

Agenda



Delegated Decisions - Joint Cabinet Member

Date: Wednesday, 2 October 2019

To: Councillors Mudd, Jeavons and Whitcutt

Item		Wards Affected
1	<u>Sustainable Travel Supplementary Planning Guidance (SPG)</u> (Pages 3 - 8)	All Wards
2	<u>Land off Lliswerry Road</u> (Pages 9 - 16)	All Wards

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Report

Cabinet Member for Regeneration and Housing and Cabinet Member for City Services

Part 1

Date: 1 October 2019

Subject Draft Sustainable Travel Supplementary Planning Guidance

Purpose To seek approval to consult on the draft Sustainable Travel Supplementary Planning Guidance.

Authors Planning Policy Manager

Ward All wards

Summary The Newport Well-being Plan includes Sustainable Travel Intervention Proposals. The creation of a Sustainable Travel SPG is identified as part of these proposals.

This draft Sustainable Travel SPG aims to promote sustainable travel in new developments. It will encourage place makers to integrate sustainable travel as a foundation component of new development and its surrounding areas.

Proposal That Cabinet Members note the contents of the proposed Draft Sustainable Travel SPG document and agree that the document be released for public consultation.

Action by Head of Regeneration, Investment and Housing

Timetable Immediate

This report was prepared after consultation with:

- Strategic Director - Place
- Head of Finance – Chief Finance Officer
- Head of Law and Regulations – Monitoring Officer
- Head of People and Business Change
- Development Management
- Public Services Board – Sustainable Travel Intervention Group

Signed

Background

The Newport Well-being Plan sets out the Public Services Board's priorities and actions for Newport for the next 5 years to improve the economic, social, cultural and environmental well-being of Newport. The Plan sets out local well-being objectives, priorities and steps that the Board proposes to take to meet the objectives.

Five interventions have been selected by the PSB in order to achieve their goals and objectives. These are:

- The Newport 'Offer'
- Strong Resilient Communities
- Right Skills
- Green and Safe Spaces
- Sustainable Travel

The Sustainable Travel intervention has a set of priorities. The creation of a Sustainable Travel SPG being one of these.

This document has now been drafted in consultation with the PSB (Sustainable Travel Intervention Group). It sets out how new development should incorporate sustainable travel into their schemes. The SPG identifies three clear guidance notes which will make it straightforward for developers to comply with the SPG.

Guidance note 1 sets out that all major development will need to set out how the proposed new scheme will link with its surrounding community and environment. In order to achieve this, developers will need to submit a plan along with their planning application which demonstrates how people will sustainably travel to and from the proposed site, to key facilities such as school and health care providers. Guidance note 2 sets out new standards for secure cycle parking in new developments and guidance note 3 outlines the thresholds for when the Council would expect a travel plan to be submitted.

Consultation Arrangements

The SPG will be consulted on for a minimum period of 6 weeks. Consultation arrangements will include providing the document on the Council's website, electronic versions sent to the libraries and targeted consultation letters or emails. SPGs are a material consideration in the determination of planning applications, with the weight attached increasing if it has been subject to public consultation.

Financial Summary

The proposed consultation would have minimal financial costs as the document will be sent out electronically where possible. All relevant information will also be made available on the Council's website. Any costs will be met within the existing Local Development Plan budget.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Clarity on the LDP policies is not provided and the LDP could be left open to interpretation and	L	L	This SPG has been prepared to add clarity and guidance on LDP policies to aid the planning application determination process.	Development & Regeneration Manager/Planning Policy Manager

planning decisions are open to challenge.				
Draft SPG will carry less weight by Planning Inspectors in the determination of planning appeals.	M	L	Draft SPG prepared awaiting public consultation to increase the weight of the SPG and to be followed up with adoption.	Development & Regeneration Manager/Planning Policy Manager

Links to Council Policies and Priorities

The Local Development Plan is one of the statutory plans the council has to prepare. It determines Newport's land use policies to 2026. Liaison has been maintained with officers from the relevant sections to ensure consistency and common purpose. The SPG produced supplements and supports the overarching principles set out in the LDP, adding more detail and clarification where required.

Newport City Council has a Corporate Plan that runs to 2022. Its primary objective is 'improving people's lives'. It has four commitments; Resilient Communities, Thriving Cities, Modernised Council; and Aspirational People. The SPG will help deliver these commitments by ensuring new development has sustainable transport schemes and initiatives integrated from the planning and design phases right through to implementation.

Options Available and considered

Approve the draft SPG for public consultation.

Make amendments to the draft SPG and then approve for consultation.

Do not approve the draft SPG for consultation.

Preferred Option and Why

To approve the draft SPG for consultation. This will allow interested parties to provide responses on the proposed policy detail before the Council seeks to adopt the document for development management purposes. The weight attached to Supplementary Planning Guidance increases if public consultation is undertaken prior to adoption.

Comments of Chief Financial Officer

There will be no additional budgetary impact as a result of releasing the Supplementary Planning Guidance for public consultation, the associated costs are minimal and will be met through the existing Local Development Plan budget. Any further costs incurred as a result of the consultation will need to be considered as part of this same budget.

Comments of Monitoring Officer

SPG will supplement the Local Development Plan and will also assist with the delivery of the Corporate Plan commitments. The purpose of this Report is to obtain approval to the draft SPG for consultation purposes. Following consultation, consideration will need to be given to all responses before determining whether or not to adopt the SPG in its current format or whether to make any changes. Adopted SPG will be a material consideration when determining any future planning applications.

Comments of Head of People and Business Change

As required, this report has fully considered the Well-being of Future Generations (Wales) Act 2015. This proposal supports many of the Well-being Goals and the Council Well-being Objectives.

All aspects of the Act's sustainable development principle, "*looking to the long term*", "*involving people*", "*collaborating with others*", "*taking an integrated approach*" and "*prevention*" have been fully covered in the appropriate section of this report.

Finally, from an HR perspective, there are no staffing implications.

Comments of Cabinet Member

Both Cabinet Members have been briefed on the report.

Local issues

The SPG will affect all wards in Newport.

Scrutiny Committees

The SPG has not been through a Scrutiny Committee.

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultations on such documentation is open to all of our citizens regardless of their age. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

The Well-being and Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into account the impact they could have on people living in Wales, in the future. The 5 main considerations are:

Long term: This SPG encourages the use of sustainable transport and discourages the use of private motor vehicles. In the long term, this will help to improve air quality by reducing the number of private motor vehicles on the road. It will also relieve congestion. This SPG will have a positive impact on climate change in the longer term.

Prevention: By supporting the sustainable modes of transport, single occupant car journeys are strongly discouraged. Consequently, this will help to prevent poor air quality in new developments, it will prevent congestion of the roads and it will help to prevent the effects of global warming.

- Integration:** This SPG will meet many of the Well-being Goals including “*A prosperous Wales*”, “*A resilient Wales*”, “*A healthier Wales*”, “*A Wales of cohesive communities*” and “*A globally responsible Wales*”. The SPG aims to encourage the integration of secure cycle parking facilities in new developments. New cycle/footpaths will also be integrated within new development as the SPG will encourage developers to consider how their development links to the wider surroundings. Improving the understanding of sustainable travel will help integrate sustainable travel/design/climate change into the psyche of developers and the community. In addition to the environmental benefits, it will also help to integrate good design and make the developments more attractive.
- Collaboration:** This SPG has been prepared in consultation with the PSB (Sustainable Travel Group). The group membership includes representatives from the Health Board, Sustrans, Newport City Homes, as well other various Council departments.
- Involvement:** In addition to the collaboration identified above, this report is now seeking permission to consult for a period of 6 weeks. This consultation will primarily seek the involvement and views of the development and planning industry, but will be open to all members of the public, as well as Newport businesses.

The proposal is in line with the Council’s well-being objectives published in March 2017. Specifically, these proposals contribute to the well-being objectives to promote economic growth and regeneration whilst protecting the environment.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the consultation of these guidance documents.

Consultation

The draft documents have not been made publically available, however the Council’s Well-being Plan and the priorities within it were developed with partners across the city and the document was subject to public consultation.

Background Papers

Draft Sustainable Travel Supplementary Planning Guidance.



Draft Sustainable
Travel SPG v0.5.docx

[Newport’s Well-Being Plan 2018-2023](#)

Dated: 1 October 2019

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Report

Cabinet Member for Assets, Equalities and Member Development (Deputy Leader) and Cabinet Member for City Services

Part 1

Date: 1 October 2019

Subject Land off Lliswerry Road, Newport

Purpose To seek approval from the Cabinet Member for Assets & Equalities (Deputy Leader) and Cabinet Member for City Services to reappropriate the land from City Services to Regeneration Investment and Housing and to dispose of a parcel of land.

Author Housing and Assets Manager

Ward Alway

Summary The subject land, owned by the Council, is adjacent to a site under redevelopment by Pobl. Access and circulation arrangements for the new development would be improved by incorporating the Council's land into the scheme.

Proposal Agree to dispose of the subject land on terms to be agreed by the Head of Law and Regulation.

Action by Head of Regeneration, Investment and Housing and the Head of Law and Regulation.

Timetable Immediate

This report was prepared after consultation with:

- Strategic Director - Place
- Head of City Services
- Head of Regeneration, Investment and Housing
- Head of Finance – Chief Finance Officer
- Head of Law and Regulation – Monitoring Officer
- Head of People and Business Change
- Housing & Assets Manager
- Associate Director of Property Services, Newport Norse
- Associate Valuation and Estates Management, Newport Norse

Signed

Background

The land forming the subject of this report is approximately 0.1 acres in extent, as shown edged on the attached plan. The approximate width the parcel is marked on the second plan.

Pobl has acquired the adjoining land in order to undertake a significant redevelopment of the area. This will provide long term improvements to the environment at this location. The site assembly includes the former Ladyhill Centre, which was transferred by the Council in 2011 for nil consideration (but subject to an undertaking to carry out demolition works).

The former Ladyhill Day Centre and former public house have been demolished to prevent the risk of damage by vandals and to improve public safety. A scheme involving the provision of affordable housing is under preparation, which will integrate with the surrounding communities. A planning application will be submitted shortly.

As the scheme design has evolved, it has become clear that access to and circulation around the site could be improved by incorporating the Council's land into the development proposals. The Council's collaboration therefore has been sought, in making its land available. Currently, the Council's land is proposed to be involved in the scheme for use as access, parking provision and open space provision.

The Council's land currently comprises part of the public highway. It may therefore be necessary for the purchaser to arrange for the highway to be stopped up, to facilitate the proposed use. Pobl is aware of the position.

The Head of City Services has been consulted and has no objection to the disposal proceeding.

Financial Summary

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs (Income)					Disposal will produce a capital receipt of around £27k and offer small savings in maintenance and management costs. Costs associated with the transfer should be recovered.
Net Costs (Savings)					
Net Impact on Budget					

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to dispose of the assets will result on-going maintenance and	H	M-L	Seek to manage the appropriation expeditiously	Newport CC and Newport Norse

management costs				
Affordable housing units are not delivered in the optimum manner	M	L	Land should be transferred to the appropriate Housing Association	Newport CC
Risk of compromising redevelopment proposals	H	L	Newport Norse will continue to monitor the appropriation	Newport Norse and Newport CC

Links to Council Policies and Priorities

- Asset Management Plan
- Housing Strategy
- Local Development Plan

Options Available and considered

The Council could:

1. Retain the current uses and management arrangements.
2. Agree to dispose of the subject land.

Preferred Option and Why

Agree to dispose of the subject land.

This will facilitate an improved scheme and generate a capital receipt.

Comments of Chief Financial Officer

Disposal of this freehold will benefit the Council by the realisation of a capital receipt, which is reinvested into the Council's overall capital programme, disposal of the land will also remove any maintenance liabilities.

Comments of Monitoring Officer

The Council as landowner has powers to dispose of land pursuant to Sections 122/123 of the Local Government Act 1972 if the land is surplus to requirements. Land can be re-appropriated for general asset management purposes and can be disposed of on the open market. There is a duty to secure the best price reasonably obtainable unless the general disposal consent applies. In this case as the land is to be sold to assist a redevelopment of adjoining land this needs to be reflected in the purchase price.

It is noted from the Report that some of the land concerned is highway land. This means that the public have the right to pass and repass over the land unless and until all public rights are extinguished. To achieve this, to enable development to occur, statutory powers would need to be used. The Council is able to apply to the Magistrates Court under the Highways Act 1980 for a stopping up order. This is discretionary and various factors need to be considered such as whether the highway is used, whether the land is necessary for safety reasons (visibility, for example) and also amenity issues. Alternatively an application can be made under the Town and Country Planning Act if extinguishment is necessary to enable a planning consent to be implemented. This is also a discretionary power. It is not clear from the Report whether the land is needed as part of the highway and therefore whether any potential application either under the Highways Act or under the Town and Country Planning Act is likely to be successful. Another factor which needs to be considered is whether any public utility apparatus needs to

be re-sited. Further consideration needs to be given to these issues before any sale proceeds. Also, the manner in which the land was acquired has to be considered in relation to any highway land.

There are statutory notice requirements if any part of the land to be sold has been used as public open space.

Comments of Head of People and Business Change

From an HR perspective there are no staffing implications arising from this report.

Details of how this proposal has considered the sustainable development principle (long term, prevention, integration, collaboration, involvement) of the Well-being of Future Generations (Wales) Act 2015 is included in the appropriate section of the report.

Comments of Cabinet Member

Cabinet Members have been briefed on the report.

Local issues – Comments of Ward Members

We the Councillors of the Alway Ward are in favour of the council disposing of the land, as shown in the documentation, in order that the site can be suitably and properly developed for the future residents of the City.

Scrutiny Committees

Please include a record of any consultation with scrutiny committees. Please add here details of any consultation and the outcomes.

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

The sustainable development principle can be seen flowing through the body of the report as the initial driver in itself is the long term provision of housing that is affordable for the residents of Newport. The development of this site is playing its role in preventing the gap between house prices and the average income from excluding more people from accessing homes. Affordable housing forms part of the

Council's Housing Strategy and achieving the well-being goals. To dispose of this section of land will bring natural collaboration and involvement with both internally and externally interested parties

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

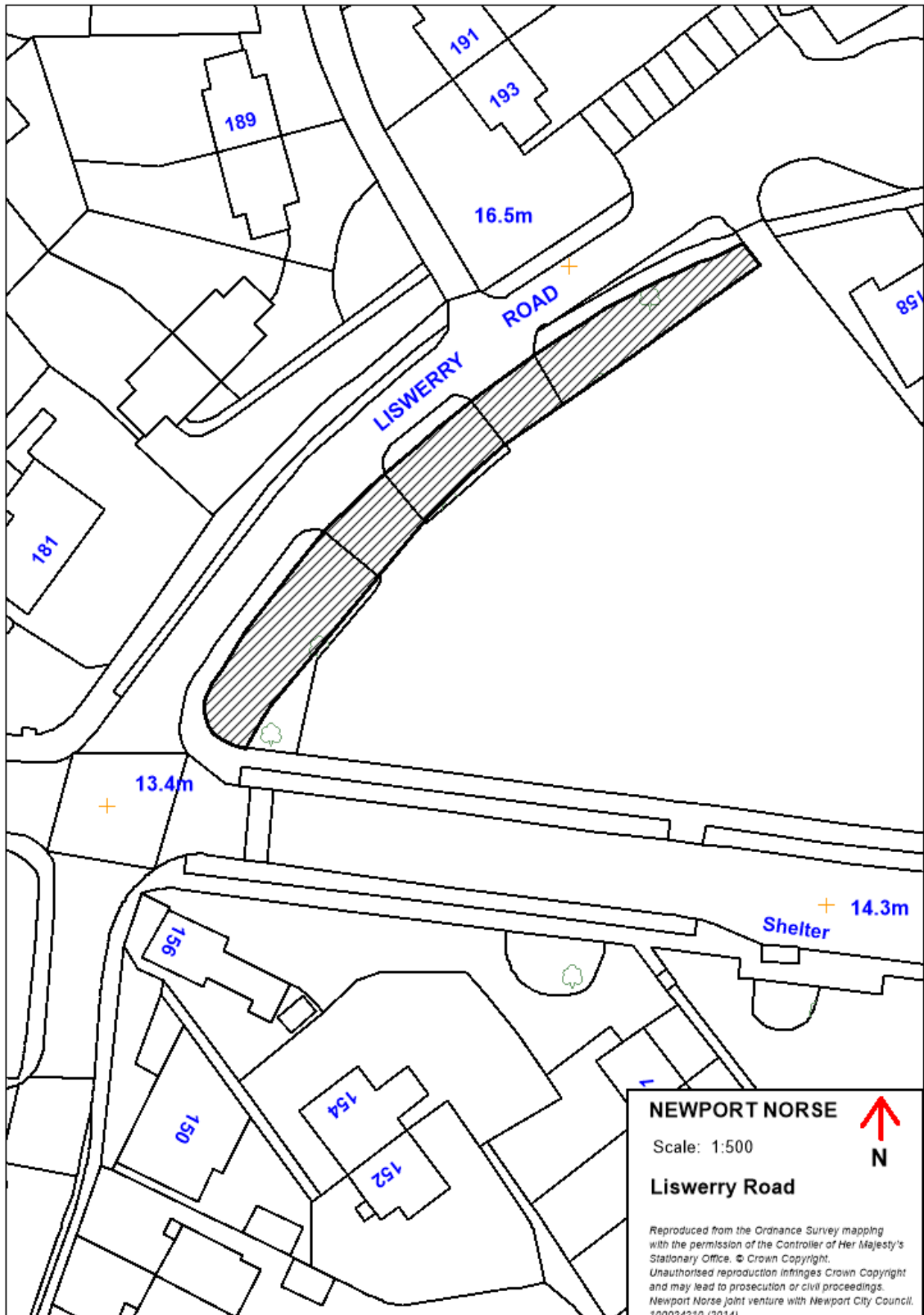
Consultation

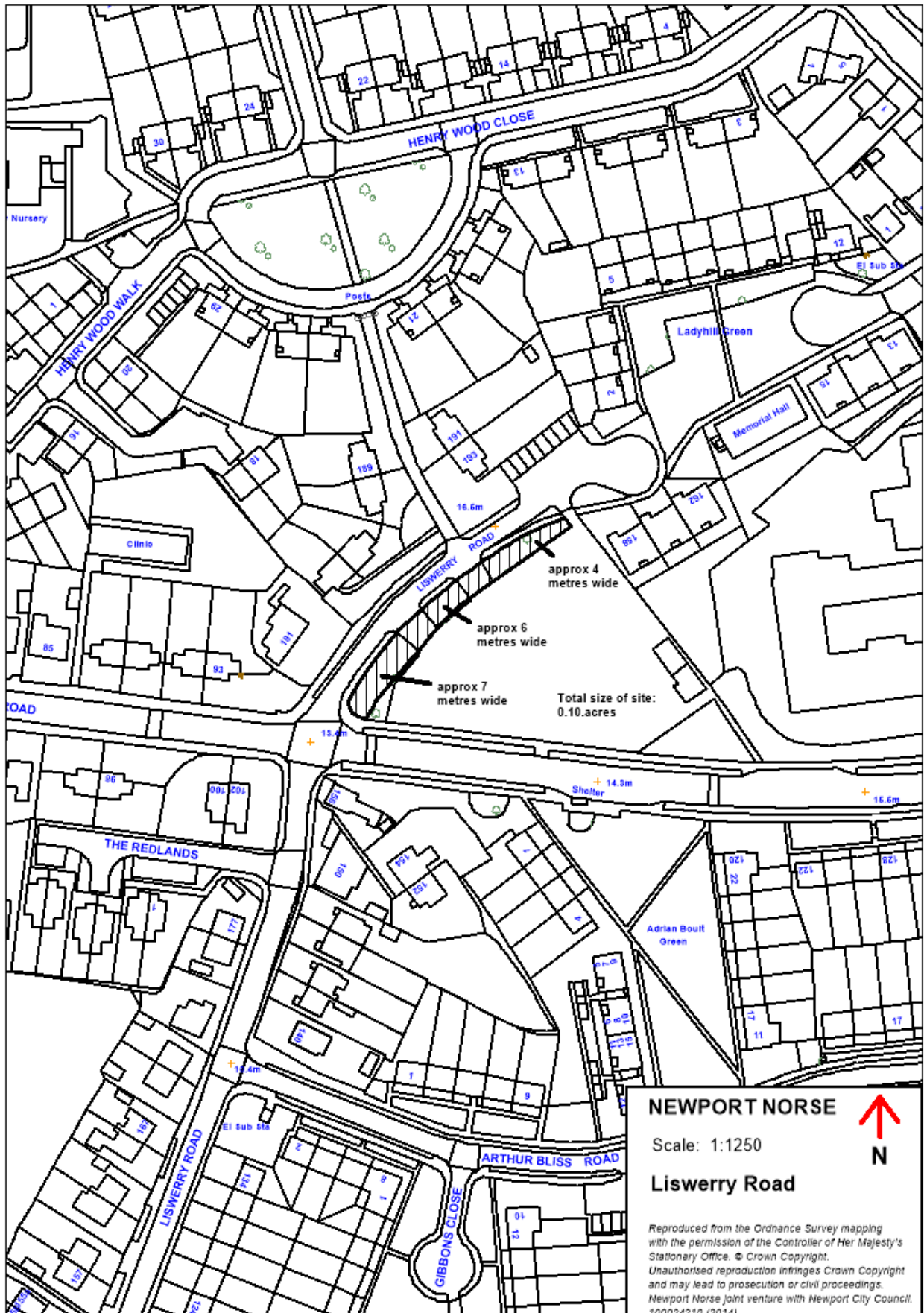
Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

Site Plans attached.

Dated: 1 October 2019





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