

Y PWYLLGOR CRAFFU – CYMUNEDAU

5 Rhagfyr 2016

Cyfarwyddyd Rheoli Datblygu a Chytundeb Lefel Gwasanaeth Cyngor Sir Caerfyrddin ynghylch codi tâl am gyngor cyn cyflwyno cais ac ar ôl cael caniatâd i gais, mewn perthynas â Phrosiectau Seilwaith Cenedlaethol eu Harwyddocâd (Deddf Cynllunio 2008) a Datblygiadau o Arwyddocâd Cenedlaethol (Deddf Cynllunio (Cymru) 2015)

Ystyried y materion canlynol a chyflwyno sylwadau arnynt:

Ystyried cyflwyno codi tâl am roi cyngor, cyn bod ceisiadau'n cael eu cyflwyno, i ddatblygwyr sydd wrthi'n llunio ceisiadau i'r Arolygiaeth Gynllunio mewn perthynas â datblygiadau o arwyddocâd cenedlaethol, ac ystyried diweddaru'r canllawiau/ffioedd presennol sy'n ymwneud â phrosiectau seilwaith o arwyddocâd cenedlaethol. Hefyd bydd y taliadau hyn yn berthnasol lle rhoddir cyngor ar ôl i gais gael ei ganiatáu o ran cyfrifoldebau mewn perthynas ag amodau caniatâd cynllunio a monitro.

Rhesymau:

Derbyn a thrafod cynnwys y canllawiau a'r atodiadau sy'n berthnasol iddo. Cynnig cyfle i sylwadau gael eu cyflwyno ar ei gynnwys.

Angen cyfeirio'r mater at y Bwrdd Gweithredol / Cyngor er mwyn gwneud penderfyniad: OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y Cyngorydd Mair Stephens

Y Gyfarwyddiaeth

Yr Amgylchedd

Enw Pennaeth y Gwasanaeth:

Llinos Quelch

Awdur yr Adroddiad:

Richard E Jones

Swydd:

Y Pennaeth Cynllunio

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COMMUNITY SCRUTINY

5th December 2016

Carmarthenshire County Council Guidance and Service Level Agreement on Chargeable Pre-application and Post-consent Advice in Relation to Nationally Significant Infrastructure Projects (NSIP) (Planning Act 2008) and Developments of National Significance (DNS) (Planning (Wales) Act 2015)

The accompanying report sets out general guidance, schedule of fees and the level of service developers of Nationally Significant Infrastructure Projects (NSIP) and Developments of National Significance (DNS) can expect to receive from the Council for non-statutory advice required in relation to their projects.

NSIPs and DNSs are major infrastructure developments in England and Wales such as proposals for power plants, large renewable energy projects, new airports and airport extensions, major road projects etc. NSIPs are defined in the Planning Act 2008, whilst a DNS definition is contained within the Planning (Wales) Act 2015. NSIP and DNS applications are submitted to the Planning Inspectorate (Pins), for assessment and recommendation. Recommendations on NSIP applications are sent to the relevant Secretary of State for decision, whilst the Welsh Ministers determine DNS applications.

The Council has an existing chargeable pre-application advice service for NSIP projects which was approved in 2013. The attached document updates this guidance to include DNS projects and a revised set of procedures and scale of fees. The principle of charging for the advice the LPA gives to developers is considered legally acceptable under the terms The Local Government Act 2003, for Local Authorities to recover the costs for providing discretionary services. The service is also discretionary and is separate to the services the authority provides under the Developments Of National Significance (Wales) Regulations 2016 and Town and Country Planning (Pre-Application Services) (Wales) Regulations 2016.

The accompanying documents provide further details of the terms and conditions of the advice service as they relates to NSIP / DNS projects in addition to a schedule of fees.

This guidance and charging regime will introduce an efficient, structured and professional service that will reduce uncertainty and be highly cost effective for developers wishing to formally submit NSIPs and DNS. It will also enable the discharging of post consent matters to be done more efficiently, whilst ensuring that the costs on the Council's resources are reasonably met.

An alternative option available to the developer of a DNS project is to obtain the Council's advice through the statutory pre-application services outlined in Developments of National Significance (Fees) (Wales) Regulations 2016 and Town and Country Planning (Pre-Application Services) (Wales) Regulations 2016.

This service and the associated fixed fee the Council would receive may not meet the expectations of the developer as the statutory pre-application advice service limits the local authority and developer to providing/receiving a standard level of information as outlined by the legislation. Under a discretionary advice service as proposed there would be the

opportunity for prospective developers to have more focused and detailed discussions through site meetings and the assessment of specific technical reports by officers.

A further advantage of the discretionary service is the opportunity for the Council to provide more thorough advice and guidance on the potential impacts of a development it could potentially host. Therefore it is important that the Council has in place an appropriate framework and service level agreement in which developers can request advice which falls outside that required by the statutory pre-application services.

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Llinos Quelch**

Head of Planning

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	YES	NONE	NONE	NONE	NONE

2. Legal

- Under the terms of the Local Government Act 2003, Local Authorities have the power to charge for discretionary services. The terms set out in the attached report are considered to comply with this legislation.
- The decision to approve the details of the pre-application charging service will require Executive Board approval.

2. Finance

- There is a potential to recover costs from the charges associated with the advice service. In addition to professional advice, charges will also be incurred upon developers, for Council's legal input, travel and administrative and management handling of advice requests.
- The Council's Legal Department will be requested to provide advice where relevant and necessary.
- Depending on the type of advice required by the developer, other Council Departments may be requested to input where relevant / necessary.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Llinos Quelch

Head of Planning

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Local Member(s) - N/A

2. Community / Town Council – N/A

3. Relevant Partners - N/A

4. Staff Side Representatives and other Organisations - The Council's Legal Services division have raised no objection to the guidance.

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
The Local Government Act 2003		http://www.legislation.gov.uk/ukpga/2003/26/contents
The Planning Act 2008		http://www.legislation.gov.uk/ukpga/2008/29/contents
The Planning (Wales) Act 2015		http://www.legislation.gov.uk/anaw/2015/4/contents
The Developments of National Significance (Wales) Regulations 2016		http://www.legislation.gov.uk/wsi/2016/56/contents/made