maintenance of soil and the biodiversity it contains, particularly during construction or whenever soil needs to be displaced within or from a development site.

8.81 This can be done by adopting a Soil Management Plan, which can cover such issues as seasonality, stripping of top and subsoils, erosion prevention and nutrient loss via protection of bare ground with screening or covers, ensuring that areas of land or soil to be protected from construction disturbance are marked by tape or barriers, haul routes, stockpiling and after-use, and could provide an appropriate way to present this information as part of an application.

8.82 Applicants should also consult DEFRA's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (see Appendix B) which includes information on complying with related legislation, other guidance, pre-construction planning, soil management during construction, and landscaping and habitat creation for biodiversity.

8.83 Applicants should be aware that failure to adequately consider soils within their application may result in conditions being applied.

9.0 Other Considerations

Alien or Invasive Non-native Species (INNS)

9.1 There is a list of approximately 100 species identified in Schedule 9 of the Wildlife and Countryside Act 1981 (As Amended) that are non-native (i.e. originating from overseas) and invasive (i.e. they spread very quickly, at the expense of native wildlife). Some of the more well-known species on the list include Japanese Knotweed and Himalayan Balsam and these and many others, including animals, can be found in Powys.

9.2 Under Part 14 of the Act it is an offence to release, or allow to escape into the wild, any animal which:

- (1) is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or
- (2) is included in part 1 of Schedule 9 to the Act.

9.3 It is an offence to plant or cause to grow in the wild any plant listed in Part 2 of Schedule 9 to the 1981 Act, as amended by Part 4, sub-section 24 of the Infrastructure Act (2015).

9.4 The control and disposal of these species are also covered by the 1981 Act and the Environment Protection Act (1990).

9.5 It is the responsibility of the applicant and landowner to be aware of their responsibilities towards these species, and to take adequate care to avoid both the introduction and spread of invasive non-native species. In certain cases where either INNS are present or where risks of introduction are predicted, the LPA will request the submission of Biosecurity Risk Assessments to demonstrate that the proposal will not result in the spread of INNS to the wider environment.

9.6 For more help and guidance visit the Non-Native Species Secretariat website (see Appendix B).

9.7 N.B. In early 2018 the UK government carried out a consultation on the enforcement of the EU Invasive Alien Species Regulations (see Appendix B). The consultation included the introduction of penalties in England and Wales. Applicants are therefore urged to make sure they are familiar with how the enforcement of these regulations may apply to their development proposal.

Water Quality and the Water Framework Directive

9.8 The impact of new development upon water quality is an important consideration that needs to be considered in planning applications.

9.9 Water Quality in any one place is affected by numerous factors, usually acting in combination, such as weather events, current and historic land use activities such as industrial, residential, and agricultural (both at the place in question or upstream in the catchment), abstraction rates, sub-surface geology and the topography of the landscape. Whilst it can have a direct effect upon the health of humans, biodiversity and the wider environment will feel the impacts of poor water quality much more acutely. Any damage to biodiversity in the water environment can take many years, if not decades, to rectify.

9.10 Under the EU's Water Framework Directive the quality of both groundwater and surface water is split into five categories: Bad, Poor, Moderate, Good and High. The Directive requires these waters to be in an overall 'good' status by 2027, and **development proposals that may lead to this status being threatened will be refused.**

9.11 Linked to the Directive is the creation of **River Basin Management Plans (RBMP)**. There are two that cover Powys:

1. Severn; and
2. Western Wales (see Appendix B).

These outline the actions being taken to prevent deterioration of water quality, how aquatic habitats and species will be conserved, and how pollutants will be reduced or eliminated. Local Authorities have a key role in contributing to the planning, delivery and promotion of the RBMPs in exercising their functions. In order to fulfil this role, applicants may be required to provide the LPA with extra information whenever it is considered necessary.

9.12 The River Wye and its tributaries, and the Montgomery Canal are Special Areas of Conservation (SAC) which affords them the highest level of legal protection under international legislation. NRW is the body that is responsible for monitoring the water quality in these, as well as the licencing or permitting that is required for any activities (or 'operations') that may lead to pollution of water courses. This includes any industrial or agricultural activities.

9.13 Due to the fact that parts of the River Wye SAC are currently either failing or are in danger of failing to meet the required phosphate targets a multi-agency partnership has drawn up a **Nutrient Management Plan (NMP)** (see Appendix B) for the river with the aim of ensuring it complies with the phosphate target. Failure to do so by 2027 could potentially result in a moratorium on development within the catchment until the target is reached.

9.14 Certain development proposals, such as those involving intensive livestock, have the potential to pose a very high risk to water quality so proposers of such developments need to take note of the requirements of the particular process that is involved in determining any applications. (See paragraphs 9.17 to 9.21).

Air Quality

9.15 Where development proposals (such as quarrying or mineral extraction, road-making, etc.) may give rise to air quality issues affecting biodiversity, applicants will need to demonstrate in their proposal that they have plans in place to avoid, reduce or eradicate such airborne pollution.

9.16 Certain development proposals, such as those involving intensive livestock, have the potential to pose a high risk to air quality so proposers of such developments should see the following sub-section for more specific information.

Intensive Livestock Units

9.17 Whilst most agricultural activities and some developments fall outside the planning process as permitted development, intensive livestock units will need to satisfy particular criteria in order to gain planning permission.

9.18 This is because of the potential for high environmental impacts upon both water and air quality. Water quality may be affected through, for example, surface water run-off and leaching, arising from poorly sited ranging areas being too near a water course, or poorly designed slurry storage, inadequate planning for extreme weather events such as high rainfall or drought, and inappropriate manure management plans. Air quality may be affected via livestock unit ventilation systems and other areas where dust may arise, which can result in atmospheric ammonia and nitrate deposition reaching levels that are unacceptable for nearby biodiversity, causing particular damage to non-vascular organisms such as lichens and algae. If designated sites with features sensitive to air pollution are present within a 5km radius of a proposal, the applicant may be required to submit a Simple Calculation of Atmospheric Impact Limits (SCAIL) from Agricultural Sources report to assess the likely impact of the proposal on an SSSI or SAC. For developments within 250m of a designated site, detailed modelling may be required.

9.19 In determining applications for intensive livestock units the Council will seek technical advice, in the first instance, from NRW who are the competent authority for determining environmental thresholds and whether any one development proposal may threaten to exceed them either alone, cumulatively or in combination with other projects.

9.20 NRW publishes guidance for developers of intensive livestock units (Guidance Note 020: Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units, and *Guidance Note 021: Poultry Units: planning permission and environmental assessment) (see Appendix B). Guidance Note 021 contains a development checklist reproduced here in Appendix D. It highlights the importance of developers providing enough detailed information for NRW to form an opinion and stresses the need for developers to take into account:

- designated sites;
- habitats;
- protected species;
- watercourses; and
- other locations where it would be difficult to manage run off or leaching e.g. from manure.

9.21 Failure to provide the information detailed in the checklist, or providing inaccurate or misleading information will only delay determination as more accurate or detailed information is sought.

(* Guidance Note 021 replaces the Guidance Note cited in the LDP paragraph 4.2.7 as Quick Guide 9.)

Appendix A: Glossary

Appropriate Assessment: A statutory assessment which is undertaken by a competent authority in respect of plans or projects which have undergone HRA Screening and are considered likely to have a significant effect on a European site.

Biodiversity: Biodiversity is a term meaning “biological diversity” that describes the number and variety of species of plants and animals and other organisms within a habitat and also the diversity of habitats within an ecosystem.

Biodiversity Action Plan / Local Biodiversity Action Plan (BAP / LBAP): The UK’s Biodiversity Action Plan recognises priority habitats and species and plans and works towards their conservation. Local Biodiversity Action Plans are the mechanism for local delivery.

Biodiversity Information Service for Powys & Brecon Beacons National Park (BIS) is the Local Environmental Record Centre. BIS aims to make information on wildlife habitats and important sites, readily available to ensure that decisions affecting biodiversity are made with the best available knowledge.

Chartered Institute of Ecology and Environmental Management (CIEEM): CIEEM is the non-profit professional body which represents and supports ecologists and environmental managers in the UK and abroad. Applicants should ensure that biodiversity surveys and assessments are carried out by professionals who are members of this or a similar organisation.

Connectivity: The ability of plants and animals to “travel” between and within ecosystems to enable the sustaining of their existence and to avoid the isolation of populations.

Cumulative Effects: Cumulative effects are multiple effects on the same habitat or site that arise from the development proposed together with those from all developments that have been built and are operational (see also ‘In Combination Effects’).

Development Licence: Term used within this document to refer to a protected species license obtained by an applicant for the purposes of undertaking a development. Licenses are obtained from Natural Resources Wales.

Ecology: A word used to describe the complex interactions of living organisms with each other and with their environment.

Ecological Goods and Services: The Earth’s ecosystems provide humanity with a wide range of benefits known as ‘ecosystem goods and services’. Goods produced by ecosystems include food, water, fuels, and timber, while services include water supply and air purification, natural recycling of waste, soil formation, pollination, and the regulatory mechanisms that nature, left to itself, uses to control climatic conditions and populations of animals, insects and other organisms.

Ecosystem: The UN’s Convention on Biological Diversity define Ecosystems as, “a dynamic complex of plant, animal and microorganisms and their non-living environment interacting as a functional unit”

Environmental Impact Assessment (EIA): An assessment, undertaken by the applicant, of the impact, whether beneficial or adverse, of a development proposal upon the environment, produced in the form of an Environmental Statement.

Environmental Statement (ES): A document setting out the applicant's assessment of a project's likely environmental effects (EIA), which is prepared and submitted by the applicant in conjunction with the planning application.

European Protected Species (EPS): A species afforded strict protection under European Law by The Conservation of Habitats and Species Regulations (2017) (Habitats Directive Annex IV Species). They include bats (all species), dormice, great crested newts and otters.

European Site: the term used to describe the three kinds of Internationally or European designated sites that are referred to in this SPG, namely Ramsar sites, Special Areas of Conservation (SAC) (including candidate SAC) and Special Protection Areas (SPA) (including potential SPA). For the purposes of Planning, these designations are treated the same.

Favourable and Current Conservation Status (FCS and CCS): The conservation status of species and natural habitats means the sum of influences acting on a species or natural habitat and its typical species that may affect its abundance, long-term natural distribution, structure and functions as well as the long-term survival of its typical species.

Conservation status will be taken as 'favourable' when: population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Geodiversity: Geodiversity is a term that describes geological and geomorphological diversity, or the variety of rocks, minerals, fossils, landforms, sediments and soils, together with the natural processes which form, alter and shape them.

Green Infrastructure: Green and blue (i.e. water-based) natural and semi-natural spaces in the countryside and in and around towns and villages. Component elements include parks, private gardens, agricultural fields, hedges, trees, woodland, green roofs, green walls, canals, rivers and ponds. The term covers all land containing these features, regardless of ownership, condition or size.

Habitat: The place in which a particular plant or animal lives. Often used to refer to major assemblages of plants and animals together and the type of site where an organism or population naturally occurs.

Habitat Regulations Assessment (HRA): An assessment, undertaken by a competent authority, of the impact on European sites and Protected Species to ensure compliance with The Conservation of Habitats and Species Regulations (2017) (the Habitats Regulations). All Ramsar sites, designated and potential Special Protection Areas, designated and candidate Special Areas of Conservation are considered as European sites for the purposes of the Habitats Regulations.

In-combination Effects: Effects that may arise from the development proposed in combination with other plans and projects proposed/consented but not yet built and operational (i.e. those developments that are separate from the baseline) (see also 'Cumulative Effects').

Intensive Livestock Units: Agricultural units where livestock is permanently (generally) housed inside sheds at significantly higher stocking densities than would be normal in local traditional agricultural practices, for example, pigs or poultry.

Invasive Non-Native Species (INNS): species of plants or animals that have originated from other parts of the world and that when introduced to this country, either deliberately or accidentally, grow or spread with little or none of the usual checks and balances (such as competition or natural predators or diseases, etc.) that native species are subject to.

Local Biodiversity Action Plan: see Biodiversity Action Plan.

Local Development Plan (LDP): The required statutory development plan for each Local Planning Authority area in Wales under Part 6 of the Planning and Compulsory Purchase Act (2004). LDPs contain policies that are used in the determination of all planning applications that come before the LPA (the Council) and guide the new development that is likely to take place in the county. The adopted Powys LDP covers the period 2011 to 2026.

Local Nature Reserve: Non-statutory sites of local significance that are designated by the local authority to offer protection for, and encourage public engagement with, wildlife.

Local Planning Authority (LPA): A planning authority responsible for the preparation of an LDP and development management. Development proposals are submitted to the LPA for determination.

Local Wildlife Sites (LWS): In Powys LWS are SINC for which a management agreement has been drawn up between the landowner and the Wildlife Trust or Local Authority. They are a material consideration in the planning process.

Mitigation: The term mitigation in the document refers to action taken which offsets and minimises potential impacts on any wildlife features.

National Nature Reserve (NNR): An NNR is an area which is among the best examples of a particular habitat. NNR are of national importance. All of the reserves are also Sites of Special Scientific Interest (SSSI) and may be used by appropriate authorities for educational projects, biodiversity research and management trials.

Natura 2000 site: Sites protected under the Conservation of Habitats & Species Regulations (2017), including Special Areas of Conservation and Special Protection Areas.

Natural Resources Wales (NRW): NRW is the Government's statutory advisor on sustaining natural beauty and providing wildlife guidance on environmental planning and regulatory issues, which includes foul drainage, pollution prevention, waste management, biodiversity and protected species.

Planning Policy Wales (PPW): Welsh Government's land-use planning policy document.

Powys Biodiversity Partnership: is a group of organisations and individuals who work together to conserve Powys' wildlife for the future. Their aims are set out in the Powys Local Biodiversity Action Plan (LBAP). Sometimes referred to as the Powys Nature Partnership, it includes the Wildlife Trusts, Powys County Council, NRW and Brecon Beacons National Park Authority.

Ramsar Site: Wetland identified under the internationally agreed Ramsar Convention on Wetlands which provides the framework for the conservation and wise use of wetlands and their resources. The initial emphasis was on selecting sites of importance to waterfowl and consequently many Ramsar sites are also Special Protection Areas (SPA) classified under the Birds Directive. However, greater attention is now being directed towards the selection of Ramsar sites of wider wetland ecological importance.

Regionally Important Geodiversity Sites (RIGS): Sites designated for geodiversity purposes and protected by the planning system. They can be designated for their value for educational, scientific, historical or aesthetic qualities.

Resilience: The capacity of ecosystems to deal with disturbances, either by resisting them, recovering from them, or adapting to them, whilst retaining their ability to function, deliver ecological goods and services and attendant benefits, now and in the future.

Road Verge Nature Reserve (RVNR): A local site designation which are lengths of road verge that have been identified as having particular value to biodiversity, and managed with the aim of conserving and enhancing those features of interest.

Royal Society for the Protection of Birds (RSPB): The RSPB is a charitable organisation which works to promote conservation and protection of birds and the wider environment. The RSPB is a non-statutory consultee in the development management process who deal primarily with applications relating to birds (or sites which are important for birds).

Section 6 Duty: A duty placed on LPAs under the Environment (Wales) Act (2016) to seek to maintain and enhance biodiversity in the exercise of their functions, in order to promote the resilience of ecosystems, with particular regard to diversity, connectivity between and within ecosystems and their scale, condition and adaptability.

Section 42 'Important (priority) habitats and species': These habitats and species were identified by the Welsh Government to be a priority for nature conservation in Wales and listed in Section 42 of the Natural Environment and Rural Communities Act (2006); this has been revised and replaced by Section 7 of the Environment (Wales) Act (2016).

Site of Interest for Nature Conservation (SINC): Along with biological SSSI, SINC are the most important places for wildlife in the county. They have significant nature conservation value and are designated to seek to ensure, in the public interest, the conservation, maintenance and enhancement of species and habitats of significant nature conservation value. They are a material consideration in the planning process.

Site of Special Scientific Interest (SSSI): A site, with statutory protection, identified under the Wildlife and Countryside Act 1981 (as amended) as an area of special interest for wildlife or geological features.

Special Area of Conservation (SAC): A site designated under the European Community Habitats Directive (enacted in the UK through the Conservation of Habitats & Species Regulations (2010) (as amended)) to protect internationally important natural habitats and species.

Special Protection Areas (SPA): Sites classified under the European Community Directive on Wild Birds (enacted in the UK through the Conservation (Natural Habitats, &c.) Regulations (1994)), to protect internationally important bird species.

Sustainable Management of Natural Resources (SMNR): Using natural resources in a way and at a rate that maintains and enhances the resilience of ecosystems and the benefits they provide, in doing so, meet the needs of current generations without compromising the ability of future generations to meet their needs. Also referred to as sustainable management.

Technical Advice Note 5 (TAN 5): TAN 5 provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geodiversity conservation.

UK Biodiversity Action Plan (UK BAP): The UK BAP is the UK Government's response to the Convention on Biological Diversity (1993). The UK BAP describes the biological resources of the UK and provides detailed plans for conservation of these resources.

Wildlife Trust: The Wildlife Trusts are a movement of independent, local, nature conservation charities. Powys is covered by three Wildlife Trusts; Montgomeryshire Wildlife Trust, Radnorshire Wildlife Trust and Wildlife Trust for South & West Wales. They own and manage nature reserves and also carry out projects in the wider countryside, which includes SINC and LWS (see separate entries).

Appendix B: Useful Contacts, Websites and Documents

Key Contacts

Powys County Council

Development Management 01597 827161 Planning.services@powys.gov.uk	Planning Policy 01597 827243 ldp@powys.gov.uk
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Natural Resources Wales (NRW)

0300 0653000

NorthPlanning@cyfoethnaturiolcymru.gov.uk

Other Contacts (A-Z)

Biodiversity Information Service for Powys and Brecon Beacons National Park (BIS)

Unit 4, Royal Buildings, 6 Bulwark, Brecon, Powys, LD3 7LB

info@bis.org.uk

01874 610881

<http://www.b-i-s.org/>

Brecknock Wildlife Trust (see The Wildlife Trust of South and West Wales)

British Geological Survey (BGS)

Environmental Science Centre, Nicker Hill, Keyworth, Nottingham, NG12 5GG

enquiries@bgs.ac.uk

0115 936 3100

<http://www.bgs.ac.uk/home.html>

Central Wales RIGS (includes Montgomery and Radnor):

<http://www.geologywales.co.uk/central-wales-rigs/>

Chartered Institute of Ecology and Environmental Management (CIEEM)

43 Southgate Street, Winchester, Hampshire, SO23 9EH

<http://www.cieem.net/>

GB Non-native Species Secretariat (NNS)

Animal and Plant Health Agency, Sand Hutton, York, YO41 1LZ

nns@apha.gsi.gov.uk

<http://www.nonnativespecies.org/home/index.cfm>

Joint Nature Conservation Committee (JNCC)

Monkstone House, City Road, Peterborough, PE1 1JY

comment@jncc.gov.uk

<http://jncc.defra.gov.uk/Default.aspx> and; <http://jncc.defra.gov.uk/page-2947> for Geological Conservation Review Sites (GCR)

Montgomeryshire Wildlife Trust

42 Broad Street, Welshpool, Powys, SY21 7RR

info@montwt.co.uk

01938 555654

<https://www.montwt.co.uk>

Radnorshire Wildlife Trust

Warwick House, High Street, Llandrindod Wells, Powys, LD1 6AG
info@rwtwales.org
01597 823298
<http://www.rwtwales.org>

South East Wales RIGS (includes Brecknock)

<https://sewrigs.wordpress.com/>

The Wildlife Trust of South and West Wales

The Nature Centre, Fountain Road, Tondy, Bridgend, CF32 0EH,
01656 724100
www.welshwildlife.org

The Wye and Usk Foundation

Unit 4, Talgarth Business Park, Trefecca Road, Talgarth, Brecon, LD3 0PQ
admin@wyeuskfoundation.org
01874 711714
<http://www.wyeuskfoundation.org/>

Wales Biodiversity Partnership (WBP)

<http://www.biodiversitywales.org.uk/>

Welsh Stone Forum

<https://museum.wales/curatorial/geology/welsh-stone-forum/>

Useful Documents or Websites Mentioned in the Text

[Powys Local Development Plan \(2011-2026\)](#)

<http://www.powys.gov.uk/en/planning-building-control/local-development-plan/>

[Brecon Beacons National Park Local Development Plan](#)

<http://www.beacons-npa.gov.uk/planning/draft-strategy-and-policy/brecon-beacons-national-park-local-development-plan/>

[Brecon Beacons National Park Supplementary Planning Guidance on Biodiversity and Development](#)

<http://www.beacons-npa.gov.uk/planning/wild-env-protection/>

[State of Nature Report \(2016\)](#)

https://www.rspb.org.uk/globalassets/downloads/documents/conservation-projects/state-of-nature/stateofnature2016_wales_english.pdf

[Lle Geoportal](#)

<http://lle.gov.wales/home>

<p><u>Information on Protected Trees and Tree Preservation Procedures</u></p> <p>https://gov.wales/docs/desh/publications/131115protected-trees-guide-en.pdf</p>
<p><u>Planning Policy Wales (Version 9)</u></p> <p>https://gov.wales/topics/planning/policy/ppw/?lang=en&</p>
<p><u>Technical Advice Note 5, Nature Conservation and Planning (2009)</u></p> <p>https://gov.wales/topics/planning/policy/tans/tan5/?lang=en</p>
<p><u>Wales Biodiversity Partnership;</u></p> <p>https://www.biodiversitywales.org.uk/</p>
<p><u>Powys Local Biodiversity Action Plan</u></p> <p>https://customer.powys.gov.uk/article/2553/Local-Biodiversity-Action-Plan</p>
<p><u>Powys Biodiversity Partnership;</u></p> <p>https://customer.powys.gov.uk/article/2573/Powys-Local-Biodiversity-Action-Plan-Review (</p>
<p><u>Information on the EU Birds Directive;</u></p> <p>http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm</p>
<p><u>Welsh Government EIA Website;</u></p> <p>https://gov.wales/topics/environmentcountryside/consmanagement/conservationbiodiversity/eia/home/?lang=en.</p>
<p><u>Natural Resources Wales EIA Website;</u></p> <p>https://naturalresources.wales/permits-and-permissions/tree-felling-and-other-regulations/environmental-impact-assessment-for-forestry-activity/eia-quick-guide/?lang=en</p>
<p><u>Chartered Institute of Ecology and Environmental Management (for guidance on EIA):</u></p> <p>https://www.cieem.net/publications-info</p>
<p><u>Appendix 2 (multiple documents) of Powys LDP HRA Screening Report (June 2015);</u></p> <p>http://www.powys.gov.uk/en/planning-building-control/local-development-plan/ldp-stages/</p>
<p><u>Natural Resources for Wales; Designated Sites Search;</u></p> <p>https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/find-protected-areas-of-land-and-seas/designated-sites/?lang=en</p>
<p><u>Chartered Institute of Ecology and Environmental Management (for guidance on Preliminary Ecological Assessment):</u></p> <p>https://www.cieem.net/publications-info</p>

<p><u>The Bat Conservation Trust ‘Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition)</u></p> <p>http://www.bats.org.uk/pages/batsurveyguide.html</p>
<p><u>Chartered Institute of Ecology and Environmental Management (for guidance on Ecological Report Writing):</u></p> <p>https://www.cieem.net/publications-info</p>
<p><u>Technical Advice Note 5, Nature Conservation and Planning (2009)</u></p> <p>https://gov.wales/topics/planning/policy/tans/tan5/?lang=en</p>
<p><u>Natural Resources-Wales; ‘Tree Felling: Getting Permission’</u></p> <p>http://naturalresources.wales/media/682351/tree-felling-getting-permission-booklet.pdf</p>
<p><u>Natural Resources Wales; ‘Our Service to Developers’:</u></p> <p>https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/our-service-to-developers/?lang=en</p>
<p><u>UK Government Webpage on Protected Sites and Species</u></p> <p>https://www.gov.uk/topic/planning-development/protected-sites-species</p>
<p><u>Bat Conservation Trust</u></p> <p><u>‘Bats and Buildings’</u> http://www.bats.org.uk/pages/accommodating_bats_in_buildings.html</p> <p><u>‘Bats and Lighting’</u> http://www.bats.org.uk/pages/bats_and_lighting.html</p>
<p><u>DEFRA’s Construction Code of Practice for the Sustainable Use of Soils on Construction Sites</u></p> <p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716510/pb13298-code-of-practice-090910.pdf</p>
<p><u>EU Invasive Alien Species Regulations:</u></p> <p>http://www.nonnativespecies.org/index.cfm?sectionid=7</p>
<p><u>River Basin Management Plans; River Severn:</u></p> <p>https://www.gov.uk/government/collections/river-basin-management-plans-2015</p> <p><u>River Basin Management Plans; Western Wales:</u></p> <p>https://naturalresources.wales/evidence-and-data/research-and-reports/water-reports/river-basin-management-plans-published/?lang=en</p>

River Wye Nutrient Management Plan

<https://www.gov.uk/government/publications/nutrient-management-plan-river-wye>

Natural Resources Wales

Guidance Note 20; Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units <https://naturalresources.wales/permits-and-permissions/installations/intensive-farming-pigs-and-poultry/?lang=en>

Guidance Note 21; Poultry Units: planning permission and environmental assessment <https://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>

Powys County Council's Pre-Planning Application Advice Service;

<http://www.powys.gov.uk/en/planning-building-control/pre-planning-application-advice/>

Appendix C: Biodiversity and Geodiversity in Planning – the Legislative, Regulatory and Policy Context

The key legislation and regulations under which the Council carries out its responsibilities as Local Planning Authority (LPA) in respect of biodiversity and geodiversity issues are as follows.

International and European Obligations

Many of the actions to protect biodiversity taken in the UK are a direct result of international obligations which the UK has subscribed to either in its own right or as a result of being in the European Union. International obligations range from the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (as implemented by EU Regulations), the Convention on Biological Diversity (CBD), and areas where the UK has traditionally played a prominent role such as the (Bonn) Convention on the Conservation of Migratory Species of Wild Animals, the Bern Convention on the Conservation of European Wildlife and Natural Habitats, and the Ramsar Convention on Wetlands of International Importance.

Key EU Legislation concerning biodiversity, such as the EU Habitats Directive, the Birds Directive, and the Water Framework Directive have been transposed into UK law and so are treated below.

Whilst international conventions and treaties do not apply to individuals themselves, they do place an expectation upon the UK government and public sector to ensure they are adhered to via UK and or Welsh Government legislation. (N.B. As EU Directives have been transposed into UK law the measures contained within them will still apply whether the UK is in the European Union or outside of it).

UK Legislation and Regulations

The **Conservation of Habitats & Species Regulations (2017)** (also known as the **Habitats Regulations**) and the **Wildlife and Countryside Act, 1981 (as amended)** afford protection to a number of sites within the County. The measures contained within the Habitats Regulations are pursuant to maintaining or restoring, at a Favourable Conservation Status (FCS) (see SPG Appendix A), particular natural habitats and species listed in Annexes I, II, IV and V of the Directive. To ensure that the FCS of a habitat or species is maintained a test has been developed against which development proposals are assessed. For more details of FCS tests for habitats and species contact NRW (see SPG Appendix B). The Habitats Regulations also cover the planned provision and management of stepping stone and linear habitats, and the prevention of incidental capture and killing of European Protected Species (EPS). These **statutorily designated** sites include Special Areas of Conservation (SAC), Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR). The Wildlife and Countryside Act 1981 (as amended) also places a duty on Local Authorities [through the proper exercise of their functions] to further the conservation and enhancement of SSSI.

In addition to designated sites, certain species of wildlife are also afforded specific protection. EPS are listed in Schedule 2 (animals) and Schedule 5 (plants) of the Conservation of Habitats & Species Regulations (2017); species which are protected by UK law are listed in the Wildlife and Countryside Act, 1981 (as amended). Applicants must ensure they understand and comply with this legislation, including that afforded to wild

birds and their habitats. The Wildlife and Countryside Act also prevents destruction of or disturbance to nesting birds, their nests, eggs and young; it is advisable to avoid works to vegetation during the nesting season, generally taken to be March through to August inclusive.

The Water Environment (Water Framework Directive) (England and Wales) Regulations (2017). These regulations transpose the EU's Water Framework Directive into UK law. As such it places a general duty on Welsh Ministers and NRW to exercise their 'relevant functions' so as to secure compliance with the Water Framework Directive (WFD). The Welsh Ministers, NRW, and other public bodies have a specific duty to have regard to the relevant River Basin Management Plan and any supplementary plans made under it, in exercising their functions. More information on the WFD and River Basin Management Plans can be found in paragraphs 9.8 to 9.14.

National Parks and Access to the Countryside Act (1949). Section 21 of this Act concerns the designation of Local Nature Reserves by Local Authorities.

The **Protection of Badgers Act (1992)** protects badgers and their setts. It is illegal to wilfully kill or injure badgers, to damage or destroy their setts or to disturb badgers when they are in their setts.

The **Hedgerow Regulations (1997)** classifies and protects certain hedgerows in the countryside according to criteria concerning length, location and importance.

The Countryside and Rights of Way Act (2000). This strengthens the protection of Sites of Special Scientific Interest (SSSI) and amends the Wildlife and Countryside Act 1981 (as amended) with regard to certain protected species.

The Natural Environment and Rural Communities Act (2006) Key provisions within this piece of legislation have now largely been superseded by the Environment (Wales) Act (2016) however applicants should be aware of the implications of this legislation as it applies to their proposal.

Welsh Legislation and Regulations

Within Wales the single most important piece of legislation is the **Well-being of Future Generations Act (2015)** due to the influence it has on every aspect of governance including at the local authority level and for the biodiversity and geodiversity topic area itself. The Act requires the delivery of seven goals of sustainability, of which 'A Prosperous Wales', 'A Resilient Wales' and 'A Globally Responsible Wales', as well as 'A Healthier Wales' specifically relate to the area of Planning and the interests of biodiversity. These goals need to be delivered by public bodies such as the LPA working with five considerations in mind. These are presented in Table 6 along with the relationship they have to LPAs and applicants alike.

Table 6: Five Ways of Working towards Well-being of Future Generations

Five ways of working	What they mean	Their relationship with Biodiversity/Geodiversity and Development
Think Long Term	The importance of balancing short-term needs with the need to safeguard the ability to also meet long term needs.	The shorter term need for, for example, housing or employment, or financial profit, has to be balanced against the need to ensure that other longer term interests, such as biodiversity and geodiversity, are adequately safeguarded (particularly when they are harder to quantify financially).
Prevention	Acting to prevent problems occurring or getting worse.	Problems such as the decline in biodiversity will have to be acted upon by the local authority, which will need development proposals to help biodiversity as much as they possibly can.
Integration	Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies.	Requires the local authority to think in a joined-up way, to try to ensure that everything it does supports as many of its own and national objectives as possible. This includes seeking as many 'wins' as possible from development and land-use. Whereas one 'win' may be the new dwelling, other 'wins' would include enhancing biodiversity within that development.
Collaboration	Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.	The local authority needs to work closely and collaboratively with other agencies or parties, which includes applicants.
Involvement	The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.	Stressing the importance of information to enable interested parties to come to informed decisions about planning proposals.

The Well-being of Future Generations Act also presents a sustainable development principle which local authorities must act in accordance with, and in so doing “act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs”. When considering development proposals the LPA must therefore seek to ensure protection and where possible enhancement of biodiversity and geodiversity in line with this principle of sustainable development.

The Planning (Wales) Act (2015). This Act introduced a statutory purpose for the planning system; any statutory body carrying out a planning function must exercise its functions in accordance with the principles of sustainable development as defined in the Well-being of Future Generations Act. The planning system is therefore necessary and central to achieving sustainable development in Wales.

Environment (Wales) Act (2016). The Environment (Wales) Act (2016) introduces a number of important duties for different aspects of the public sector in Wales as well as the requirement to ‘build resilience’ within natural resources (including geological/geomorphological features and soils) and biodiversity.

The Act introduced an enhanced biodiversity and resilience of ecosystems duty (known as the Section 6 Duty). This duty applies to public bodies, including local planning authorities. Section 6 of the Act replaces Section 40 of the Natural Environment and Rural Communities Act (2006). As such it requires LPAs to seek to maintain and enhance biodiversity in the exercise of their functions, in order to promote the resilience of ecosystems, with particular regard to diversity, connectivity between and within ecosystems and their scale, condition and adaptability. It also places a responsibility on LPAs to publish a report, before the end of 2019, on what it has done to comply with the duties under Section 6 of the Act.

Section 7 places a duty on Welsh Ministers to publish national lists of species and habitats of principal importance for maintaining and enhancing biodiversity in Wales.

Section 8 of the Act introduces a duty for NRW to prepare and publish a State of Natural Resources Report (SoNaRR), and Section 9 introduces a duty for NRW to prepare, publish and implement a national Natural Resources Policy.

The Act requires NRW to prepare and publish **Area Statements** under Section 11, in order to implement the Natural Resources Policy as a whole. For each area of Wales that Area Statements cover they will describe the natural resources that are to be found, the benefits that they provide and the priorities, risks and opportunities to be addressed for the sustainable management of those natural resources. The mid-Wales Area Statement, currently in preparation, includes Powys and Ceredigion.

The Act also introduces the phrase ‘sustainable management of natural resources’ (SMNR), which includes biodiversity and geodiversity, and places a responsibility upon NRW to pursue SMNR in order to promote the objective of sustainable development and achieve the well-being goals set out in the Well-being of Future Generations (Wales) Act (2015).

These particular responsibilities and duties all have a direct relevance to development proposals. Section 6 in particular requires LPAs to have regard to the Section 7 lists, SoNaRR report and relevant Area Statements.

The **Town and Country Planning (Environmental Impact Assessment)(Wales) Regulations (2017)**. This requires certain types of development project (see Schedules 1 and 2 of the regulations) to be subject to an assessment of their environmental impact before planning permission can be granted. Refer to paragraphs 7.2 to 7.13 for more detail on Environmental Impact Assessment.

National Policy and Supporting Documents

Planning Policy Wales (PPW). This national Policy document places a strong focus on ‘Placemaking’ throughout in order to make sure it fits into and supports the Well-being of Future Generations Act. It also presents as a starting point, five key Planning Principles:

1. To facilitate the right development in the right place.

2. Making best use of Resources.
3. Facilitating Accessible and Healthy Environments.
4. Creating and Sustaining Communities.
5. Maximising environmental protection and limiting environmental impact.

The content of PPW (Consultation Draft PPW 10) is presented using four themes (Placemaking, Active and Social Places, Productive and Enterprising Places, and Distinctive and Natural Places) the fourth ('Distinctive and Natural Places'), is of direct relevance to this SPG. It cites as key issues the "long term and chronic decline of biodiversity and habitat loss" and a lack of "resilience in Wales' ecosystems..." and the need for "adaptation to the effects of climate change".

PPW recognises the significant contribution that **non-statutory designations** (such as those made at the local level (see 3.1.3 in PPW Version 9)) to delivering an ecological network for geodiversity, biodiversity and resilient ecosystems.

PPW (Consultation Draft PPW 10) also introduces a new set of 'National Sustainable Placemaking Outcomes' which tie into and deliver the seven goals in the Well-being of Future Generations Act (see above). It also emphasises the role of Planning in delivering the enhanced Duty to 'maintain and enhance biodiversity' which arises from Section 6 of the Environment Act (see above) and it explains that this is to be done via development proposals adopting a step-wise approach that involves **Modification** of proposals where necessary, exploring and using **Alternatives** where needed, the use of **Conditions**, (along with Planning Obligations and Advisory Notes), the need for proposals to provide for mitigation or **Compensation**, with **Refusal** being a consequence for not adequately considering the other steps.

PPW (Consultation Draft PPW 10) also recognises the multi-functional importance of **Green Infrastructure**. (see SPG paragraphs 8.11 to 8.15) This "is the network of natural and semi-natural features, green spaces, rivers and lakes that connect places".

Technical Advice Note 5 Nature Conservation and Planning (TAN 5) (2009) supplements PPW and sets out detailed information on nature conservation in development control procedures, including the information required to be submitted in support of a planning application. In addition to guidance on designated sites and protected species covered by legislation, it also recognises the importance of the role of Local Sites (Sites of Importance for Nature Conservation and Regionally Important Geodiversity Sites) in delivering biodiversity and geodiversity targets, protecting landforms and features, and contributing to the well-being of communities.

The **State of Natural Resources Report (SoNaRR) (2016)** surveys and assesses how Welsh "natural resources provide us with a wide range of benefits and a wealth of opportunities, including the ability to support our prosperity and improve our health as a nation". However for this to continue "we need to improve the way we manage our natural resources – our land, sea and air". SoNaRR "for the first time ... links the resilience of Welsh natural resources to the well-being of the people of Wales".

Chapter 3 Part A focuses on natural resources, and identifies 557 species that are of principal importance in Wales. It details key messages about the extent, condition and trends for these species as a whole. In terms of geodiversity, SoNaRR focuses on

geoconservation sites, mineral wealth, geotourism, research/education and geological hazards. Part B focuses on Welsh ecosystems, and lists eight broad Habitat types (which contain the 55 Habitats identified under Section 7 of the Environment (Wales) Act). For each of these eight types the report details the extent, condition and trends affecting them.

Chapter 4 of SoNaRR focuses on Resilient Ecosystems, and presents a “first attempt to set out a framework to assess the resilience of ecosystems in Wales so that we can understand the extent to which sustainable management of natural resources (SMNR) is being achieved”. This chapter also explains how the five attributes of resilience (Diversity, Extent, Condition, Connectivity, Adaptability) work in more detail and the role they play in maintaining and enhancing resilience.

National Nature Recovery Action Plan (NRAP) This national document will set out how Wales will address the Convention on Biological Diversity’s (CBD) Strategic Plan for Biodiversity. Based on the species and habitats of principal importance for Wales that are cited in Section 7 of the Environment (Wales) Act, the NRAP will identify actions for delivery in the short term and a course for the delivery of longer term commitments concerning those species and habitats beyond 2020. It will also identify the partners who will be responsible for the delivery of these actions and commitments. (See also the Powys Nature Recovery Action Plan).

Natural Resources Policy (NRP) (2017), The NRP is based on the understanding that as a society we need to manage our natural resources sustainably, and this document sets out how Welsh Government will align its policies, including land-use planning, to deliver the national priorities identified within the NRP.

The NRP sets the context for the **Area Statements** which will be produced by NRW.

Local Policy

The Local Development Plan (LDP) The Powys LDP (2011 - 2026) sets the policy framework for all development in Powys outside of the Brecon Beacons National Park. The policies reinforce and expand upon the principle that all development within the Powys planning area will conserve and enhance biodiversity and geodiversity and encourage development proposals that achieve this requirement. The Specific LDP policies relating to biodiversity and geodiversity are;

Strategic Policy SP7 – Safeguarding of Strategic Resources and Assets

Development Management Policy DM2 – The Natural Environment

The full text of these Policies can be found in Section 5 of the SPG and the reasoned justification for each of these policies can be found in the LDP.

Whilst development proposals need to have regard to all of the LDP policies, the following is a list of particular policies that may have specific relevance to biodiversity.

DM1 Planning Obligations

DM3 Public Open Space

DM4 Landscape

DM6 Flood Prevention Measures and Land Drainage

DM7 Dark Skies and External Lighting

DM13 Design and Resources

DM14 Air Quality Management

TD3 Montgomery Canal and Associated Development

W2 Waste Management Proposals

RE1 Renewable Energy

M4 Minerals Proposals

M5 Restoration and Aftercare

A number of these policies (e.g. DM1, DM3, DM4, DM6, DM13 and RE1) will be supported by separate SPG to provide extra guidance on these particular topics.

The Powys Local Biodiversity Action Plan (LBAP) and the Powys Nature Recovery Action Plan (PNRAP) Applicants must also consider the Powys LBAP (2003) and its replacement the Powys NRAP. The LBAP contains targets and associated actions for a number of habitats and species that are considered to be of national and/or local significance. It is the responsibility of the local nature partnership, of which the Council is a key member, to work towards these targets and the planning process will be an important tool for achieving them. Local Nature Partnerships play an important part in achievement of national biodiversity objectives set out in the national Nature Recovery Plan.

The Powys NRAP is due to be finalised in 2019. It will highlight those habitats and species that are of principal importance for maintaining biodiversity within Powys, including locally significant species. Key to both the national Nature Recovery Action Plan and the Powys NRAP is the emphasis on ecosystem resilience and retaining and improving connectivity between habitats and populations. As with the LBAP, the Powys NRAP provides targets for action by local partner organisations, including the Council and the LPA. As such the Powys NRAP also provides the Council with a mechanism for meeting its Section 6 Duty and the planning process in turn will be an important tool for achieving this.

Appendix D: NRW Checklist for Developers of Poultry Units

(Taken from page 3 of NRW *Guidance Note 021 Poultry Units: planning permission and environmental assessment. Guidance for applicants, local planning authorities and Natural Resources Wales staff*).

Part 1: Checklist

This is a list of information NRW needs in support of a planning application consultation to enable an informed and timely response.

Applicants should consider the constraints and opportunities when thinking about site selection, in particular:

- avoiding locations close to designated sites
- habitats
- protected species
- watercourses
- other locations where it would be difficult to manage run off.

	Topic	Requirements
1	Identification of sensitive receptors in the surrounding area	<p>Applications need to identify and take into account surrounding sensitive receptors including:</p> <ul style="list-style-type: none"> • Protected sites (including SAC, SPA, Ramsar sites and SSSI) protected species and ancient woodlands. • Nearby residential dwellings. This will affect the risk of noise and odours causing nuisance. Factors affecting the risk include distance, topography, prevailing wind direction and speed, vegetation, site ventilation, type of production, bedding, manure handling system and manure management systems. • The locations of controlled water (for example watercourses, wet and dry ditches, groundwater and ponds) is essential to inform pollution prevention measures, including buffers for livestock range areas and locations of soakaways and other drainage features based on distance and connectivity.
2	Atmospheric ammonia impact assessment - SCAIL	<p>Applications will need to show the risk of atmospheric ammonia concentrations and nitrogen deposition on nearby sites. This can be done using the free online tool – SCAIL (Simple Calculation of Ammonia Impact Limits) available at http://www.scail.ceh.ac.uk/</p> <p>Applications need to include a report from SCAIL or other air quality modelling package that includes:</p> <ul style="list-style-type: none"> • the input data • background levels. • process contributions (PC). • the predicted new environmental concentrations (PEC) of ammonia and nitrogen

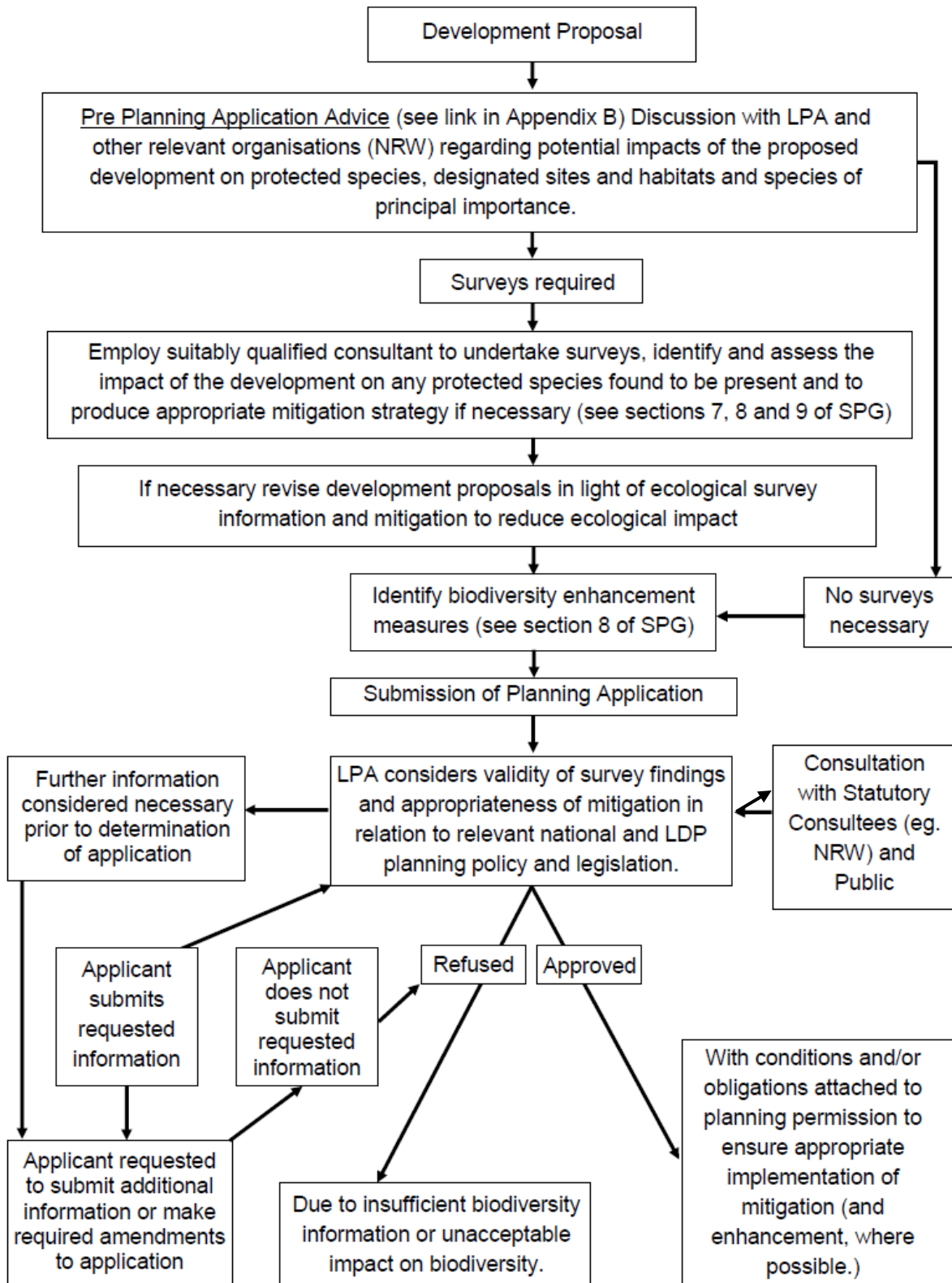
3	Detailed ammonia modelling	<p>In cases where SCAIL indicates that thresholds of insignificance are exceeded further detailed modelling may be required to support the application.</p> <p>Presenting reports with the same standard set of information makes it much easier to identify relevant information in them and to be confident of the full context for the assessment NRW needs to make.</p> <p>It is much quicker for NRW to assess the potential impacts when the model results are easy to relate to receptors on the ground. Tables should give the names of designated sites and other place names, with cross reference to a map.</p> <p>Reports should include PC and PEC information for all cases, including PEC even where NRW's thresholds are not exceeded.</p>
4	Site drainage plan	<p>Applications need to include a plan of the proposed site that indicates all of the new and existing features that will control pollution from the development, including:</p> <ul style="list-style-type: none"> • clean and foul drains (with direction of flow), • effluent containment (including capacity), • provision for decontamination and collection of disinfectant in event of disease control, • any constructed soak away, • French drains and • New or existing sustainable drainage including swales, reed beds or ponds. <p>Any relevant management controls should also be indicated.</p>
5	Range area plan (for free range units)	<p>Applications need to include details of the livestock range area in order to assess the risk of runoff polluting nearby watercourses.</p> <p>Maps showing the range area should indicate:</p> <ul style="list-style-type: none"> • Boundaries of the ranging area (including total area in hectares); • Direction of slope; • Soil types (for example heavy clay); • All sensitive receptors (wells, springs, boreholes -within 50m of the site boundary, watercourses, hedgerows and any known protected sites or species) - within 50 meters of the boundary; • Location of existing or proposed mitigation measures to control run off; • Proposed management of soil and crop cover to prevent waterlogging and run off. With particular reference to areas around livestock access points - pop holes or verandas.

6	Manure management	<p>Applications need to include a manure management plan. The plan needs to include:</p> <ul style="list-style-type: none"> • Calculation of total Nitrogen and Phosphate produced from proposed poultry unit and all other sources of nutrient imported or produced on the holding. • Details of the area of land available to spread dirty water and litter. • Calculation of nutrient loading (Nitrogen and Phosphate) per hectare of land available for spreading. • Show how nutrients will be used by the holding for agricultural benefit. • Risk map of proposed spreading area indicating sensitive receptors, for example: <ul style="list-style-type: none"> - boreholes - wells - lakes - rivers - other water bodies or habitats that may require assessment under EIA Agriculture Regulations - adjacent designated sites, for example: SSSI.
7	Contingency plan	<p>Applications need to demonstrate that there is contingency for storing any manure, slurry and dirty water produced at times when spreading may not be possible, for example due to wet, waterlogged or frozen conditions in accordance with the Code of Good Agricultural Practice (available on the WG website). This is to ensure manures and slurry are spread at appropriate times to prevent pollution and maximise uptake of nutrients for crop growth.</p> <p>Contingency for storing wash water during and after disease outbreak must be detailed as this is hazardous waste and depending on the severity and type of outbreak may need to be stored for longer than normal and separate from other manures and slurry. Applicants should consider using the hierarchy described in the information section below.</p>
9	Pollution prevention - construction and management	<p>Applications need to include appropriate pollution prevention measures, to ensure that the water environments (both surface and groundwater) are not polluted during construction or operation of the site.</p>
10	Great crested newts	<p>A Great Crested Newt (GCN) assessment will be needed if:</p> <ul style="list-style-type: none"> • the proposed site is within areas inhabited by GCN; • any part of the development, including ranging areas, come within 250m of a pond. <p>If ponds are present, the applicant can make a pre-application enquiry to NRW to establish if the site is within an area inhabited by great crested newts. If so, and it is not possible to show the ponds are unsuitable (for example stocked with fish), an assessment will need to consider measures to avoid or mitigate construction and operational impacts, including predation of newts by chickens on the ranging areas.</p> <p>The Pollution Prevention Plan will show how ponds are protected from pollution.</p>

11	Bats	<p>Applications need to indicate clearly on a plan or map, the location of any trees hedges or buildings that may be affected, either directly by removal or alteration or indirectly.</p> <p>Unless trees, hedges or buildings are being taken down, the only requirement is likely to be a condition that prevents light from the development illuminating nearby woods, trees, hedges and other boundary features, or any roost entrances to bat roosts in nearby buildings.</p>
12	Dormice	<p>Applications need to indicate clearly if any trees or hedges or scrub is present and indicate if it is being removed or changed.</p> <p>Unless trees, hedges or scrub are being cleared, the only likely requirements if dormice are present would be:</p> <ul style="list-style-type: none"> • Fencing hedges off from range areas. • Conditions that prevents light from the development illuminating nearby woods, trees, hedges and scrub.
13	Undesignated sites and land	<p>Applications need to include information about nearby local wildlife sites, ancient woodland and other semi-natural habitats, with information to help the Local Planning Authority assess impacts on those features, including the impacts of ammonia and nitrogen deposition.</p> <p>Any projects or operations that significantly increase agricultural output on uncultivated and/or semi-natural areas containing less than 25-30% improved agricultural species (for example ryegrass or white clover) are protected under Category 1 of the EIA.</p> <p>Agriculture (Wales) Regulations 2007. Under Category 2 of the regulations, large-scale projects which restructure rural land holdings including improved land require screening consent. Typical operations might include:</p> <ul style="list-style-type: none"> • removal or addition of field boundaries. • planting of hedgerow. • recontouring (reshaping) of agricultural land. <p>Follow this link for further information on the type of land and operations included under these regulations: http://gov.wales/topics/environmentcountryside/consmanagement/conservationbiodiversity/eiahome/projectsandregs/?lang=en</p> <p>Although the level of risk applied may differ for undesignated sites compared with designated sites, the local planning authority needs the same standard of evidence to assess impacts on undesignated sites as NRW needs to advise on designated sites.</p>
14	Flood zones	<p>If the hard infrastructure is within a C1 or C2 DAM zone, applications need to be supported by a flood consequences assessment (FCA). The FCA will need to demonstrate that the development is flood free in a 100 year flood event and does not increase flood risk elsewhere.</p> <p>Note that a proposal affected by flood risk may find it difficult to meet the pollution prevention requirements, especially if manure is carried off ranging areas by flood water.</p>

Appendix E: Flowchart: Typical Workflow for Addressing Biodiversity in the Planning Process

(NB. this is only a typical example of what can be involved. The rest of the SPG carries more detail)



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**Powys
Local Development Plan**

2011 - 2026

**Supplementary Planning Guidance
(SPG)**

**Consultation Statement
First Edition: October 2018**

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Appendices

- 1 Representations from the Public Consultation on the first set of SPG (October 2018)
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PART A**1. Introduction**

1.0.1 The Powys Local Development Plan (LDP) 2011-2026 was adopted by Full Council in April 2018. Whilst the LDP contains policies and proposals which form the basis for decision-making on planning applications for the Powys Local Planning Authority area, it avoids excessive detail. Therefore, certain policies in the LDP are being supported by a set of guidance documents called Supplementary Planning Guidance (SPG) to assist in understanding, interpretation and application of the policy in making planning decisions.

1.0.2 The preparation of SPG documents has been prioritised according to both subject matter and available time and resource. The Council is required to monitor its performance on preparing and adopting SPG against the following agreed programme:

Table 1: The Powys Local Development Plan SPG Programme

SPG Topic Area		Link to Powys LDP Policy	Target Timescale following LDP Adoption	Target Date for SPG Adoption
Set 1	Planning Obligations	DM1	Within 6 months	October 2018
	Affordable Housing	H5, H6, SP3		
	Biodiversity	DM2, SP7		
Set 2	Landscape	DM4, SP7	Within 12 months	April 2019
	Renewable Energy	RE1, DM13		
Set 3	Conservation Areas	DM13, SP7	Within 18 months	October 2019
	Open Space	DM3		
	Residential Design Guide	DM13		
Set 4	Archaeology	SP7	Within 24 months	April 2020
	Historic Environment – including the Historic Environment Records	DM13, SP7		
	Land Drainage	DM6		

1.0.3 Powys County Council commenced the preparation of the Powys LDP in January 2011. The Delivery Agreement¹ for the LDP was first published in November 2010 and revised in March 2013, February and October 2015. This set out the timetable for preparing the LDP and a Community Involvement Scheme (CIS) describing how and

¹ LDP Delivery Agreement <http://www.powys.gov.uk/ldp>

when the County Council would involve interested persons and organisations in the LDP's preparation.

1.0.4 The Community Involvement Scheme for SPG preparation has been updated from the LDP Delivery Agreement CIS and is tailored for the SPG process. This means that the community engagement approach is developed to be reflective of and proportionate to the detail and content of SPG work and suitable for the parties expected to be involved, whilst meeting the preparation timeframes. The agreed CIS for the preparation of SPG is included in the Protocol for the Preparation and Adoption of Supplementary Planning Guidance² approved by the Council in June 2018 (hereafter referred to as the SPG Protocol).

1.0.5 In accordance with the SPG Protocol, this Consultation Statement summarises for each stage of SPG preparation:

- Who has been involved.
- A summary of Reference Group and Topic Stakeholder engagement.
- The steps taken to publicise the consultation.
- The total number of representation forms received from the public consultation.
- A summary of the main issues raised as part of the public consultation.
- The Council's responses to the main issues raised and any agreed changes to the SPG to address these.

1.0.6 Section 2 of this Consultation Statement is set out chronologically to accord with each stage of the SPG preparation and adoption procedure as laid out in the SPG Protocol:

Stage 1 - Review

Stage 2 - Reference Group, Topic Stakeholders and Working Draft SPG

Stage 3 - Consultation Draft SPG

Stage 4 - Public Consultation

Stage 5 - Final SPG

Stage 6 - Adoption

² Protocol for the Preparation and Adoption of Supplementary Planning Guidance

<http://www.powys.gov.uk/en/planning-building-control/local-development-plan/ldp-supplementary-planning-guidance-spg/>

2. Information on SPG Preparation Stages

2.0.1 In accordance with the SPG Protocol, the following stages of preparation are common to all SPG:

2.1 Stage 1 – Review

2.1.1 A review of national, regional and local legislation, policy and guidance was undertaken in order to form the background and context for the SPG and identify issues of relevance. Where considered appropriate, the Council has sought the involvement of specialist stakeholders with the aim of building consensus.

2.2 Stage 2 – Reference Group, Topic Stakeholders and Working Draft SPG

2.2.1 At an early stage in the SPG preparation process, professional stakeholders were contacted to form a Reference Group for each SPG and relevant Topic Stakeholders were identified. Following Reference Group involvement in the production of a Working Draft SPG, the Draft was shared with Topic Stakeholders to seek initial feedback. The details of the Reference Group and Topic Stakeholders contacted during the preparation of each SPG are shown in the relevant section in Part B below.

2.3 Stage 3 – Consultation Draft SPG

2.3.1 The Council's LDP Working Group, comprised of nine County Councillors, and chaired by the Council's Portfolio Holder for Economy and Planning, is used to scrutinise and approve the Draft SPG for Public Consultation. The agendas, reports and minutes of past LDP Working Group meetings are available for viewing on the Council's website via the following link:

<http://www.powys.gov.uk/en/democracy/council-committees-and-meetings/>

2.3.2. The first set of SPG were approved for the consultation stage by the LDP Working Group on 22nd June 2018.

2.4 Stage 4 – Public Consultation

2.4.1 SPGs have been subject to a six week public consultation period in accordance with the SPG Stakeholder and Community Involvement Scheme (see Appendix 1 of the SPG Protocol). Additionally, Town and Community Councils were provided with advance notice of the consultation period in accordance with the Protocol to enable them to publicise the SPG process in their own communities. The dates of the six-week public consultation period are shown in the relevant section for each SPG in Part B of this document.

2.4.2 Each SPG consultation document posed a series of questions for representors to respond to. This Consultation Statement records responses on a question by question basis and provides the Council's agreed responses to the issues raised.

2.4.3 The Council considers each representation carefully in order to draft a response which may include a recommendation to change or alter the SPG. Consultation responses are drafted with the assistance of Reference Group members where relevant and agreed by the LDP Working Group before being reported to Cabinet. A detailed set of representations will be appended to the Consultation Statement for each SPG.

2.5 Stages 5 and 6 – Final SPG and Adoption

2.5.1 The Cabinet are required to formally adopt the SPG before it is published and used for development management purposes. Part B of this Statement will record this process and will be updated as further SPG is prepared and approved by Cabinet.

2.6 SPG Impact Assessments

2.6.1 Whilst SPG documents are not formal policy in themselves they will be used to support the implementation of adopted Local Development Plan policy and therefore have been assessed informally as a matter of good practice using the Council's Impact Assessment Toolkit.

PART B**3. Public Consultation on the first set of SPG**

3.0.1 In accordance with the SPG programme agreed for the LDP (in Table 1 above), the first three SPGs prepared for public consultation were:

- **Planning Obligations**
- **Affordable Housing**
- **Biodiversity and Geodiversity**

3.0.2 In accordance with Stage 4 of the SPG Protocol, the Consultation Draft SPG were published for public consultation over 6 weeks with the consultation period running from 11th July to 21st August 2018.

3.0.3 County Councillors, Town and Community Councils and all representors on the Powys LDP database were informed of the consultation and the documents were available to view on the LDP pages of the Council's website.

3.0.4 Notice of the consultation period was publicised on the Council's News page, the LDP webpage, and via social media. A press release was issued to the local press.

3.0.5 Hard copies of the consultation documents were made available to view in the Council's main offices at:

- County Hall and The Gwalia, Llandrindod Wells.
- Neuadd Brycheiniog, Brecon.
- Neuadd Maldwyn, Welshpool.

3.0.6 Hard copies were made available to view in all Powys Public Libraries.

3.0.7 Representations were invited either by letter /email and the use of a standard representation form was encouraged.

3.0.8 Table B1 below shows how many representors made comments in relation to each SPG. A more detailed report of the responses received for each SPG can be found in the relevant appendices.

Table B1: Number of Representors making consultation comments on the first set of SPG

Consultation Draft SPG	No. of Representors who made Representations
Planning Obligations	7
Affordable Housing	7
Biodiversity and Geodiversity	10
Total	24

3.0.9 The main issues arising from the consultation are set out for each SPG in the tables below, together with the Council’s response.

3.1 Planning Obligations SPG

3.1.1 Reference Group

3.1.2 In order to prepare the Planning Obligations SPG, the Council sought participation and involvement with various Topic Stakeholders, from which the Council formed a Reference Group.

3.1.3 The Reference Group comprised 14 members, which included either one or more representatives from the following Council services:

- Planning Policy
- Development Management (Planning and Monitoring Officer)
- Schools
- Housing
- Leisure and Recreation
- Highways and Transport
- Regeneration
- Welsh Language
- Finance
- Legal Services

3.1.4 Engagement with the Reference Group during the preparation of the draft SPG is summarised in table B2:

Table B2 – Reference Group Involvement (Planning Obligations SPG)

Date	Who and How?
Early May 2018	Contact made proposing an initial meeting, although this was followed up by written correspondence instead. The Reference Group were provided with the details of the SPG scoping exercise, the Draft SPG Protocol and a list of proposed Topic Stakeholders, and feedback was invited.
Late May 2018	Working Draft SPG circulated for feedback.
June 2018	Revised Working Draft SPG circulated to Reference Group and Topic Stakeholders. This was followed up by officer led discussions on various planning contribution topic areas to collate up to date evidence especially surrounding figures/costings for any “set” contributions. Individual meetings were held with Officers from Leisure and Recreation, Schools and Welsh Language. The purpose of this was to engage stakeholders so as to fill any remaining gaps in the Working Draft SPG. Suggested changes were considered and taken into account in the Consultation Draft SPG.
July 2018	Notice of public consultation period circulated to LDP Database. 6 week public consultation period from 11th July to 21st August.

July 2018	A reminder email was circulated to the group which included notification of key dates going forward.
Early August 2018	Involvement of the Welsh Language Officer re: targeting relevant interest groups. Following this, contact was made with a targeted list of Welsh language stakeholders (including those Town and Community Councils identified as Welsh Speaking Strongholds and Welsh Language interest groups) to highlight awareness of the public consultation.
August 2018	Representations received to the public consultation shared and discussed with relevant Reference Group members.
September 2018	Consultation Draft SPG showing proposed changes presented to the LDP Working Group shared with the Reference Group. The Reference Group was informed of any issues raised by the LDP Working Group before the SPG was finalised for Cabinet approval.

3.1.5 Topic Stakeholders

3.1.6 The larger Topic Stakeholder group included an additional 18 members, including representatives from the following services:

- Ecology
- Minerals
- Land Drainage and
- Active Travel;
- Additionally, Council Portfolio Holders with responsibility for Finance, Transport, Learning and Welsh Language, Highways, Housing and Economy and Planning were copied in to the Topic Stakeholder correspondence.

3.1.7 These stakeholders were invited to provide informal feedback on a working draft of the SPG prior to the formal public consultation stage, although no specific comments were received.

3.1.8 LDP Working Group

3.1.9 The Draft SPG was considered by the LDP Working Group on 22nd June 2018 and approved for Public Consultation.

3.1.10 SPG Consultation

3.1.11 The public consultation period ran from 11th July to 21st August 2018 and representations were received from the following:

Representor Name (Representor No.)

- Canal & River Trust in Wales / Glandwr Cymru (5704)
- Homebuilders Federation (78)
- Hughes Architects (Newtown) (1552)
- New Radnor Community Council (131)
- Mochdre with Penstrowed Community Council (516)
- Montgomery Town Council (517)
- Presteigne and Norton Town Council (525)

3.1.12 The main issues arising from the consultation and the Council's responses to these are set out in Table B3 below.

3.1.13 The representations and Council draft responses were considered by the LDP Working Group at its meeting on the 7th September 2018, and subsequently by the Council's Cabinet at its meeting on 9th October 2018.

Table B3 – Main Issues from the Public Consultation (Planning Obligations SPG)

Question 1: PO1 - Do you agree with the Council's approach not to pursue a CIL Charging Schedule at this point in time? If not, please explain why.	
Issue	Council Response
Community and town councils should have greater involvement in S106 agreements, and that further consultation should be undertaken on planning obligations later in the process. (Rep 131, Rep 525)	Opportunities exist for involvement at the pre-application and application stages where communities can raise issues. Unfortunately it would not be practical to formally consult on planning obligations separate to the planning application process.
The position or need for CIL should be kept under review to ensure infrastructure needed is being delivered. (Rep 517)	The Council will continue to monitor the suitability of introducing a CIL as explained in para, 4.17 of the SPG.
Developers should contribute towards necessary improvements to mitigate the adverse impact of development upon the Montgomery Canal infrastructure. (Rep 5704)	Planning obligations will be sought where they comply with the tests and this could include contributions towards the Canal. Specific reference to the Canal within the SPG is not considered appropriate because it has been written to refer to infrastructure generically.

Question 2: PO2 - Do you agree that, in the interests of avoiding duplication, this SPG only cross references to policies in the LDP and does not repeat them? Would you prefer the SPG to include the applicable policies? Is so, should they appear in the main document or in an Appendix?	
Issue	Council Response
Relevant LDP policies should be included in an appendix, or cross-reference with web links. (Rep 516, Rep 5704, Rep 1552)	Include hyperlinks in the SPG to assist readers.

Question 3: PO3 - Due to the nature of planning obligations, this SPG cannot include every scenario/detail. Do you think the document is clear in this respect? Do you agree that it enables officers, stakeholders and developers to understand that additional or alternative obligations may be sought? If not, please explain why.	
Issue	Council Response
Examples should be given of the circumstances in which additional obligations may be sought. (Rep 1552)	Para 5.5 explains that additional obligations will be sought where there is sufficient robust evidence to justify obligations.
Refer to the pre-application stage in para 5.6 as an opportunity to make developers aware of planning obligation requirements. (Rep 5704)	Agreed. Early awareness is important. This point has also been elaborated in revised wording to the Step by Step Flowchart.

Question 4: PO4 - Do you agree that “major” development should be the development that most often triggers obligations? If not, please explain why. Please detail any changes towards seeking obligations that you think may be suitable and relevant for Powys citing examples from other planning authorities where known. Nb. Definite targets/thresholds, where set within the LDP, are not negotiable at this point and would only be re-assessed at the Plan Review stage.

Issue	Council Response
Whilst agreeing with para. 5.11, it is not needed in the SPG. (Rep 78)	It is considered that para 5.11 should be retained because it is important to set out the expectation that planning obligations are likely to be sought for major developments, even though they may not eventually be required.
It should be made transparent that planning obligations may be required for any development. (Rep 517)	The position is correct, providing the tests for planning obligations are met. Para 5.11 states that each case will be considered on its merits so no amendment is considered necessary.
To avoid doubt, applications requiring pre-application consultation should be added as a trigger for an obligation. (Rep 517)	Major applications are those subject to pre-application consultation so no amendment to para 5.11 is considered necessary.

Question 5: PO5 - Do you consider the Step by Step Flowchart in Figure 1 to be clear and accurate? If not, what changes would you suggest? If you have experience of the process within Powys County Council, does this flowchart mirror your experience?

Issue	Council Response
The flowchart should include flexibility for a developer to draft the S106. (Rep 78)	Agreed that this is an option but recommend that para 5.9 is amended to explain this rather than any change to Figure 1.
The flowchart should include the pre-application consultation stage which enables early involvement of town and community councils. (Rep 517)	Noted, but no amendment needed because pre-application consultation is included at the end of the first paragraph in Figure 1. The Council recommends that the flowchart wording in Box 2 is strengthened by amending the wording to read: “The Case Officer makes an initial assessment of S.106 implications having regard to any discussions held or comments arising from the pre-application stage.
Consultation on planning obligations with community and town councils should be included. (Rep 525)	Opportunities exist for involvement at the pre-application and application stages where communities can raise issues. Unfortunately it would not be practical to formally consult on planning obligations separate to the planning application process.
Informal dialogue and informal pre-application discussions are valuable alongside the more formal chargeable pre-application enquiries. This is not emphasised in the flowchart. (Rep 1552)	Noted, but no change to the SPG is considered necessary. The pre-application service lies outside the scope of the SPG and is operated in accordance with Welsh Government Regulations.

Question 6: PO6 - Do you agree with the approach that it is the Affordable Housing SPG and not this SPG which includes the arrangements for assessing the financial viability of a specific development?

Issue	Council Response
Disagree because the viability of a scheme can be affected by any S106 requirement not just affordable housing. (Rep 78)	Comment noted, but no change deemed necessary because the Affordable Housing SPG addresses that point.
Include a hyperlink to the Affordable Housing SPG. (Rep 1552)	Agreed.

Question 7: PO7 - Whilst there is no statutory requirement to specify a time period in which planning contributions should be spent, do you agree with the suggested 10 year (maximum) period? If not, please explain why.

Issue	Council Response
Object to the proposed ten year period as unreasonable and recommends a five year period unless otherwise agreed with the developer. (Rep 78)	The Council is aware that other authorities have successfully operated a 10 year period, but accepts that para 6.17 should make it clear that this is a matter for negotiation.

Question 8: PO8 - Do you consider that the five main topic areas set out in Part 3 are the right topic areas for this document? If not, please explain what changes you would like to see and why.

Issue	Council Response
Community facilities could be a separate topic. (Rep 78)	Noted, but given that community facilities are likely to be site specific and addressed on a case by case basis it is considered that they should remain in the 'Other Topic Areas' category.

Question 9: PO9 - Do you agree that the detail provided in Part 3 for the various topic areas is relevant and sufficient to inform S.106 negotiations? If not, what changes would you like to see and why?

Issue	Council Response
Affordable Housing topic Make it clearer that there is an Affordable Housing SPG that should be used. (Rep 78)	Noted but no change considered necessary because the synopsis includes such a reference.
Education topic 1. Should Welsh medium schools be included in the list of schools supported by contributions? 2. The financial contributions in Table E2 are higher than those charged by other authorities and should be compared. 3. New security and safety measures should not be funded in full. (Rep 78)	1. Welsh medium schools are already accounted for and there is no need to list them separately. 2. The Council has applied BCIS figures which is considered to be accurate and appropriate for Powys, and can be updated more frequently. 3. The wording will be amended to refer to Security and safety improvement measures to provide a safe environment (including) to adequately facilitate an increase in pupil places.
Leisure, Recreation and Open Space topic	1. Noted but no change. The Council's decision not to adopt new open

<ol style="list-style-type: none"> 1. Object to the Council not adopting open space as this will lead to the creation of management companies and add costs to all residents including those in affordable housing. (Rep 78) 2. Town and Community Councils could establish trust funds to maintain open space and community facilities in perpetuity. (Rep 517) 3. Specific mention to improvements to the towpath of the Montgomery Canal should be included. (Rep 5704) 	<p>space lies outside the SPG; alternative management methods will be addressed in the preparation of the Open Space SPG.</p> <ol style="list-style-type: none"> 2. The suggestion is appreciated and will be considered in the preparation of the Open Space SPG. 3. Planning obligations will be sought where they comply with the tests and this could include contributions towards the Canal. Specific reference to the Canal within the SPG is not considered appropriate because it has been written to refer to infrastructure generically.
<p>Transportation and Access topic</p> <ol style="list-style-type: none"> 1. Travel plans and / or transport assessments are only likely to be required for major developments. (Rep 78) 2. Specific mention to improvements to the towpath of the Montgomery Canal should be included. (Rep 5704) 	<ol style="list-style-type: none"> 1. Amend the wording in the synopsis to read "Schemes that may generate significant amounts of traffic or travel will be required to demonstrate....". 2. Planning obligations will be sought where they comply with the tests and this could include contributions towards the Canal. Specific reference to the Canal within the SPG is not considered appropriate because it has been written to refer to infrastructure generically.

Question 10: PO10 - Do you agree with the methods and formulae (where provided) for calculating the required financial contributions as set out in Part 3? If not, please explain why.

Issue	Council Response
No issues raised.	Comments noted

Question 11: PO11 - If you have any other comments you want to make which are not covered by the above questions please include them here:

Issue	Council Response
Reference should be made to the fact that the Council will keep a public register of S106 agreements once signed and this will include a list with details of each contribution. (Rep 78)	The register of S106s is referenced in paragraph 6.18 so no further change is considered necessary.
Para 5.34 - on second line replace the word 'will' with 'could' as S106's will not always be sought. (Rep 78)	The sentence refers to seeking a planning obligation so the word 'will' is considered suitable.
Para 5.38 - the wording suggests that the thresholds are for negotiation on each application which is contrary to para 5.34 table 1 which sets the thresholds. This para should just refer to the trigger points for payment/ implementation of works being negotiated on a site by site basis. (Rep 78)	It is considered that para 5.38 makes it clear that there is a process of negotiation to be had and therefore considers no alteration is required.
Para 6.11 - this suggests that reviews of S106 contributions should be triggered by a change in the economy, although this is common practice recent work carried out by the HBF in relation to Swansea LDP showed that over a two year period	The information is noted and the Council accepts that developers may wish to present more up to date viability evidence and that the S106 may need to be adjusted as a result. However, this

although house prices had doubled build costs had gone up by three times the amount over the same period. The paragraph should explain that all factors and cost associated with the development will be considered as part of any review of viability. (Rep 78)	section refers to situations where viability resulted in nil or reduced contributions and enables the Council to 'check' this position should viability improve. As such, it is not recommended that the paragraph is amended.
Include contact details of the Council's S106 officer. (Rep 78)	Para. 6.18 refers to the Planning and Monitoring Officer who can be contacted via the email address in Appendix A.
It is not sensible to rely on developers to maintain play areas and their long term future must be addressed. (Rep 525) . This representor also welcomed a dedicated monitoring/compliance officer and asked that this continues.	Comments noted. The Council agrees that the future maintenance of play space is important and recognises that developers are not ideally placed for this long term role. Alternative methods are set out in the Leisure, Recreation and Open Space topic and this will be addressed further in the Open Space SPG.
Could new industrial and commercial development be required to contribute towards affordable housing or other infrastructure? (Rep 1552) Also issue of capacity for the S106 officer - caution re: overwhelm or at least slow down the process.	All applications will be considered on their own merits in line with national and local policies. Both levels of policy set the context for securing affordable housing and do not require commercial development to provide affordable housing. Contributions to local infrastructure such as transport improvements are possible, but will be considered at the application level.

3.2 Affordable Housing SPG

3.2.1 Reference Group

3.2.2 In order to prepare the Affordable Housing SPG, the Council sought participation and involvement with various Topic Stakeholders, from which the Council formed a Reference Group.

3.2.3 The Reference Group comprised 7 members, which included representatives from the following Council services:

- Planning Policy
- Development Management
- Housing Strategy
- Affordable Housing
- Legal Services

3.2.4 Engagement with the Reference Group during the preparation of the Draft SPG is summarised in table B4:

Table B4 – Reference Group Involvement (Affordable Housing SPG)

Date	Who and How?
May 2018	Meetings and correspondence with members of the Reference Group to discuss updated topic-related and planning information to inform the

	background and context of the SPG, to discuss the scope of the SPG and process involved, and to identify and agree a list of Topic Stakeholders to seek feedback from prior to public consultation.
June 2018	Initial working drafts of the SPG shared and discussed with the Reference Group to agree content of the working draft to be circulated to Topic Stakeholders. Initial feedback received from the Topic Stakeholders and suggested changes shared with the Reference Group. Specific issues raised by Topic Stakeholders discussed with the relevant members of the Reference Group. Comments from the Reference Group taken into account in preparing of the Consultation Draft.
July 2018	Notice of public consultation period circulated to LDP Database. 6 week public consultation period from 11 th July to 21 st August.
August 2018	Representations received to the public consultation shared with the Reference Group and specific issues discussed with the relevant members of the Reference Group. Any changes proposed to the SPG in response to the representations received also shared with the Reference Group and any outstanding issues discussed further.
September 2018	Consultation Draft SPG showing proposed changes presented to the LDP Working Group shared with the Reference Group. The Reference Group was informed of any issues raised by the LDP Working Group before the SPG was finalised for Cabinet approval.

3.2.5 Topic Stakeholders

3.2.6 The following Topic Stakeholders were involved:

- Registered Social Landlords operating in the area
- Grwp Cynefin (hosts of the Tai Teg Affordable Housing Register)
- Community Housing Cymru
- National Community Land Trust Network
- District Valuations Services
- Home Builders Federation
- Country Landowners Associations
- Council for Mortgage Lenders/UK Finance
- Principality Building Society
- Brecon Beacons National Park Authority
- Welsh Government Local Plans.

3.2.7 These stakeholders were invited to provide informal feedback on a working draft of the SPG prior to the formal public consultation stage.

3.2.8 A working draft of the SPG was also shared with Strategic Housing Partnership (SHP) and also presented to the SHP at a meeting on the 6th of June 2018.

3.2.9 Comments received from the Topic Stakeholders were considered and responded to, with further discussion taking place on specific issues where necessary. The input from Topic Stakeholders was used to inform changes to the working draft of the SPG.

3.2.10 LDP Working Group

3.2.11 The Draft SPG was considered by the LDP Working Group on 22nd June 2018 and approved for Public Consultation.

3.2.12 SPG Consultation

3.2.13 The public consultation period ran from 11th July to 21st August 2018 and representations were received from the following:

Representor Name (Representor No.)

- Homebuilders Federation (78)
- Hughes Architects (Newtown) (1552)
- Mid Wales Housing Association (4628)
- Mochdre with Penstrowed Community Council (516)
- Montgomery Town Council (517)
- Abermule with Llandyssil Community Council (542)
- Presteigne and Norton Town Council (525)
- Canal & River Trust in Wales / Glandwr Cymru (5704)

3.2.14 The main issues arising from the consultation and the Council's responses to these are set out in Table B5 below.

3.2.15 The representations and Council draft responses were considered by the LDP Working Group at its meeting on the 7th September 2018, and subsequently by the Council's Cabinet at its meeting on 9th October 2018.

Table B5 – Main Issues from the Public Consultation (Affordable Housing SPG)

Question 1: AH1 - Do you agree that the affordable housing definitions and types as set out are relevant to the Powys LDP area? If not, please explain why.	
Issue	Council Response
Requesting clarification on whether and in what circumstances self-build would be included in the definition of affordable housing. (Rep 1552)	Self-build is referred to under the definition of 'intermediate affordable housing for sale'. In order to qualify as affordable housing for planning purposes, self-build will need to comply with the definition provided and subject to the relevant restrictions and mechanisms. No changes recommended.
Question 2: AH2 - Do you agree with the data sources and calculations used to work out the affordability level for Powys? If not, please explain why.	
Issue	Council Response
Questions whether the average house price fairly represents the affordable level due to the range of houses in the Authority's area. Suggests calculation that does not include the most	The figure used for the average house price is based on the Land Registry's House Price Index, which is calculated in a way that reduces the weighting given to

<p>expensive housing would be more appropriate. (Rep 78)</p>	<p>high value properties and is close to the median figure. It is considered to be appropriate to use this figure to compare with income levels, in order to demonstrate housing affordability issues in the area. No changes recommended.</p>
<p>Disagrees with the figures used as they do not reflect local variations in prices and wages. (Rep 525, Rep 1552)</p>	<p>The figures used are based on the data available from official government sources, and there are limitations on the data available at a more local level. The availability of data will be kept under review, particularly in connection with the review of the Local Housing Market Assessment. No changes recommended.</p>
<p>Disagrees with the average wage used, given primarily agricultural and light industrial employment at national minimum wage. (Rep 576)</p>	<p>The figures used are based on the data available from official government sources, which are based on averages. It is not possible to account for specific wage levels or types of employment in the calculation of the affordability level. However, the range of affordable housing types provided for are aimed at meeting the varying needs of households, and individual circumstances will be taken into account in assessing local housing need. No changes recommended.</p>
<p>Disagrees with the gross disposable household income figure being based on two full-time workers - does not account for single parent families, part-time employment or where only 1 in full-time employment. (Rep 516, Rep 542, Rep 525)</p>	<p>The figures used are based on the data available from official government sources, which are based on averages, and therefore it is not possible to account for all household situations or employment arrangements. However, the range of affordable housing types provided for are aimed at meeting the varying needs of households, and individual circumstances will be taken into account in assessing local housing need. No changes recommended.</p>
<p>Calculations do not take account of build costs. Only RSLs/SHA capable of financing affordable housing and implications for viability where not possible to secure involvement of RSL or the Council. (Rep 1552)</p>	<p>The calculation is based on the cost of purchasing a house and is aimed at establishing the level at which households, on average, are able to afford to purchase housing. Build costs are not relevant to this calculation, however these costs have been taken into account in the LDP's viability assessment and policy targets. Where involvement of an RSL or SHA cannot be secured, the SPG allows for financial contributions to be made in lieu of on-site provision. No changes recommended.</p>
<p>The figure of numbers of persons in need of affordable housing in East Radnor is too low. Refer to Presteigne and Norton Town Council's own housing survey in 2011 identifying 80 people in need and PCC housing register in 2011 had</p>	<p>The figures referred to in the SPG are taken from the Local Housing Market Assessment (2010, updated 2014), which is in the process of being reviewed. It is recommended that a note is included after</p>

158 in need. (Rep 525)	the table explaining this and cross-referring to para. 6.6.5 of the SPG in relation to evidence used in decision-making.
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Question 3: AH3 - Do you agree with the approach towards seeking affordable housing contributions from specialist market housing developments? If not, please explain why.

Issue	Council Response
There are more likely to be viability issues having regard to the additional design features required of certain specialist provision. (Rep 1552)	Site specific viability issues, where evidenced, will be taken into account in determining the level of affordable housing contribution that can be secured from specialist housing schemes. No changes recommended.

Question 4: AH4 - Do you agree with the examples given of circumstances where alternative provision to on-site provision may be considered? If not, please explain why.

Issue	Council Response
Support for the prevention of subdivision/phasing of development sites to avoid contributions and in defining the density of sites to avoid 4 homes being provided rather than five on a 0.25 hectare site. (Rep 525)	This support is noted.
Request for the monies received to be spent within the same community as the original site. (Rep 525)	Financial contributions will be spent on schemes available within the same settlement, however in case of situations where there are no schemes available within the same settlement, the cascade set out in para. 6.5.7 of the SPG will be applied. This will ensure that contributions are spent locally where possible, or if not, are spent in a way that continues to support the provision of affordable housing in the LDP's area. No changes recommended.
Request for further information on who will be required to provide evidence (and in what form) that a contribution in a different location would have a greater contribution towards meeting local affordable housing. (Rep 1552)	The Council will decide whether alternative provision to on-site provision is appropriate and justified in specific circumstances. The developer may propose alternative provision and provide evidence to support this, however the Council will determine the appropriateness of any proposals. No changes recommended.
Suggestion that the last example box at para. 6.3.4 emphasises the potential role of RSLs as they are increasingly involved in market development. (Rep 1552)	The last example box referred to relates to intermediate housing for rent or sale and does not refer to market development as such. The involvement of RSLs in market developments through developer transfer of units/land is covered in the first two example boxes. No changes recommended.

Question 5: AH5 - Do you agree with the approach used to determine whether off-site provision would be appropriate? If not, please explain why.

Issue	Council Response
Requesting clarity on arrangements where site is not within the same ownership, and on the section 106 arrangements, legal and financial negotiations involved in this. (Rep 1552)	The option of providing affordable housing on an alternative site is only intended to apply where other suitable land is within the control of the developer, as explained in para. 6.4.1. The use of off-site contributions will not be appropriate where the land is not within the same ownership. Any permission involving off-site provision would be subject to a section 106 agreement as explained in para. 6.4.2. No changes recommended.

Question 6: AH6 - Do you agree with the method and formulae for calculating the required financial contribution? If not, please explain why.

Issue	Council Response
Affordable housing need figures not felt to be even close to correct. See previous response to AH2. (Rep 525)	This response is referring again to the figures of local housing need included in the LHMA. The use of evidence of local housing need to determine the type of dwelling that would have been required on-site is referred to in para. 6.5.2. See response to Question AH2 regarding this matter.
There may be a risk that, where it is possible for them to do so, developers will seek sites in areas where there is less requirement for affordable housing. (Rep 1552)	The financial contribution will reflect the % target required by policy H5 for the sub-market area where the planning application is located. The representation appears to be referring to the policy requirements that have already been set out and approved in the LDP, and therefore this is not a matter for the SPG. No changes recommended.

Question 7: AH7 - Do you agree with the examples given as to how the Council may spend financial contributions and with the cascade to be applied? If not, please explain why.

Issue	Council Response
Suggestion to include cross-reference to the Planning Obligations SPG in respect of specifying a time period for using contributions. Objection to the 10 year period for spending contributions as it is far too long with regard to affordable housing. (Rep 78)	It is recommended that a cross-reference to the detail regarding the process for handling financial contributions in the Planning Obligations is included after para. 6.5.7. The comments regarding the 10 year period for spending contributions relate to the content of the Planning Obligations SPG and are responded to separately.
The cascade applied to spending commuted sums should also be applied to other types of provision. (Rep 78)	This representation is aimed at applying the cascade to off-site provision on an alternative site to enable a developer to provide affordable housing on an alternative site outside of the local area. The off-site option is only intended for

	situations where there is another site available in the locality within the control of the developer, and therefore it would not be appropriate to allow the area to be widened out by using a cascade. No changes recommended.
Spend should be strictly limited to immediate locality rather than potentially cascaded out, as it is difficult to see how financial contributions could not be applied given housing requirements, potential for upgrading existing or derelict stock, and the commitment to building Council houses. (Rep 517)	Financial contributions will be spent on schemes available within the same settlement, however in case of situations where there are no schemes available within the same settlement, the cascade set out in para. 6.5.7 will be applied. This will ensure that contributions are spent where possible, or if not, are spent in a way that continues to support the provision of affordable housing in the LDP's area. No changes recommended.
BBNPA forms part of the SHA as the rest of the County. Contributions should be able to be spent in adjoining settlements within the BBNPA. Suggests reciprocal agreement with BBNPA. (Rep 1552)	The wording of a) and b) of the cascade already allows for contributions to be spent in the same settlement and, where no schemes are available, within the same community, which means that contributions may be spent within settlements/ communities that cross over the boundary between the Powys LPA area and the BBNP area. It is recommended that the wording of f) is amended to clarify that this final stage applies to the remaining areas of the BBNP. The cascade is compatible with the cascade used by the BBNP.

Question 8: AH8 - Do you agree with the sources of evidence to be used by the Council to determine local housing need? If not, please explain why.

Issue	Council Response
LHMA is already four years out of date. Suggest that para. 6.6.5 clearly states the updated 2018 evidence will be used as soon as it is available and to state time period for next update. (Rep 78)	The SPG states that updated evidence will be referred to by the Council, therefore, it will be used once it is made available for use in decision-making. The expected timescales for further updates i.e. every 2 years, is considered to be clear. No changes recommended in response to this representation, however it is recommended that the timescale stated in para. 6.6.5 for the review of the LHMA is updated as it is now expected by April 2019.
Support for review of the LHMA, noting from local knowledge some data may be inaccurate. (Rep 517)	The LHMA is in the process of being reviewed as explained in the SPG and will provide updated evidence on local housing needs. No changes recommended.
Subject to overhaul of Common Housing Register, developing and promoting the affordable housing register, and transparent, timely mechanisms for conducting local housing need surveys to meet information gaps. LHMA	This representation refers to issues with the sources of evidence listed by the SPG to be used in negotiations, and refers to actions that go beyond the scope of this SPG. These matters have been referred

provides only a snap shot and cannot drill down to any meaningful level to inform site specific applications. (Rep 1552)	onto the SHA. The SPG promotes the use of the Tai Teg Affordable Housing Register in the planning process, and the LHMA is to be used to inform planning decisions. No changes are recommended.
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Question 9 AH9 - Do you agree with the arrangements and information requirements for assessing the financial viability of a specific development and proposals for reviewing viability? If not, please explain why.

Issue	Council Response
Support for the rigorous approach to ensuring affordable homes are constructed as required by the S106 and agree that affordable and market housing to be built concurrently and market homes not to be completed first. If developer considers this unviable, application should be withdrawn. (Rep 517)	The SPG makes it clear that the completion of all open market housing prior to the completion of the affordable homes will not be acceptable, whilst allowing for a proportion of market housing to be built. This flexible approach is aimed at enabling developments to remain viable. No changes recommended.
Require reassurance of Council capacity and expertise to undertake viability assessment and suggests perhaps SHA could lead on this. (Rep 1552)	It is explained that the financial viability appraisal will be assessed by the Council, but only where possible (para. 6.6.9) and therefore this will be dependent on the capacity and expertise available within the Council at the time. Where this is not possible, the DVS will be commissioned. Development Management are expected to lead on negotiations. No changes recommended.
Does not follow argument on reducing timescales for development unless specifically to ensure development achieved within policy timeframes, and not for reasons of financial viability. (Rep 1552)	As explained in para. 6.6.10, the purpose of reducing timescales for development where a lower/nil contribution has been agreed is to enable the position on viability to be kept under review. Otherwise a site could continue to benefit from an extant or implemented permission over a long period of time, however in the meantime development viability may have improved or changed. No changes recommended.

Question 10 AH10 - Do you agree with the guidance on assessing the appropriateness of the location, scale and type of affordable housing on exception sites in Towns and Large Villages? If not, please explain why.

Issue	Council Response
Providing infrastructure can accept such developments and that logical extensions up to 5 houses should also be assessed in terms of impact on integrity of the settlement, transport/highways infrastructure, landscape/heritage site impacts and impact on amenity of existing dwellings. (Rep 517)	Consideration will be given to these matters, where relevant, in assessing proposals for all types of exception sites. The SPG should be read in conjunction with the policies of the LDP, which includes policies relating to these matters. No changes recommended.
Considers there to be a case for exception sites in rural locations. Difficulties for dwelling to be built on farmland by family members, precluding younger farmers remaining on the land. (Rep 517)	Dwellings on farmland for farmers, referred to in planning as Rural Enterprise Dwellings, are dealt with under national guidance (PPW and TAN6). The SPG does not provide guidance on Rural Enterprise

	Dwellings as they do not fall within the definition Affordable Housing and are assessed differently from a planning point of view. No changes recommended.
Wording of para. 7.4 regarding consideration of harm to the character and appearance of the surrounding landscape – this should apply whether affordable housing on exception sites or not. (Rep 1552)	The guidance within para. 7.4 is aimed at ensuring that regard is given to landscape/visual impact in selecting exception sites for affordable housing, avoiding the most sensitive sites and considering alternative sites. The assessment process set out within para. 4.2.32 relating to LDP Policy DM4 will apply to exception sites as they lie outside the boundaries of Town and Large Villages. No changes recommended.

Question 11: AH11 - Do you agree with the guidance on determining whether a site should be viewed as infill or as a logical extension in Small Villages? If not, please explain why.

Issue	Council Response
Noting that only development of less than 5 units/0.25 will be considered, and consider this sensible in view of needs and infrastructure of Small Villages. (Rep 1552)	This support is noted. The guidance within the SPG supports LDP policy H1 in respect of affordable housing in Small Villages.

Question 12: AH12 - Do you agree with the guidance on the tests to be used to determine whether a proposal is located within a Rural Settlement? If not, please explain why.

Issue	Council Response
Emphasises the need for robust and reliable local affordable housing register information to determine whether or not appropriate to provide affordable housing in these areas. (Rep 1552)	Evidence of the local housing need of specific individual households will be needed to justify affordable housing in Rural Settlements, and the Affordable Housing Register (Tai Teg) will be used, as explained in Appendix C. No changes recommended.

Question 13 AH13 - Do you agree with the guidance and principles to be used in assessing Affordable Housing Schemes? If not, please explain why.

Issue	Council Response
Requesting further clarity on self-build or specialised accommodation. (Rep 1552)	An example of requirements of an Affordable Housing Scheme for developing a single intermediate house for sale by an individual (self-build) is included in Appendix F of the SPG. The SPG refers to arrangements for specialist market housing, however it is not possible to provide detailed guidance on Affordable Housing Schemes for such bespoke schemes as part of the SPG. No changes recommended.
Requesting consideration to be given to larger accommodation for extended households by reviewing the maximum size of the property or other arrangements (e.g. allowing semi-	The size of an affordable dwelling is required to reflect the identified local housing need. The maximum size set out in the SPG is based on a household size of 7

detached units to be used as a single unit, and then reverting back to two units when no longer needed). (Rep 1552)	persons, and therefore is expected to cover need in the majority of circumstances. The assessment of local housing need will take into account the needs of the households involved. The appropriateness of any arrangements will need to be considered in planning terms. No changes recommended.
Requesting ACG information in respect of flatted accommodation given demand for this type of housing. (Rep 1552)	It is recommended that the ACG notional floor area for flats is added into the table under para. 8.16.

Question 14: AH14 - Do you agree with the process for assessing the local housing need of proposed occupiers? If not, please explain why.

Issue	Council Response
Support for strengthening guidance for meeting local housing need and maintaining occupancy restrictions unless incontrovertibly proved no longer required. (Rep 517)	This support is noted.
Majority of recent developments are 2 or 3 bed, small third bedroom, with inadequate room for growing family, need for family accommodation. SPG does nothing to encourage sustainable homes to retain families in the villages. (Rep 542)	Para. 8.16 of the SPG expects affordable housing on market developments to be of a range of sizes and to give regard to ACG space standards. The local housing need assessment (Appendix C) also allows for existing owners of affordable housing to transfer to other affordable housing to meet changing circumstances. No changes recommended.
See comments under AH13. (Rep 1552)	See response for AH13 above.

Question 15: AH15 - Do you agree with the approach towards ensuring the provision, affordability and availability of affordable housing at each stage of the planning process? If not, please explain why.

Issue	Council Response
Divergence from LDP stating affordable / local needs can be a home for life, and need to reflect this in considering future applications to modify unit, but keeping within defined parameters. (Rep 517)	The SPG at para. 8.18 explains that planning applications for future extensions will be assessed on a case by case basis taking into account the local need and effect on affordability. No changes recommended.
Support for withdrawal of permitted development rights, ability to refuse applications on underdevelopment, and simultaneous building of market and affordable housing. Requirements to be effectively and rigorously enforced and request for detail of monitoring arrangements to ensure compliance. (Rep 517)	Development Management has responsibility for enforcement and monitoring processes, including planning conditions and obligations. Reports of any breaches will be investigated and enforcement taken where necessary, as stated in section 8.32 of the SPG. No changes recommended.
Detrimental effect of capping the re-sale price at 72% of open market value, disadvantage for first time buyers wanting to move up the ladder, deterrent to moving on, and on releasing dwelling back onto the market. (Rep 542)	The TAN 2 definition of intermediate affordable housing requires prices/rents to be below market housing prices or rents. By restricting the sale/re-sale value of an affordable dwelling, this provides a mechanism for ensuring that the housing is and remains accessible to those in local

	housing need. No changes recommended.
Subject to capacity within the system. Requesting clarification on the S106 Officer's role and capacity to deal with this and other planning obligations. (Rep 1552)	Development Management has responsibility for the planning processes described in this part of the SPG. The role of the Planning and Monitoring Officer in relation to section 106 agreements is explained in the Planning Obligations SPG. No changes recommended.

Question 16: AH16 - If you have any other comments you want to make which are not covered by the above questions please include them here:

Issue	Council Response
Regarding the guidance on time limited permissions to enable review of viability, sites may also become less viable. Comments on the WG S106 guidance (2009) and suitability of the review mechanisms. Notes that the wording of the SPG provides flexibility. Request for cross-reference to the WG guidance. (Rep 78)	It is considered to be appropriate (at para. 6.6.10) to apply a reduced time limit for commencement and/or control over completion in order to enable viability of a development to be kept under review, and the Council is aware of appeal decisions that support this approach. The WG guidance on delivering affordable housing using section 106 agreements referred to is included in Appendix A of the SPG. No changes recommended.
Worth noting in the document that WG are currently reviewing Affordable Housing and therefore there may be changes in the next few years. (Rep 78)	Recommend reference is made to the Affordable Housing Review under Monitoring and Review in para. 9.2 of the SPG.
Deliverability is a fundamental issue. The Council and its strategic partners need to consider further options to stimulate the 5 year land supply, identify and bring forward suitable sites, and other means to meet strategic objectives on housing delivery. (Rep 1552)	This support and comments are noted. This SPG is aimed at assisting the delivery of affordable housing through the LDP's planning policies. The actions called for by the Representor go beyond the scope of this SPG. These matters have been referred onto SHA. No changes recommended.
Requesting clarification on how applications for 100% affordable housing provided by RSLs are processed and conditioned at planning application stage, as current inconsistencies (examples provided). Prefer no restrictions due to effects on borrowing. (Rep 4268)	Recommend adding note after para. 8.6 to clarify the requirements in relation to RSL development. This means that where an RSL is developing a site within their ownership within the development boundary, conditions attached relating to affordable housing will only require the % of affordable housing required under policy H5. This approach is acceptable to the representor.

3.3 Biodiversity and Geodiversity SPG

3.3.1 Reference Group

3.3.2 In order to prepare the Biodiversity and Geodiversity SPG, the Council sought participation and involvement with various Topic Stakeholders, from which the Council formed a Reference Group.

3.3.3 The Reference Group comprised 6 members, which included representatives from the following Council services and outside organisations:

- Planning Policy
- Development Management
- Countryside
- Natural Resources Wales

3.3.4 Engagement with the Reference Group during the preparation of the Draft SPG is summarised in table B6:

Table B6 – Reference Group Involvement (Biodiversity and Geodiversity SPG)

Date	Who and How?
Early April to early May 2018	Contact made with Reference Group members, to confirm membership, discussion and agreement of role and timetable etc.
May 2018	Discussion of suggested scope of SPG, aims, structure and key components. Writing of first draft ready for Topic Stakeholder consultation. Teleconference with Reference Group on 10 th May. Email to Topic Stakeholders to alert them to pending consultation period.
May and June 2018	Circulation of first draft to Topic Stakeholders for consultation period from 25 th May to 8 th June, 2018.
June to July 2018	Teleconference with Reference Group on 13 th June to consider Topic Stakeholder responses. Also to confirm timetable for remainder of the process. Communicating with Reference Group to consider and confirm appropriate revisions. Amending draft SPG ready for public consultation period. Draft SPG presented to LDP Working Group for approval prior to public consultation period.
July 2018	Notice of public consultation period circulated to LDP Database. 6 week public consultation period from 11 th July to 21 st August.
August to September 2018	Teleconference with Reference Group 29 th August to discuss representations and agree required changes. Also to confirm timetable for remainder of the process. Amending draft SPG ready for adoption.
September 2018	Consultation Draft SPG showing proposed changes presented to the LDP Working Group shared with the Reference Group. The Reference Group was informed of any issues raised by the LDP Working Group before the SPG was finalised for Cabinet approval.

3.3.5 Topic Stakeholders

3.3.6 The larger Topic Stakeholder group included an additional 41 members, consisting of representatives from the following outside organisations:

- Biodiversity Information Service (BIS)
- Botanical Society of the British Isles
- Brecknock Bird Group
- Brecknock Dragonfly Group
- Brecknock Geology Group
- Brecknock Mammal/Bat Group
- Brecknock Moth Group
- Brecknock Wildlife Trust
- British Geological Survey
- Butterfly Conservation
- Canal and River Trust
- Central Wales RIGS Group
- Clwyd Powys Archaeological Trust
- Coed Cymru
- Glandwr Cymru - Canal & River Trust in Wales
- Llandinam Lives/Powys Species Habitat Protection Group
- Montgomery Canal Partnership / Canal & River Trust
- Montgomeryshire Barn Owl Group
- Montgomeryshire Moth Group
- Montgomeryshire Wildlife Trust
- Natural England
- Natural Resources Wales
- Plantlife
- Radnorshire Invertebrate Group
- Radnorshire Mammal Group
- Radnorshire Moth Group
- Radnorshire Wildlife Trust
- Rhayader By Nature
- RSPB Cymru
- The Inland Waterway Association
- The River Wye Preservation Trust
- The Woodland Trust Wales/Coed Cadw
- Welsh Government
- Welsh Kite Trust
- Wye & Usk Foundation
- Environment Agency England
- British Trust for Ornithology
- Amphibian and Reptile Conservation
- Bat Conservation Trust
- Vincent Wildlife Trust
- Severn Rivers Trust

3.3.7 These stakeholders were invited to provide informal feedback on a working draft of the SPG prior to the formal public consultation stage.

3.3.8 Comments received from the Topic Stakeholders were considered and responded to, with further discussion taking place on specific issues where necessary. The input from Topic Stakeholders was used to inform changes to the working draft of the SPG.

3.3.9 LDP Working Group

3.3.10 The Draft SPG was considered by the LDP Working Group on 22nd June 2018 and approved for Public Consultation.

3.3.11 SPG Consultation

3.3.12 The public consultation period ran from 11th July to 21st August 2018 and representations were received from the following:

Representor Name (Representor No.)

- Clwyd Powys Archaeological Trust (27)
- Elan Valley Trust (222)

- Mochdre with Penstrowed Community Council (516)
- Abermule (with Llandyssil) Community Council (542)
- The Coal Authority (1481)
- Powys Wildlife Trusts (5201)
- Canal & River Trust in Wales / Glandwr Cymru (5704)
- Sarah Bond (6160)
- CPRW (Brecknock and Radnor Branch) (6235)
- Natural Resources Wales (7076)

3.3.13 The main issues arising from the consultation and the Council's responses to these are set out in Table B7 overleaf.

3.2.14 The representations and Council draft responses were considered by the LDP Working Group at its meeting on the 7th September 2018, and subsequently by the Council's Cabinet at its meeting on 9th October 2018.

Table B7 – Main Issues from the Public Consultation (Biodiversity and Geodiversity SPG)

Question 1: BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (i.e. professional developers and domestic (non-professional) planning applicants)?	
Issue	Council Response
Large document likely to feel over-whelming particularly for public seeking permission for small-scale domestic development. Needs to be made clear which sections applicants for different types of development need to read. (Rep 5201)	Comments noted. Clarification to be added to start of Section 8 'Biodiversity and Geodiversity in the Planning Process'.
Table 1 – for clarity, include a bold horizontal line between the sub-sections of sites, habitats and species. (Rep 5201)	Table 1 will be revised to make it clearer.
Paragraph 6.31 – suggest moving this paragraph below Table 1 to make it stand out. (Rep 5201)	Agreed.
Subject to specific comments, the document would appear to be appropriate. Images may help. (Rep 5704)	Comments noted.
No, it is of concern that it is considered that the SPG is only for planning applicants when it will be a material consideration when determining planning applications and is of relevance to Planning Officers, Planning Inspectors and the general public. (Rep 6160)	Comments noted. The Council is content that the SPG makes clear it is relevant advice and an important material consideration to all parties involved in the planning process.
The text needs amending to address: <ul style="list-style-type: none"> • numerous repetitions. • poor paragraph ordering of some topics. • poor or muddled wording in some 	Comments noted. Editing will be undertaken to address these concerns.

<p>paragraphs</p> <ul style="list-style-type: none"> • errors in cross referencing to paragraph numbers including Appendix C. • worrying omissions. (Rep 6160) 	
<p>Confused by the two versions of the SPG available on the Powys website. (Rep 6235)</p>	<p>The correct version for public consultation was available on the main LDP web page, and labelled as such, from the beginning of the consultation period.</p>
<p>The text is sometimes vague, long-winded and repetitive. (Rep 6235)</p>	<p>Comments noted. Editing will be undertaken.</p>
<p>The audience includes all interested parties. It should concentrate on clarifying how existing legislation, policy and guidance on biodiversity and geodiversity is incorporated into the Powys planning process in order to help all interested parties.</p> <p>Audiences need to know exactly how responsibilities in the planning process are allocated between PCC and NRW. This is not clear and we suggest detailed discussion and agreement with NRW to establish this. (Rep 6235)</p>	<p>The Council will review the SPG to make sure roles are clearly defined.</p>
<p>The overall format is well thought out and follows a logical progression. (Comments on details provided in a tracked changes version of the SPG). (Rep 7076)</p>	<p>Comments noted.</p>

Question 2: BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

Issue	Council Response
<p>Throughout the document, the phrase “proposed development site” should replace “development site. (Rep 5201)</p>	<p>Comments noted. The text to be amended accordingly.</p>
<p>Table 1 – The final six columns of this table are confusing. For example, the applicant may be left thinking that a site listed under "<i>No Statutory Protection</i>" can be ignored. We recommend that the final six columns are removed from Table 1. (Rep 5201)</p>	<p>Comments noted. The Council has reviewed Table 1 and has clarified the purposes of the columns by rewording the text in the column headers and adding a footnote.</p>
<p>Welcome the inclusion of Wildlife Trust Reserves, however, it seems odd that other NGO nature reserves are absent, notably those of the Woodland Trust & RSPB. If changed, paragraph 6.18 would also need updating. (Rep 5201)</p>	<p>Comments noted. This change may be possible at a future date, but no change required at the moment.</p>
<p>References to the Powys LBAP should be amended to refer to the Powys Nature Recovery Action Plan (NRAP) including Paragraphs 6.33 - 6.35, Appendices B & C, etc. (Rep 5201)</p>	<p>Comments noted. Whilst the Council agrees with the desirability of the proposed change, the LBAP is, until the NRAP is adopted, still the appropriate Plan for applicants to consult. Removal of references to the LBAP at this stage would therefore create the potential for this important source of local information to be omitted from an applicant’s preparatory research. No change required.</p>

Appendix A - Section 42 'important (priority) habitat and species' no longer exists and should be referred to as 'Section 7'. (Rep 5201)	This reference in the Glossary is provided for clarity as the term 'Section 42', and references to the NERC Act, are still in use and often seen in documentation. The superseding of Section 42 by Section 7 is explained in the text under this entry in the Glossary. No change required.
<ol style="list-style-type: none"> 1. Subject to specific comments the document would appear to be appropriate. (Rep 5704) 2. Yes with proviso that glossary expanded – e.g., NRAP, SoNaRR. (Rep 6160) 3. The language used within the document is appropriate for the target audience. (Rep 7076) 	<ol style="list-style-type: none"> 1. Comments noted 2. Comments noted. Both NRAP and SoNaRR are cited and explained in Appendix C. 3. Comment noted.
The language is sometimes verbose making the SPG unnecessarily long. E.g. Paragraph 6.7 SPAs could read: <i>“Special Protection Areas (SPAs): a European designation for the conservation of birds. Three SPAs are wholly or partially within the Powys planning area and another two are close enough to be at risk from development within the planning area. Developers should be aware of ranging and foraging buffers around SPAs”</i> . (Rep 6235)	Comments noted. The opportunity has been taken to review the document and wherever necessary changes have been made.

Question 3: BG3 - Is there any content missing from the SPG, or parts that could be improved?	
Issue	Council Response
<ol style="list-style-type: none"> 1. Paragraph 6.16 – Amend to read: “These are assessed and selected using specific criteria which recognise their wildlife value, developed and agreed by members of the Powys Nature Partnership (see Appendix A)”. 2. Paragraph 6.18 – Amend to read: “The three Wildlife Trusts in Powys also own, lease and manage land as Wildlife Trust Reserves (WTRs). These protect locally or nationally rare or vulnerable wildlife or habitats and many carry statutory designations. In Powys there are...” (Rep 5201) 	<ol style="list-style-type: none"> 1. Agreed. 2. Agreed, plus the additional wording ‘and many carry statutory designations’ to be made.
<ol style="list-style-type: none"> 1. Table 1 - Section 7 habitats and species and Veteran Trees are missing from Table 1 and should be added. 2. Paragraph 6.27 – should include the Ancient Woodland Inventory’s four categories: <ul style="list-style-type: none"> * Ancient Semi-Natural Woodland (ASNW) * Plantation of Ancient Woodland Sites (PAWS) * Restored Ancient Woodland Sites (RAWS) * Ancient Woodland Site of Unknown Category (AWSU) 3. Paragraphs 6.30 & 6.31 - Powys has internationally important areas of veteran trees / historic parkland which should be 	<ol style="list-style-type: none"> 1. Agreed. 2. Agreed. All Categories to be included in the SPG. 3. Comment noted. Having reviewed the text, the current wording is considered adequate so no change required.

emphasised e.g. the Elan Valley. (Rep 5201)	
<ol style="list-style-type: none"> 1. The SPG should be stronger in recognising that non-statutory sites can have biological features of international significance, in the same way that not all sites of SSSI quality end up being designated SSSI. For example biologically rich ponds should be included. The Freshwater Habitats Trust has recognised that parts of Powys are 'Internationally Important Areas for Ponds (IAPs) e.g. 'mawn' pools found on common land across North Brecknock and Radnorshire. These lack statutory protection yet are areas of significant biodiversity value and have high populations of important species, such as the Great Crested Newt. 2. It is important to remember that the national network of SSSIs forms a representative suite of the country's very best wildlife and geographical sites; this needs to be emphasised in paragraph 6.12. (Rep 5201) 	<ol style="list-style-type: none"> 1. Comments noted. Add new para. to include reference to non-statutory sites containing features of international significance and using mawn pools as an example. 2. Agreed. Add the following 'and as such form a representative suite of the country's very best wildlife and geological sites.'
<ol style="list-style-type: none"> 1. Paragraph 6.32 – it is important to retain the significance of the difference between nationally important and locally important sites. Either list the Section 7 habitats here (could remove any that aren't relevant for Powys) or refer the reader to the Wales Biodiversity Partnership for the list. 2. Paragraph 6.33 - Depending on how paragraph 6.32 is dealt with, either list the NRAP habitats or refer the reader to the Powys NRAP for the list. (Rep 5201) 	<ol style="list-style-type: none"> 1. Comments noted. Include reference to the Wales Biodiversity Partnership. 2. The Powys LBAP is still extant until the NRAP is adopted, so the reference to the LBAP Habitats should remain.
<ol style="list-style-type: none"> 1. Paragraphs 7.7 & 7.8 – Environmental Permits (EPRs) are not mentioned and could be included here. 2. Table 2 – emphasise the need for Phase 2 vegetation surveys, at the appropriate time of year if the preliminary ecological appraisal identifies interesting habitat. This is relevant for the top 10 development sites in the table. 3. Paragraph 7.27 - further surveys should include those for priority habitats and species as well as EPS. 4. Table 3 – amend the dormouse survey optimal period to May to October inclusive, whilst the rest of the year would be sub-optimal. (Rep 5201) 	<ol style="list-style-type: none"> 1. Comments noted. 2. Table 2 – additional clarification will be provided. 3. Insert additional text: 'such as those for priority habitats and species and EPS.' 4. Agreed, amend Table 3 accordingly.
Paragraph 8.26 - when saying that "compensation does not necessarily need to be like for like replacement" it should be emphasised that the replacement gain should have integrity and value within the ecological landscape it sits in. (Rep 5201)	Comments noted. The text will be revised.
Intensive Livestock Units Paragraphs 9.16 - 9.20– in the Chief Planning	Comments noted. The Council is familiar with the clarification letters cited and

<p>Officer letter (12/6/18) from Welsh Government, the impacts of intensive agricultural developments were emphasised. The appropriate wording of this section is a great opportunity to improve the current decision making process.</p> <p>PCC is urged to take heed of recent advice from the Welsh Government regarding the importance of a wide range of consultees when considering these developments. (Letter from Lesley Griffiths AM, Cabinet Sec for Energy, Planning and Rural Affairs, 30/4/018). (Rep 5201)</p>	<p>considers it already follows the advice. Having reviewed the Intensive Livestock Units section it is not felt necessary to make any changes.</p>
<ol style="list-style-type: none"> 1. Paragraph 6.42 – refers to “Section 4.4 below”, but this section does not exist. 2. Paragraph 8.18 - refers to Sections 5.5 and 5.6, but these do not exist. 3. Paragraph 8.23 – remove “However” from the start of the second sentence and insert “For example,” instead. 4. Paragraph 8.30 – in the second bullet point, please include ‘bat bricks’. 5. Paragraphs 9.13 & 9.15 – these make reference to section 6.5 which does not exist. (Rep 5201) 	<p>Comments noted. The cross-references will be updated, a reference to ‘bat bricks’ included in Table 5, and the SPG will be edited.</p>
<p>Section 7 could be moved to an appendix. (Rep 5704)</p>	<p>Noted, but the Council considers this is an important section to retain in the body of the SPG.</p>
<p>Paragraph 4.1 – Amend to read “...consider the potential impacts of proposals upon these interests on or near development sites”. (Rep 6160)</p>	<p>Noted. The words ‘and beyond’ will be added.</p>
<p>Paragraph 4.7 states, “<i>As a consequence of its extent, it has a considerable diversity of habitat types</i>”. This statement is misleading. It is not because of Powys’ extent but its geodiversity and man’s interaction that there is considerable diversity of habitats. (Rep 6160)</p>	<p>Comments noted. Add the word ‘Partly’ to the beginning of the paragraph..</p>
<p>Table 2 - is inconsistent when describing surveys. As a result the text following this table becomes confusing about the status of species, e.g. 7.29 to 7.36 discusses EPS but then bats are discussed separately at 7.41. (Rep 6160)</p>	<p>Comments noted. Table 2 has been reviewed and editing amendments made as necessary.</p>
<p>Paragraph 7.27 – Refers to CIEM guidance, but guidance is regularly updated. (Rep 6160)</p>	<p>Agreed. Insert the text:”or any updated”.</p>
<ol style="list-style-type: none"> 1. Para. 7.37 - This paragraph is unacceptable because it totally dismisses many protected avian species in Powys. Most other raptors are Schedule 1 birds, as are some other species which may be affected by development in Powys. 2. Paras 7.37 and 7.38 should be moved and amalgamated with para 8.48 in section 8. 3. Para 7.39 should have a new heading, e.g. ‘avian surveys’, and include discussion about 	<ol style="list-style-type: none"> 1. Comments noted. The Council disagrees. Barn Owls are detailed in the SPG as they commonly nest and roost in buildings so are an example of a species that may be at risk from development. Many other Schedule One birds are found in Powys however these will be covered by surveys already included in the SPG. No change required.

<p>nesting birds and protected birds. (Rep 6160)</p>	<p>2. & 3. It will be made clear that these surveys are examples. A new sub-heading will be inserted.</p>
<p>Paragraph 7.39 “.....<i>Areas of dense vegetation (e.g. hedgerows, or long-derelict land) are also important for other nesting birds</i>” This statement whilst correct is an oversimplification. It ignores ground nesting birds and in particular the critical status of curlew which nest in damp habitats and are particularly susceptible to the types of agricultural development being applied for and the solar LSAs. (Rep 6160)</p>	<p>Comment noted. Whilst the Council disagrees that this para. ignores ground nesting birds, the words ‘<u>or open</u>’ and ‘<u>or agricultural</u>’ will be added, and the word ‘or’ be removed.</p>
<ol style="list-style-type: none"> 1. Amend 8.2 - to read “biodiversity and geodiversity interests affected by development sites”. 2. Paragraph 8.27 - should explain compensatory measures will be conditioned. 3. Paragraph 8.34 - It is of great concern that this document has been put forward for public consultation with this illustration missing. 4. Paragraph 8.38 - omits reptiles from the list of fauna e.g. slow worms. 5. Paragraph 8.44 - Should read, “affected by development proposals”. 6. Paragraph 8.45 “..... <i>If a planning application is likely to directly impact on a pond, canal, ditch or cellar a great crested newt survey may be required.</i>” This is incorrect advice and contradictory to advice on EPS at 7.23 A survey for great crested newts is required if: <ul style="list-style-type: none"> * there are historical records of newts within or close to the site proposed for development. * there’s a pond within 500 metres of the application site boundary even if it only holds water some of the year * the development site includes refuges (eg log piles or rubble), grassland, scrub, woodland or hedgerows. (Rep 6160) 	<ol style="list-style-type: none"> 1. Comments noted. The opening paragraphs will be revised for clarity. 2. Agreed. Add following wording: “Compensatory measures may also be subject to planning conditions and ongoing monitoring.” 3. Comment noted but the diagram was only for illustrative purposes. 4. The list of species is not intended to be exhaustive. 5. The comment is noted. It is recommended that the change be made accordingly. 6. Agreed. The word ‘directly’ will be removed.
<ol style="list-style-type: none"> 1. Paragraphs 4.2 and 4.5, 6.16, 6.25, 6.26, 6.27, 7.35 – Repetitious. 2. Paragraph 6.20 - Omit NB – unnecessary. 3. Paragraphs 6.42, 7.33, 8.8. 8.14. 8.18, 8.39, 8.41.8.43, 9.13, 9.15 - Incorrect cross refs. (Rep 6160) 	<p>Comments noted. The SPG will be subject to futher editing.</p>
<ol style="list-style-type: none"> 1. Prior to section ‘5.0 LDP policies’, The Environment (Wales) Act Part 1, Sections 3, 4 and 6 should be set out as they are in the Act. 2. Section 5.0 LDP policies - Should make it clear that the LDP is an integrated document and other policies besides SP7 and DM2 are relevant to Biodiversity and Geodiversity. For instance: <ul style="list-style-type: none"> • DM7 on light pollution 	<ol style="list-style-type: none"> 1. The Council disagrees with this representation. The Environment Act is summarised in Appendix C. No change required. 2. This point is made already in the introduction to the document. It is also repeated in Appendix C which already lists the key LDP Policies that are likely to have a bearing upon Biodiversity and Geodiversity. No change required.

<ul style="list-style-type: none"> • DM13.13.v. on protection of soils • DM14.2 Air quality management • DM15 Waste within developments (Rep 6235) 	
<p>Major elements missing from the SPG:</p> <ol style="list-style-type: none"> 1. Importance of State of Nature Wales report: urgency of reversing decline in Biodiversity. 2. Discussion of Protection of Soils. 3. Discussion of Cumulative impacts. 4. Informative discussion about Intensive Livestock Proposals, regulatory framework and PCC role. (Rep 6235) 	<p>Comments noted. The following changes be made to the document:</p> <ol style="list-style-type: none"> 1. Insert reference to 'State of Nature' report. 2. Agreed. Add new section on 'Soils' within the Geodiversity and Development Proposals section. 3. Agreed. Add new section on 'Cumulative and In Combination Effects' within the Biodiversity and Geodiversity in the Planning Process section. 4. The Council has already included a section on Intensive Livestock Units which is considered adequate. No change required.
<p>SPG to include additional information on:</p> <ol style="list-style-type: none"> 1. Ancient semi natural woodland. 2. The Birds directive. 3. Associated legislation not regulated under planning. (see comments on page 17 of SPG draft attached). 4. NRW role in flood defence. 5. Consideration of long term post construction issues. 6. Clarification over INNS legislation and biosecurity requirements during the planning process. 7. Public Authorities duties including Powys LPA to report and monitor on the Nature Recovery Action Plan under Section 6 of the Env't. Act. (Rep 7076) 	<p>Comments noted. Amend SPG to include:</p> <ol style="list-style-type: none"> 1. Additional information on Ancient Woodlands. 2. Text concerning SPAs and a link to more information on the Birds Directive inserted into Appendix B. 3. Comments noted, however the Council believes this information to be unnecessary. 4. Requirement to consult NRW inserted 5. Agreed. Text amended in a number of places to reflect this 6. Text regarding INNS inserted into Section 9. 7. Text inserted in Appendix C under the Environment (Wales) Act regarding LPA duties. The SPG already contains a number of paras regarding unlawful activity and these have been placed under a new heading to draw attention to them, so no change is felt to be necessary.

Question 4: BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?

Issue	Council Response
<ol style="list-style-type: none"> 1. The layout is good (Rep 542) 2. It is clearly laid out. (Rep 5201) 3. It could be condensed or detail placed in an appendix. The introduction of images may help. Some terms are duplicated in the glossary. (Rep 5704) 4. Paragraphs 6.25- 6.27 are repetitive. 6.27 and 6.28 discuss wood pasture but fail to 	<ol style="list-style-type: none"> 1. & 2. Comment noted. 3. – 11. Comments noted. Section 6 has been reviewed and necessary changes made.

<p>explain what it is - does it include old orchards or ffridd?</p> <p>5. Paragraph 6.31 - Suggest para has a title, e.g. 'designated sites mapping'.</p> <p>6. Paragraph 6.43 - discusses UK protected species but fails to explain how plants are protected. (Rep 6160)</p> <p>7. Section 6 could be improved in its layout and structure of headings. Bold Headings for the designations would help. e.g. 6.11, 6.13, 6.16, 6.17, 6.18, 6.19, 6.21.</p> <p>8. The section is very confusing. Terms need to be used carefully and consistently. Careful explanation is needed for: "designation" and "statutory"; "protected" and "important"; devolution to Wales of some planning functions; what information applicants need to provide about woodland and LBAP categories; what regard PCC will have to LBAP categories in planning determinations.</p> <p>9. In the sub-sub-headings, LBAP habitats and species are only "important", however, in Table 1, LBAP Habitats and Species do have statutory protection but RVNRs and AW do not have statutory protection.</p> <p>10. It needs to be clear that the duty to enhance and maintain biodiversity everywhere where there is no national or international designation lies with Powys CC.</p> <p>11. For International and Nationally designated sites, PCC is responsible for considering cumulative impacts. PCC is also responsible for considering cumulative impacts on all other biodiversity interests. (Rep 6235)</p>	
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Question 5: BG5 - Would the sections on 'Incorporating Resilience into Development Proposals' and 'Green Infrastructure and Resilience' (paras 8.67 to 8.77) be better embedded within the 'Design' section (8.17 to 8.34)?

Issue	Council Response
<p>1. Yes. (Rep 516, 5704, 6160, 6235, 7076)</p> <p>2. Yes; also suggest rationalising this section by removing Table 5 and paragraphs 8.70 & 8.71 as this is all mentioned elsewhere and is likely to mean very little to an applicant. (Rep 5201)</p>	<p>1. Comment noted. The paragraphs will be moved.</p> <p>2. The Council disagrees and considers that Table 5 has a role to play in the SPG. An explanation is provided in the following paras. No change required.</p>

Question 6: BG6 - Would the inclusion of a checklist or flowchart for incorporating biodiversity and geodiversity in the planning process be of use to summarise the process, or could this oversimplify important considerations?

Issue	Council Response
<p>1. Yes, an indicative graphical illustration, such as a flowchart, is likely to be very helpful for applicants. Perhaps an app could be</p>	<p>1. and 2. Comments noted. An indicative flowchart will be included.</p>

<p>developed, as this would allow the detail to be retained. (Rep 516; Rep 5201, 5704 7076)</p> <p>2. No. This would just duplicate text and oversimplify considerations and would not be available for public consultation. In general the text could be tightened and sometimes shortened to underline exactly what a developer has to do. (Rep 6160, 6235)</p>	
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Question 7: BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

Issue	Council Response
<p>1. Yes. (Rep 516) Appx C is adequate. (Rep 6160)</p> <p>2. Appendix C could be reinforced through referencing in other parts of the document. (Rep 5201)</p> <p>3. Reference is provided within the main document to appendix C, e.g. at paragraphs 2.1, 7.2, 8.13. Given the length of the document it may be useful to elaborate upon the legal context within section 2.0 of the document. (Rep 5704)</p>	<p>1. The comment is noted.</p> <p>2. Extra references to Appendix C will be inserted wherever appropriate.</p> <p>3. Comment noted, however it is considered that Section 2 and Appendix C provide this elaboration already.</p>
<p>1. The WBFGA is much less clear and specific about Biodiversity and Geodiversity than the Environment (Wales) Act section 6 duties which are key to this SPG and their text is a serious omission. The description in Appendix C is not good enough and these should be set out in full earlier in the document. (Rep 6235)</p> <p>2. Relevant legislation should be mentioned within the SPG because it helps to clarify what is a legislative requirement and what is best practice / guidance. Appropriate reference to Appendix C should be made for additional details. (Rep 7076)</p>	<p>1. Comments noted, however the Council considers that the content relating to Environment (Wales) Act and the WBFGA is sufficient and in the right place. No change required.</p> <p>2. Comments noted</p>
<p>To avoid confusion, clarification is needed in Appendix C in relation to Schedule 2 projects of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations (2017). (Rep 542)</p>	<p>The Regulations are not matters within the control of the Council, so no change to the SPG is required.</p>

Question 8: BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

Issue	Council Response
<p>CPAT welcomes this SPG. It may be worth noting that there is some cross over between biodiversity and the historic environment and there may be occasions when historic environment policies might be brought to bear to assist biodiversity issues. For example peat bogs, hedges and boundaries, field</p>	<p>Comment noted. Mention of this overlap will be included.</p>

systems, veteran trees, ancient woodland, parkland, caves, rivers, streams, lakes and ponds, etc. have an historic environment dimension which might be useful allies to biodiversity. Mention might be made of this cross over. (Rep 27)	
It is good that policy DM7 is referenced, given Powys's important dark skies and the benefits of dark skies to biodiversity. A robust lighting management policy should be incorporated into the planning process. (Rep 222)	Comments noted. LDP Policy DM7 does cover light pollution and refers to dark sky designations. No change required.
Paragraph 6.17, Appendix B – the Powys wildlife trusts names and contacts need correcting. (Rep 5201)	Agreed.
<ol style="list-style-type: none"> 1. Paragraph 4.7 - should include 'canals', within the list of habitats, especially given the Montgomery canal is designated as a SAC and SSSI. 2. Paragraph 8.30 – Amend wording to read <i>“Creation of a buffer zone along natural watercourses planted with native species (where appropriate)”</i>. This would provide flexibility in respect of development adjacent to the canal. 3. Paragraph 9.11 - should refer to the Montgomery canal designated as a SAC. (Rep 5704) 	<ol style="list-style-type: none"> 1. Agreed. 2. With development alongside man-made waterways already being covered by related regulations, it is felt that inserting 'where appropriate' alongside the use of the word 'natural' would unnecessarily weaken the guidance. The paragraph will be amended to refer to Table 5. 3. Agreed.
Geodiversity - Despite the LDP at DM13 referring to protection of soils as resources providing ecosystem services this is not expanded upon in this SPG. (Rep 6160)	A new section on soils will be included.
<ol style="list-style-type: none"> 1. Water Framework Directive (WFD) - The WFD requirements should be made to dovetail better with biodiversity beyond phosphate pollution. It also ties in with geodiversity and protection of soils. (Rep 6160) 2. This WFD section fails to set out the LPA role in achieving the objectives of the WFD, under which it has duties as a competent authority to protect water quality in Powys. The SPG suggests that all responsibility lies with NRW however NRW has published an advice note “Local Authority services and the water environment” https://naturalresources.wales/media/2627/wfd-docs-eng.pdf In order to fulfil this role, LPAs must have the relevant information about the water environment. Suggest adding: <i>“Applicants must provide <u>contour maps with clearly mapped details of all water features on the development site and surrounding land wherever any flooding or pollution risks may occur.</u>”</i> (Information on Scimap included). (Rep 6235) 	Comments noted and the WFD paragraphs will be reviewed and changes made accordingly.
1. Intensive Livestock Units (ILUs) - Relegating the discussion of requirements for intensive	Comments noted, however the Council is content that sufficient information is

<p>livestock proposals to “other considerations” is unacceptable and illogical. Logically, ILUs should sit next to householder applications in Section 8.</p> <p>2. Paragraph 9.18 - This is misleading. NRW only responds to emissions impacts on internationally / nationally designated sites. It is for the local authority to consider effects on other biodiversity interests. It is therefore for the LPA to consider effects of, e.g., bryophytes in ancient woodland.</p> <p>3. Application documents - The SPG has not seized the opportunity to enforce best practice for application documents to aid the LPA’s environmental statutory duties. E.g. (a) poultry ranging plans with contours which NRW have stated is a requirement. Scimapping should be a requirement. E.g. (b) manure management plans are accepted without contour plans. Land put forward as enough acreage for the waste from the ILU could all be on slopes that should only have seasonal spreading. Colour coded manure management plans should be a standard requirement. (Rep 6160)</p> <p>4. Paragraphs 9.16 to 9.20 – The ILU section is unsatisfactory and misleading. The Council has not explained its own responsibilities in determining ILU planning applications. It is essential that the SPG:</p> <ul style="list-style-type: none"> • is factually right and in sufficient detail. • accords with WG and NRW advice. • explains the roles of NRW and PCC in enhancing and maintaining biodiversity in the planning process. • is crystal clear to PCC officers, applicants and the general public. • informs all parties how planning conditions will be monitored and by whom . • is not published until any unclear issues are resolved. <p>(Detailed comments were provided by the Representer – Please refer to Appendix 1). (Rep 6235)</p>	<p>provided on intensive livestock units so no changes are considered necessary.</p>
<p>1. Paragraph 2.1 - The SPG is important for all stakeholders and Powys residents. The first bullet point should be amended to: “<i>Set out the way in which LDP planning policy is to be interpreted and applied to protect biodiversity and geodiversity in the public interest.</i>” The second bullet point should read: “<i>applicants and all developers, consultants and other agents involved in preparing planning applications.</i>”.</p> <p>2. Paragraph 4.1 - The ecological impacts of development do not stop at the site boundary.</p>	<p>1. Comments noted, however the Council does not consider any change is required to the bullet points.</p> <p>2. The words ‘and beyond’ will be included.</p> <p>3. The wording in Paragraph 4.2 will be amended to shorten the explanation.</p> <p>4. Para. 4.3 will be revised.</p> <p>5. Noted, but no change to the SPG.</p>

<p>Amended wording to: <i>“It is essential to consider the potential impacts of each proposal upon the ecology of the development site and also the ecology beyond the development site”.</i></p> <p>3. Paragraph 4.2 - It would be clearer to explain at the outset that: (a) the LDP sits within overarching International/EU and National legislation and policy which is already reflected in the latest version of Planning Policy Wales. (b) LDP policy re bio/geodiversity, which is mainly set out in SP7 and DM2, does not directly repeat PPW (PPW9 2.3.1). (c) The SPG therefore expands the guidance in the LDP by setting out the requirements for planning decisions derived from all of these sources to make them clear and accessible for all.</p> <p>4. Paragraph 4.3 – amend last sentence to: <i>“biodiversity and geodiversity have been assessed and accommodated....”</i></p> <p>5. Paragraph 4.5 - Two simple definitions are: <i>“totality of genes, species and ecosystems of a region”</i>; <i>“a biological community of interacting organisms and their physical environment”</i>.</p> <p>6. This introductory section needs further explanation - enhancing and maintaining biodiversity cannot be achieved by only protecting nature reserves and certain species categories whether of international, national or local importance. The ecosystem duty applies to biodiversity throughout Powys and this will be taken into account in planning determination. (The SPG statement Biodiversity in Powys 4.9 <i>“designations alone cannot guarantee the integrity and prolonged existence of these valuable resources”</i> is not clear and forceful enough). We do not understand the full extent of negative impacts of our development activities. Therefore we should exercise the “precautionary principle”. However we do know that improving and preventing loss of existing natural habitats and creation of new ones is the best way to avoid loss of species. (Rep 6235)</p>	<p>6. Comments noted. The SPG will be edited, and a new section will be included on un-designated sites.</p>
<p>1. Table 1 - A note on mapped / unmapped categories would be useful.</p> <p>2. Paragraph 6.32 - Section 7 of Env.(Wales) Act imposes the duty to create a list but does not contain the habitat or species lists which are published by the Wales Biodiversity Partnership (but under the name of the WG) as is described in 6.3.4 for species). Suggest: <i>“<u>The Welsh Government publishes a list of habitats of importance for the conservation of Biodiversity in Wales as required by the Environment (Wales) Act (2016).</u>”</i></p>	<p>1. Table 1 will be amended for clarification.</p> <p>2. Comment noted, the wording will be amended.</p> <p>3. The existing wording will be revised to refer to the refusal of planning permission.</p>

<p>3. Paragraph 6.38 – Amend wording from “<i>if it is absent then it may delay determination</i>” to “<u><i>This information is required to be submitted with the application documents prior to determination</i></u>” (Rep: 6235)</p>	
<p>1. Paragraph 7.2 - This section on Environmental Impact assessment should be improved. It is vague and misleading and should refer to and explain “Schedule 1” and “Schedule 2” development of the EIA regulations.</p> <p>2. Paragraph 7.3 - it should be more precise and say that there are a listed variety of development types to which specific criteria and thresholds are applied to determine if the project counts as Schedule 2 development. Any Schedule 2 development must be screened by the LPA (or WG or NRW as appropriate) to determine if there are likely significant impacts which indicate that an EIA is required. (Rep: 6235)</p>	<p>1. & 2. Comments noted. Further clarification will be made to the EIA section.</p>
<p>HRA</p> <p>1. Paragraph 7.16 - The stringency of the HRA test should be made clear. Suggest: “<u><i>Consent cannot be granted unless the results of the Appropriate Assessment show beyond reasonable scientific doubt that the proposal will not have a significant adverse effect on the integrity of the protected site</i></u>”</p> <p>2. Paragraph 7.18 - Unable to trace this reference so a better easily located reference needs to be provided. The SPG should also explain here that, irrespective of site boundaries or buffer zones, significant air and water pollution can occur far beyond a development site. (Rep: 6235)</p>	<p>1. Comments noted. The HRA section will be reviewed.</p> <p>2. Amend Appendix B to provide a link to this mapping.</p>
<p>Biodiversity Surveys</p> <p>1. Paragraph 7.20 - Surveys are not necessary for every development. Suggest: “<u><i>It is often necessary to carry out desk-top or field surveys to understand which protected sites, habitats and species will be affected on the site or beyond the application site</i></u>”.</p> <p>2. Paragraphs 7.21-7.23, Table 2 - This is confusing. 7.23 mentions EPS which a reader might equate with “<i>protected species surveys</i>”. Then Table 2 mentions two general types of survey: “<i>preliminary ecological appraisal</i>” and “<i>protected species surveys</i>” but for Watercourses we have “<i>fish</i>” and “<i>birds</i>” and for Woodlands we have EPS and “<i>badgers, birds</i>”.</p> <p>3. Table 2 - Needs revision. There is no mention of plants or potential important habitats. There is no guidance as to what species are considered “<i>protected</i>”. The duty to maintain and enhance biodiversity cannot be fulfilled by</p>	<p>1. Comments noted. The text in the following paragraphs will be amended.</p> <p>2. Amendments will be made to address the comments.</p> <p>3. Amendments will be made to Table 2.</p> <p>4. Paragraph 7.23 will be reviewed.</p> <p>5. The paragraphs will be reviewed along with the EPS and HRA sections of the SPG.</p> <p>6. The tests reflect the wording of Policy DM2 (criterion 1.B) and should be retained.</p> <p>7. Noted the SPG will be reviewed and edited as appropriate.</p> <p>8. Agreed.</p> <p>9. The wording will be reviewed.</p>

a limited checklist approach.

4. Paragraph 7.23 - Suggest: *“When a development proposal is on land, or has an impact on land beyond the site, in one of the categories in Table 2, it is likely that an ecological survey will be required. This survey may need to extend beyond the site boundary.”*
5. Paragraphs 7.30 to 7.36 - This is repetitive. Suggest: *“if a proposal is likely to affect EPS on or beyond the application site, all relevant survey information and assessment of the likely impacts on EPS must be submitted in a survey report as part of the planning application. The report must include mitigation proposals for any adverse impacts, and details matching the mitigation requirements in the Survey Report must be clearly shown on any submitted plans and drawings. The survey, survey reportlicensed surveyor*

The LPA needs sufficient information to assess the information against the Habitat Regulations and to decide whether the proposal would pose a risk to maintaining the Favourable Conservation Status of the species at risk (the “FCS test”). NRW is usually consulted for comments on the content and conclusions of the ecological report and advice about planning conditions to protect biodiversity if permission is granted.

If EPS are present and significant damage or disturbance to individuals, their habitat or resting places is likely and cannot be sufficiently mitigated, the LPA must either refuse the application, or, in exceptional circumstances, apply three derogation tests.”

6. The second of the three LPA derogation tests (FCS test) is wrong: the tests are “no alternative”, “IROPI”, “necessary compensation for network of European sites”. Copy the tests from

<http://www.assembly.wales/research documents/17-038/17-038-web-english.pdf>

7. It would be clearer to write about permission first and then about the need for an NRW licence.
8. Paragraphs 7.37-7.43 - these could be labelled *“examples of specific surveys”* because there are many other types of survey as shown in Table 3.
9. Paragraph 7.48 - confusing repetition of 7.33 in EPS section and then introduction of *“conservation licence”* in UKPS section so reader can't tell if a *“development licence”* only

<p>applies to EPS or not. Suggest policy and licensing professional from NRW reviews and helps amend this section. (Rep: 6235)</p>	
<p>Step-wise Approach</p> <ol style="list-style-type: none"> 1. Paragraph 8.5 - suggest adding: <i><u>"The LPA will need to consider evidence for whether the new features or habitats will lead to sufficient biodiversity gain to mitigate, off set or compensate for the adverse impacts of the development."</u></i> 2. Paragraph 8.14 - Repeats points already made so heading is confusing. Suggest delete heading and retain 8.15 as third para. of Pre-Application discussions saying: <i><u>"Where pre-application discussions suggest the need for ecological surveys, up-front.....(see Table 3) and early surveying could minimise delays in the application process."</u></i> 3. Paragraph 8.16 - suggest delete heading and make this fourth para. of Pre-Application discussions saying: <i><u>"In some cases.....needed however Developers should..... that in other cases additionalapplication."</u></i> 4. Paragraphs 8.12 - 8.13 - Suggest new heading: <i><u>"Unlawful Activity"</u></i> 5. Paragraph 8.21 - This is unacceptable. If <i><u>"the land take for construction"</u></i> involves any earthworks, habitat, species or geological disturbance, it <u>should be within the red line</u> shown on the application form. The ecological impact should be taken into consideration in the biodiversity assessment and any mitigation and restoration plans should be described. 6. Paragraphs 8.24–8.30 - Welcome the text but would like a proviso that the gains are evidence-based and subject to condition and monitoring because in our experience they do not always happen. (Rep: 6235) 	<p>Comments noted.</p> <ol style="list-style-type: none"> 1&2. The Council will review the wording of this section. 3. Agreed to amend the heading. The wording will be reviewed. 4. Agreed. 5. The wording of para 2.81 will be reviewed 6. It is recommended that the wording be amended to refer to compensatory measures being subject to planning conditions and ongoing monitoring.
<p>Incorporating Biodiversity into a Domestic Application</p> <ol style="list-style-type: none"> 1. Paragraph 8.50 - Reads as if author ran out of steam. E.g. <i><u>"Further advice can be sought from... the internet."</u></i> 2. This section could be tightened up and simplified. E.g. Suggest Para. 8.38 reads: <i><u>"Bats and birds, especially..... martins and barn owls may nest or roost in buildings. Great crested newts may be found in cellars or, more commonly, outdoors in ponds, canals or ditches and among stones"</u></i> 3. Suggest all the headings re-ordered to put EPS first, mammals, then GCNs, then non-EPS bird categories. If they were presented as e.g. <i><u>Hazel Dormouse (EPS)</u></i> there would be no need to say <i><u>"this is an EPS"</u></i>! 	<ol style="list-style-type: none"> 1. Comments noted. The reference to the internet was inserted previously at the request of a topic stakeholder but will be deleted. 2. Comments noted but no change considered necessary. 3. It is recommended that the headings / sections be re-ordered. 4. -7. The wording will be reviewed.

<p>4. Paragraphs 8.51 to 8.58 - Vague and does not inspire confidence in information presented or management of these issues. People need to know how to find out/who to ask about these things because the SPG is where they will expect precise detailed advice.</p> <p>5. Paragraph 8.59 - Misunderstanding of “enhancement and maintaining”. Promoting, learning about and publicising Geodiversity is desirable but <u>not</u> the same as enhancing and maintaining it.</p> <p>6. Paragraph 8.67 – Disagree that this is “<i>relatively easy</i>”. It is extremely difficult to get applicants, particularly those for the larger scale proposals, to “<i>target their actions</i>” to these attributes. On the whole, habitat and species destruction from development and modern agricultural practices far outweighs any of these measures. While we fully support all these resilience measures, this document is SPG and there is nothing in this add-on section to make us feel confident that these resilience ambitions will be incorporated into the planning system.</p> <p>7. Agree that these measures should be incorporated into the design phase where they will attract better scrutiny. (Rep: 6235)</p>	
<p>Missing Sections</p> <p>1. The SPG should include sections at the beginning of the document on:</p> <p>(a) State of Nature (Wales) Report</p> <p>(b) Environment (Wales) Act Part 1, Section 3: Sustainable Management of natural resources; Section 4: Principles of Sustainable Management of natural resources; Section 6: Biodiversity and resilience of ecosystems duty.</p> <p>2. Section 5.0 - Should make it clear that the LDP is an integrated document and other policies besides SP7 and DM2 are relevant to Biodiversity and Geodiversity. For example: DM7 on light pollution, DM13.13.v. on protection of soils, DM14.2 Air quality management, DM15 Waste within developments.</p> <p>3. Cumulative impacts on biodiversity and geodiversity.</p> <p>4. <u>Soils</u> - DM13.13.v.Protects soils and particularly peat which are geodiversity features. This policy is not mentioned in the SPG and the only specific mention of soils is in relation to woodland. Carbon soils, including peat provide a valuable carbon sink and specific soil types support unique ecosystems. (Rep: 6235)</p>	<p>1. Comments noted. Reference to the State of Nature Report will be added, but Appendix C is considered sufficient to explain the legislative requirements.</p> <p>2. The introduction explains this and Appendix C which already lists the key LDP.No change required.</p> <p>3. & 4. New sections will be added on on:</p> <ul style="list-style-type: none"> • Cumulative and In Combination Effects • Soils.
<p>Comments on Section 6</p> <p>1. Paragraph 6.1 - explains that the section follows</p>	<p>1. The Council will review the structure of section 6.</p>

<p>the format of DM2, but in the material which follows the main headings are inconsistent</p> <ul style="list-style-type: none"> - <u>Designated Sites</u> - <u>Habitats of principal importance</u> - <u>Protected and important Species</u> <p>Geodiversity is combined with Biodiversity and a new level of “Regional” is introduced. It would be better to treat Geodiversity separately from Biodiversity in this section.</p> <ol style="list-style-type: none"> 2. The structure of headings needs to be clear and consistent. Bold <u>headings</u> should be used to guide reader clearly through different designations instead of scattering specific designations within paragraph text eg 6.11, 6.13, 6.16, 6.17, 6.18, 6.19, 6.21. 3. Section 6 - is confusing. Terms and format need to be used clearly and consistently: “designation” vs “statutory”, “protected” vs “important”, devolution to Wales of some planning functions, what information applicants need to provide about woodland and LBAP categories, what regard PCC will have to LBAP categories in planning determinations. In the sub-sub-headings, LBAP habitats and species are only “<i>important</i>”, however, in Table 1, LBAP Habitats and Species have <u>statutory</u> protection but RVNRs and AW do not. 4. It needs to be clear that the duty to enhance and maintain biodiversity) <u>everywhere</u> where there is no national or international designation lies with Powys CC. For International and Nationally designated sites, PCC is responsible for considering cumulative impacts. PCC is also responsible for considering cumulative impacts on all other biodiversity interests. A similar statement is needed for geodiversity (especially soils). (Rep 6235) 	<ol style="list-style-type: none"> 2. Headings will be reviewed. 3. These terms will be reviewed. 4. The Section 6 duty of the Environment Wales (Act) will be included in the SPG.
<ol style="list-style-type: none"> 1. Section 8 - It could be explained that some sites are not suitable for development and for developers / applicants to seek professional advice. 2. It would be useful to provide a framework to applicants for how it might be justified that the benefit of development proposals may significantly outweigh the effects on the environment. (Rep 7076) 	<p>1 & 2 The comments are noted. No change required.</p>

3.4 Approval and Adoption of the first set of SPG by the Council

3.4.1. Having considered the issues and comments received and scrutinised the Consultation Draft SPGs, the Cabinet approved the three SPGs at its Cabinet meeting on 9th October 2018. **Note: This paragraph subject to editing further to decision-making at the Cabinet Meeting on 9th October 2018.**

Note: Following sections 4. to 6. to be completed over 2019-2020 as the SPG preparation programme continues.

4. Public Consultation on the second set of SPG

4.0.1 In accordance with the SPG programme agreed for the LDP (in Table 1 on page 1), the second set of SPG to be prepared for public consultation:

- **Landscape**
- **Renewable Energy**

5. Public Consultation on the third set of SPG

5.0.1 In accordance with the SPG programme agreed for the LDP (in Table 1 on page 1), the third set of SPG to be prepared for public consultation:

- **Conservation Areas**
- **Open Space**
- **Residential Design Guide**

6. Public Consultation on the fourth set of SPG

6.0.1 In accordance with the SPG programme agreed for the LDP (in Table 1 on page 1), the fourth set of SPG to be prepared for public consultation:

- **Archaeology**
- **Historic Environment**
- **Land Drainage**

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AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

LDP Document: 55 SPG - Affordable Housing

RefPoint: 55.

78 Home Builders Federation Ltd

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P1		08/08/2018	<input type="checkbox"/>	E	S		M		Summary: Response to question AH1

Document:SPG - Affordable Housing Definitions and types

Question Representation Texts

Question: Details

Representation Text: . AH1 - Do you agree that the affordable housing definitions and types as set out are relevant to the Powys LDP area? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P2		08/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH2

Document:SPG - Affordable Housing Data sources and calculating affordability level

Question Representation Texts

Question: Details

Representation Text: . AH2 - Do you agree with the data sources and calculations used to work out the affordability level for Powys? If not, please explain why.

The HBF have no objection to the data sources used.

The HBF notes that the Authority has a very wide range of housing types including many very expensive homes, for this reason we question whether or not this average across all housed types does generate a fair representation of the affordable level. The HBF suggests that a calculation that does not include some of the most expensive housing (properties that would not be suitable as affordable housing due to price, size and location) would be more appropriate.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P3		08/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH4

Document:SPG - Affordable Housing Alternatives to on-site provision

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P3		08/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH4

Question **Representation Texts**

Question: **Details**

Representation Text: . AH4 - Do you agree with the examples given of circumstances where alternative provision to on-site provision may be considered? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P4		08/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH5

Document:SPG - Affordable Housing Arrangements for off-site provision

Question **Representation Texts**

Question: **Details**

Representation Text: . AH5 - Do you agree with the approach used to determine whether off-site provision would be appropriate? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P5		08/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH6

Document:SPG - Affordable Housing Calculating financial contribution

Question **Representation Texts**

Question: **Details**

Representation Text: . AH6 - Do you agree with the method and formulae for calculating the required financial contribution? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P6		08/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH7

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P6		08/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH7

Document:SPG - Affordable Housing Spending financial contributions

Question Representation Texts

Question: Details

Representation Text: . AH7 - Do you agree with the examples given as to how the Council may spend financial contributions and with the cascade to be applied? If not, please explain why.

The need to specify a time period for using contributions – I would suggest that a cross reference to the details in Planning Obligations SPG the might be helpful. I also think that 10 years is far too long with regard to affordable housing. The Council produce lots of evidence to show the need and demand for affordable housing yet aren't willing to commit to bringing any forward using the resources they collect in a reasonable time period I think specifying 5 years would be a positive statement form the Council (The HBF will make this comment separately in response to the consultation on the Planning Obligations SPG).

If the Council can accept a cascade method for spending of commuted sums it should be applied fairly across all types of provision. It would still result in affordable housing being provided and there is a need for affordable housing across the whole borough.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P7		08/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH8

Document:SPG - Affordable Housing Evidence of local housing need

Question Representation Texts

Question: Details

Representation Text: . AH8 - Do you agree with the sources of evidence to be used by the Council to determine local housing need? If not, please explain why.

Although the HBF accepts that the LHMA is the latest available evidence source it is already four years out of date. HBF would suggest that para 6.6.5 is clearer in stating that the updated 2018 evidence will be used as soon as it is available and state the time period in which it will next be updated as the plan runs until 2026.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P8		08/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH9

Document:SPG - Affordable Housing Assessing financial viability

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
78.P8		08/08/2018	<input type="checkbox"/>		S		M			Summary: Response to question AH9

Question *Representation Texts*

Question: **Details**

Representation Text: . AH9 - Do you agree with the arrangements and information requirements for assessing the financial viability of a specific development and proposals for reviewing viability? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
78.P9		08/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question AH16

Document:SPG - Affordable Housing Other comments

Question *Representation Texts*

Question: **Details**

Representation Text: . AH16 – If you have any other comments you want to make which are not covered by the above questions please include them here:

Time limited permissions – I'm aware that a shorter time limit for commencement can be attached to a planning permission but I've only seen it in relation to unallocated sites being allowed in view of the old para 6.2 of TAN1 five year land argument. I guess you're trying to link it to sites becoming more viable over time but in reality there is just as much chance they will become less viable, recent work on the Swansea LDP suggested that cost of building had increased three times as much as values had increased over the same period, you also have to consider policy changes which may result in additional cost (fire sprinklers being brought in would be an example). I have looked at the WG guidance you refer to (which I must admit I wasn't aware of) I note it was written in 2009 and was a reaction to the deep recession the house building industry was in at the time. The guidance does say 'Being assured that the scheme is development-ready and will proceed once viability issues have been addressed (which will tend to mean that the mechanism is not suitable for schemes with outline permission). It may be at least worth cross referencing this guidance if this is the justification for including it in the SPG.

With regard to review mechanisms the WG guidance you quote does state 'A variant on the 'shortlife' permission (but which is only really relevant to larger sites) is to review the level of obligations at defined stages in the scheme's development.' I note your amended wording which does as you say provide some more flexibility.

It may also be worth noting in the document that WG are currently reviewing Affordable Housing so things may/probably will be changing in the next few years.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

516 Mochdre Community Council

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
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516.P1		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH1
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Document:SPG - Affordable Housing Definitions and types

Question *Representation Texts*

Question: **Details**

Representation Text: . AH1 - Do you agree that the affordable housing definitions and types as set out are relevant to the Powys LDP area? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
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516.P2		20/08/2018	<input type="checkbox"/>		O		M		Summary: Response to question AH2
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Document:SPG - Affordable Housing Data sources and calculating affordability level

Question *Representation Texts*

Question: **Details**

Representation Text: . AH2 - Do you agree with the data sources and calculations used to work out the affordability level for Powys? If not, please explain why.

NO – The Council queries the average wage stated for a full-time worker in Powys i.e. £24,884. As employment in the County is primarily of an agricultural or light industry nature, with remuneration based on National Minimum Wage Rates (from April 2018 £7.83 for those 25 and over and less for those under 25), generally an annual salary is more likely to be around the £16,286 mark.

This also thus causes the Council to obviously question the gross disposable household income per head figure quoted as £16,303.

The Council also queries the gross disposable household income per household figure being based on an average household having 2 persons who are working. Whilst it accepts that there are some households lucky enough to have 2 people in them who are working full-time, there are a lot of single parent families out there or families with only one person in full-time employment!

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
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516.P3		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH3
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Document:SPG - Affordable Housing Specialist market housing developments

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P3		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH3

Question **Representation Texts**

Question: **Details**

Representation Text: . AH3 - Do you agree with the approach towards seeking affordable housing contributions from specialist market housing developments? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P4		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH4

Document:SPG - Affordable Housing Alternatives to on-site provision

Question **Representation Texts**

Question: **Details**

Representation Text: . AH4 - Do you agree with the examples given of circumstances where alternative provision to on-site provision may be considered? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P5		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH5

Document:SPG - Affordable Housing Arrangements for off-site provision

Question **Representation Texts**

Question: **Details**

Representation Text: . AH5 - Do you agree with the approach used to determine whether off-site provision would be appropriate? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P6		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH6

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P6		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH6

Document:SPG - Affordable Housing Calculating financial contribution

Question **Representation Texts**

Question: **Details**

Representation Text: . AH6 - Do you agree with the method and formulae for calculating the required financial contribution? If not, please explain why.
Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P7		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH7

Document:SPG - Affordable Housing Spending financial contributions

Question **Representation Texts**

Question: **Details**

Representation Text: . AH7 - Do you agree with the examples given as to how the Council may spend financial contributions and with the cascade to be applied? If not, please explain why.
Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P8		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH8

Document:SPG - Affordable Housing Evidence of local housing need

Question **Representation Texts**

Question: **Details**

Representation Text: . AH8 - Do you agree with the sources of evidence to be used by the Council to determine local housing need? If not, please explain why.
Yes.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P9		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH9

Document:SPG - Affordable Housing Assessing financial viability

Question Representation Texts

Question: Details

Representation Text: . AH9 - Do you agree with the arrangements and information requirements for assessing the financial viability of a specific development and proposals for reviewing viability? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P10		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH10

Document:SPG - Affordable Housing Exception sites: Towns and Large Villages

Question Representation Texts

Question: Details

Representation Text: . AH10 - Do you agree with the guidance on assessing the appropriateness of the location, scale and type of affordable housing on exception sites in Towns and Large Villages? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P11		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH11

Document:SPG - Affordable Housing Exception sites: Small Villages

Question Representation Texts

Question: Details

Representation Text: . AH11 - Do you agree with the guidance on determining whether a site should be viewed as infill or as a logical extension in Small Villages? If not, please explain why.

Yes.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P12		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH12

Document:SPG - Affordable Housing Exception sites: Rural Settlements

Question Representation Texts

Question: Details

Representation Text: . AH12 - Do you agree with the guidance on the tests to be used to determine whether a proposal is located within a Rural Settlement? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P13		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH13

Document:SPG - Affordable Housing Affordable Housing Schemes

Question Representation Texts

Question: Details

Representation Text: . AH13 - Do you agree with the guidance and principles to be used in assessing Affordable Housing Schemes? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P14		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH14

Document:SPG - Affordable Housing Assessing local housing need

Question Representation Texts

Question: Details

Representation Text: . AH14 - Do you agree with the process for assessing the local housing need of proposed occupiers? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P15		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH15

21/09/2018

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
516.P15		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH15

Document:SPG - Affordable Housing Ensuring provision, affordability, availability

<i>Question</i>	<i>Representation Texts</i>
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Question:	Details
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Representation Text: . AH15 - Do you agree with the approach towards ensuring the provision, affordability and availability of affordable housing at each stage of the planning process? If not, please explain why.

Yes.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

517 Montgomery Town Council

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
517.P1		10/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH7

Document:SPG - Affordable Housing Spending financial contributions

Question Representation Texts

Question: Details

Representation Text: . AH7 - Do you agree with the examples given as to how the Council may spend financial contributions and with the cascade to be applied? If not, please explain why.

The Town Council agrees with how financial contributions in lieu of build may be used but feel that spend should be strictly limited to the immediate locality rather than potentially cascaded out across the whole of Powys and BBNP. As the Housing Topic Paper for the LDP indicates, there is a rationale behind the approach to Affordable Homes and contributions have been determined on this basis. It is difficult to see that a financial contribution could not be applied within a locality particularly given the requirements for social and sheltered housing provision; the potential for upgrading existing or derelict stock, and the Council's welcome commitment to building Council houses.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
517.P2		10/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH8

Document:SPG - Affordable Housing Evidence of local housing need

Question Representation Texts

Question: Details

Representation Text: . AH8 - Do you agree with the sources of evidence to be used by the Council to determine local housing need? If not, please explain why.

The Town Council are pleased to see that the LHMA is in the process of being updated and will be used to review need. From local knowledge some of the data may be inaccurate.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
517.P3		10/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH9

Document:SPG - Affordable Housing Assessing financial viability

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
517.P3		10/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH9

Question *Representation Texts*

Question: **Details**

Representation Text: . AH9 - Do you agree with the arrangements and information requirements for assessing the financial viability of a specific development and proposals for reviewing viability? If not, please explain why.

The Town Council would particularly endorse the LPA's more rigorous approach to ensuring affordable homes are constructed as required by the S.106. We agree that affordable and market housing should be built concurrently and open market homes not completed first. If the developer considers this renders the development unviable then the application should be withdrawn rather than a compromise sought

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
517.P4		10/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH10

Document:SPG - Affordable Housing Exception sites: Towns and Large Villages

Question *Representation Texts*

Question: **Details**

Representation Text: . AH10 - Do you agree with the guidance on assessing the appropriateness of the location, scale and type of affordable housing on exception sites in Towns and Large Villages? If not, please explain why.

The Town Council would broadly agree with the assessment guidance for exception sites with the proviso that the existing infrastructure can accept such developments and that 'logical extensions' to settlements of up to 5 houses should also be assessed in terms of impact on the integrity of the settlement, the transport / highways infrastructure, landscape/heritage site impacts and potential adverse impact on the amenity of existing dwellings.
There may also be a case for exception sites in rural locations which needs to be considered. It may prove difficult for a dwelling to be built on farmland for family members. This could preclude younger farmers remaining on the land; obviously a highly undesirable outcome.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
517.P5		10/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH14

Document:SPG - Affordable Housing Assessing local housing need

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
517.P5		10/08/2018	<input type="checkbox"/>		S		M			Summary: Response to question AH14

Question *Representation Texts*

Question: **Details**

Representation Text: . AH14 - Do you agree with the process for assessing the local housing need of proposed occupiers? If not, please explain why.

The Town Council would support this and welcomes the strengthening of guidance to ensure local housing need is met and that occupancy restriction is subsequently maintained unless it can be incontrovertibly proved it is no longer required.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
517.P6		10/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question AH15

Document:SPG - Affordable Housing Ensuring provision, affordability, availability

Question *Representation Texts*

Question: **Details**

Representation Text: . AH15 - Do you agree with the approach towards ensuring the provision, affordability and availability of affordable housing at each stage of the planning process? If not, please explain why.

The Town Council broadly supports the process being put in place to ensure and review provision of affordable housing availability in the short, medium and longer term. We would question a possible divergence from the LDP where it states that affordable / local needs homes can be a home for life. The planning process will need to reflect this when considering any future applications to modify the unit albeit keeping within the defined surface area parameters. The potential conflict requires resolution through this SPG.

We welcome the withdrawal of permitted development rights on affordable homes which has been instrumental in reducing the affordable housing stock in the past. We also welcome the ability to refuse the application on grounds of deliberate underdevelopment / phased development of sites to avoid planning obligation. We trust this, and the requirement for simultaneous build of affordable and open market elements, will be effectively and rigorously enforced. It would be helpful to include detail of monitoring arrangements that will be in place to ensure compliance.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

525 Presteigne & Norton Town Council

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P1		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH1

Document:SPG - Affordable Housing Definitions and types

Question Representation Texts

Question: Details

Representation Text: . AH1 - Do you agree that the affordable housing definitions and types as set out are relevant to the Powys LDP area? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P2		27/07/2018	<input type="checkbox"/>		O		M		Summary: Response to question AH2

Document:SPG - Affordable Housing Data sources and calculating affordability level

Question Representation Texts

Question: Details

Representation Text: . AH2 - Do you agree with the data sources and calculations used to work out the affordability level for Powys? If not, please explain why.

No. We believe the average income, certainly for Presteigne and Norton, if not all Powys is unrealistic and that the average income stated is not only too high but also that it is unlikely that a family unit looking to buy a property would both be earning the stated wage. Therefore the stated 'affordable' house price is too high and the gap between that figure and the average house price is much greater than stated.

In addition the number of persons stated as being in affordable housing need in East Radnor is far too low. The Town Councils own housing survey in 2011 identified 80 people within Presteigne and Norton stating they would need an affordable 2/3 bedroom home within three years. Just 11 have been provided in the PNTC area since that time. In 2011 PCCs own housing register had 158 on its housing register (only six of which had completed the PNTC survey so 152 extra).

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P3		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH3

Document:SPG - Affordable Housing Specialist market housing developments

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P3		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH3

Question **Representation Texts**

Question: **Details**

Representation Text: . AH3 - Do you agree with the approach towards seeking affordable housing contributions from specialist market housing developments? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P4		27/07/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH4

Document:SPG - Affordable Housing Alternatives to on-site provision

Question **Representation Texts**

Question: **Details**

Representation Text: . Yes providing the monies received are spent within the same community as the original site.

The TC supports the prevention of subdivision/phasing of development sites to avoid Affordable Housing contributions and in defining the density of sites to avoid 4 homes being provided rather than five on a 0.25 hectare site.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P5		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH5

Document:SPG - Affordable Housing Arrangements for off-site provision

Question **Representation Texts**

Question: **Details**

Representation Text: . AH5 - Do you agree with the approach used to determine whether off-site provision would be appropriate? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P6		27/07/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH6

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P6		27/07/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH6

Document:SPG - Affordable Housing Calculating financial contribution

Question Representation Texts

Question: Details

Representation Text: . AH6 - Do you agree with the method and formulae for calculating the required financial contribution? If not, please explain why.

Agree with the principle but affordable housing need figures not felt to be even close to correct. See AH2.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P7		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH7

Document:SPG - Affordable Housing Spending financial contributions

Question Representation Texts

Question: Details

Representation Text: . AH7 - Do you agree with the examples given as to how the Council may spend financial contributions and with the cascade to be applied? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P8		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH8

Document:SPG - Affordable Housing Evidence of local housing need

Question Representation Texts

Question: Details

Representation Text: . AH8 - Do you agree with the sources of evidence to be used by the Council to determine local housing need? If not, please explain why.

Yes.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P9		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH9

Document:SPG - Affordable Housing Assessing financial viability

Question Representation Texts

Question: Details

Representation Text: . AH9 - Do you agree with the arrangements and information requirements for assessing the financial viability of a specific development and proposals for reviewing viability? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P10		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH10

Document:SPG - Affordable Housing Exception sites: Towns and Large Villages

Question Representation Texts

Question: Details

Representation Text: . AH10 - Do you agree with the guidance on assessing the appropriateness of the location, scale and type of affordable housing on exception sites in Towns and Large Villages? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P11		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH11

Document:SPG - Affordable Housing Exception sites: Small Villages

Question Representation Texts

Question: Details

Representation Text: . AH11 - Do you agree with the guidance on determining whether a site should be viewed as infill or as a logical extension in Small Villages? If not, please explain why.

Yes.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P12		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH12

Document:SPG - Affordable Housing Exception sites: Rural Settlements

Question Representation Texts

Question: Details

Representation Text: . AH12 - Do you agree with the guidance on the tests to be used to determine whether a proposal is located within a Rural Settlement? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P13		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH13

Document:SPG - Affordable Housing Affordable Housing Schemes

Question Representation Texts

Question: Details

Representation Text: . AH13 - Do you agree with the guidance and principles to be used in assessing Affordable Housing Schemes? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P14		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH14

Document:SPG - Affordable Housing Assessing local housing need

Question Representation Texts

Question: Details

Representation Text: . AH14 - Do you agree with the process for assessing the local housing need of proposed occupiers? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P15		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH15

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
525.P15		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH15

Document:SPG - Affordable Housing Ensuring provision, affordability, availability

<i>Question</i>	<i>Representation Texts</i>
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Question:	Details
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Representation Text: . AH15 - Do you agree with the approach towards ensuring the provision, affordability and availability of affordable housing at each stage of the planning process? If not, please explain why.

Yes.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

542 Abermule (with) Llandyssil Community Council

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
542.P1		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH2

Document:SPG - Affordable Housing Data sources and calculating affordability level

Question Representation Texts

Question: Details

Representation Text: . AH2 - Do you agree with the data sources and calculations used to work out the affordability level for Powys? If not, please explain why.

To quote your figures at 4.2.1, two people in a household earning average wage of £24,884.00 each with a total disposable income of £32,606.00 presumes both partners are working full time, it can be no surprise the size of households are decreasing, as they can't afford to have a family.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
542.P2		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH14

Document:SPG - Affordable Housing Assessing local housing need

Question Representation Texts

Question: Details

Representation Text: . AH14 - Do you agree with the process for assessing the local housing need of proposed occupiers? If not, please explain why.

The majority of recent developments are two or three bed, often the third bed/box room inadequate for a growing family. The Council have identified a need for provision of family accommodation. The SPG does nothing to encourage provision of sustainable homes to retain families in the village.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
542.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH15

Document:SPG - Affordable Housing Ensuring provision, affordability, availability

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
542.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH15

Question **Representation Texts**

Question: **Details**

Representation Text: . AH15 - Do you agree with the approach towards ensuring the provision, affordability and availability of affordable housing at each stage of the planning process? If not, please explain why.

The introduction of a cap on the re-sale price at 72% of open market value would have a detrimental effect. Creating a huge disadvantage, as first time buyers inevitably pay a higher rate for their mortgage and once in a position to move up the ladder, would be faced with a huge differential between selling at 72% and purchasing at full market value, thus deterring them from moving on and releasing the affordable dwelling back onto the market.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

1552 Douglas Hughes Architects Ltd

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P1		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH1

Document:SPG - Affordable Housing Definitions and types

Question Representation Texts

Question: Details

Representation Text: . AH1 - Do you agree that the affordable housing definitions and types as set out are relevant to the Powys LDP area? If not, please explain why.

Yes, although it is not clear from these definitions as to whether and in what circumstances self-build might be included in the definition of affordable housing. There are references to self-build in other sections of the document but it would be helpful to make mention here.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P2		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH2

Document:SPG - Affordable Housing Data sources and calculating affordability level

Question Representation Texts

Question: Details

Representation Text: . AH2 - Do you agree with the data sources and calculations used to work out the affordability level for Powys? If not, please explain why.

Broadly. However the calculations do not take account of local variations in prices and salaries and which could vary considerably. Moreover the calculations appear to take no account of build costs (affordability to build as well as affordable to rent or purchase). This begs the question whether it is possible to provide anything but the smallest, most basic "affordable by design" properties without subsidy. This would in turn suggest that only the RSLs/SHA are capable of financing affordable housing and what this is likely to mean in terms of viability for those schemes where an affordable housing contribution is required but where it is not possible to secure the involvement of either an RSL or the Council.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P3		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH3

Document:SPG - Affordable Housing Specialist market housing developments

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P3		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH3

Question **Representation Texts**

Question: **Details**

Representation Text: . AH3 - Do you agree with the approach towards seeking affordable housing contributions from specialist market housing developments? If not, please explain why.

We broadly support this approach. However there are more likely to be viability issues having regard to the additional design features required of certain specialist provision.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P4		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH4

Document:SPG - Affordable Housing Alternatives to on-site provision

Question **Representation Texts**

Question: **Details**

Representation Text: . AH4 - Do you agree with the examples given of circumstances where alternative provision to on-site provision may be considered? If not, please explain why.

Yes. However we would appreciate more information as who will be required to provide evidence (and in what form) that a contribution towards affordable housing in a different location would have a greater contribution towards meeting the local affordable housing need. How. In the last example box at paragraph 6.3.4 it may be worth emphasising the potential role of RSLs as they are increasingly involved in market development.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P5		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH5

Document:SPG - Affordable Housing Arrangements for off-site provision

Question **Representation Texts**

Question: **Details**

Representation Text: . AH5 - Do you agree with the approach used to determine whether off-site provision would be appropriate? If not, please explain why.

Generally speaking. It is not clear how this arrangement would work if, for example, an alternative site is not in the same ownership as the one on which it is deemed less suitable to develop. Is this something that can be accommodated within a traditional section 106 arrangement and does it imply an additional level of legal and financial negotiation and agreement?

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AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
1552.P6		14/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question AH6

Document:SPG - Affordable Housing Calculating financial contribution

Question *Representation Texts*

Question: **Details**

Representation Text: . AH6 - Do you agree with the method and formulae for calculating the required financial contribution? If not, please explain why.

Yes, although there may be a risk that, where it is possible for them to do so, developers will seek sites in areas where there is less requirement for affordable housing.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
1552.P7		14/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question AH7

Document:SPG - Affordable Housing Spending financial contributions

Question *Representation Texts*

Question: **Details**

Representation Text: . AH7 - Do you agree with the examples given as to how the Council may spend financial contributions and with the cascade to be applied? If not, please explain why.

We note that BBNPA is at the bottom of the list in terms of the cascade. While acknowledging that this is a different Local Planning Authority, the Powys communities in the BBNPA forms part of the same Strategic Housing Authority as the rest of County. Where such a community forms an adjoining settlement to the one in which the contribution has been obtained then perhaps this would represent better deployment of that contribution to meeting local need. There could perhaps be a reciprocal arrangement with the National Park LPA in this respect.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
1552.P8		14/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question AH8

Document:SPG - Affordable Housing Evidence of local housing need

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P8		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH8

Question Representation Texts

Question: Details

Representation Text: . AH8 - Do you agree with the sources of evidence to be used by the Council to determine local housing need? If not, please explain why.

Yes, subject to:

- An overhaul of the Common Housing Register which would give all parties more confidence in the housing needs information provided;
- Developing and promoting the affordable housing register so that it provides a reliable source of data at a local level;
- A transparent and timely mechanism for conducting local housing needs surveys where such information is required to meet any gaps in information held by the Strategic Housing Authority (e.g. in communities where there is little or no social rented housing or where there is a paucity of information about the need for affordable housing).

It also needs to be recognised that, however often it is reviewed and updated, Local Housing Market Assessments are very broad snap-shots in time and cannot drill down to any meaningful level to inform site specific applications.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P9		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH9

Document:SPG - Affordable Housing Assessing financial viability

Question Representation Texts

Question: Details

Representation Text: . AH9 - Do you agree with the arrangements and information requirements for assessing the financial viability of a specific development and proposals for reviewing viability? If not, please explain why.

We would require reassurance that the Council has sufficient capacity and expertise in order to undertake this function in a timely manner. Perhaps this is something the Strategic Housing Service, rather than the beleaguered Planning Service might take a lead on as Housing seems less vulnerable to pressures on budgets and staffing.

We are not sure that we follow the argument in respect of reducing the timescales for development in cases where affordable housing requirements are relaxed or dropped unless the purpose in reducing or removing the requirement to provide affordable housing is specifically to ensure that development can be achieved within policy timeframes and not for any other reason (e.g. financial viability).

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P10		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH10

Document:SPG - Affordable Housing Exception sites: Towns and Large Villages

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P10		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH10

Question *Representation Texts*

Question: **Details**

Representation Text: . AH10 - Do you agree with the guidance on assessing the appropriateness of the location, scale and type of affordable housing on exception sites in Towns and Large Villages? If not, please explain why.

Yes. The wording of paragraph 7.4 which states that housing development which would harm the character and appearance of the surrounding landscape would not be looked on favourably. One would suggest (indeed hope) that the Local Planning Authority would apply a similar policy to any development proposals irrespective of whether or not it was affordable housing to be located on an exception site.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P11		14/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH11

Document:SPG - Affordable Housing Exception sites: Small Villages

Question *Representation Texts*

Question: **Details**

Representation Text: . AH11 - Do you agree with the guidance on determining whether a site should be viewed as infill or as a logical extension in Small Villages? If not, please explain why.

Yes. Interesting that the affordable housing requirement is inverted here so that only developments of less than the usual "trigger" of 5 units / 0.25 ha will be considered. However we consider this to be sensible in view of the likely needs and infrastructure of most small villages.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P12		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH12

Document:SPG - Affordable Housing Exception sites: Rural Settlements

Question *Representation Texts*

Question: **Details**

Representation Text: . AH12 - Do you agree with the guidance on the tests to be used to determine whether a proposal is located within a Rural Settlement? If not, please explain why.

We are reasonably content with this guidance. However we would again emphasise the importance of ensuring that robust and reliable local affordable housing register information is available for the purpose of determining whether or not it is appropriate to provide affordable housing in such areas.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P13		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH13

Document:SPG - Affordable Housing Affordable Housing Schemes

Question Representation Texts

Question: Details

Representation Text: . AH13 - Do you agree with the guidance and principles to be used in assessing Affordable Housing Schemes? If not, please explain why.

We are reasonably content with the guidance and principles although perhaps there needs to be a little more clarity in respect of self-build or specialised accommodation. Also we would ask the Council to consider instances where larger accommodation may be available e.g. for a larger, extended households (e.g. where there are dependent older or disabled relatives or where there are cultural issues). In such instances would the Council consider reviewing the maximum size of property or is another arrangement possible e.g. building a pair of semi-detached properties, not exceeding the maximum permissible area, to be allocated as a single unit but capable of being converted back to separate accommodation as and when no longer required for this purpose.

Also it would be useful to receive ACG information in respect of flatted accommodation in light of the demand for this type of housing prompted by changes to household demographics and pressures on housing benefits.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P14		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH14

Document:SPG - Affordable Housing Assessing local housing need

Question Representation Texts

Question: Details

Representation Text: . AH14 - Do you agree with the process for assessing the local housing need of proposed occupiers? If not, please explain why.

See response to AH13.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P15		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH15

Document:SPG - Affordable Housing Ensuring provision, affordability, availability

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P15		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH15

Question *Representation Texts*

Question: **Details**

Representation Text: . AH15 - Do you agree with the approach towards ensuring the provision, affordability and availability of affordable housing at each stage of the planning process? If not, please explain why.

Subject to there being sufficient capacity within the system. We wish to clarify whether or not this is part of the Section 106 Officer's role and whether s/he has the capacity to deal with this work as well as the range of other planning obligations Powys-wide.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P16		14/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question AH16

Document:SPG - Affordable Housing Other comments

Question *Representation Texts*

Question: **Details**

Representation Text: . AH16 – If you have any other comments you want to make which are not covered by the above questions please include them here:

By and large we consider this draft SPG to be a sensible and workable document. There is, though, an issue more fundamental than process and that is deliverability, key to which is viability in an area where too many sites with planning permissions attached are not being built out because they do not stack up commercially. A robust SHG in a slow market area is likely to place even more reliance on registered social landlords, the Council, and the ongoing availability of generous Welsh Government funding for affordable housing in what are uncertain political and financial times. Notwithstanding the recent announcement by Welsh Government of its intention to provide assistance to local developers in order to take forward smaller stalled sites the Council and its strategic partners need to consider what further options are available to stimulate development within the 5-year land supply; identify and bring forward other suitable sites that may become available during the LDP period and what means are available to ensuring the reality of housing delivery meets fulfils Powys' strategic objectives.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

4628 Mid Wales Housing Association

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
4628.P1		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH1

Document:SPG - Affordable Housing Definitions and types

Question Representation Texts

Question: Details

Representation Text: . AH1 - Do you agree that the affordable housing definitions and types as set out are relevant to the Powys LDP area? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
4628.P2		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH2

Document:SPG - Affordable Housing Data sources and calculating affordability level

Question Representation Texts

Question: Details

Representation Text: . AH2 - Do you agree with the data sources and calculations used to work out the affordability level for Powys? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
4628.P3		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH3

Document:SPG - Affordable Housing Specialist market housing developments

Question Representation Texts

Question: Details

Representation Text: . AH3 - Do you agree with the approach towards seeking affordable housing contributions from specialist market housing developments? If not, please explain why.

Yes.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
4628.P4		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH4

Document:SPG - Affordable Housing Alternatives to on-site provision

Question *Representation Texts*

Question: **Details**

Representation Text: . AH4 - Do you agree with the examples given of circumstances where alternative provision to on-site provision may be considered? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
4628.P5		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH5

Document:SPG - Affordable Housing Arrangements for off-site provision

Question *Representation Texts*

Question: **Details**

Representation Text: . AH5 - Do you agree with the approach used to determine whether off-site provision would be appropriate? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
4628.P6		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH7

Document:SPG - Affordable Housing Spending financial contributions

Question *Representation Texts*

Question: **Details**

Representation Text: . AH7 - Do you agree with the examples given as to how the Council may spend financial contributions and with the cascade to be applied? If not, please explain why.

Yes.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
4628.P7		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH8

Document:SPG - Affordable Housing Evidence of local housing need

Question Representation Texts

Question: Details

Representation Text: . AH8 - Do you agree with the sources of evidence to be used by the Council to determine local housing need? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
4628.P8		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH9

Document:SPG - Affordable Housing Assessing financial viability

Question Representation Texts

Question: Details

Representation Text: . AH9 - Do you agree with the arrangements and information requirements for assessing the financial viability of a specific development and proposals for reviewing viability? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
4628.P9		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH10

Document:SPG - Affordable Housing Exception sites: Towns and Large Villages

Question Representation Texts

Question: Details

Representation Text: . AH10 - Do you agree with the guidance on assessing the appropriateness of the location, scale and type of affordable housing on exception sites in Towns and Large Villages? If not, please explain why.

Yes.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
4628.P10		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH11

Document:SPG - Affordable Housing Exception sites: Small Villages

Question Representation Texts

Question: Details

Representation Text: . AH11 - Do you agree with the guidance on determining whether a site should be viewed as infill or as a logical extension in Small Villages? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
4628.P11		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH12

Document:SPG - Affordable Housing Exception sites: Rural Settlements

Question Representation Texts

Question: Details

Representation Text: . AH12 - Do you agree with the guidance on the tests to be used to determine whether a proposal is located within a Rural Settlement? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
4628.P12		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH13

Document:SPG - Affordable Housing Affordable Housing Schemes

Question Representation Texts

Question: Details

Representation Text: . AH13 - Do you agree with the guidance and principles to be used in assessing Affordable Housing Schemes? If not, please explain why.

Yes.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
4628.P13		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH14

Document:SPG - Affordable Housing Assessing local housing need

Question Representation Texts

Question: Details

Representation Text: . AH14 - Do you agree with the process for assessing the local housing need of proposed occupiers? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
4628.P14		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH15

Document:SPG - Affordable Housing Ensuring provision, affordability, availability

Question Representation Texts

Question: Details

Representation Text: . AH15 - Do you agree with the approach towards ensuring the provision, affordability and availability of affordable housing at each stage of the planning process? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
4628.P15		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH16

Document:SPG - Affordable Housing Other comments

Question Representation Texts

Question: Details

Representation Text: . AH16 – If you have any other comments you want to make which are not covered by the above questions please include them here:

It would be useful if the SPG clarified how planning applications for 100% affordable housing provide by an RSL is processed and conditioned at the planning application stage. Mid-Wales Housing Association has experiences inconsistency on this matter in recent years and, without better clarification in the SPG, there is concern that this inconsistency will continue.

The following permissions highlight the varying approaches used by Development Management in recent permissions:

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
4628.P15		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question AH16
<hr/>									
<p>P2016 1167 - Canal Road, Newtown (approved March 2017) – MWA was the named applicant on the application for 30 units and no requirement for affordable housing was imposed on the permission (no conditions or S106). All 30 units have recently been completed as affordable (social rented) housing.</p>									
<p>P/2017/1076 - Orchard Close, Churchstoke (approved March 2018) – MWA was the named applicant on the application for 28 units and the new 'model' condition detailed in the draft SPG was imposed on the permission requiring details of tenure/mix etc. to be submitted and approved by the LPA. However, the condition required that 100% of the units (all 28) are affordable even though the majority of the site is within the settlement development boundary. This appears to be at odds with the guidance in the SPG.</p>									
<p>P2013 0891 – Glan y Dwr, Newtown (approved 2014) – Private developer was the named applicant but land was transferred and developed by RSL. The S106 imposed on the permission required 20% affordable housing but this requirement fell away if the site is transferred to an RSL.</p>									
<p>Paragraph 6.1.2 and 8.22 of the draft SPG seems to suggest that the affordable housing requirement/restrictions do not apply to development proposals for 100% affordable housing. This would support the approach adopted above at Canal Road and Glan Y Dwr above. This would be the Association's preferred method because it would not affect the Association's ability to securitise (borrow funds against) the properties, which in turn enables the Association to build further affordable housing.</p>									
<p>As touched upon in the paragraph 8.22 of the SPG, there are mechanisms in place (through the Welsh Government SHG programme) to ensure that that RSLs do not circumvent their duty to rent/sell the properties at an affordable level.</p>									

AH SPG - Reps by Representor

by: Representation No

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5704 Glandwr Cymru - Canal & River Trust in Wales

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
5704.P8		17/08/2018	<input type="checkbox"/>		S		M		Summary: Response to consultation confirming no comments

Document:SPG - Affordable Housing Other comments

Question *Representation Texts*

Question: **Details**

Representation Text: . Please note we have no comments to make on the affordable housing SPG.

AH SPG - Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Affordable Housing

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

LDP Document: 56 SPG - Planning Obligations

RefPoint: 56.

78 Home Builders Federation Ltd

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P10		08/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO1

Document:SPG - Planning Obligations CIL Charging Schedule

Question Representation Texts

Question: Details

Representation Text: . PO1 - Do you agree with the Council's approach not to pursue a CIL Charging Schedule at this point in time? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P11		08/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO2

Document:SPG - Planning Obligations Cross-references to LDP policies

Question Representation Texts

Question: Details

Representation Text: . PO2 - Do you agree that, in the interests of avoiding duplication, this SPG only crossreferences to policies in the LDP and does not repeat them? Would you prefer the SPG to include the applicable policies? If so, should they appear in the main document or in an Appendix?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P12		08/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO3

Document:SPG - Planning Obligations 3.Additional or alternative obligations

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
78.P12		08/08/2018	<input type="checkbox"/>		S		M			Summary: Response to question PO3

Question **Representation Texts**

Question: **Details**

Representation Text: . PO3 - Due to the nature of planning obligations, this SPG cannot include every scenario/detail. Do you think the document is clear in this respect? Do you agree that it enables officers, stakeholders and developers to understand that additional or alternative obligations may be sought? If not, please explain why.

The list provided at para 4.19 of the document is clear and is similar to other Councils SPG's in terms of the areas against which contributions may be sought. Yes it does indicate that other requests for mitigation may be sought under S106 negotiations. The HBF would note that only known S106's can be considered during land negotiations and although possible to assess the likely cost implications based on Part 3 of the documents this would not be possible for these additional requirements which might be requested as part of the application process.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
78.P13		08/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question PO4

Document:SPG - Planning Obligations Major development

Question **Representation Texts**

Question: **Details**

Representation Text: . PO4 - Do you agree that "major" development should be the development that most often triggers obligations? If not, please explain why.

Please detail any changes towards seeking obligations that you think may be suitable and relevant for Powys citing examples from other planning authorities where known.

Although the HBF agrees with the statement at para. 5.11 we do not see the need for it in the SPG, each site is considered on its own merits and based on the planning impact, there may well be 'major developments' [only 10 units] which do not require a S106.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
78.P14		08/08/2018	<input type="checkbox"/>		S		M			Summary: Response to question PO5

Document:SPG - Planning Obligations 5.Step by Step Flowchart

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P14		08/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO5

Question *Representation Texts*

Question: **Details**

Representation Text: . PO5 - Do you consider the Step by Step Flowchart in Figure 1 to be clear and accurate? If not, what changes would you suggest? If you have experience of the process within Powys County Council, does this flowchart mirror your experience?

The HBF considers the flow chart to be clear, but would suggest that under drafting that the council should include the flexibility for the developer to draft the S106?

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P15		08/08/2018	<input type="checkbox"/>		O		M		Summary: Response to question PO6

Document:SPG - Planning Obligations Assessing financial viability

Question *Representation Texts*

Question: **Details**

Representation Text: . PO6- Do you agree with the approach that it is the Affordable Housing SPG and not this SPG which includes the arrangements for assessing the financial viability of a specific development?

No the HBF do not agree with the approach suggested by this question as the viability of a scheme can be affected by any S106 requirement not just the affordable housing one. So the ability to assess the viability of the scheme could apply as a result of any one of the S106 requests.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P16		08/08/2018	<input type="checkbox"/>		O		M		Summary: Response to question PO7

Document:SPG - Planning Obligations 7.Spending financial contributions

Question *Representation Texts*

Question: **Details**

Representation Text: . PO7 – Whilst there is no statutory requirement to specify a time period in which planning contributions should be spent, do you agree with the suggested 10 year (maximum) period? If not, please explain why.

The HBF object strongly to the proposed 10 year period as it is considered unreasonable. The S106 contributions are agreed for specific schemes and are justified in order to mitigate against the development. Therefore the S106 should be repaid once the development is completed unless otherwise agreed with the developer. Otherwise a period of 5 years is considered far more reasonable.

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P16		08/08/2018	<input type="checkbox"/>		O		M		Summary: Response to question PO7

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P17		08/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO8

Document:SPG - Planning Obligations Five main topic areas

Question Representation Texts

Question: Details

Representation Text: . P08 – Do you consider that the five main topic areas set out in Part 3 are the right topic areas for this document? If not, please explain what changes you would like to see and why.

Yes the HBF agrees, although note that Community facilities are often included (currently in point 6 but could be a separate area).

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P18		08/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO9

Document:SPG - Planning Obligations Detail for each topic area

Question Representation Texts

Question: Details

Representation Text: . PO9 – Do you agree that the detail provided in Part 3 for the various topic areas is relevant and sufficient to inform S.106 negotiations? If not, what changes would you like to see and why?

The HBF supports in general the level of information provided, but would make the following specific comments:

Affordable Housing - Including the level of information does run the risk that people will not read the separate SPG. I would suggest making it much clearer in the first words that there is a separate SPG which should be used as well.

Education – should Welsh medium schools be included in the list of schools supported by contributions?

I have recently been sent a summary of school contributions across Wales carried out by Wrexham Council the most commonly used figures are £12,257 – primary, £18,469 – secondary. I would suggest the figures you include need to be checked against other LPA's.

Under the section 'Financial contributions may be used for:' the HBF questions the final point Security and safety measures. It would not be appropriate for a new development to pay for these in full if they are completely new. This point should either be removed or reworded to make it clear that the S106 is only being used to upgrade or improve based on the extra pupils generated as with all the other types of contributions.

Open Space - The HBF objects to the Council stating that they will not adopt any new open space provided by developers, as this results in the need to set up a management company which will result in an annual charge to all residents including those in any affordable homes.

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P18		08/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO9

Transport And Access – The HBF suggests, as referred to in the Synopsis that 'Travel plans and /or transport assessments' are only likely to be required on major developments (as suggested later in the document under the heading travel plans).

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P19		08/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO10

Document:SPG - Planning Obligations Calculating financial contributions

Question Representation Texts

Question: Details

Representation Text: . PO10 - Do you agree with the methods and formulae (where provided) for calculating the required financial contributions as set out in Part 3? If not, please explain why.

The HBF has no objections.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
78.P20		08/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO11

Document:SPG - Planning Obligations Other comments

Question Representation Texts

Question: Details

Representation Text: . PO11 – If you have any other comments you want to make which are not covered by the above questions please include them here:

The document should make reference to the fact that the Council will keep a public register of S106 agreements once signed and this will include a list with details of each contribution.

Para 5.34 on second line replace the word 'will' with 'could' as S106's will not always be sought.

Para 5.38 the wording suggests that the thresholds are for negotiation on each application which is contrary to para 5.34 table 1 which sets the thresholds. I suggest that this para should just refer to the trigger points for payment/ implementation of works being negotiated on a site by site basis.

Para 6.11 currently suggests that reviews of S106 contributions should be triggered by a change in the economy, although this is common practise recent work carried out by the HBF in relation to Swansea LDP showed that over a two year period although house prices had gone up build costs and gone up by three times the amount over the same period. The paragraph should explain that all factors and cost associated with the development will be considered as part of any review of viability.

Planning Obs SPG Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
78.P20		08/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO11

There was reference in the SPG to the Council employing a S106 officer if this is the case could their contact details not be included at the end of the documents.

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

131 New Radnor Community Council

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
131.P1		15/07/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO1

Document:SPG - Planning Obligations CIL Charging Schedule

Question Representation Texts

Question: Details

Representation Text: . PO1 - Do you agree with the Council's approach not to pursue a CIL Charging Schedule at this point in time? If not, please explain why.

The Community Council is concerned that with the present S.106 agreements Community Councils have little input and whilst general comments can be made during the planning process this is no substitute for involvement in the drawing up of S.106 obligations.

It therefore feels that a more structured CIL might enable communities to have more involvement. If this is not to happen then greater involvement for Community Councils over S.106 obligations should be incorporated into the policy.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
131.P2		15/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO2

Document:SPG - Planning Obligations Cross-references to LDP policies

Question Representation Texts

Question: Details

Representation Text: . PO2 - Do you agree that, in the interests of avoiding duplication, this SPG only cross-references to policies in the LDP and does not repeat them? Would you prefer the SPG to include the applicable policies? Is so, should they appear in the main document or in an Appendix?

Yes

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
131.P3		15/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO7

Document:SPG - Planning Obligations 7.Spending financial contributions

Planning Obs SPG Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
131.P3		15/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO7

Question **Representation Texts**

Question: **Details**

Representation Text: . PO7 – Whilst there is no statutory requirement to specify a time period in which planning contributions should be spent, do you agree with the suggested 10 year (maximum) period? If not, please explain why.

Yes

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

516 Mochdre Community Council

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P16		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO1

Document:SPG - Planning Obligations CIL Charging Schedule

Question *Representation Texts*

Question: **Details**

Representation Text: . PO1 - Do you agree with the Council's approach not to pursue a CIL Charging Schedule at this point in time? If not, please explain why.

YES.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P17		20/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO2

Document:SPG - Planning Obligations Cross-references to LDP policies

Question *Representation Texts*

Question: **Details**

Representation Text: . PO2 - Do you agree that, in the interests of avoiding duplication, this SPG only cross-references to policies in the LDP and does not repeat them? Would you prefer the SPG to include the applicable policies? If so, should they appear in the main document or in an Appendix?

YES – The SPG should include the applicable policies in an Appendix.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P18		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO3

Document:SPG - Planning Obligations 3.Additional or alternative obligations

Question *Representation Texts*

Question: **Details**

Representation Text: . PO3 - Due to the nature of planning obligations, this SPG cannot include every scenario/detail. Do you think the document is clear in this respect? Do you agree that it enables officers, stakeholders and developers to understand that additional or alternative obligations may be sought? If not, please explain why.

YES

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P18		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO3

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P19		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO4

Document:SPG - Planning Obligations Major development

Question Representation Texts

Question: Details

Representation Text: . PO4 - Do you agree that "major" development should be the development that most often triggers obligations? If not, please explain why.

YES

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P20		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO5

Document:SPG - Planning Obligations 5.Step by Step Flowchart

Question Representation Texts

Question: Details

Representation Text: . PO5 - Do you consider the Step by Step Flowchart in Figure 1 to be clear and accurate? If not, what changes would you suggest? If you have experience of the process within Powys County Council, does this flowchart mirror your experience?

YES

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P21		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO6

Document:SPG - Planning Obligations Assessing financial viability

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P21		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO6

Question **Representation Texts**

Question: **Details**

Representation Text: . PO6- Do you agree with the approach that it is the Affordable Housing SPG and not this SPG which includes the arrangements for assessing the financial viability of a specific development?

YES

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P22		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO7

Document:SPG - Planning Obligations 7.Spending financial contributions

Question **Representation Texts**

Question: **Details**

Representation Text: . PO7 – Whilst there is no statutory requirement to specify a time period in which planning contributions should be spent, do you agree with the suggested 10 year (maximum) period? If not, please explain why.

YES

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P23		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO8

Document:SPG - Planning Obligations Five main topic areas

Question **Representation Texts**

Question: **Details**

Representation Text: . PO8 – Do you consider that the five main topic areas set out in Part 3 are the right topic areas for this document? If not, please explain what changes you would like to see and why.

YES

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P24		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO9

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P24		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO9

Document:SPG - Planning Obligations Detail for each topic area

Question **Representation Texts**

Question: **Details**

Representation Text: . PO9 – Do you agree that the detail provided in Part 3 for the various topic areas is relevant and sufficient to inform S.106 negotiations? If not, what changes would you like to see and why?

YES

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P25		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO10

Document:SPG - Planning Obligations Calculating financial contributions

Question **Representation Texts**

Question: **Details**

Representation Text: . PO10 - Do you agree with the methods and formulae (where provided) for calculating the required financial contributions as set out in Part 3? If not, please explain why.

YES

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

517 Montgomery Town Council

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
517.P7		10/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO1

Document:SPG - Planning Obligations CIL Charging Schedule

Question Representation Texts

Question: Details

Representation Text: . PO1 - Do you agree with the Council's approach not to pursue a CIL Charging Schedule at this point in time? If not, please explain why.

We understand the rationale but this should be kept under regular review to ensure that all the infrastructure required by the Authority and the community is indeed being delivered in a timely manner.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
517.P8		10/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO4

Document:SPG - Planning Obligations Major development

Question Representation Texts

Question: Details

Representation Text: . PO4 - Do you agree that "major" development should be the development that most often triggers obligations? If not, please explain why.

Please detail any changes towards seeking obligations that you think may be suitable and relevant for Powys citing examples from other planning authorities where known.

Inevitably it will be the type of development that most often triggers Obligations, however, this should not exclude Obligations being sought, where appropriate, for any development and we would propose making it transparent that the LPA reserves the right to do so. Also, to avoid any dubiety in what constitutes 'major' in development terms, that any planning application requiring a Pre-Application Consultation will trigger potential Obligations.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
517.P9		10/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO5

Document:SPG - Planning Obligations 5.Step by Step Flowchart

Planning Obs SPG Reps by Repesor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
517.P9		10/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO5

Question *Representation Texts*

Question: **Details**

Representation Text: . PO5 - Do you consider the Step by Step Flowchart in Figure 1 to be clear and accurate? If not, what changes would you suggest? If you have experience of the process within Powys County Council, does this flowchart mirror your experience?

The flowchart is clear but it has omitted the Pre-Application consultation stage which is now mandatory for all larger developments. The Town Council considers this is an important stage and from this point, as statutory consultees, they should be involved in discussions and negotiations regarding the development. They will have essential information to bring regarding local highways issues and potential impact as well as greater insight into community needs in terms of recreation, leisure and education and of possible environmental mitigation. Such knowledge will be invaluable in the S.106 process and we would contend that the full application stage is too late for this input as it is evident that, in practice, all the main decisions will have been taken and provisionally agreed. Early involvement also gives the Town or Community Council the opportunity to consult with the wider community before the full application is submitted and thus have a more meaningful input to the S.106 negotiations. Early engagement could also reduce objections to major developments in a locality.

Furthermore, it is unclear whether Departmental consultees will have the opportunity to engage with discussions prior to the full Planning Application stage. Departments such as Highways must be assured that satisfactory agreements can be reached for a development to realistically be achieved.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
517.P10		10/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO8

Document:SPG - Planning Obligations Five main topic areas

Question *Representation Texts*

Question: **Details**

Representation Text: . P08 – Do you consider that the five main topic areas set out in Part 3 are the right topic areas for this document? If not, please explain what changes you would like to see and why.

We agree that the Obligation topic areas of affordable housing; leisure , recreation and open space; access and transportation; Welsh language, and the other topics are appropriate.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
517.P11		10/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO9

Document:SPG - Planning Obligations Detail for each topic area

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
517.P11		10/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO9

Question **Representation Texts**

Question: **Details**

Representation Text: . PO9 – Do you agree that the detail provided in Part 3 for the various topic areas is relevant and sufficient to inform S.106 negotiations? If not, what changes would you like to see and why?

We would largely agree that there is sufficient information to inform S.106 negotiations.

As a Town Council we would wish to see greater clarity on the use of financial contributions for the future care and maintenance of community facilities, such as open spaces, playing fields and playgrounds, that will become the responsibility of Town and Community Councils. We would propose that the best way of dealing with this is by the provision of a sufficient contribution to establish a trust fund for maintenance in perpetuity. This creates certainty and an efficient use of funds which, with prudent management, ensures maintenance and prevents the facility becoming a future charge on the Town or Community Council.

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

525 Presteigne & Norton Town Council

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P16		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO1

Document:SPG - Planning Obligations CIL Charging Schedule

Question Representation Texts

Question: Details

Representation Text: . PO1 - Do you agree with the Council's approach not to pursue a CIL Charging Schedule at this point in time? If not, please explain why.

Yes providing consultation is made with the relevant Town and Community Council as the S.106 is being drawn up and that T or CC is fully involved with the process.

Given the size of most Community Councils it is difficult to separate the planning and planning gain processes and it therefore much easier if the planning gain consultation is carried out at a later stage in the process when there is no reason for the public to suspect that planning permission is being bought.

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P17		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO4

Document:SPG - Planning Obligations Major development

Question Representation Texts

Question: Details

Representation Text: . PO4 - Do you agree that "major" development should be the development that most often triggers obligations? If not, please explain why.

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P18		27/07/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO5

Document:SPG - Planning Obligations 5.Step by Step Flowchart

Question Representation Texts

Question: Details

Representation Text: . PO5 - Do you consider the Step by Step Flowchart in Figure 1 to be clear and accurate? If not, what changes would you suggest? If you have experience of the process within Powys County Council, does this flowchart mirror your experience?

Include consultation on S.106 details with Town and Community Councils.

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P18		27/07/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO5

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P19		27/07/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO7

Document:SPG - Planning Obligations 7.Spending financial contributions

Question Representation Texts

Question: Details

Representation Text: . PO7 – Whilst there is no statutory requirement to specify a time period in which planning contributions should be spent, do you agree with the suggested 10 year (maximum) period? If not, please explain why.

Yes.

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
525.P20		27/07/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO11

Document:SPG - Planning Obligations Other comments

Question Representation Texts

Question: Details

Representation Text: . PO11 – If you have any other comments you want to make which are not covered by the above questions please include them here:

Given the County Council will not adopt any play areas created it does not seem sensible to rely on developers to do so – they may not even still be in operation five years on from the development. If play areas continue to be requested then securing their long term future maintenance should be addressed

The Town Council was pleased to see that a dedicated monitoring and enforcement officer is in post to maintain a register of obligations and provide enforcement to ensure compliance. This must be continued.

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

1552 Douglas Hughes Architects Ltd

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P17		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO1

Document:SPG - Planning Obligations CIL Charging Schedule

Question Representation Texts

Question: Details

Representation Text: . PO1 - Do you agree with the Council's approach not to pursue a CIL Charging Schedule at this point in time? If not, please explain why.

Yes we are content with this approach.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P18		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO2

Document:SPG - Planning Obligations Cross-references to LDP policies

Question Representation Texts

Question: Details

Representation Text: . PO2 - Do you agree that, in the interests of avoiding duplication, this SPG only cross-references to policies in the LDP and does not repeat them? Would you prefer the SPG to include the applicable policies? Is so, should they appear in the main document or in an Appendix?

We are content for the SPG to cross-reference to policies in the LDP and for these to be read in conjunction with the Guidance. It would be useful to include web links for handy navigation between the two documents.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P19		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO3

Document:SPG - Planning Obligations 3.Additional or alternative obligations

Planning Obs SPG Reps by Represantor

Powys County Council Local Development Plan

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
1552.P19		21/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question PO3

Question *Representation Texts*

Question: **Details**

Representation Text: . PO3 - Due to the nature of planning obligations, this SPG cannot include every scenario/detail. Do you think the document is clear in this respect? Do you agree that it enables officers, stakeholders and developers to understand that additional or alternative obligations may be sought? If not, please explain why.

It is sufficient to include general guidance in this respect. However it would be useful to provide illustrative examples of how or in what circumstances additional or obligations might be sought and what rationale or justification there might be for doing so (while emphasising that the examples are illustrative and not exhaustive).

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
1552.P20		21/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question PO4

Document:SPG - Planning Obligations Major development

Question *Representation Texts*

Question: **Details**

Representation Text: . PO4 - Do you agree that "major" development should be the development that most often triggers obligations? If not, please explain why.

Please detail any changes towards seeking obligations that you think may be suitable and relevant for Powys citing examples from other planning authorities where known.

It is clear and logical that planning obligations will most likely be sought for "major" development and which is defined in the Guidance.

It is less clear whether the statement, "each case will be considered on its individual merits", relates to exceptions to this requirement or whether it relates to where planning obligations may be required on other forms of development.

If the latter, then one or more illustrative examples of the type of scenario where obligations may be considered or applied might be useful to include here.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
1552.P21		21/08/2018	<input type="checkbox"/>		S		M			Summary: Response to question PO5

Document:SPG - Planning Obligations 5.Step by Step Flowchart

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P21		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO5

Question Representation Texts

Question: Details

Representation Text: . PO5 - Do you consider the Step by Step Flowchart in Figure 1 to be clear and accurate? If not, what changes would you suggest? If you have experience of the process within Powys County Council, does this flowchart mirror your experience?

By and large we would consider the flow chart to be accurate and clear. We would wish to emphasise the difference between pre-application discussion (informal) and pre-application advice enquiry (formal/chargeable) and would counsel against any drift towards the latter at the expense of establishing good dialogue with planning officers and who are confident to provide informal advice designed to assist applicants and their agents to make informed decisions.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P22		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO6

Document:SPG - Planning Obligations Assessing financial viability

Question Representation Texts

Question: Details

Representation Text: . PO6- Do you agree with the approach that it is the Affordable Housing SPG and not this SPG which includes the arrangements for assessing the financial viability of a specific development?

Yes as Affordable Housing sits outside of CIL (irrespective of whether the LPA chooses to implement it) and is a complex issue as well as a key strategic priority. However it would be useful to include a hyperlink to this guidance by way of cross-reference with that document in order to help signpost developers, agents and other interested parties

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P23		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO7

Document:SPG - Planning Obligations 7.Spending financial contributions

Question Representation Texts

Question: Details

Representation Text: . PO7 – Whilst there is no statutory requirement to specify a time period in which planning contributions should be spent, do you agree with the suggested 10 year (maximum) period? If not, please explain why.

We do not consider this timescale to be unreasonable.

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P23		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO7

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P24		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO8

Document:SPG - Planning Obligations Five main topic areas

Question Representation Texts

Question: Details

Representation Text: . P08 – Do you consider that the five main topic areas set out in Part 3 are the right topic areas for this document? If not, please explain what changes you would like to see and why.

These topics areas would appear to be rational.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P25		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO9

Document:SPG - Planning Obligations Detail for each topic area

Question Representation Texts

Question: Details

Representation Text: . PO9 – Do you agree that the detail provided in Part 3 for the various topic areas is relevant and sufficient to inform S.106 negotiations? If not, what changes would you like to see and why?

We do not have any significant issues with this section.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
1552.P26		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO10

Document:SPG - Planning Obligations Calculating financial contributions

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
1552.P26		21/08/2018	<input type="checkbox"/>		S		M			Summary: Response to question PO10

Question **Representation Texts**

Question: **Details**

Representation Text: . PO10 - Do you agree with the methods and formulae (where provided) for calculating the required financial contributions as set out in Part 3? If not, please explain why.

We do not have any significant issues with this section.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
1552.P27		21/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question PO11

Document:SPG - Planning Obligations Other comments

Question **Representation Texts**

Question: **Details**

Representation Text: . PO11 – If you have any other comments you want to make which are not covered by the above questions please include them here:

The issue is one of capacity for the S106 officer bearing in mind the requirements in terms of planning obligations and whether this is likely to overwhelm or at least slow down the process.

In addition – and this is one perhaps for affordable housing, where major new factory development is likely to require skills, expertise and capacity not wholly available within the local workforce (e.g. as part of a Mid Wales Growth Deal) and which therefore places pressure on housing as well as local other local infrastructure. In this case what (if any) contribution, if any, would be required from developers of new industrial and commercial units towards provision?

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

5704 Glandwr Cymru - Canal & River Trust in Wales

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P1		17/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO1

Document:SPG - Planning Obligations CIL Charging Schedule

Question Representation Texts

Question: Details

Representation Text: . PO1 - Do you agree with the Council's approach not to pursue a CIL Charging Schedule at this point in time? If not, please explain why.

Glandwr Cymru agrees in principle to the Council not pursuing a CIL Charging Schedule. This is providing that an appropriate mechanism will remain for planning obligations to be sought to ensure that development provides for adequate infrastructure necessary to serve the proposal and mitigate the impacts of development. Adopted Policy DM1 should provide an appropriate mechanism.

Glandwr Cymru has previously commented that new development in the vicinity of the Montgomery Canal may place an additional burden on the canal infrastructure, for example as a result of the increased use of the towpath by pedestrians and cyclists, increased vehicular traffic crossing historic canal bridges or increased water levels due to the introduction of surface water run-off. It is considered that the need for developers to contribute towards necessary improvements to mitigate the adverse impact of development upon the canal infrastructure is required as set out below (PO9).

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P2		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO2

Document:SPG - Planning Obligations Cross-references to LDP policies

Question Representation Texts

Question: Details

Representation Text: . PO2 - Do you agree that, in the interests of avoiding duplication, this SPG only cross-references to policies in the LDP and does not repeat them? Would you prefer the SPG to include the applicable policies? Is so, should they appear in the main document or in an Appendix?

Glandwr Cymru do not have a strong preference, however if the text is to be repeated then this should be included within an appendix to the SPG.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P3		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO3

Document:SPG - Planning Obligations 3.Additional or alternative obligations

Planning Obs SPG Reps by Represontor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
5704.P3		17/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question PO3

Question Representation Texts

Question: Details

Representation Text: . PO3 - Due to the nature of planning obligations, this SPG cannot include every scenario/detail. Do you think the document is clear in this respect? Do you agree that it enables officers, stakeholders and developers to understand that additional or alternative obligations may be sought? If not, please explain why.

It is acknowledged that the document cannot include every scenario that obligations may be sought for and nor should it. The wording of paragraph 5.5 would appear to be sufficient to enable case specific obligations to be sought.

Reference to pre-application could be made in paragraph 5.6, which would be an opportunity for developers to be made aware of potential obligations, to enable them to integrate any obligations into their site viability.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
5704.P4		17/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question PO4

Document:SPG - Planning Obligations Major development

Question Representation Texts

Question: Details

Representation Text: . PO4 - Do you agree that "major" development should be the development that most often triggers obligations? If not, please explain why.

Please detail any changes towards seeking obligations that you think may be suitable and relevant for Powys citing examples from other planning authorities where known.

Anything other than a major development is unlikely to comply with the being 'fair and reasonable related in scale' criteria to warrant a planning obligation. However, as drafted, the SPG, when read as a whole would enable a case to be made for non-majors on a case by case basis.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
5704.P5		17/08/2018	<input type="checkbox"/>		S		M			Summary: Response to question PO5

Document:SPG - Planning Obligations 5.Step by Step Flowchart

Planning Obs SPG Reps by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P5		17/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question PO5

Question Representation Texts

Question: Details

Representation Text: . PO5 - Do you consider the Step by Step Flowchart in Figure 1 to be clear and accurate? If not, what changes would you suggest? If you have experience of the process within Powys County Council, does this flowchart mirror your experience?

Glandwr Cymru consider that the flowchart is clear and have no comments to make on it.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P6		17/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question P08

Document:SPG - Planning Obligations Five main topic areas

Question Representation Texts

Question: Details

Representation Text: . P08 – Do you consider that the five main topic areas set out in Part 3 are the right topic areas for this document? If not, please explain what changes you would like to see and why.

Glandwr Cymru consider that the topic areas are appropriate.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P7		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO9

Document:SPG - Planning Obligations Detail for each topic area

Question Representation Texts

Question: Details

Representation Text: . PO9 – Do you agree that the detail provided in Part 3 for the various topic areas is relevant and sufficient to inform S.106 negotiations? If not, what changes would you like to see and why?

Glandwr Cymru would wish to see specific mention made to canal towpath improvements within Leisure, Recreation and Open Space and Transportation and Access, this would better accord with policy TD3 of the adopted Powys Local Plan.

New development in the vicinity of the Montgomery Canal may place an additional burden on the canal infrastructure, for example as a result of the increased use of the towpath by pedestrians and cyclists. It is considered that the need for developers to contribute towards necessary improvements to mitigate the adverse impact of development upon the canal infrastructure should be referenced in the document.

Planning Obs SPG Reps by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Planning Obligations

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
5704.P7		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question PO9

Planning Obs SPG Reps by Representor

by: Representation No

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Biodiversity Representations by Representor

by: Representation No

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LDP Document: 57 SPG - Biodiversity

RefPoint: 57.

27 Clwyd Powys Archaeological Trust

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
27.P1		13/08/2018	<input type="checkbox"/>		S		M			Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question *Representation Texts*

Question: Details

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (non-professional) planning applicants)?

Yes.

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
27.P2		13/08/2018	<input type="checkbox"/>		S		M			Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question *Representation Texts*

Question: Details

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
27.P3		13/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG3

Document:SPG - Biodiversity Missing content or parts to improve

Biodiversity Representations by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
27.P3		13/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Question **Representation Texts**

Question: **Details**

Representation Text: . BG3 - Is there any content missing from the SPG, or parts that could be improved?

See question BG8 below.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
27.P4		13/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Document:SPG - Biodiversity Other comments

Question **Representation Texts**

Question: **Details**

Representation Text: . BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

CPAT welcomes the introduction of this SPG.

It may be worth noting that there is some cross over between biodiversity and the historic environment and there may be occasions when historic environment policies might be brought to bear to assist biodiversity issues. For example many things which are mentioned in the SPG such as peat bogs, hedges and boundaries, field systems, veteran trees, ancient woodland, parkland, caves, rivers, streams, lakes and ponds (not to mention buildings, structures and earthworks that have by chance become important habitats, or habitats that may be obscuring such features) all of which have an historic environment dimension which might be useful allies to biodiversity.

Mention might be made of this cross over.

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by: Representation No

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222 Elan Valley Trust

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
222.P1		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question *Representation Texts*

Question: **Details**

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (non-professional) planning applicants)?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
222.P2		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question *Representation Texts*

Question: **Details**

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
222.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Document:SPG - Biodiversity Other comments

Question *Representation Texts*

Question: **Details**

Representation Text: . BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

It is good that the document incorporates policy DM7 and recognises that Powys has one of the most light pollution-free night skies in the UK. The county itself has one privately owned but publicly accessible IDA International Dark Sky Park (Elan Valley) and an IDA Dark Sky reserve (Brecon Beacons) on its borders. The Elan Valley Trust can vouch that there is a lot of interest in Powys' dark skies and have heard from various individuals from the hospitality sector around the county that increasing numbers of tourists are looking to visit the area to stargaze.

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<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
222.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

In addition and more relevant to this document, the uniqueness of the biodiversity outlined is largely due to the lack of encroaching light pollution. In order to preserve the quality of Powys' skies it would be good if PCC protects such valuable biodiversity by including robust lighting management policy into the planning process.

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by: Representation No

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516 Mochdre Community Council

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P26		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question *Representation Texts*

Question: **Details**

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (non-professional) planning applicants)?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P27		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question *Representation Texts*

Question: **Details**

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P28		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG3

Document:SPG - Biodiversity Missing content or parts to improve

Question *Representation Texts*

Question: **Details**

Representation Text: . BG3 - Is there any content missing from the SPG, or parts that could be improved?

Don't think so.

Biodiversity Representations by Representor

by: Representation No

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P29		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG4

Document:SPG - Biodiversity Layout and contents of Section 6

Question Representation Texts

Question: Details

Representation Text: . BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?

No.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P30		20/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG5

Document:SPG - Biodiversity Incorporating Resilience and Green Infrastructure

Question Representation Texts

Question: Details

Representation Text: . BG5 - Would the sections on 'Incorporating Resilience into Development Proposals' and 'Green Infrastructure and Resilience' (paras 8.67 to 8.77) be better embedded within the 'Design' section (8.17 to 8.34)?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P31		20/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

Document:SPG - Biodiversity Checklist/flowchart summarising planning process

Question Representation Texts

Question: Details

Representation Text: . BG6 - Would the inclusion of a checklist or flowchart for incorporating biodiversity and geodiversity in the planning process be of use to summarise the process, or could this oversimplify important considerations?

Yes - The inclusion of such a checklist or flowchart would be of use to summarise the process.

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<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
516.P32		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG7

Document:SPG - Biodiversity Appendix C legal context

Question *Representation Texts*

Question: **Details**

Representation Text: . BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

Yes - Appendix C does tie in to and support other parts of the SPG adequately enough.

Biodiversity Representations by Representor

by: Representation No

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542 Abermule (with) Llandyssiil Community Council

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
542.P4		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question Representation Texts

Question: Details

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (nonprofessional) planning applicants)?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
542.P5		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question Representation Texts

Question: Details

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
542.P6		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Document:SPG - Biodiversity Missing content or parts to improve

Question Representation Texts

Question: Details

Representation Text: . BG3 - Is there any content missing from the SPG, or parts that could be improved?

Please see BG7.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
542.P7		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG4

Document:SPG - Biodiversity Layout and contents of Section 6

Question *Representation Texts*

Question: **Details**

Representation Text: . BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?

The layout is good.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
542.P8		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG7

Document:SPG - Biodiversity Appendix C legal context

Question *Representation Texts*

Question: **Details**

Representation Text: . BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

Clarification is needed in Appendix C (page 57) which refers to Town and Country Planning (Environmental Impact Assessment)(Wales) Regulations (2017) Schedule 2 as there is a confusing inconsistency within this document which lists the types of development project that are subject to an EIA before planning permission can be granted. Specifically:

10 a) – Industrial development projects | The area exceeds 5 hectares 11 b) – Installations for the disposal of waste | The area of the development exceeds 0.5 hectares

The 5 hectares specified in 10 a) is uniquely at odds with equivalent UK legislation that states 0.5 hectares, which Schedule 2 is otherwise identical to.

Is it therefore possible that the 5 hectares specified in 10 a) is simply a typo and it should state 0.5 hectares in line with the similar type of development detailed in 11 b) – as this seems more logical?

If the discrepancy is intentional, what legal process was followed to deviate from the UK legislation?

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

1481 The Coal Authority

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
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1481.P1		19/08/2018	<input type="checkbox"/>		S		M		Summary: Response to consultation with no comments
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Document:SPG - Biodiversity Other comments

Question *Representation Texts*

Question: **Details**

Representation Text: . I have reviewed the consultation document and can confirm that the Coal Authority has no specific comments to make.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

5201 Montgomeryshire Wildlife Trust

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P1		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question Representation Texts

Question: Details

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (non-professional) planning applicants)?

Large documents of this nature are likely to feel over-whelming to those not used to the format, particularly for ordinary members of the public seeking permission for small-scale domestic development. Two separate documents would be clearer, but as this is not possible, it is important to make it very clear which sections applicants need to read. The document appears in a logical order, but we're not sure that it is necessarily obvious that domestic applicants need to refer to page 33 onwards. For ease of reference, it may also be helpful to label the professional developer and domestic applicant sections with unique section numbers.

Table 1 – for the ease of clarity, we suggest the inclusion of a bold horizontal line between the sub-sections of sites, habitats and species.

Paragraph 6.31 - suggest that this paragraph is moved to below Table 1 as it is essential information, but doesn't stand out where it currently sits; it looks like a second paragraph about Veteran Trees.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P2		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question Representation Texts

Question: Details

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

Throughout the document, the phrase "proposed development site" should be used, rather than "development site"; a site is not a development site until planning and other relevant permissions have been granted.

Table 1 – The final six columns of this table are confusing for the layman. For example, the applicant may be left thinking that a site listed under "No Statutory Protection" can be ignored. We would therefore recommend that the final six columns are removed from Table 1.

Wildlife Trust Reserves (WTRs) – we welcome the inclusion of our nature reserves in this document, however, it seems odd that other NGO nature reserves are not, notably for Powys, Woodland Trust & RSPB. If changed, paragraph 6.18 would also need updating.

What is the purpose of the ticks in brackets?

Paragraph 6.33 to 6.35 – Locally Important Habitats – It is unfortunate that the "Powys LBAP Habitats and Species" are referred to in Policy DM2, leading to the necessity to refer to it in

Biodiversity Representations by Representor

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P2		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG2

this SPG, as this adds a layer of unnecessary complexity and confusion to the applicant. The Powys LBAP is now the Powys Nature Recovery Action Plan (NRAP) and so this is the terminology which should be used throughout the SPG. We recommend the following wording for paragraph 6.33 – “The Powys Nature Recovery Action Plan (NRAP), formally known as the Powys Local Biodiversity Action Plan (LBAP), identifies the following habitats...”

The NRAP has a list of habitats which could be listed in paragraph 6.33, instead of the out of date LBAP habitats.

Paragraph 6.34 could then be altered to refer to the Powys NRAP and 6.35 removed entirely, along with the link to the Powys LBAP in Appendix B. All references to Powys LBAP elsewhere in the document would need to be replaced with NRAP, including in Table 1 and the section in Appendix C on page 60.

Appendix A: Powys Nature Partnership – With the above in mind, the reference to Powys Nature Partnership in Appendix A also needs changing. “Their aims are as set out in the Powys Local Biodiversity Action Plan (LBAP).” Should be changed to: Their aims are as set out in the Powys Nature Recovery Action Plan (NRAP).

Appendix A: Section 42 ‘Important (priority) habitat and species’ – Section 42 no longer exists and should only be referred to as ‘Section 7’.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Document:SPG - Biodiversity Missing content or parts to improve

Question	Representation Texts
Question:	Details
Representation Text: .	BG3 - Is there any content missing from the SPG, or parts that could be improved?
	Table 1 - Section 7 habitats and species and Veteran Tress are missing from Table 1 and should be added.
	Paragraph 6.16 – “These are selected, after being subject to rigorous and transparent selection criteria, on the basis of their nature conservation interest using specific criteria. These are developed by members of the Powys Nature Partnership (see Appendix A).” – suggest the following wording instead: These are assessed and selected using specific criteria which recognise their wildlife value, developed and agreed by members of the Powys Nature Partnership (see Appendix A).
	Paragraph 6.18 – suggest the following amended wording: “The three Wildlife Trusts in Powys also own, lease and manage land as Wildlife Trust Reserves (WTRs). These protect locally or nationally rare or vulnerable wildlife or habitats and many carry statutory designations. In Powys there are...”
	Paragraph 6.27 – the Ancient Woodland Inventory places woodland in one of four categories: <ul style="list-style-type: none"> •Ancient Semi-Natural Woodland (ASNW) •Plantation of Ancient Woodland Sites (PAWS) •Restored Ancient Woodland Sites (RAWS) •Ancient Woodland Site of Unknown Category (AWSU) This paragraph needs tidying up to properly reflect these categories, for clarity.
	Paragraphs 6.30 & 6.31 – Veteran trees - Powys has internationally important areas of veteran trees / historic parkland, for example, the Elan Valley. We feel that the importance of these areas should be emphasised.

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Biologically rich ponds - The Freshwater Habitats Trust has recognised that parts of Powys are 'IAPs' (Internationally Important Areas for Ponds). In particular the 'mawn' pools frequently found on common land across North Brecknock and Radnorshire. We feel it is important that these are recognised in the Biodiversity SPG.

Many of these important areas lack statutory protection and yet are areas of significant biodiversity value and have some of the highest populations of important species, such as the Great Crested Newt. The SPG should be stronger in recognising that non-statutory sites can have biological features of international significance, in the same way that not all sites of SSSI quality end up being designated SSSI.

With the latter point in mind, it is important to remember that the national network of SSSIs forms a representative suite of the country's very best wildlife and geographical sites; this needs to be emphasised in paragraph 6.12.

Paragraph 6.32 – it is important to retain the significance of the difference between nationally important and locally important sites. Either list the Section 7 habitats here (could remove any that aren't relevant for Powys) or refer the reader to the Wales Biodiversity Partnership for the list.

Paragraph 6.33 - it is important to retain the significance of the difference between nationally important and locally important sites. Depending on how paragraph 6.32 is dealt with, either list the NRAP habitats or refer the reader to the Powys NRAP for the list.

Paragraph 6.42 – this paragraph refers to “Section 4.4 below”, but Section 4.4 does not exist.

Paragraph 7.7 & 7.8 – Environmental Permits (EPRs) are not mentioned within the document. They could be included here.

Table 2 – you need to emphasise the need for Phase 2 vegetation surveys, at the appropriate time of year, if the preliminary ecological appraisal identifies interesting habitat. This is relevant for the top 10 development sites in this table.

Paragraph 7.27 - further surveys should include those for priority habitats and species as well as EPS.

Table 3 – recommend amending the detail on the dormouse survey periods. The optimal period would be considered May to October inclusive, whilst the rest of the year would be sub-optimal.

Paragraph 8.18 - refers to “See Sections 5.5 and 5.6”, but these sections don't exist.

Paragraph 8.23 – remove “However” from the start of the second sentence and insert “For example,” instead.

Paragraph 8.26 - when saying that “compensation does not necessarily need to be like for like replacement” it should be emphasised that the replacement gain should have integrity and value within the ecological landscape it sits in.

Paragraph 8.30 – in the second bullet point, please include 'bat bricks'.

Paragraphs 9.13 & 9.15 – these paragraphs make reference to “Section 6.5 below” but there is no Section 6.5 below!

Paragraph 9.16 to 9.20: Intensive Livestock Units – in a recent letter (12th June 2018) from Neil Harrington, Welsh Government's Chief Planner within the Planning Directorate of WG, which was sent to all the Heads of Planning across all the Welsh LPAs, the impacts of intensive agricultural developments was emphasised. The appropriate wording of this section is a great opportunity to improve the current decision making process. We urge PCC to take heed of recent advice from the Welsh Government* regarding the importance of a wide range of consultees when considering these developments.

Biodiversity Representations by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

* letter from Lesley Griffiths AM, Cabinet Sec for Energy, Planning and Rural Affairs (30th April 2018) in which she specifically states:

"Planning applications for poultry units must be determined in accordance with the Local Development Plan unless material considerations indicate otherwise. LPAs must take into account the views of statutory consultees such as NRW, bodies such as Public Health Wales, Local Wildlife Trusts and other organisations or members of the Public who have views about these applications. It is for LPAs to ensure they have sufficient expert advice available to them to properly determine applications. If this is not available internally, such as from their ecologists or environmental health specialists, they will need to procure external advice in the same way they do for other application types."

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P4		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG4

Document:SPG - Biodiversity Layout and contents of Section 6

Question	Representation Texts
Question:	Details
Representation Text:	. BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?
	Section 6 is clearly laid out, with the different priority species and habitats easily picked out from the text. We cannot make any suggestions to how this could be improved.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P5		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to qusetion BG5

Document:SPG - Biodiversity Incorporating Resilience and Green Infrastructure

Question	Representation Texts
Question:	Details
Representation Text:	. BG5 - Would the sections on 'Incorporating Resilience into Development Proposals' and 'Green Infrastructure and Resilience' (paras 8.67 to 8.77) be better embedded within the 'Design' section (8.17 to 8.34)?
	Yes; we also suggest that this section could be rationalised by removing Table 5 and paragraphs 8.70 & 8.71. Most, if not all or the actions listed in Table 5 are mentioned elsewhere, so this is repetition. Whilst we appreciate you are attempting to illustrate how these actions fit in with resilience targets, this is likely to mean very little to an applicant and so are best incorporated, for example in the enhancing biodiversity section. The majority of the actions listed tick all the boxes in any case.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P6		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P6		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

Document:SPG - Biodiversity Checklist/flowchart summarising planning process

Question Representation Texts

Question: Details

Representation Text: . BG6 - Would the inclusion of a checklist or flowchart for incorporating biodiversity and geodiversity in the planning process be of use to summarise the process, or could this oversimplify important considerations?

Some sort of graphical illustration, such as a flowchart, is likely to be very helpful for applicants. Perhaps an app or other computer-based key could be developed, as this would allow the detail to be retained.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P7		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG7

Document:SPG - Biodiversity Appendix C legal context

Question Representation Texts

Question: Details

Representation Text: . BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

This could be reinforced further by making reference to Appendix C a little more in other parts of the document.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P8		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Document:SPG - Biodiversity Other comments

Question Representation Texts

Question: Details

Representation Text: . BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

Paragraph 6.17 – the individual Powys wildlife trusts names need amending, i.e:

- Montgomeryshire WT – change to Montgomeryshire Wildlife Trust
- Radnorshire WT – change to Radnorshire Wildlife Trust
- WT for South & West Wales – change to The Wildlife Trust of South and West Wales

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
5201.P8		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Appendix B: Brecknock Wildlife Trust – “(see South and West Wales Wildlife Trust below)” – the name of this organisation is The Wildlife Trust of South and West Wales, so this needs amending here and under “South and West Wales Wildlife Trust” lower down the Appendix.

The contact details for The Wildlife Trust for South and West Wales need changing to the following:
The Nature Centre, Fountain Road, Tondu, Bridgend CF32 0EH. Tel: 01656 724100. Website: www.welshwildlife.org

Appendix B: Montgomeryshire Wildlife Trust – please use the homepage website address: www.montwt.co.uk.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

5704 Glandwr Cymru - Canal & River Trust in Wales

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
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5704.P9		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG1
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Document:SPG - Biodiversity Clear and logical format

Question *Representation Texts*

Question: Details

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (non-professional) planning applicants)?

Subject to the comments made below, then the document would appear to be appropriate. As set out below the introduction of images may help to break up the text.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
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5704.P10		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG2
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Document:SPG - Biodiversity Language and terminology

Question *Representation Texts*

Question: Details

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

Subject to the comments made below, then the document would appear to be appropriate.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
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5704.P11		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3
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Document:SPG - Biodiversity Missing content or parts to improve

Question *Representation Texts*

Question: Details

Representation Text: . BG3 - Is there any content missing from the SPG, or parts that could be improved?

Section 7 could be moved to an appendix rather than being in the main part of the SPG.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P12		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG4

Document:SPG - Biodiversity Layout and contents of Section 6

Question Representation Texts

Question: Details

Representation Text: . BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?

Section 6 is quite text rich and could possibly be condensed. The introduction of appropriate images may also help to break up the text.

Some of the detail could possibly be put into an appendix. An explanation of each term/designation (those in bold) appear to also be repeated in the Glossary. Perhaps to reduce the amount of text in this section this repetition could be removed.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P13		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG5

Document:SPG - Biodiversity Incorporating Resilience and Green Infrastructure

Question Representation Texts

Question: Details

Representation Text: . BG5 - Would the sections on 'Incorporating Resilience into Development Proposals' and 'Green Infrastructure and Resilience' (paras 8.67 to 8.77) be better embedded within the 'Design' section (8.17 to 8.34)?

Yes, when read as whole the document would flow better if paras 8.67 to 8.77 were to be embedded in the design section.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P14		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

Document:SPG - Biodiversity Checklist/flowchart summarising planning process

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P14		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

Question Representation Texts

Question: Details

Representation Text: . BG6 - Would the inclusion of a checklist or flowchart for incorporating biodiversity and geodiversity in the planning process be of use to summarise the process, or could this oversimplify important considerations?

It would be useful to see what a checklist or flowchart would appear like, but in principle it would be useful to help summarise the requirements. As this document is aimed at all levels of expertise it would be a useful addition.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P15		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG7

Document:SPG - Biodiversity Appendix C legal context

Question Representation Texts

Question: Details

Representation Text: . BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

Reference is provided within the main document to appendix C, e.g at paragraphs 2.1, 7.2, 8.13. Given the length of the document it may be useful to elaborate upon the legal context within section 2.0 of the document.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P16		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Document:SPG - Biodiversity Other comments

Question Representation Texts

Question: Details

Representation Text: . BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

Glandŵr Cymru would request that consideration is given to these other minor edits:

Paragraph 4.7 should include 'canals', within the list of habitats, especially given the Montgomery canal is designated as a SAC and SSSI.

Paragraph 8.30 includes "Creation of a buffer zone along watercourses planted with native species"
Glandŵr Cymru have previously commented upon this and note that it has been edited within Table 5.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status</i>	<i>Modified</i>	<i>Summary</i>
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5704.P16		17/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG8
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As previously advised, this criteria relates to all watercourses but is not considered to be necessarily appropriate in respect of all development adjacent to a canal. Leaving an undeveloped buffer strip may be impractical where there is a towpath. Where a development is on the non-towpath side, it may be appropriate (e.g. for a retail business) to provide moorings for boats and otherwise encourage public access to the water. There are many examples of appropriate development bordering a canal with a hard edge and it is considered that the guidance would benefit from a greater degree of flexibility to allow for such circumstance. We would ask that the wording be amended to be more specific in terms of the waterways to which it refers (ie rivers). This could be achieved by "Creation of a buffer zone along natural watercourses planted with native species (where appropriate)".

Paragraph 9.11 should also include the Montgomery canal is designated as a SAC.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

6160 Bond, Ms Sarah

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P1		21/08/2018	<input type="checkbox"/>		O		M		Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question Representation Texts

Question: Details

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (non-professional) planning applicants)?

NO.

Firstly, it is of concern that it is considered that the SPG is only for planning applicants. The SPG will be a material consideration when determining planning applications; it is therefore of relevance to Planning Officers, Planning Inspectors and the general public who may wish to understand due process.

In the text there are:
 numerous repetitions of content,
 poor paragraph ordering of some topics,
 poor or muddled wording in some paragraphs,
 errors in cross referencing,
 worrying omissions.

PLEASE CHECK ALL CROSS REFERENCES THAT REFER TO PARA NUMBERS, INCLUDING IN APPX C.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P2		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question Representation Texts

Question: Details

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

YES with proviso that glossary expanded – eg, NRAP, SoNaRR.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Document:SPG - Biodiversity Missing content or parts to improve

Question *Representation Texts*

Question: **Details**

Representation Text: . BG3 - Is there any content missing from the SPG, or parts that could be improved?

YES, see below and expanded discussion at BG4 and BG8

4.1 "Species, habitats and geodiversity can be adversely affected as a result of development and it is essential to consider the potential impacts of proposals upon the ecology of development sites."

This statement is inconsistent. Suggest change to consider the potential impacts of proposals upon these interests on or near development sites

4.2 and 4.5 Repetitious

4.7 "As a consequence of its extent, it has a considerable diversity of habitat types"

This statement is misleading. It is not because of Powys' extent but its geodiversity and man's interaction that there is considerable diversity of habitats.

6.16 Repetitious

6.20 Omit NB - unnecessary

6.25, 6.26, 6.27 Repetitious

6.42 Incorrect cross ref

7. Biodiversity and Geodiversity Assessments, Surveys and Licences: Table 3 and table 4 in section 7 are welcome but table 2 is inconsistent when describing surveys, (not all cribbing is helpful); as a result following text, in its attempt to reference this table, becomes confusing about the status of species, eg, 7.29 to 7.36 discusses EPS but then bats are discussed separately at 7.41.

7.27 "CIEEM issued Guidelines for Preliminary Ecology Appraisal in 2017 (see Appendix B; the LPA will expect applicants and their ecological consultants to adhere to the best practice principles in this guidance."

Environmental guidance is regularly updated. Best practice requires the latest guidance to be followed.

Suggest: adhere to the best practice principles in this or any updated guidance.

7.33 Incorrect cross ref

7.35 Repetitious

7.37 Surveying for Barn owls

This paragraph is unacceptable. Whilst 7.37 is designed to expand on information at table 2, it totally dismisses many protected avian species in Powys. Most other raptors are Schedule 1 birds, as are some other species which may be affected by development in Powys. Paras 7.37 and 7.38 should be moved and amalgamated with para 8.48 in section 8.

Para 7.39 should have a new heading, eg, avian surveys, and include discussion about nesting birds and protected birds.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3
<p>7.39 ".....Areas of dense vegetation (e.g. hedgerows, or long-derelict land) are also important for other nesting birds" This statement whilst correct is an oversimplification. It ignores ground nesting birds and in particular the critical status of curlew which nest in damp habitats and are particularly susceptible to the types of agricultural development being applied for and the solar LSAs.</p> <p>8.2 "... biodiversity and geodiversity interests on development sites." Suggest: biodiversity and geodiversity interests affected by development sites</p> <p>8.8) Incorrect cross ref 8.14) 8.18)</p> <p>8.27 Should explain compensatory measures will be conditioned.</p> <p>8.31 Should read: "is appropriate"</p> <p>8.32 "Management Plan": both words should be bold type</p> <p>8.34 It is of great concern that this document has been put forward for public consultation with this illustration missing. Based on current practice of accepting inadequate plans the public can have no confidence that this illustration will be fit for purpose.</p> <p>8.38 This para omits reptiles from the list of fauna. Slow worms are quite common as a garden reptile in Powys.</p> <p>8.39) Incorrect cross ref 8.41) 8.43)</p> <p>8.44 Should read "affected by development proposals".</p> <p>8.45 "..... If a planning application is likely to directly impact on a pond, canal, ditch or cellar a great crested newt survey may be required." This is incorrect advice and contradictory to advice on EPS at 7.23 A survey for great crested newts is required if: •there are historical records of newts within or close to the site proposed for development. •there's a pond within 500 metres of the application site boundary even if it only holds water some of the year •the development site includes refuges (eg log piles or rubble), grassland, scrub, woodland or hedgerows</p> <p>9.13) Incorrect cross ref 9.15)</p>									
6160.P4		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG4

Biodiversity Representations by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P4		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG4

Question Representation Texts

Question: Details

Representation Text: . BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?

6.25, 6.26 and 6.27 are repetitive

6.27 and 6.28 discusses wood pasture but fails to explain or expand on what is considered wood pasture – eg, does it include old orchards or ffridd?

6.31 When I first read this para I thought it was referencing 6.30. Suggest para has a title, eg, designated sites mapping.

6.43 discusses UK protected species but fails to explain how plants are protected.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P5		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG5

Document:SPG - Biodiversity Incorporating Resilience and Green Infrastructure

Question Representation Texts

Question: Details

Representation Text: . BG5 - Would the sections on 'Incorporating Resilience into Development Proposals' and 'Green Infrastructure and Resilience' (paras 8.67 to 8.77) be better embedded within the 'Design' section (8.17 to 8.34)?

YES.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P6		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

Document:SPG - Biodiversity Checklist/flowchart summarising planning process

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P6		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

Question Representation Texts

Question: Details

Representation Text: . BG6 - Would the inclusion of a checklist or flowchart for incorporating biodiversity and geodiversity in the planning process be of use to summarise the process, or could this oversimplify important considerations?

NO.

This would just duplicate text and oversimplify considerations.

Any flowchart/checklist would not be available for public consultation, a matter of considerable concern considering the errors within this draft SPG.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P7		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG7

Document:SPG - Biodiversity Appendix C legal context

Question Representation Texts

Question: Details

Representation Text: . BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

Appx C is adequate.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P8		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Document:SPG - Biodiversity Other comments

Question Representation Texts

Question: Details

Representation Text: . BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

Geodiversity: Despite the LDP at DM13 referring to protection of soils as resources providing ecosystem services this is not expanded upon in this SPG.

WFD: It is disappointing that the WFD is treated as “Other Considerations”. The WFD is included as part of LDP DM2 and the LPA has a statutory duty to consider a RBMP when making planning decisions. The WFD overarching aim is to protect hydrology and part of that protection includes, for example, groundwater derived ecosystems, some of which are listed as LBAP habitats. The discussion of the WFD requirements should be made to dovetail better with biodiversity beyond phosphate pollution. It also ties in with geodiversity and protection of soils.

See also application documents discussion below.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P8		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Intensive Livestock Units: The discussion of the requirements for intensive livestock proposals is relegated to "other considerations". This is unacceptable and illogical. These types of applications are mainstream, being validated at several per month and all require EIA screening.

Logically, the discussion of ILUs should sit next to householder applications in Section 8.

9.18 reads: In determining applications for intensive livestock units the Council will seek technical advice, in the first instance, from NRW who are the competent authority for determining environmental thresholds and whether any one development proposal may threaten to exceed them either alone or in combination with other projects.

This is misleading. NRW only make consultee responses on emissions impacts on internationally/nationally designated sites. They clearly state that it is for the local authority to consider effects on other biodiversity interests. It is therefore for the LPA to consider effects of, eg, bryophytes in ancient woodland.

Application documents: It is disappointing that the SPG has not seized the opportunity to enforce best practice for application documents to aid with the LPA's environmental statutory duties. It is not unreasonable to expect potentially polluting development to follow best practice when submitting a planning application.

DM accepts poultry ranging plans without contours despite NRW having stated that it is a requirement. This is unacceptable in a county of hills and surface waters. In order to properly fulfil their WFD duties DM should require all livestock unit plans to show contours or Sci mapping. The Wye and Usk Foundation, a delivery partner for the Severn RBMP, advocate Sci mapping for potentially polluting agricultural activities including field operations. The requirement for Sci mapping could be extended to other major development. Using Sci mapping information in planning would have benefits for both bio/geodiversity, particularly if it was used early in the design process.

ILU applications require manure management plans but again DM accept field plans without contours. Agents routinely fail to submit plans that follow best practice for nutrient management, (coloured according to slope/safe spreading periods). Land put forward as enough acreage for the waste from the ILU could all be on slopes that should only have seasonal spreading. This is deceptive and DM are inadvertently colluding over the risk of pollution. Colour coded manure management plans should be a standard requirement.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

6235 CPRW Brecon & Radnor and Montgomery

Agent: CPRW Brecon & Radnor

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P1		21/08/2018	<input type="checkbox"/>		C		M		Summary: Introductory Comments

Document:SPG - Biodiversity Other comments

Question *Representation Texts*

Question: **Details**

Representation Text: . BRB-CPRW are aware that it is a complex and demanding task to compile an SPG and we very much appreciate the effort the planning team has made to get the consultation draft ready by this date and all the work that has gone in to it.

Our comments below are intended to help attain the clearest possible body of guidance to help all parties involved in the planning process and all who wish to enhance and maintain the biodiversity and geodiversity of Powys.

We have had formatting problems filling in this form and therefore include all our detailed responses, ordered by SPG paragraph number, in section BG8.

We have also been considerably confused by the two versions of the SPG consultation which are available on the Powys website. They show different numbering and some different arrangement of text with some alterations in the second version but the SPG still retains some references to the first version.

Officer note - the two versions referred to are 1) the version made available to the LDP Working Group and 2) the Draft Consultation SPG issued for public consultation.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P2		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question *Representation Texts*

Question: **Details**

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (non-professional) planning applicants)?

(see BG8 for more detailed response).

The audience includes all interested parties.

It should concentrate on clarifying how existing legislation, policy and guidance on biodiversity and geodiversity is incorporated into the Powys planning process in order to help all interested parties.

The format is considerably improved since the previous draft version circulated to "expert" stakeholders (CPRW was advised not to respond to this).

The text is sometimes vague, long-winded and repetitive.

Audiences need to know exactly how responsibilities in the planning process are allocated between PCC and NRW. This is not clear and we suggest detailed discussion and agreement

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P2		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG1

with NRW to establish this.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question **Representation Texts**

Question: **Details**

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

The glossary is helpful.

The language is sometimes verbose making the SPG unnecessarily long and more cumbersome to read.

To give an example: 6.7 SPAs could be condensed:

"Special Protection Areas (SPAs): a European designation for the conservation of birds. Three SPAs are wholly or partially within the Powys planning area and another two are close enough to be at risk from development within the planning area. Developers should be aware of ranging and foraging buffers around SPAs". (50 words instead of 74 words)

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P4		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Document:SPG - Biodiversity Missing content or parts to improve

Question **Representation Texts**

Question: **Details**

Representation Text: . BG3 - Is there any content missing from the SPG, or parts that could be improved?

(see BG8 for more detailed response)

before 5.0 LDP policies:

Environment (Wales) Act Part 1 Section 3 and Section 4 and particularly Section 6 should be set out as they are in the Act (see BG7)

5.0 LDP policies: Should make it clear that the LDP is an integrated document and other policies besides SP7 and DM2 are relevant to Biodiversity and Geodiversity. For instance:

DM7 on light pollution

DM13.13.v. on protection of soils

DM14.2 Air quality management

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P4		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

DM15 Waste within developments									
Major Missing Elements:									
Importance of State of Nature Wales report: urgency of reversing decline in Biodiversity									
Discussion of Protection of Soils									
Discussion of Cumulative impacts									
Informative discussion about Intensive Livestock Proposals , regulatory framework and PCC role.									

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P5		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG4

Document:SPG - Biodiversity Layout and contents of Section 6									

Question	Representation Texts
Question:	Details
495	Representation Text: . BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?
	(see BG8 for more detailed response)
	Section 6 could be much improved. The layout and structure of headings should be made clear and consistent.
	Bold Headings should be used to guide reader clearly through different designations instead of scattering specific designations within paragraph text eg 6.11, 6.13, 6.16, 6.17, 6.18, 6.19, 6.21.
	This section is all very confusing. Terms need to be used carefully and consistently. Careful explanation is needed for: <ul style="list-style-type: none"> • "designation" and "statutory" • "protected" and "important" • devolution to Wales of some planning functions • what information applicants need to provide about woodland and LBAP categories • what regard PCC will have to LBAP categories in planning determinations.
	In the sub-sub-headings, LBAP habitats and species are only "important", however, in Table 1, LBAP Habitats and Species do have statutory protection but RVNRs and AW do not have statutory protection.
	it needs to be clear that the duty to enhance and maintain biodiversity everywhere where there is no national or international designation lies with Powys CC. For International and Nationally designated sites, PCC is responsible for considering cumulative impacts. PCC is also responsible for considering cumulative impacts on all other biodiversity interests.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P6		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG5

Document:SPG - Biodiversity Incorporating Resilience and Green Infrastructure

Question Representation Texts

Question: Details

Representation Text: . BG5 - Would the sections on 'Incorporating Resilience into Development Proposals' and 'Green Infrastructure and Resilience' (paras 8.67 to 8.77) be better embedded within the 'Design' section (8.17 to 8.34)?

(see BG8 for more detailed response)

Incorporating resilience would be better with the design section because, as it stands, it reads as an empty wish-list imposing no obligation on the developer.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P7		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

Document:SPG - Biodiversity Checklist/flowchart summarising planning process

Question Representation Texts

Question: Details

Representation Text: . BG6 - Would the inclusion of a checklist or flowchart for incorporating biodiversity and geodiversity in the planning process be of use to summarise the process, or could this oversimplify important considerations?

(see BG8 for more detailed response)

There is such a variety of development type and impacts that it could oversimplify important considerations however any insistence that developers/applicants address the all issues in their application information is welcome. In general the text could be tightened and sometimes shortened to underline exactly what a developer has to do.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P8		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to BG7

Document:SPG - Biodiversity Appendix C legal context

Biodiversity Representations by Representor

by: Representation No

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P8		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to BG7

Question *Representation Texts*

Question: **Details**

Representation Text: . BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

(see BG8 for more detailed response)

The WBFGA is much less clear and specific about Biodiversity and Geodiversity than the Environment (Wales) Act section 6 duties which are key to this SPG and their text is a serious omission. The description in Apex C is not good enough.

We believe that these should be set out in full earlier in the document, before the Powys Policies.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P9		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Document:SPG - Biodiversity Other comments

Question *Representation Texts*

Question: **Details**

Representation Text: . BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

detailed response in page sequence of SPG:

Purpose of this Guidance. 2.1 First bullet

The SPG purpose is more inclusive than “developers”, “applicants” and “PCC”. It is also important for all those stakeholders and Powys residents who are interested in ensuring that the planning system is properly employed to maintain and enhance biodiversity in Powys and beyond. PPW9 says (1.2) the planning system manages the development and use of land in the public interest (3.1.4) LPA’s must take into account relevant views expressed by neighboring occupiers, local residents and third parties and (1.3.3) that the LPA should ensure that all interested parties are fully consulted on planning applications. Therefore, instead of first bullet point suggest:

Set out the way in which LDP planning policy is to be interpreted and applied to protect biodiversity and geodiversity in the public interest”

Purpose of this Guidance. 2.1 . Second bullet

In the interests of completeness, suggest replacing “developers and other applicants” with “applicants and all developers, consultants and other agents involved in preparing planning applications”

Biodiversity and Geodiversity 4.1

The ecological impacts of development do not stop at the site boundary.

Suggested addition “It is essential to consider the potential impacts of each proposal upon the ecology of the development site and also the ecology beyond the development site”

Biodiversity and Geodiversity 4.2 Para 3

“where necessary national planning legislation and policy”

Biodiversity Representations by Representor

by: Representation No

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
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It would be neater and clearer to explain at the outset;

1. that the LDP sits within over-arching International/EU and National legislation and policy which is already reflected in the latest version of Planning Policy Wales
2. LDP policy re bio/geodiversity, which is mainly set out in SP7 and DM2, does not directly repeat PPW (PPW9 2.3.1).
3. The SPG therefore expands the guidance in the LDP by setting out the requirements for planning decisions derived from all of these sources to make them clear and accessible for all.

4.3 last sentence.

You cannot properly accommodate something you have not looked for information about.
Suggest "biodiversity and geodiversity have been assessed and accommodated...."

What is 'Biodiversity' and why is it important? 4.4

The examples given are more like explanations than definitions.

2 very simple definitions are:

"totality of genes, species and ecosystems of a region"

"a biological community of interacting organisms and their physical environment"

This introductory section needs further explanation:

- enhancing and maintaining biodiversity cannot be achieved by only protecting nature reserves and certain species categories whether of international, national or local importance. The ecosystem duty applies to biodiversity throughout Powys and this will be taken into account in planning determination. (The SPG statement Biodiversity in Powys 4.9 "designations alone cannot guarantee the integrity and prolonged existence of these valuable resources" is not clear and forceful enough).
- living organisms (plants, animals, insects, birds, micro-organisms etc.) are dependent on one another throughout their life-cycles
- any species requires a healthy breeding population size to survive so that small, isolated populations are likely to become locally or more generally extinct
- we are still discovering all the complex ways in which living things depend upon each other and learning about the adverse impacts which human activity has on the environment so we do not understand the full extent of negative impacts of our development activities. Therefore we should exercise the "precautionary principle". However we do know that improving and preventing loss of existing natural habitats and creation of new ones is the best way to avoid loss of species.

Note that "ecosystem" is not defined in glossary.

****Missing reference to State of Nature (Wales) Report:****

A discussion of the very concerning findings about the decline in biodiversity in the State of Nature (Wales) report should be included.

****Missing text from Environment (Wales) Act Part 1:****

Section 3: Sustainable Management of natural resources

Section 4: Principles of Sustainable Management of natural resources

and particularly Section 6: Biodiversity and resilience of ecosystems duty

are key to this SPG and (start of underline for emphasis) should be set out in full towards the beginning of the document before Powys LDP Policy (end of underline). The précis in Appendix C is not sufficient.

5.0 LDP Policies

Should make it clear that the LDP is an integrated document and other policies besides SP7 and DM2 are relevant to Biodiversity and Geodiversity. For example:

DM7 on light pollution

DM13.13.v. on protection of soils

DM14.2 Air quality management

DM15 Waste within developments

by: Representation No

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P9		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

****Missing discussion of cumulative impacts:****

If not here, somewhere in the SPG, there should be a discussion of the cumulative impact of development on biodiversity and geodiversity. This should include the cumulative impacts of different parts of a single development and the cumulative impacts of a development considered together with impacts of other developments adversely affecting the same species, habitat or ecosystem.

For single developments, it should be spelt out that that access arrangements and highways alterations such as road widening, extra passing places etc., extra traffic, services and electrical connections all have biodiversity and geodiversity impacts which should be assessed and taken into account by the applicant/developer and LPA. All the information should be available with the application for public consultation before determination.

If impacts of proposals are considered “on their own merits” and cumulative impacts together with those of other developments which have adverse impacts on the same species, habitat or ecosystem are ignored, there is a risk of unwittingly exceeding critical thresholds for biodiversity and precipitating serious local declines and extinctions. It is precisely this risk that the new NRW ammonia/nitrogen guidelines seek to avert for designated sites. The risk applies to all biodiversity interests in Powys, designated or otherwise.

****Missing Discussion of Soils:****

LDP DM13.13.v.Protects soils and particularly peat which are geodiversity features. This policy is not mentioned in the SPG and the only specific mention of soils is in relation to woodland. Carbon soils, including peat provide a valuable carbon sink and specific soil types support unique ecosystems.

Section 6 could be much improved.

Comments on minor mistakes:

Table 1.

should be widened so brackets in geodiversity items not on two rows.

6.31 “sites” should be “site”

6.9 refers to “6.2, 6.3 and 6.4” which are the numberings in an alternative version of the SPG Biodiversity and Geodiversity consultation document available on the Powys website:

<https://powys.moderngov.co.uk/documents/s28208/Biodiversity%20geodiversity.pdf>

suggest: replace with “see sections on Water framework Directive, Air Quality and Intensive livestock units (9.8 to 9.20)

Comments on general structure of Section 6:

6.1 explains that the section follows the format of DM2 with “designations being treated in the order of sites, habitats and species and within each of these subsections, in the order of International, European, National and Local scales”, summarised in Table 1.

In the material which follows:

- The main headings are inconsistent
- Designated Sites
- Habitats of principle importance
- Protected and important Species
- Geodiversity is combined with Biodiversity and a new level of “Regional” is introduced. It would be better to treat Geodiversity separately from Biodiversity in this section
- The structure is inconsistent and confusing as can best be shown by isolating the headings:

SPG Headings:

Designated Sites (heading 1)

by: Representation No

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International and European site designations (sub-heading 1.1)
 National and Statutory Site Designations (sub-heading 1.2)
 Local and Non-Statutory Site Designations (sub-heading 1.3)
 Trees and Woodlands (sub-heading 1.4)

These are not "designated" or "sites"
 but, under this sub-heading 6.25, says Ancient Woodland is "designated by NRW"
 and 6.33 says Coniferous WI, Upland Oak WI & Wet WI are LBAP habitats

Veteran Trees (sub-heading 1.5)

These are not designated sites

Habitat of Principle Importance (heading 2)

Nationally Important Habitats (sub-heading 2.1)

Locally Important Habitats (sub-heading 2.2)

Protected and Important Species (heading 3)

European Protected Species (EPS) (sub-heading 3.1)

National (UK) protected species (sub-heading 3.2) Nation is "UK": suggest "UK Protected Species"

Nationally Important Species (sub-sub-heading 3.2.1) Nation is "Wales" suggest "...Species in Wales"

Locally Important Species (sub-sub-heading 3.2.2)

but "nationally and locally important habitats" are sub-headings, not sub-sub-headings.

Mobile Species and Non-designated Habitats (sub-sub-heading 3.2.3)

this should be separated out and perhaps put together with missing item below

The structure of headings needs to be clear and consistent.

Bold headings should be used to guide reader clearly through different designations instead of scattering specific designations within paragraph text eg 6.11, 6.13, 6.16, 6.17, 6.18, 6.19, 6.21.

Section 6 is all very confusing. Terms and format need to be used clearly and consistently. Careful explanation is needed for:

- "designation" and "statutory"
 suggest: "statutory" means regulated by law
 suggest: "designation" means "given special status for a specific purpose"
- "protected" and "important"
- devolution to Wales of some planning functions
- what information applicants need to provide about woodland and LBAP categories
- what regard PCC will have to LBAP categories in planning determinations.

In the sub-sub-headings, LBAP habitats and species are only "important", however, in Table 1, LBAP Habitats and Species have statutory protection but RVNRs and AW do not have statutory protection.

Missing: importance of biodiversity and soils everywhere in Powys

by: Representation No

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it needs to be clear that the duty to enhance and maintain biodiversity) everywhere where there is no national or international designation lies with Powys CC. For International and Nationally designated sites, PCC is responsible for considering cumulative impacts. PCC is also responsible for considering cumulative impacts on all other biodiversity interests. A similar statement is needed for geodiversity (especially soils).

Comments on specific protected categories:

Table 1

A note on mapped/unmapped categories would be useful

Nationally Important Habitats 6.32

Section 7 of Env.(W)A imposes the duty to create a list but does not contain the habitat or species lists which are published by the Wales Biodiversity Partnership (but under the name of the WG) as is described in 6.3.4 for species).

Suggest: The Welsh Government publishes a list of habitats of importance for the conservation of Biodiversity in Wales as required by the Environment (Wales) Act (2016)

Protected and Important Species 6.38

"if it is absent then it may delay" is inconsistent with Para 3 (TAN 5) "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted"

Suggest: "if it is absent then it may delay determination" be replaced by "This information is required to be submitted with the application documents prior to determination"

7.2 EIA

This section should be improved. It is vague and misleading for a document intended to clarify planning issues for developers and others.

It should say that EIA regulations set out "Schedule 1" and "Schedule 2" development.

It should say that EIA is mandatory for Schedule 1 development which includes many relatively common larger-scale developments (which the reader would not immediately equate with "airports or large industrial works") for instance, applications including intensive livestock units for more than 85,000 broilers, 60,000 hens or 3,000 pigs over 30kg or 900 sows and extensions which bring numbers over these thresholds.

7.3 Instead of saying "Other development types are listed in Schedule Two that only require EIA if the proposal is likely to have significant environmental effects", it should be more precise and say that there are a listed variety of development types to which specific criteria and thresholds are applied to determine if the project counts as Schedule 2 development. Any Schedule 2 development must be screened by the LPA (or WG or NRW as appropriate) to determine if there are likely significant impacts which indicate that an EIA is required.

HRA & AA 7.16

The stringency of the HRA test should be made clear.

Suggest: "Consent cannot be granted unless the results of the Appropriate Assessment show beyond reasonable scientific doubt that the proposal will not have a significant adverse effect on the integrity of the protected site "

7.18 We have been unable to trace this reference to mapping of the 21 European Sites using Google search. The draft LDP underwent many changes since 2015 and so a better, updated, easily located reference needs to be provided. The SPG should explain again here that, irrespective of site boundaries or buffer zones, significant air and water pollution can occur far beyond a development site.

Why are Biodiversity Surveys Necessary 7.20

2nd sentence. Surveys are not necessary for every development and there are a multitude of types.

suggest: "It is often necessary to carry out desk-top or field surveys to understand which protected sites, habitats and species will be affected on the site or beyond the application site".

When are surveys required: text and Table 2.

This is confusing. 7.23 mentions EPS which a reader might equate with "protected species surveys". Then Table 2 mentions two general types of survey: "preliminary ecological appraisal" and "protected species surveys" but for Watercourses we have "fish" and "birds" and for Woodlands we have EPS and "badgers, birds".

by: Representation No

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The table (based on BBNP SPG) needs revision. There is no mention of plants or potential of important habitats. There is no guidance as to what species are considered "protected". The duty to maintain and enhance biodiversity cannot be fulfilled by a limited checklist-approach.

7.23. Clumsy last sentence .

Suggest: "When a development proposal is on land, or has an impact on land beyond the site, in one of the categories in Table 2, it is likely that an ecological survey will be required. This survey may need to extend beyond the site boundary. "

Surveying for EPS

7.30 to 7.36. This is repetitive.

Suggest: "if a proposal is likely to affect EPS on or beyond the application site, all relevant survey information and assessment of the likely impacts on EPS must be submitted in a survey report as part of the planning application. The report must include mitigation proposals for any adverse impacts, and details matching the mitigation requirements in the Survey Report must be clearly shown on any submitted plans and drawings. The survey, survey reportlicensed surveyor

The LPA needs sufficient information to assess the information against the Habitat Regulations and to decide whether the proposal would pose a risk to maintaining the Favourable Conservation Status of the species at risk (the "FCS test"). NRW is usually consulted for comments on the content and conclusions of the ecological report and advice about planning conditions to protect biodiversity if permission is granted.

If EPS are present and significant damage or disturbance to individuals, their habitat or resting places is likely and cannot be sufficiently mitigated, the LPA must either refuse the application, or, in exceptional circumstances, apply three derogation tests."

We think the second of the three LPA derogation tests (FCS test) is wrong: the tests are "no alternative", "IROPI", "necessary compensation for network of European sites" ..see P3 of: http://www.assembly.wales/research_documents/17-038/17-038-web-english.pdf

Suggest: the derogation tests are copied in from this document.

We think there has been confusion with the three tests for an NRW licence to be found at:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/european-protected-species/information-on-european-protected-species-licensing/?lang=en>

It would be clearer to write about permission first and then about need for NRW licence.

Surveying for Barn Owls, Nesting birds and Bats. 7.37 to 7.43

Confusing again because bats are EPS. We don't think the reader will appreciate the differences or indications for the different surveys. At least they could be labelled "examples of specific surveys" because there are many other types of survey as shown in Table 3.

Who needs a licence? 7.48

confusing repetition of 7.33 in EPS section and then introduction of "conservation licence" in UKPS section so reader can't tell if a "development licence" only applies to EPS or not. Suggest: policy and licensing professional from NRW reviews and helps amend this section.

Tree Felling Licence 7.59 line 2 - typo. "Licence"

8.2 RTP1 Step-Wise Approach and 8.5 Incorporating Biodiversity

suggest add to 8.5: "The LPA will need to consider evidence for whether the new features or habitats will lead to sufficient biodiversity gain to mitigate, off set or compensate for the adverse impacts of the development. "

Pre Application discussions 8.10

by: Representation No

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6235.P9		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

 suggest: delete "the" in "the NRW" – X 2

Survey 8.14

Repeats points already made so heading is confusing.

suggest delete heading and just retain 8.15 (of Survey) as third para of Pre- Application discussions

saying: "Where pre-application discussions suggest the need for ecological surveys, up-front.....(see Table 3) and early surveying could minimise delays in the application process.

Exceptions to survey work and additional surveys 8.16

suggest delete heading and make this fourth para of Pre Application discussions saying

" In some cases.....needed however Developers should..... that in other cases additionalapplication."

Then there should be a new heading for current 8.12 & 8.13 and so that abuse of the system is separated from proper use of the system.

Suggest new heading:

"Unlawful Activity

8.12 Where.....applicable.

8.13 If.....investigations."

Mitigate

8.21 This paragraph is unacceptable. If "the land take for construction" involves any earthworks, habitat, species or geological disturbance, it should be within the red line shown on the application form. The ecological impact should be taken into consideration in the biodiversity assessment and any mitigation and restoration plans should be described.

We warmly welcome the text under Compensate and Enhance but would like to see a proviso that the gains are evidence-based and subject to condition and monitoring because in our experience they do not always happen.

Incorporating Biodiversity...8.37

Reads as if author run out of steam. E.g. 8.50. "Further advice can be sought from... the internet" This

section could be tightened up and simplified e.g. 8.38 " Bats and birds, especially..... martins and barn owls may nest or roost in buildings. Great crested newts may be found in cellars or, more commonly, outdoors in ponds, canals or ditches and among stones"

suggest: all the headings re-ordered to put EPS first, mammals then GCNs, then non-EPS bird categories. If they were presented as e.g. Hazel Dormouse (EPS) there would be no need to say "this is an EPS"!

GPDOs and GPDO, EIA, "Prior notification", Building Control 8.51 to 8.58

Vague and does not inspire confidence in information presented or management of these issues. People need to know how to find out/who to ask about these things because the SPG is where they will expect precise detailed advice.

Geodiversity and Development Proposals 8.59

Misunderstanding of "enhancement and maintaining". Promoting, learning about and publicising Geodiversity is desirable but not the same as enhancing and maintaining it.

Incorporating resilience 8.67 and Green Infrastructure 8.72

8.67 Unfortunately, this is not "relatively easy". It is extremely difficult to get applicants, particularly those for the larger scale proposals, to "target their actions" to these attributes. On the whole, habitat and species destruction from development and modern agricultural practices far outweighs any of these measures. While we fully support all these resilience measures, this document is Supplementary Planning Guidance and there is nothing in this add-on section to make us feel confident that these resilience ambitions will be incorporated into the planning system.

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P9		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

We therefore agree (BG5) that these measures should be incorporated into the design phase where they will attract better scrutiny.

Water Quality and the WFD 9.8

This section fails to set out the LPA role in achieving the objectives of the WFD, under which it has duties as a competent authority to protect water quality in Powys. The SPG suggests that all responsibility lies with NRW however NRW has published an advice note "Local Authority services and the water environment" <https://naturalresources.wales/media/2627/wfd-docs-eng.pdf>

which states "Local Authorities have a key role in contributing to the planning, delivery and promotion of the RBMPs in exercising their functions." This includes ensuring development is appropriately located and delivering habitat improvement and green infrastructure, minimising pollution, protecting water-related sensitive habitats, avoiding flood risk etc. Water quality is essential for fresh-water biodiversity which is declining faster than that of any other habitat type and these issues should be addressed in an SPG on biodiversity.

In order to fulfil this role, LPAs must have the relevant information about the water environment suggest add: "Applicants must provide contour maps with clearly mapped details of all water features on the development site and surrounding land wherever any flooding or pollution risks may occur."

Scimap diffuse pollution risk mapping is a useful tool for helping landowners and decision-makers work out where to prioritise activities that protect the water environment and could be incorporated into the planning process where there is likely risk, for example from intensive livestock development.

Air Quality 9.14

Air pollution from traffic is not mentioned.

9.15 refers to "6.5". This is another hangover from the alternative rogue version of the SPG consultation document.

Suggest: replace with "9.16 to 9.20"

Intensive Livestock Units 9.16 to 9.20

This section is unsatisfactory and misleading.

The Council has not explained, and possibly does not understand or acknowledge, its own responsibility in determining ILU planning applications. There has been an unprecedented expansion in intensive farming in Powys, especially poultry. 116 applications to PCC representing 3.5 million new chicken places (at any one time) were submitted in the three years between 1/7/15 and 30/6/18. All but two of the 90 decisions for these 116 applications were for approval (2 were withdrawn and the remainder were still awaiting decision 30/6/18).

This issue is causing such concern in Powys that we discuss it in detail. We regard it as essential that the SPG

- gets the guidance factually right and in sufficient detail
- accords with WG and NRW advice
- explains the roles of NRW and PCC in enhancing and maintaining biodiversity in the planning process
- is crystal clear to PCC officers, applicants and the general public.
- informs all parties how planning conditions will be monitored and by whom
- is not published until any unclear issues are resolved

The SPG says the Council will seek technical advice in determining these applications, in the first instance from NRW, which is described as "the competent authority" and describes the new NRW guidance as if it were designed for developers to engage with NRW. Para 4 says that the information requested in NRW GN021 is for "NRW to form an opinion".

The SPG does not accord with the recent Welsh Planning Inspectorate advice to LPA CPOs (12/6/18) about ILUs which is explicit that NRW guidance is for use by LPAs in determining land uses in planning applications. LPAs should ensure:

- significant consideration of environmental protection and the impacts on natural resources
- particular care in considering ILUs in close proximity to environmentally sensitive areas.
- account is taken of cumulative impacts of such developments
- policy governing ILUs be included in the LDP

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P9		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

In spite of CPRW’s repeated requests at the LDP examination, no ILU policy was included in the LDP which was adopted shortly before the CPO letter. The only mention of ILUs is in the reasoned justification 4.2.7 & 8 to DM2. This refers to NRW guidance and says further details will be outlined in the Biodiversity SPG.

NRW Guidance also places responsibility with the LPA.

NRW GN21 (p1 & 3) says “the document is for applicants, LPAs and NRW staff” and sets out information that the LPA needs to inform assessments.

NRW GN21(p7) says “Applications need to include information about nearby local wildlife sites, ancient woodland and other semi-natural habitats, (start underline) with information to help the Local Planning Authority assess impacts on those features, including the impacts of ammonia and nitrogen deposition” (end underline) (our emphasis).

NRW GN020 (p3) only covers internationally/nationally designated sites and not LNRs, LWSs and AW.

NRW GN020 is primarily concerned with NRW permitting but says (p1) that the guidance “can also be used by local authority planning officers to help assess planning applications” and (p3) that the guidance is the same for NRW permits and LPA planning determinations, and EIA assessment.

NRW GN020 (p5) says that “applicants will need to contact the relevant LPA to identify any relevant sources (of ammonia/nitrogen) that require permission from that authority.”

SPG 6.4 Para 3 says NRW are the competent authority for determining whether any one development proposal may threaten to exceed environmental thresholds either alone or in combination with other projects. This is wrong. The guidance and its application by NRW show that NRW only comment on emissions impacts on designated sites and only up to a certain point in the planning permission decision process even for internationally/nationally designated sites.

For NRW environmental permits, NRW does complete full consideration of emission impacts on internationally/nationally designated sites and Ancient Woodland but it does not consider Ancient Woodland for Planning Applications which are a separate process from Permit Applications. The great majority of ILU applications are under 40,000 birds and do not require NRW permits.

As we understand the current process, NRW statutory responses to Powys planning applications advise up to a certain point on proposal emissions for proposals within 5km of internationally/nationally designated sites. The new NRW GN20 (& OGN41) says that if simple modelling of the process contribution (PC) shows it is above 1% of the appropriate ammonia critical level/nitrogen critical load at any of these sites, detailed in-combination assessment is required. Proposals within 250m of a designated site must all provide detailed in-combination assessment. Detailed in-combination assessment requires more sophisticated modelling and adding in (to the application-PC) the PCs of all other sources that could potentially act in combination and cumulatively.

If this sum of PCs is over 1% (of critical level/load), background level/load at the site must be determined and added in to give a total “predicted environmental concentration” (PEC) for the designated site. If the PEC exceeds the critical level/load for the site, permission can only be given if sufficiently effective control measures are in place to reduce the emissions. Otherwise it must be refused.

Various steps in the guidance require complex knowledge and methodology. It is not entirely clear from the guidance how much of this assessment is the responsibility of the LPA however, the proof of the pudding would seem to be in the eating: NRW, in consultation response to P/2018/0474, Muslop farm, Leighton (23/5/18), has assessed the detailed PC for each designated site and found threshold exceedances. NRW goes on to say:

“As the threshold is exceeded for the protected sites above, in line with NRW GN020 step4, an in-combination/cumulative assessment is required for all other relevant proposals in the area. The in-combination/cumulative assessment must be undertaken by the decision-making authority, which in this case is Powys Local Planning Authority. For the detailed modelling the following intensive agriculture units should be counted: Those: submitted but not yet determined, authorised but not started, started but not completed, livestock units that started operating since the most recent updates of levels (the APIS background was last updated in December 2015).”

CPRW is not aware of any LPA published lists of such units to inform detailed modelling and therefore we do not understand how there can be a transparent process.

The SPG is weak in describing the risks posed by ILUs from ammonia/nitrogen excess and pollution for the fresh-water environment and does not even mention impacts of outdoor ranges or manure spreading. The SPG fails to mention the NRW research finding that free-range egg units, below the NRW permitting threshold, are responsible for the greater share of pollution

Biodiversity Representations by Representor

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6235.P9		21/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG8

from intensive poultry farms. It also fails to set out the livestock number thresholds for EIA assessment and NRW permits and to explain that additional new units which bring total livestock numbers over the thresholds trigger the EIA and permit requirements.

With respect to outdoor ranges, it is clear that PCC has a duty to consider the impacts of these. The WG Chief Planner wrote to PCC (5/2/15 re P/2014/0877) quoting the EC document 'Interpretation of definitions of certain project categories of Annex I and II of the EIA Directive' which says (paragraph 2.3) the 'Intensive livestock installation' project category can be considered to include installation for the concentrated rearing of livestock either in purpose-built units or in areas dedicated to this activity, either indoor or outdoor.'

It is clear from the quotations from WG and NRW above that the SPG does not describe PCCs responsibility to assess ammonia emissions and nitrogen deposition on local nature designations and habitats. These include other protected and unprotected habitats besides Ancient Woodland and should include in-combination assessment. For instance, the wild-flower biodiversity on roadside verges and various Section 7 priority habitats and species are at serious risk from excess emissions from ILUs. It is for PCC to consider these impacts.

It is also clear that NRW expects PCC to make in-combination assessments and PEC assessments on internationally/nationally designated sites for planning purposes but the SPG does not reflect this nor does it clarify the difference between NRW permitting and LPA planning.

It is not clear whether PCC should be making HRA assessments for Natura 2K sites as part of the planning process for certain ILUs. We think this is a legal planning issue for LPAs for which expert advice should be sought.

Appendix A: Glossary

Appropriate Assessment

This step should follow an HRA screening for likely significant effect

suggest addition: "projects which have undergone HRA screening and are considered likely....."

****Missing items in Glossary:****

Cumulative impact

Ecosystem

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7076 Natural Resources Wales

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
7076.P1		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question Representation Texts

Question: Details

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (nonprofessional) planning applicants)?

The overall format is well thought and follow a logical progression. Comments on details of layout have been made within the report using track changes. Please refer to the attached document.

Note: The representation form was accompanied by a copy of the Consultation Draft SPG showing the representor's comments on layout.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
7076.P2		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question Representation Texts

Question: Details

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

It is NRW opinion that the language used within the document is appropriate for the target audience.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
7076.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Document:SPG - Biodiversity Missing content or parts to improve

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
7076.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Question Representation Texts

Question: Details

Representation Text: . BG3 - Is there any content missing from the SPG, or parts that could be improved?

Additional information on ASNW (see comments on page 13 of SPG draft attached).

Information on the Birds directive (see comments on page 15 of SPG draft attached).

Additional details on associated legislation which is not regulated under planning (see comments on page 17 of SPG draft attached).

Additional information on NRW role in flood defence (see comments on page 30 of SPG draft attached).

Consideration of long term post construction issues (see comments on page 33 of SPG draft attached).

Clarification over INNS legislation and biosecurity requirements during the planning process (see comments on page 44 of SPG draft attached).

Additional reference to the Public Authorities duty including Powys LPA to report and monitor on the Nature Recovery Action Plan under Section 6 of the Env Act. (see comments on page 59 of SPG draft attached).

Note: The representation form was accompanied by a copy of the Consultation Draft SPG showing the representor's comments on improvements.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
7076.P4		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG4

Document:SPG - Biodiversity Layout and contents of Section 6

Question Representation Texts

Question: Details

Representation Text: . BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?

Some suggestions made within the text of the Draft SPG attached.

Note: The representation form was accompanied by a copy of the Consultation Draft SPG showing the representor's comments on this section.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
7076.P5		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG5

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
7076.P5		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG5

Document:SPG - Biodiversity Incorporating Resilience and Green Infrastructure

Question Representation Texts

Question: Details

Representation Text: . BG5 - Would the sections on 'Incorporating Resilience into Development Proposals' and 'Green Infrastructure and Resilience' (paras 8.67 to 8.77) be better embedded within the 'Design' section (8.17 to 8.34)?

Yes, after section 8.4 or 8.18.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
7076.P6		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

Document:SPG - Biodiversity Checklist/flowchart summarising planning process

Question Representation Texts

Question: Details

Representation Text: . BG6 - Would the inclusion of a checklist or flowchart for incorporating biodiversity and geodiversity in the planning process be of use to summarise the process, or could this oversimplify important considerations?

A carefully designed flowchart can be very useful, provided it is made clear that it is indicative and that each application will be assessed on a case by case basis with the information available at the time of application.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
7076.P7		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG7

Document:SPG - Biodiversity Appendix C legal context

Question Representation Texts

Question: Details

Representation Text: . BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

Relevant legislation should be mentioned within the SPG and appropriate reference to Appendix C should be made for additional details.

This is important as it helps to clarify what is a legislative requirement and what is best practice /guidance.

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<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
7076.P7		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG7

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
7076.P8		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Document:SPG - Biodiversity Other comments

Question ***Representation Texts***

Question: **Details**

Representation Text: . BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

It could be noted in the guidance under section 8 that some sites are not suitable for development and for developers/applicants to seek professional advice.

It would be useful to provide a framework to applicants for how it might be justified that the benefit of development proposals may significantly outweigh the effects on the environment.

Biodiversity Representations by Representor

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9th October 2018**REPORT AUTHOR:** County Councillor Aled Davies

Portfolio Holder for Finance

SUBJECT: Financial Overview and Forecast as at 31st August 2018

REPORT FOR: Decision / Discussion / Information

1. Summary

- 1.1 This report provides an update on the projected revenue spend against budget for the 2018/19 financial year and reflects the position as at 31st August 2018, it provides an early indication of the 2018/19 full year financial forecast.
- 1.2 The revenue expenditure outturn against budget is projected to be £5.8m over budget, this is based on savings achieved to date but also reflects assurance that further savings will be achieved in year.
- 1.3 The position has deteriorated to that reported for July as expenditure in Social Service provision is projected to increase further.
- 1.4 Action is already underway to reduce the projected deficit and if necessary fund any final shortfall with the following being considered:-
- A detailed review of all budget headings to identify areas of underspending or higher than expected levels of income, delegated authority is given to the Section 151 Officer in consultation with the Portfolio Holder for Finance to freeze or realign these budgets for the remainder of this financial year. (As agreed in the July report).
 - A review of staff vacancies.
 - The capitalisation of transformational costs.
 - The identification of alternative reserve funding to limit the impact on the General Fund Reserve.
- 1.5 The impact of these actions will be reflected in next month's report.
- 1.6 Savings of £4.997m (£4.588m July) have been delivered to date, 41% (37% July) of the total £12.296m required, with £7.708m yet to be achieved.
- 1.7 The report has been prepared on an exceptions basis, using actual variance against budget to define the RAG (Red, Amber, Green and Blue) status of the services' financial position. The report only highlights those service areas where projections are forecast to exceed the budget provided, or services that have a significant degree of financial risk on the Council, and where corrective action must be taken to ensure a balanced year end budget, and mitigate any risk for future years.

2 Revenue Position

- 2.1 The revenue forecast is summarised in the table below, expenditure is projected to exceed the budget by £7.917m (July £7.504m), excluding Housing Revenue Account (HRA) and Delegated Schools. It is important to note that this position is reported based on the current delivery of efficiency savings and does not reflect those that remain to be achieved, we maintain this approach to ensure a prudent position. This position is likely to improve as the year progresses.
- 2.2 To counter this prudent approach and better predict the year-end position, this year's reporting also provides a forecast based on the expected delivery of savings. This is only included following assurance from Directors that savings will be achieved or that alternative means of delivery are identified and realistic.
- 2.3 On this basis the projected position will be an overspend of £5.804m (July £4.917m) against the approved budget.
- 2.4 Both projections are included in the table below.

Summary Forecast by Directorate	Total Working Budget	Forecast Spend	Variance (Over) / Under Spend		Variance including expected savings delivery	
	£'000	£'000	£'000	%	£'000	%
Social Services	84,348	89,043	(4,695)	(6)	(4,134)	(5)
Environment	30,680	32,533	(1,853)	(6)	(408)	(1)
Schools	36,073	36,110	(37)	(0)	70	(0.2)
Resources	18,138	18,167	(29)	(0)	(29)	(0.1)
Central Activities	2,478	3,781	(1,303)	(53)	(1,303)	(52)
Total	171,717	179,634	(7,917)	(5)	(5,804)	(3.4)
Housing Revenue Account (HRA)	0	(8)	8		2	
Schools Delegated	75,287	75,487	(200)	(0)	(19)	(0)
Total including HRA and Delegated Schools	247,004	255,113	(8,109)	(3)	(5,821)	(2)

- 2.5 The table in Appendix A details the forecast spend by Service, against approved working budget and shows the projected position on both savings delivery and service performance.

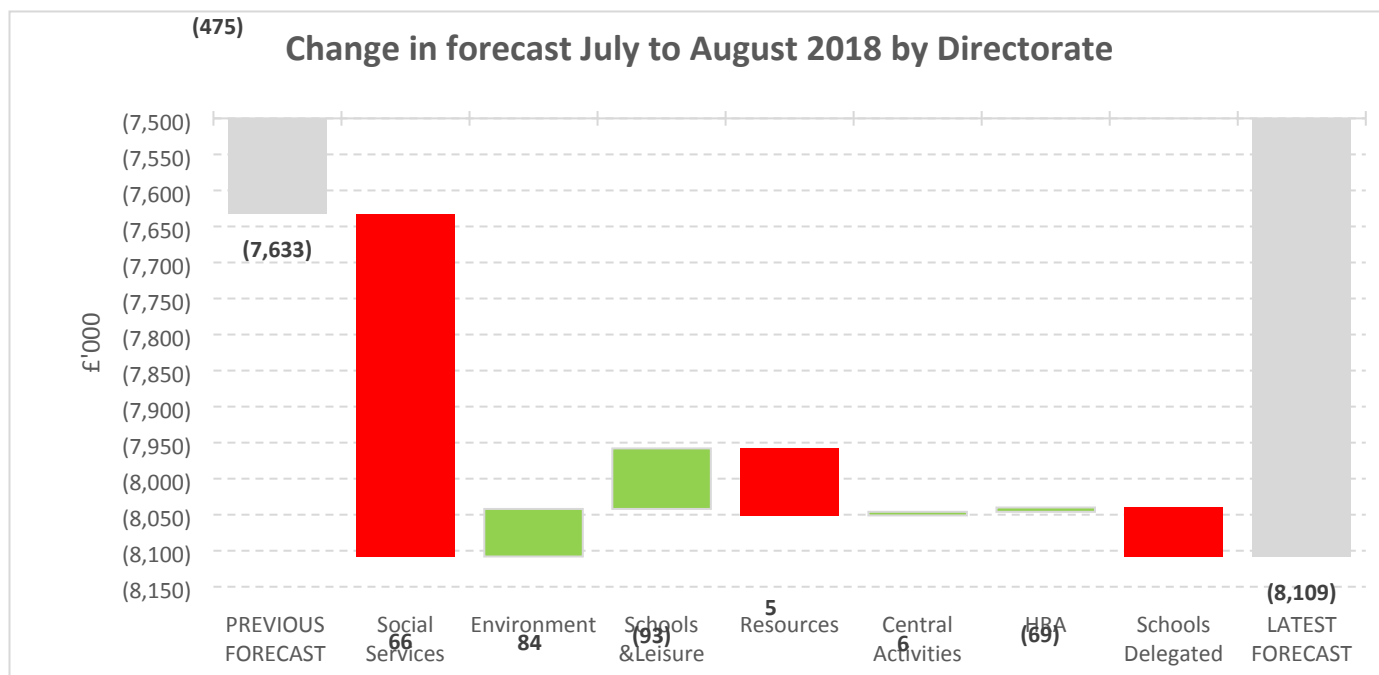
3 Reserves

- 3.1 The total revenue reserves held at 1 April 2018, together with the forecast addition/(use) of reserves during the year and the projected year end balances, as at 31st August, are set out in the table in Appendix C. The revenue reserves held at the beginning of the year totalled £40.3m, with £9.7m held in the General Reserve and Specific and Ring fenced reserves of £27.4m. The planned use of reserves to support the overall revenue budget during the year (excluding Schools and HRA) is £10.1m.

3.2 Based on the projections included in this report the overspend position would be financed from the General Fund Reserve. With the assurance around the delivery of savings the impact on the General fund would be £5.804m, reducing the balance to £3.886m this would then represent 2.3% of the total net revenue budget (excluding Schools and HRA) or 4.3% when including the budget management reserve. This revised position would be in line with the policy set.

4 Revenue Forecast

4.1 The graph below shows the change in forecast, from that reported at the end of July to the projected forecast position as at 31st August by Directorate, including HRA and Delegated Schools:



4.2 RAG status has been applied to service variance based on the categories below, and those with a variance calculated as "red" have been explained in more detail below.

- **Red** Overspend above 2%
- **Amber** Overspend of 1-2%
- **Green** +/- 1%
- **Blue** Underspend above 1%

Service Area	Net Budget	Forecast Spend	Variance (Over) / Under spend	Variance (Over) / Under spend as a % of Net Budget	Variance RAGB status
	£'000	£'000	£'000	%	
Children Services	18,513	24,056	(5,543)	(30)	R

Costs within Children services has increased by £267k since that reported in July, expenditure for the year is now projected to be £5.543m more than the budget allocated.

The appropriate workforce establishment has been agreed and although funding for this is accommodated within the service budget, many posts are being covered by agency staff at a higher cost per post. The projected position includes the continuation of agency staff through to the end of this financial year, at a current cost of £14.5k per day. There are currently 24.1 Fte's over the agreed establishment.

The predicted spend on Looked after Children (LAC) continues to be higher than the budget allocated due to the increased number of placements currently 232, this represents a pressure of £3.078m and additional £304k during the month. Fluctuations in demand and levels of complexity make it a very high risk area which is difficult to forecast.

The forecast position also reflects £2.208m of undelivered efficiencies that remain in the base budget. Cabinet are reviewing this position as part of their budget setting for 2019/20.

There are a number of risks that may further impact the financial position, these include:-

- Additional costs backdated in respect of 'Sleepins' following the outcome of a judicial review
- Holiday pay liability for relief staff at Golwg y Bannau/Camlas
- Legal costs – baseline budget has already been utilised

Service Area	Net Budget	Forecast Spend	Variance (Over) / Under spend	Variance (Over) / Under spend as a % of Net Budget	Variance BRAG status
	£'000	£'000	£'000	%	
Highways, Transport & Recycling (HTR)	21,252	23,287	(2,035)	(10)	R

The overspend in this area has reduced slightly to that reported in July by £30k. Unachieved savings at this point in the year total £1.4m and are the main reason for the projected position.

The service is also forecasting overspends against some areas of budget:-

- Training cost spend is currently projected to exceed budget by £79k, this is now being reviewed to re-align costs back to the budget.
- Trade Waste collection and Domestic Waste are forecast to overspend by £215k and £185k respectively, due to a forecast reduction in income from Trade Waste and continuing increased fuel costs for domestic waste vehicles.
- An increase in the usage of materials within the fleet workshops and a shortfall in income due to the transfer of vehicles to HOWPS no longer maintained in-house, resulting in a forecast overspend at year end of £300k.
- These over spends are reduced by an under spend of £110k on Waste Contracts, due to increased income from sale of recyclable material and lower than budgeted spend on Landfill Tax.

The revised forecast based on the expected delivery of savings and other service factors shows that the position will be improved by year end with a forecast overspend reduced to approximately £400k.

Service Area	Net Budget	Forecast Spend	Variance (Over) / Under spend	Variance (Over) / Under spend as a % of Net Budget	Variance BRAG status
	£'000	£'000	£'000	%	
Workforce, OD and Comms	2,433	2,550	(117)	(5)	R

The position within Workforce, OD and Comms remains the same, with unachieved savings of £144k being the main reason for the overspend in this area. The saving is to be found from a new service delivery model and a review of all corporate budget headings. However, no plans are currently in place to deliver this.

Service Area	Net Budget	Forecast Spend	Variance (Over) / Under spend	Variance (Over) / Under spend as a % of Net Budget	Variance BRAG status
	£'000	£'000	£'000	%	
Central Activities	2,478	3,781	(1,303)	(52)	R

The position within this area remains as previously forecast with the Council Tax surplus projected at £700k. The £1.7m saving for third party spend and additional income remains a pressure on the current year's budget. Additional income is being generated but is included in service specific proposals, this pressure will be removed as part of next year's budget plan.

4.3 Other Service areas which are not RAG status RED but due to a high level of scrutiny, further information is also provided below.

Service Area	Net Budget	Forecast Spend	Variance (Over) / Under spend	Variance (Over) / Under spend as a % of Net Budget	Variance BRAG status
	£'000	£'000	£'000	%	
Adult Social Care	65,835	64,987	848	1.3	B

The forecast underspend position within Adult Social Care has reduced by a further £208k from July with a year end position as at the end of August projected at £848k. However, the Service continue to deliver on their savings programme with an additional £362k achieved during the month. Savings of £871k or 61% have been achieved to date. £1.389m of the original £2.2m investment still remains to be allocated to Service budget headings, this will only be released on presentation of business cases which satisfy criteria set out by full council.

The forecast does not account for future demography, learning disability transitions, contractual agreements including uplifts or winter pressures. In addition, the liability associated with the

recent judicial review relating to the payment of the National Living Wage in respect of “Sleep-ins” is still being calculated for the in-house service and legal direction has been sought re external providers.

Schools Delegated	75,287	75,487	(200)	(0.27)	G
--------------------------	---------------	---------------	--------------	---------------	----------

The BRAG rating of Green reflects the projected outturn against budget plans submitted by the Schools. These plans include a significant draw on their delegated reserves.

Budget plans across the primary sector expect to draw a net £478k from reserves, a £140k increase on that reported at the end of July, £61k in the Special sector. This will be updated monthly going forward.

Budget Plans and forecasts received for Secondary schools are projecting a net £1.2m in year draw from reserves.

In line with the Scheme for Financing schools, Secondary Schools are required to submit monthly forecast end of year projections, and if not received will be notified of the failure to comply with the scheme, continued non-compliance will result in a notice of concern.

Recovery plans have been requested by the end of September for all schools with unlicensed deficit budgets.

Schools Services	27,285	27,434	(149)	(0.55)	G
-------------------------	---------------	---------------	--------------	---------------	----------

The significant variances within the Schools Service are detailed below:

Schools Improvement – further improvement has been realised in this area but a forecast overspend of £49k is still expected, this is mainly due to unachieved savings in respect of the change in admission age and the transformation of the 3 year plus provision. Alternative delivery options are being considered by the Service.

Home to School Transport – the forecast position remains the same with an overspend of £147k projected, not including any re-tender price changes. The forecast includes unachieved savings of £81k and a projected overspend of £80k in respect of 14-19 provision as previously reported.

The centrally retained provision for supply costs projected overspend has reduced to £89k, this is due to ongoing supply commitments, further work is required to determine when the projected costs will cease.

Schools delegated central – expenditure is projected to exceed budget by £193k and is due to an over commitment on the contingency for class size protection provided to schools and £120k unachieved saving relating to small school closures.

These overspends are being offset by an underspend of £408k within the Special other budget this is mainly due to increased income for inter-authority recoupment.

5 Savings

5.1 The table below summarises the delivery of the savings including those that remained undelivered in prior years; £5m or 41% (July £4.6m or 37%) has been delivered. For prudence the forecast includes savings that have been achieved or have progressed to a

point
final
taking
does not
that are
being realised.

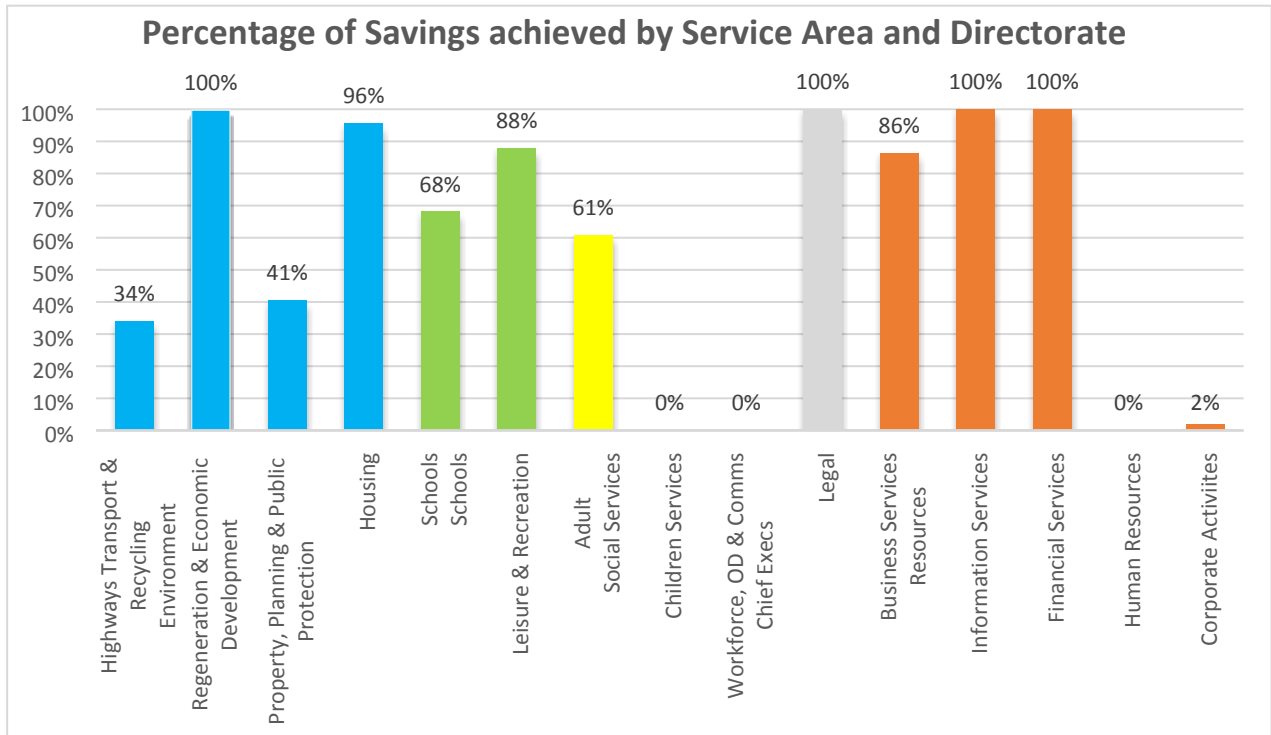
	Target £'000	Delivered £'000	Variance £'000
2015/16	1,157	77	1,080
2016/17	321	0	321
2017/18	1,975	351	1,624
2018/19	8,843	4,569	4,274
Total	12,296	4,997	7,299

where there is confidence in delivery place. It reflect expectations not currently

5.2 Further analysis of the savings showing the RAG status by Directorate is provided in the table below. Further detail by Service area can be found in Appendix B.

UPDATE ON DELIVERY OF SAVINGS PROPOSALS BY RAG				
Directorate	RED	AMBER	GREEN	TOTAL UNACHIEVED SAVINGS AS AT 31ST AUGUST 2018
	£'000	£'000	£'000	£'000
Social Services	2,298	550	11	2,859
Environment	0	1,632	0	1,632
Schools & Leisure	504	87	0	591
Resources	2,013	97	0	2,111
Chief Executives	107	0	0	107
Total	4,922	2,366	11	7,299

5.3 The graph below shows the percentage of savings achieved to date by Service Area and Directorate.



6 Virements and Grants for Approval

6.1 To accept £103.3k from the Regional Additional Learning Needs Transformation Grant, to support the implementation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 and the Welsh Government Transformation Programme.

7 Options Considered/Available

No alternative options are considered appropriate as a result of this report.

8 Preferred Choice and Reasons

None to consider.

9 Impact Assessment

Is an impact assessment required? Yes/No

10 Corporate Improvement Plan

To achieve the Corporate Improvement Plan (CIP) objectives the Council undertakes forward planning with its medium term financial strategy (MTFS) - this sets out the financial requirements to deliver the short and longer term council vision. These capital and revenue monitoring reports are used to ensure the funding identified to deliver the council priorities is spent appropriately and remains within a cash limited budget.

11 Local Member(s)

This report relates to all service areas across the whole County.

12 Other Front Line Services

This report relates to all service areas across the whole County.

13 Communications

Budget information is of interest to internal and external audiences and regular updates are provided by the Portfolio Holder for Finance. Detailed finance reports are presented to Heads of Service, Cabinet and the Audit Committee. These reports are public and are part of a range of statutory and non-statutory financial information documents including the Statement of Accounts.

14 Support Services (Legal, Finance, HR, ICT, BPU)

This report has no specific impact on support services other than reporting on those service areas financial outturns. Financial Services work closely with all service areas in monitoring financial performance against budgets.

15 Scrutiny

Has this report been scrutinised? Yes / No

16 Data Protection

If the proposal involves the processing of personal data then the Data Protection Officer must be consulted and their comments set out below.

17 Statutory Officers

The Head of Financial Services (Deputy Section 151 Officer) has provided the following comment:

The projected position continues to report an increasing level of projected expenditure from that reported previously and although some assurance has been provided that savings for some Directorates will be delivered the overall position remains in an overspend position.

The Council has made a significant level of investment into social care services in Powys. The additional funding provided budget to support the increased level of demand experienced in both service areas and also funded the detailed plans for improvement. Demand within Children's services continues and placement costs are already exceeding the increased level of budget. This continues to be an area of financial risk for the Council.

Assurance received that further savings will be delivered is reassuring, however the outstanding savings removed from the base budget within children's services remain an issue, further consideration of these will to be taken through the budget process, any change in this requirement will add to the savings gap for 2019/20.

The council needs to address the projected deficit and deliver an outturn more in line with the approved budget. The actions being considered to deliver an improved position will limit the impact on the general fund reserve.

School budgets particularly those within the secondary sector, remain a risk that needs to be addressed, compliance work and action is crucial to ensure that this is managed effectively.

The Monitoring Officer has no specific concerns with this report.

17 **Members' Interests**

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest, they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation:		Reason for Recommendation:	
<p>a. The contents of this report are noted</p> <p>b. Acceptance of the grant detailed in para 6.1</p>		<p>To monitor the council's financial performance and ensure that spending remains within approved limits and that the 3% minimum general fund reserve is maintained.</p>	
Relevant Policy (ies):		Financial Regulations	
Within policy:	Yes	Within Budget:	n/a
Relevant Local Member(s):			
Person(s) To Implement Decision:		Jane Thomas	
Date By When Decision To Be Implemented:		Ongoing	
Contact Officer	Tel	E mail	
Jane Thomas	01597 827789	jane.thomas@powys.gov.uk	

Forecast Outturn and Undelivered Savings as at 31st August 2018

Service Area	Net Budget	Forecast Spend	Variance (Over) / Under spend	Total Unachieved Savings as at 31st August 2018	Service Under/(Over) spend excl. unachieved savings	Variance (Over) / Under spend as a % of Net Budget	Variance BRAG status
		£'000	£'000	£'000	£'000	%	
Social Services							
Adult & Commissioning	65,835	64,987	848	(561)	1,409	1.3	B
Children Services	18,513	24,056	(5,543)	(2,298)	(3,245)	(29.9)	R
Environment							
Regeneration	1,392	1,331	61	0	61	4.4	B
Property Planning and Public Protection	7,089	6,975	114	(180)	294	1.6	B
Housing General Fund	947	940	7	(4)	11	0.7	G
Highways, Transport & Recycling	21,252	23,287	(2,035)	(1,448)	(587)	(9.6)	R
Schools							
Schools Service	27,285	27,434	(149)	(504)	355	(0.5)	G
Leisure & Recreation	8,788	8,676	112	(87)	199	1.3	B
Resources							
Business Services	6,626	6,604	22	(97)	119	0.3	G
Information Services	4,121	4,119	2	0	2	0.0	G
Legal Services	3,066	3,023	43	0	43	1.4	B
Financial Services	1,892	1,871	21	0	21	1.1	B
Workforce, OD and Comms	2,433	2,550	(117)	(157)	40	(4.8)	R
Service Area Totals	169,239	175,853	(6,614)	(5,336)	(1,278)	(3.9)	
Central Activities	2,478	3,781	(1,303)	(1,963)	660	(52.6)	R
Total	171,717	179,634	(7,917)	(7,299)	(618)	(4.6)	
Housing Revenue Account (HRA)	0	(8)	8	0	8	0.0	G
Schools Delegated	75,287	75,487	(200)	0	(200)	(0.3)	G
Total including HRA	247,004	255,113	(8,109)	(7,299)	(810)	(7,299)	

EFFICIENCY TRACKER AS AT 31st AUGUST 2018

APPENDIX B

Efficiency / Saving	2015/16	2016/17	2017/18	2018/19	Total to be Achieved 18/19	Total Achieved to Date	Remainder to find	Achieved
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	%
Environment								
Highways Transport & Recycling	0	0	270	1,923	2,194	746	1,448	34%
Regeneration & Economic Development	0	0	0	100	100	100	0	100%
Property, Planning & Public Protection	0	0	31	272	303	123	180	41%
Housing	0	0	0	86	86	82	4	96%
Environment	0	0	302	2,381	2,683	1,051	1,632	39%
Schools								
Schools	158	0	49	1,376	1,583	1,079	504	68%
Leisure & Recreation	0	0	0	709	709	623	87	88%
Schools	158	0	49	2,085	2,292	1,701	591	74%
Social Services								
Adult	0	0	0	1,432	1,432	871	561	61%
Children Services	0	1	1,101	1,197	2,298	0	2,298	0%
Social Services	0	1	1,101	2,629	3,730	871	2,859	23%
Chief Executives								
Workforce, OD & Comms	0	0	0	107	107	0	107	0%
Legal	0	0	0	61	61	61	0	100%
Chief Executives	0	0	0	168	168	61	107	37%
Resources								
Business Services	0	0	92	623	715	618	97	86%
Information Services	0	0	32	323	354	354	0	100%
Financial Services	0	0	0	303	303	303	0	100%
Human Resources	0	0	0	50	50	0	50	0%
Corporate Activities	999	320	400	281	2,001	38	1,963	2%
Resources	999	320	524	1,580	3,424	1,313	2,111	38%
Grand Total	1,157	321	1,975	8,843	12,296	4,997	7,299	41%

RESERVES BALANCES AS AT 31ST AUGUST

APPENDIX C

Summary	Opening Balance (1st April 18) Surplus / (Deficit)	Forecast Addition / (Use) of Reserves	Forecast (Over) / Under Spend	Projected Balance (31st March 19) Surplus/ (Deficit)
	£'000	£'000	£'000	£'000
General Fund	9,680	10	(5,804)	3,886
	9,680	10	(5,804)	3,886
Ringfenced & Specific Reserves				
Budget Management Reserve	3,584	0		3,584
Specific Reserves	2,356	50		2,406
21st Century Schools Reserve	5,524	(5,000)		524
Adult Services Reserve	2,750	(2,004)		746
Regeneration Reserve	100	(100)		0
HOWPS	185	(137)		48
Mid Wales Growth Fund	150	0		150
Highways Reserve	57	(57)		0
Invest to Save & Corporate Initiatives (inc J	5,830	(850)		4,980
Insurance Reserve	1,587	0		1,587
Transport & Equipment Funding Reserve	6,163	(2,071)		4,092
Sub-Total	28,286	(10,169)	0	18,117
Schools Delegated Reserves	(693)	(1,642)	(200)	(2,535)
School Loans & Other Items	(185)	7		(178)
Net School Delegated Reserves	(878)	(1,635)	(200)	(2,713)
Total Ringfenced & Specific Reserves	27,408	(11,804)	(200)	15,404
Housing Revenue Account	3,267	212	8	3,487
	3,267	212	8	3,487
Total Revenue Reserves	40,355	(11,582)	(5,996)	22,777

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**CYNGOR SIR POWYS COUNTY COUNCIL.
CABINET EXECUTIVE**

9th October 2018

**REPORT AUTHOR: County Councillor Aled Davies
Portfolio Holder for Finance**

**SUBJECT: Capital Programme Update for the period to 31st August
2018**

REPORT FOR: Decision / Discussion / Information

1. Summary

- 1.1 The Capital Governance Framework identifies multiple points within a project's life cycle where decisions have to be made to progress. These decisions vary from approval of options for further analysis, to final investment decisions and change control.

This monthly Capital report on the status of all projects within the Capital strategy is an integral part of the Governance Framework for Capital development works. It ensures that stakeholders are engaged in evaluation and decision making and encourages a disciplined governance that includes approval gateways at which prudence, affordability and sustainability are reviewed.

- 1.2 The Revised working budget for the 2018/19 Capital Programme, after accounting for approved virements, is £124.240m (The Original budget was £87.703m). The Increase in budget is largely due to virements from previous year's programme that have lapsed into 2018/19.
- 1.3 The actual spend to the end of August is £17.897m and a further £36.356m has been committed.
- 1.4 Table 1 below summarises the position for each portfolio and service.

Table 1 Capital Table as at 31st August 2018

Service	Original Budget	Virements Approved	Virements Required by Cabinet	Virements Required by Council	Revised Working Budget 2018/19 as at 31st August 2018 (after virements approved and required)	Actuals	Commitments	Remaining Budget	
	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	%
People									
Adult Services & Commissioning	819	502	0	0	1,321	67	196	1,058	80.1%
Childrens Services	0	61	0	0	61	-211	216	56	91.8%
Housing	1,825	1,016	0	0	2,841	889	650	1,302	45.8%
Schools and Inclusion	39,367	5,780	0	0	45,147	5,052	21,446	18,649	41.3%
Workforce, OD and Comms	0	0	0	0	0	0	0	0	
Resources									
Business Services	0	298	0	0	298	75	73	150	50.3%
Information Services	1,610	947	0	0	2,557	128	476	1,953	76.4%
Legal Services	0	19	0	0	19	0	0	19	100.0%
Financial Services	578	-378	0	0	200	0	0	200	100.0%
Corporate Activities	0	0	0	0	0	0	0	0	
Place									
Highways, Transport & Recycling	16,380	8,806	278	0	25,464	4,921	3,567	16,976	66.7%
Leisure & Recreation	3,357	5,779	0	0	9,136	2,297	1,322	5,517	60.4%
Regeneration	895	-678	0	0	217	77	78	62	28.6%
Property, Planning And Public Protection	2,733	3,042	-453	0	5,322	179	770	4,373	82.2%
Total Capital	67,564	25,194	-175	0	92,583	13,474	28,794	50,315	54.3%
Housing Revenue Account	20,139	13,308	0	-1,790	31,657	4,423	7,562	19,672	62.1%
TOTAL	87,703	38,502	-175	-1,790	124,240	17,897	36,356	69,987	56.3%

1.5 The funding of the capital programme is shown in Table 2 below. It has been revised from the original budget of £87.703m to £124.240m as at 31st August 2018 to reflect virements and re-profiling of the capital programme. This matches the projected expenditure to ensure a balanced budget.

1.6 Table 2 Funding of the Capital Budget as at 31st August 2018

Revised Working Budget 2018/19 as at 31st August 2018 (after virements approved and required)						
Funding Source	Supported Borrowing £'000	Prudential Borrowing £'000	Grants £'000	Revenue Contributions To Capital £'000	Capital Receipts £'000	Total £'000
Council Fund	-16,731	-34,053	-25,056	-12,037	-4,706	-92,583
HRA	0	-19,847	-6,191	-5,085	-534	-31,657
Total	-16,401	-53,900	-31,247	-17,122	-5,240	-124,240

2. Proposal

2.1 That Cabinet will note the contents of this report and approve all virements and request for new funding herein.

2.2 **Office Accommodation** – Works at County Hall are progressing but a virement request is made to roll £175,000 into 2019-20 to match the intended works schedule.

3. **Project Update**

3.1 **21st Century Schools**

Work on the Band A phase of the 21st Century Schools programme is progressing well. The only exception is the Welshpool catchment area schools. The decision by Cadw to list the Ysgol Maesydre has had a huge impact, on both the Budget and the timelines of the project. Consequently, the Welsh Medium School has been deferred to Band B of the programme.

3.2 **Housing:** The WHQS Schemes are progressing well with a total spend of £3.8m to date which represents 25% of the budget for 2018/19 financial year. As reported in July, the spend profile for the WHQS has been revised, with a virement of £1.789m from 2018-19 to 2019-20, in line with current projection.

3.3 **Highways, Transport and Recycling (HTR):** have a working budget of £25m. Total spend at the end of August, including commitment is £8.488m, representing 33% of budget. Finance are monitoring the project performance with project officers to ensure that work is progressed in line with expectation.

4. **Options Considered / Available**

4.1 N/A

5. **Preferred Choice and Reasons**

5.1 N/A

6. **Impact Assessment**

6.1 Is an impact assessment required? Yes/No

7. **Corporate Improvement Plan**

7.1 To achieve the Corporate Improvement Plan (CIP) objectives the Council undertakes forward planning with its medium term financial strategy (MTFS) - this sets out the financial requirements to deliver the short and longer term council vision. These capital and revenue monitoring reports, are used to ensure the funding identified to deliver the council priorities is spent appropriately and remains within a cash limited budget.

8. Local Member(s)

8.1 This report relates to all service areas across the whole County.

9. Other Front Line Services

9.1 This report relates to all service areas across the whole County

10. Communications

Have Communications seen a copy of this report? Yes/No

Have they made a comment? If Yes insert here.

11. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

11.1 This report has no specific impact on support services other than reporting on those service areas with capital programmes. Financial Services work closely with all service areas in monitoring financial performance on capital programmes against budgets.

11.2 Finance

This monthly Capital report on the status of all projects within the Capital strategy is an integral part of the Governance Framework for Capital development works.

The virements requested are to align the actual works expected to be done in the current financial year to the funding required to finance such Capital works. This is a prudent approach to ensure that the Council only makes available what is required to finance the Capital expenditure. There are no exceptional financial implications to be reported at this time.

12. Scrutiny

12.1 Has this report been scrutinised? Yes / No?

13. Data Protection

N/A

14. Statutory Officers

The Head of Financial Services & Deputy Section 151 Officer notes the contents in the report.

The Deputy Monitoring Officer notes the content of the report and makes no specific comment upon the same.

15. Members' Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest, they should declare it at the start of the meeting and complete the relevant notification form.

16. Future Status of the Report

Members are invited to consider the future status of this report and whether it can be made available to the press and public either immediately following the meeting or at some specified point in the future.

Recommendation:	Reason for Recommendation:
a. The contents of this report are noted by Cabinet.	To outline the capital budget position as at 31st August 2018.
b. That Cabinet approves the virement proposed in section 2.2 of this report.	To ensure appropriate virements, are carried out.to align budgets with spending plans.

Relevant Policy (ies):			
Within Policy:	Y / N	Within Budget:	Y / N

Relevant Local Member(s):	
----------------------------------	--

Person(s) To Implement Decision:	
Date By When Decision To Be Implemented:	

Is a review of the impact of the decision required?	Y / N
If yes, date of review	
Person responsible for the review	
Date review to be presented to Portfolio Holder/ Cabinet for information or further action	

Contact Officer: Jane Thomas Tel: 01597-826290 Email: jane.thomas@powyscc.gov.uk
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Background Papers used to prepare Report:

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IMPROVEMENT AND ASSURANCE BOARD

MINUTES

Wednesday 05 September 2018, 13:00 – 16:33

Committee Room A, County Hall, Llandrindod Wells

Present

Jack Straw (Chair)	JS	Independent Chair
Bozena Allen	BA	Independent Member
Jaki Salisbury	JSa	Independent Member
Cllr Rosemarie Harris	RH	Executive Leader (1-6)
Cllr Aled Davies	AD	Deputy Leader
Cllr James Gibson-Watt	JGW	Leader of the Liberal Democrat Group
Cllr Matthew Dorrance	MD	Leader of the Labour Group

In Attendance – PCC Representative

			Present for Item:
Alison Bulman	AB	Director of Social Services	All
Alistair Davey	AD	Welsh Government Social Services Division	All
Barry Kirwan	BK	Consultant	1
Cath Hogan	CH	Consultant	1
Cllr Stephen Hayes	StH	Portfolio Holder for Adult Services	All
Cllr. Rachel Powell	RP	Portfolio Holder for Young People	1-6
David Powell	DP	Acting Deputy Chief Executive	All
Denise Moultrie	DM	CIW	All
Emma Palmer	EP	Head of Strategic Policy and Performance	All
Felicity Llewellyn	FL	Minute Taker	All
Geoff Burrows	GB	WLGA Adviser	All
Ian Budd	IB	Director of Education	1-6
Jane Thomas	JT	Head of Financial Services	All
Jeremy Evans	JeE	Performance Audit Director, Wales Audit Office	All
Louise Barry	LB	Head of Operations for Adult Services	7-8
Mohammed Mehmet	MM	Acting Chief Executive	All

Apologies

Phil Hodgson	PH	WLGA Adviser
Rachel Thomas	RT	WLGA Adviser
David Johnston	DJ	Interim Head of Children Services
Cllr James Evans	JaE	Portfolio Holder for Corporate Governance
Catrin Jones	CJ	Welsh Government

1.	Minutes from last meeting and Action Log
	<p>The minutes of the last meeting, dated 01 August 2018, were agreed as an accurate record.</p> <p>The actions were considered and addressed throughout the agenda. From the next meeting, action updates will be provided prior to the meeting, to be circulated with the minutes. <u>ACTION:</u> CE to coordinate.</p>
2.	Children’s Services – Performance Report
	<p>It was acknowledged that the timing of today’s meeting did not fully align with the Council’s reporting schedules. The meeting on 25 September will have up-to-date information.</p> <p>LAC numbers have reduced. There is an over-establishment of agency staff (22 posts), but this is under consideration, and safe exit plans are being considered; <u>ACTION:</u> AB will bring draft plans to a future Board meeting, dealing with the reductions and their impact. The service is reviewing these over the next 6 weeks.</p> <p><u>ACTION:</u> AB/DJ/CH/BK will integrate Family Group Conferencing within the core Children’s Service ‘front door’ provision (and reporting), as appropriate.</p> <p>The Service Senior Management Team uses this data to reflect on practice and to change practice as part of the quality assurance process. <u>ACTION:</u> AB will circulate the governance model/process with the minutes for reference.</p> <p>It was recognised that work is being undertaken to ‘flex’ the workforce to provide staffing cover where needed throughout the authority. <u>RECOMMENDATION:</u> That AB liaises with her Senior Managers to seek support and deliver this flexibility.</p> <p><u>RECOMMENDATION:</u> To include fostering parent recruitment timelines within the report.</p>
3.	Children’s Services – Progress Against CIW Recommendations
	<p>Recruitment was discussed, particularly noting the need to increase retention. Recommendation 19 (scrutiny) was discussed; <u>ACTION:</u> RH/StH will update the commentary to ensure that it fully reflects the current scrutiny arrangements.</p> <p><u>ACTION:</u> DJ will arrange for the report to be amended to align to the Adult Services report.</p>
4.	TAF Referrals
	<p>The report was received by the Board. The prevention workshop (held previously) was noted for its helpfulness. <u>ACTION:</u> IB will circulate a briefing highlighting how the ‘voice of the child’ commitment is being delivered for discussion at the next meeting.</p>
5.	Children’s Services – CIW Follow-up Inspection
	<p>Confirmed for week commencing 01 October and 15 October 2018.</p>

6.	Corporate Leadership and Governance Highlight Report
	<p>DP provided an overview of the highlight report.</p> <p><u>RECOMMENDATION:</u> JSa requested that the key areas, with key milestones, be captured within the highlight report that is submitted to the Board (rather than being available in a separate, detailed, document which is not submitted to the Board); to include the intended impact, and achievements/percentage completion to date.</p> <p><u>ACTION:</u> DP to provide narrative at the next meeting covering overall achievements on Vision, finance, culture, etc.</p>
7.	Adult Services – Performance Report
	<p>It was acknowledged that the timing of today’s meeting did not fully align with the Council’s reporting schedules, and up-to-date information will be available at the meeting on 25 September.</p> <p>An unannounced inspection of Reablement was undertaken last week; a written report will be provided in due course.</p> <p><u>RECOMMENDATION:</u> To consider the provision and impact of CHC, ICF and the (average) cost of care packages. AB noted that these matters are under consideration and benchmarking is taking place. In particular, AB has been in discussion with the commissioner for Technology.</p> <p><u>ACTION:</u> AB/LB to reflect these pressures in future reports.</p> <p><u>RECOMMENDATION:</u> To consider integration in the ‘What are we worried about’ section, as there is only one post shared between PCC and PTHB. It was acknowledged that a more explicit explanation of the other integrative work should be included.</p>
8.	Adult Services – Progress Against CIW Recommendations
	<p>The report was received by the Board. <u>ACTION:</u> AB/LB to review the report and ensure each action has a clear target date.</p>
9.	Approach to Cultural Change and Transformation
	<p>MM presented an overview of his paper, and noted the positive change that he has witnessed within recent months. Discussion took place, and the Board supported the approach as the basis for more detailed work.</p>
10.	Finance – Financial Overview and Forecast as at 31 July 2018 (Cabinet Report)
	<p>The report was received by the Board; it was considered by informal Cabinet yesterday and, following feedback, it may be amended prior to consideration by Cabinet. The reporting and</p>

	presentation of savings, underspend, and unachievable savings will be discussed during the upcoming Cabinet session.																								
11.	Finance – Children’s Services Funding Issues																								
	<p>MM reiterated that the Council is committed to funding Children’s Services adequately; discussions are ongoing to define ‘adequate’; <u>ACTION:</u> JS will ensure that this message is clearly fed-back to the Minister (noting that the commitment also exists to fund Adult Services adequately).</p> <p>JT presented the current level of budget and budget forecast outturn (£5.276m); placement numbers/types and staffing costs (over base) are increasing expenditure levels. MM noted that the base budget for 2018/19 was fundamentally wrong.</p> <p><u>ACTION:</u> JT/EP will provide an update at the next meeting.</p> <p><u>ACTION:</u> JT will arrange for the presentation to be circulated with the agenda.</p>																								
12.	Proposed Dates for Improvement and Assurance Board for 2019																								
	<p>A meeting will be held in December 2018; further information will be circulated shortly.</p> <table border="1"> <thead> <tr> <th>Date</th> <th>Time</th> <th>Location</th> </tr> </thead> <tbody> <tr> <td>Wednesday 9th January 2019</td> <td>1 – 5 pm</td> <td>Committee Room A, County Hall</td> </tr> <tr> <td>Wednesday 30th January 2019</td> <td>1 – 5 pm</td> <td>Committee Room A, County Hall</td> </tr> <tr> <td>Wednesday 27th February 2019</td> <td>1 – 5 pm</td> <td>Committee Room A, County Hall</td> </tr> <tr> <td>Wednesday 27th March 2019</td> <td>1 – 5 pm</td> <td>Committee Room A, County Hall</td> </tr> <tr> <td>Wednesday 1st May 2019</td> <td>1 – 5 pm</td> <td>Committee Room A, County Hall</td> </tr> <tr> <td>Wednesday 5th June 2019</td> <td>1 – 5 pm</td> <td>Committee Room A, County Hall</td> </tr> <tr> <td>Wednesday 26th June 2019</td> <td>1 – 5 pm</td> <td>Committee Room A, County Hall</td> </tr> </tbody> </table>	Date	Time	Location	Wednesday 9 th January 2019	1 – 5 pm	Committee Room A, County Hall	Wednesday 30 th January 2019	1 – 5 pm	Committee Room A, County Hall	Wednesday 27 th February 2019	1 – 5 pm	Committee Room A, County Hall	Wednesday 27 th March 2019	1 – 5 pm	Committee Room A, County Hall	Wednesday 1 st May 2019	1 – 5 pm	Committee Room A, County Hall	Wednesday 5 th June 2019	1 – 5 pm	Committee Room A, County Hall	Wednesday 26 th June 2019	1 – 5 pm	Committee Room A, County Hall
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13.	External Advisers Updates																								
	<p>The updates had been circulated with the meeting agenda.</p> <p>GB highlighted the scrutiny development work with Rebecca David Knight and Ian Bottrill; there was positivity from all involved, but there are circumstances impacting negatively. A project to test models of delivery may be beneficial.</p>																								
14.	Any Other Business																								
	No matters arising.																								

Delegated Decision List

6 September	Portfolio Holder for Corporate Governance, Housing and Public Protection	Declared 5 Conway Street, Brecon surplus to requirements.
11 September	Portfolio Holder for Highways Recycling and Assets	Approved the sale of Brockwell, Montgomery
14 September	Portfolio Holder for Learning and Welsh Language	Approved the appointment of school governors: Miss H Morgan to Ysgol Penmaes, County Councillor K Roberts-Jones to Brynllwarch Hall School, Mr G Bingham to Hay-on-Wye CP School, Mrs EM Smallpage to Presteigne CP School, Mr M Stafford Tolley to Ysgol Trefonnen Church in Wales Community Primary, County Councillor M Williams to Ysgol Cedewain, Ms G Denney to Llangynidr CP School
25 September	Portfolio Holder for Corporate Governance, Housing and Public Protection	Approved the allocation policy for Fairview, Temple Street, Llandrindod Wells.
26 September	Portfolio Holder for Learning and Welsh Language	Approved the appointment of school governors: County Councillor John Morris and County Councillor Kathryn Silk to Crickhowell High School, Mrs S Harkness to Welshpool Church in Wales School.
28 September	Portfolio Holder for Finance, Countryside Services and Transport	Approved amendments to the authorised signatories list in respect of bank and financial transactions and the authorised signatories list in respect of pension fund transactions.
2 October	Portfolio Holder for Regeneration and Planning	Approved the engagement of additional capacity to develop the content and business cases supporting the Mid Wales Growth Deal.

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Cabinet Date	Cabinet/Meeting Title	Portfolio Holder	Lead	Decision Maker
05/10/18	Approval of Food Safety and Health & Safety plans.	James Evans (CSP - County Councillor)	Beverley Cadwallader (CSP - Commercial and Food)	Portfolio Holder
08/10/18	Review of 3rd Sector Social Care Grants	Stephen Hayes (CSP - County Councillor)	Dylan Owen (CSP - Policy and Care Services)	Portfolio Holder
09/10/18	25/09/18 Schools Service Asset Management Plan	Myfanwy Catherine Alexander (CSP - County Councillor)	Ian Budd (CSP - Schools Service)	Cabinet
09/10/18	25/09/18 Supplementary Planning Guidance	Martin Weale (CSP - County Councillor)	Peter Morris (CSP - Regeneration and Corporate Property)	Cabinet
09/10/18	25/09/18 Improvement and Assurance Board		Caroline Evans (CSP - Strategic Policy and Performance Unit)	Cabinet
09/10/18	25/09/18 CIP Annual Performance Report 2017-18	Aled Wyn Davies (CSP - County Councillor)	Emma Palmer (CSP - Strategic Policy and Performance Unit)	Cabinet
09/10/18	25/09/18 Green Waste	Phyl Davies (CSP - County Councillor)	Ashley Collins (CSP - Compliance and Waste Strategy)	Cabinet
16/10/18	Communications & Engagement Plan	James Evans (CSP - County Councillor)	Anya Richards (CSP - Communications Services)	Cabinet
31/10/18	Highways Winter Plan	Phyl Davies (CSP - County Councillor)	Shaun James (CSP - Highways Technical)	Portfolio Holder
31/10/18	Parking Charges and Concessions	Phyl Davies (CSP - County Councillor)	Tony Caine (CSP - Highways Technical)	Portfolio Holder
31/10/18	Prosecution enforcement policy	James Evans (CSP - County Councillor)	Clive Jones (CSP - Trading Standards)	Portfolio Holder
06/11/18	16/10/18 Treasury Management Report for Quarter 2 2017/18	Aled Wyn Davies (CSP - County Councillor)	Ann Owen (CSP - Finance)	Cabinet

06/11/18	16/10/18	Homelessness Strategy	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet
06/11/18	16/10/18	Schools Budgets update	Myfanwy Catherine Alexander (CSP - County Councillor)	Anne Phillips (CSP - Finance)	Cabinet
06/11/18	16/10/18	Annual Estyn Inspection Outcomes	Myfanwy Catherine Alexander (CSP - County Councillor)	Ian Budd (CSP - Schools Service)	Cabinet
06/11/18	16/10/18	Hay Town Council	Phyl Davies (CSP - County Councillor)	Clive Pinney (CSP - Corporate Legal and Democratic Services)	Cabinet
06/11/18	16/10/18	Farms Policy	Rosemarie Harris (CSP - County Councillor)	Natasha Morgan (CSP - Regeneration and Corporate Property)	Cabinet
06/11/18	16/10/18	Corporate Landlord	Phyl Davies (CSP - County Councillor)	Natasha Morgan (CSP - Regeneration and Corporate Property)	Cabinet
06/11/18	16/10/18	Review of Pre School Provision	Myfanwy Catherine Alexander (CSP - County Councillor)	Eurig Towns (CSP - Schools Service)	Cabinet
06/11/18	16/10/18	Post 16 update	Myfanwy Catherine Alexander (CSP - County Councillor)	Joni Hughes (CSP - Schools Service)	Cabinet
06/11/18	16/10/18	Love where you live Strategy	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet
06/11/18	16/10/18	Corporate Landlord	Phyl Davies (CSP - County Councillor)	Natasha Morgan (CSP - Regeneration and Corporate Property)	Cabinet
06/11/18	16/10/18	Schools Cashless Project - Closing Report	Aled Wyn Davies (CSP - County Councillor)	Nicola Williams (CSP - Business Support)	Cabinet
06/11/18	16/10/18	Powys Lottery	Rosemarie Harris (CSP - County Councillor)	Greg Thomas (CSP - Risk and Resilience)	Cabinet

28/11/18	13/11/18	Budget Outturn Report	Aled Wyn Davies (CSP - County Councillor)	Jane Thomas (CSP - Financial Services)	Cabinet
28/11/18	13/11/18	Capital Programme Update	Aled Wyn Davies (CSP - County Councillor)	Jane Thomas (CSP - Financial Services)	Cabinet
28/11/18	13/11/18	Primary and Secondary School Standards, attendance and exclusions	Myfanwy Catherine Alexander (CSP - County Councillor)	Imtiaz Bhatti (CSP - Schools Service)	Cabinet
28/11/18	13/11/18	Performance Report Quarter 2 2018-19	Aled Wyn Davies (CSP - County Councillor)	Emma Palmer (CSP - Strategic Policy and Performance Unit)	Cabinet
28/11/18	13/11/18	HAMP	Phyl Davies (CSP - County Councillor)	Alastair Knox (CSP - Highways Technical)	Cabinet
28/11/18	13/11/18	Gambling Policy	James Evans (CSP - County Councillor)	Beverley Cadwallader (CSP - Commercial and Food)	Cabinet
28/11/18	13/11/18	Business Case for an integrated family support service for Powys	Rachel Powell (CSP - County Councillor)	Shelley Davies (CSP - Young Peoples Partnership)	Cabinet
28/11/18	13/11/18	Council Tax Base	Aled Wyn Davies (CSP - County Councillor)	Andrew Griffiths (CSP - Income and Awards)	Cabinet
30/11/18		Moelfre City	Phyl Davies (CSP - County Councillor)	Alastair Knox (CSP - Highways Technical)	Portfolio Holder
30/11/18		Traffic Regulation Orders	Phyl Davies (CSP - County Councillor)	Tony Caine (CSP - Highways Technical)	Portfolio Holder
30/11/18		Food Hygiene Rating System Audit by FSA	James Evans (CSP - County Councillor)	Beverley Cadwallader (CSP - Commercial and Food)	Portfolio Holder
30/11/18		Llandrindod On-Street Parking	Phyl Davies (CSP - County Councillor)	Tony Caine (CSP - Highways Technical)	Portfolio Holder
18/12/18	04/12/18	WHQS Completion	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet
18/12/18		Update from the Anti-Poverty Champion		Joy Jones (CSP - County Councillor)	Cabinet

18/12/18	04/12/18	Budget Outturn Report	Aled Wyn Davies (CSP - County Councillor)	Jane Thomas (CSP - Financial Services)	Cabinet
18/12/18	04/12/18	Capital Programme Update	Aled Wyn Davies (CSP - County Councillor)	Jane Thomas (CSP - Financial Services)	Cabinet
18/12/18	04/12/18	Review of Day Time Activities for Older People	Stephen Hayes (CSP - County Councillor)	Dylan Owen (CSP - Policy and Care Services)	Cabinet
18/12/18	04/12/18	Fair Funding Review & Scheme for Financing Schools (post-consultation)	Myfanwy Catherine Alexander (CSP - County Councillor)	Anne Phillips (CSP - Finance)	Cabinet
18/12/18	04/12/18	Corporate Safeguarding 6 monthly update	Rachel Powell (CSP - County Councillor)	Emma Palmer (CSP - Strategic Policy and Performance Unit)	Cabinet
18/12/18	04/12/18	South Office Review	Phyl Davies (CSP - County Councillor)	Natasha Morgan (CSP - Regeneration and Corporate Property)	Cabinet
18/12/18	04/12/18	North Office Paper Final Recommendations	Phyl Davies (CSP - County Councillor)	Natasha Morgan (CSP - Regeneration and Corporate Property)	Cabinet
18/12/18	04/12/18	Development of National Significance	Martin Weale (CSP - County Councillor)	Gwilym Davies (CSP - Development Control)	Cabinet
18/12/18	04/12/18	School Organisation Proposal Banw and Llanerfyl Schools	Myfanwy Catherine Alexander (CSP - County Councillor)	Marianne Evans (CSP - Schools Service)	Cabinet
18/12/18	04/12/18	Changes of Functions of NTSEAT	James Evans (CSP - County Councillor)	James Munro (CSP - Regeneration and Corporate Property)	Cabinet
18/12/18	04/12/18	Vision 2025: Our CIP Quarter 2 2018-19 Performance Report – 4th December 2018	Aled Wyn Davies (CSP - County Councillor)	Rhian Jones (CSP - Corporate Insight Centre)	Cabinet
15/01/19	08/01/19	Joint Dementia Action Plan	Stephen Hayes (CSP - County Councillor)	Dylan Owen (CSP - Policy and Care Services)	Cabinet
15/01/19	08/01/19	Rights of Way Improvement Plan	Aled Wyn Davies (CSP - County Councillor)	Mark Stafford-Tolley (CSP - Countryside Services)	Cabinet

15/01/19	08/01/19	ALN Strategic Review	Myfanwy Catherine Alexander (CSP - County Councillor)	Imtiaz Bhatti (CSP - Schools Service)	Cabinet
31/01/19		Lake Vrwynwy	Phyl Davies (CSP - County Councillor)	Alastair Knox (CSP - Highways Technical)	Portfolio Holder
12/02/19	29/01/19	Treasury Management Quarter 3 report	Aled Wyn Davies (CSP - County Councillor)	Ann Owen (CSP - Finance)	Cabinet
12/02/19	29/01/19	HRA rent increase and increase in charges for other housing services	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet
12/02/19	29/01/19	Development of a Gypsy and Travellers site in Machynlleth	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet
12/02/19	29/01/19	Changes to the Housing Allocation Scheme	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet
12/02/19	29/01/19	Review of ECOFLEX and the adoption of an ECO 3 Proposed statement of intent	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet
28/02/19		Highways Capital	Phyl Davies (CSP - County Councillor)	Shaun James (CSP - Highways Technical)	Portfolio Holder
05/03/19	19/02/19	HRA Business Plan	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet
05/03/19	19/02/19	Vision 2025: Our CIP Quarter 3 2018-19 Performance Report	Aled Wyn Davies (CSP - County Councillor)	Rhian Jones (CSP - Corporate Insight Centre)	Cabinet
29/03/19		Consolidation of Parking	Phyl Davies (CSP - County Councillor)	Shaun James (CSP - Highways Technical)	Portfolio Holder
30/04/19	16/04/19	Public toilets strategy	Martin Weale (CSP - County Councillor)	Peter Morris (CSP - Regeneration and Corporate Property)	Cabinet
30/04/19	16/04/19	Scrap Metal Dealers & Delegation	James Evans (CSP - County Councillor)	Beverley Cadwallader (CSP - Commercial and Food)	Cabinet
30/04/19	09/04/19	Gender Pay report	James Evans (CSP - County Councillor)	Bets Ingram (CSP - Corporate Insight Centre)	Cabinet
30/04/19	09/04/19	Housing association development programme (PDP)	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet

30/04/19	09/04/19	Supplementary Planning Guidance - Renewable Energy & Landscape	Martin Weale (CSP - County Councillor)	Peter Morris (CSP - Regeneration and Corporate Property)	Cabinet
30/04/19	09/04/19	South Office Review	Phyl Davies (CSP - County Councillor)	Natasha Morgan (CSP - Regeneration and Corporate Property)	Cabinet
21/05/19	07/05/19	Implications of Grenfell	Martin Weale (CSP - County Councillor)	Ian Maddox (CSP - Building Control)	Portfolio Holder
21/05/19	07/05/19	Treasury Management Quarter 4 report	Aled Wyn Davies (CSP - County Councillor)	Ann Owen (CSP - Finance)	Cabinet
21/05/19	07/05/19	Annual employment monitoring report	James Evans (CSP - County Councillor)	Bets Ingram (CSP - Corporate Insight Centre)	Cabinet
21/05/19	07/05/19	Light review of the Strategic Equality Plan	James Evans (CSP - County Councillor)	Bets Ingram (CSP - Corporate Insight Centre)	Cabinet
21/05/19	07/05/19	Evaluation of the impact of the roll out of full service universal credit on HRA rent arrears	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet
18/06/19	04/06/19	Review of WHQS compliance policy	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet
18/06/19	04/06/19	Local Housing Market Assessment	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet
18/06/19		Vision 2025: Our CIP Quarter 4 2018-19 Performance Report	Aled Wyn Davies (CSP - County Councillor)	Rhian Jones (CSP - Corporate Insight Centre)	Cabinet
18/06/19	04/06/19	FINAL Vision 2025: Our CIP 2019/20 Update and Annual Report 2018-19	Aled Wyn Davies (CSP - County Councillor)	Rhian Jones (CSP - Corporate Insight Centre)	Cabinet
18/06/19	04/06/19	Towards 2040 (PSB Well-being Plan) Annual Report	Aled Wyn Davies (CSP - County Councillor)	Rhian Jones (CSP - Corporate Insight Centre)	Cabinet
09/07/19	25/06/19	Strategic Equality Plan End of Year Monitoring Report	James Evans (CSP - County Councillor)	Bets Ingram (CSP - Corporate Insight Centre)	Cabinet
09/07/19	25/06/19	Implementation of the Renting Homes Act 2014	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet
09/07/19	25/06/19	HRA New Build Programme	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet

30/07/19	16/07/19	Treasury Management Review Report 2018/19	Aled Wyn Davies (CSP - County Councillor)	Ann Owen (CSP - Finance)	Cabinet
30/07/19	16/07/19	Treasury Management Quarter 1 Report	Aled Wyn Davies (CSP - County Councillor)	Ann Owen (CSP - Finance)	Cabinet
17/09/19	03/09/19	Outcome of the tenants' satisfaction survey	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet
30/09/19		Highways Winter Plan	Phyl Davies (CSP - County Councillor)	Shaun James (CSP - Highways Technical)	Portfolio Holder
08/10/19	24/09/19	3 x Supplementary Planning Guidance	Martin Weale (CSP - County Councillor)	Peter Morris (CSP - Regeneration and Corporate Property)	Cabinet
08/10/19	24/09/19	National Development Framework – Welsh Government consultation	Martin Weale (CSP - County Councillor)	Peter Morris (CSP - Regeneration and Corporate Property)	Cabinet
05/11/19	22/10/19	Treasury Management Quarter 2 Report	Aled Wyn Davies (CSP - County Councillor)	Ann Owen (CSP - Finance)	Cabinet
05/11/19	22/10/19	HRA Asset Management Strategy	James Evans (CSP - County Councillor)	Simon Inkson (CSP - Housing Solutions)	Cabinet

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