



Report of the Cabinet Member for Corporate Services & Performance

Climate Change and Nature Scrutiny Performance Panel – 17th September 2024

Update on Planning Enforcement: Nature and Biodiversity

Purpose	<ul style="list-style-type: none"> To provide an update requested by the Board on Planning Enforcement: Nature and Biodiversity following the briefing to panel in October 2023
Content	<p>This report provides an update on progress since the previous briefing to panel, and includes information on</p> <ul style="list-style-type: none"> how people are encouraged to consider biodiversity within planning applications how the planning department can help with biodiversity how much we can do to strongly encourage builders to be more mindful of the environment while they are in the process of building, gain clarity on whether planning can put in place policies such as all new build requiring solar panels, rainwater capture etc on a local level, or if this is all directed by Welsh Gov planning policy.
Councillors are being asked to	<ul style="list-style-type: none"> Consider the information and give their views
Lead Councillor(s)	Cllr David Hopkins, Cabinet Member for Corporate Services and Performance
Lead Officer(s)	Phil Holmes – Head of Planning and City Regeneration, Ian Davies – Development Manager
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Legal Officer	Jonathan Wills
Finance Officer	Peter Key
Access to Services Officer	Rhian Miller

1. Background

- 1.1 In October 2023, this panel considered a report on Planning Enforcement: Nature and Biodiversity. A copy of the report is attached as Appendix 1.
- 1.2 The panel has asked for an update to the report, particularly in relation to:
 - how people are encouraged to consider biodiversity within planning applications
 - how the planning department can help with biodiversity
 - how much we can do to strongly encourage builders to be more mindful of the environment while they are in the process of building,
 - gain clarity on whether planning can put in place policies such as all new build requiring solar panels, rainwater capture etc on a local level, or if this is all directed by Welsh Gov planning policy.

2. Briefing/Main Body of Report

- 2.1 The previous report to panel set out the planning policies and supplementary planning guidance in place at the time and how these policies are applied to the decision-making process. This update will look at the four areas that panel has identified as having particular interest.
- 2.2 How people are encouraged to consider biodiversity within planning applications:
- 2.3 As the original report indicated, both National and Local Planning Policies require developers to demonstrate action towards securing the maintenance and enhancement of biodiversity, the resilience of ecosystems and green infrastructure assets. Since the last report to panel, Planning Policy Wales (PPW) has been updated and there is now a requirement for planning applications to be accompanied by a Green Infrastructure Assessment, proportionate to the scale of the development and describing how green infrastructure has been incorporated to the proposal. Proposals are also required to demonstrate a net benefit for biodiversity, the nature and scale of which will depend on the scale of the development. When potential applicants seek pre-application advice from the department, responses identify the need to consider such issues as part of any subsequent planning application.
- 2.4 How the planning department can help with biodiversity:
- 2.5 The department has produced Supplementary Planning Guidance to supplement planning policies and provide guidance on how the requirements of the policies can be addressed. Please refer to paragraph 2.3 & 2.4 of the original report at Appendix 1.

- 2.6 How much we can do to strongly encourage builders to be more mindful of the environment while they are in the process of building.
- 2.7 As indicated above, the Council provides guidance on biodiversity. In addition NRW publishes advice for developers on Planning and Development. Where necessary, conditions will be attached to Planning permissions requiring development to be undertaken in accordance with a Construction Environmental Management Plan (CEMP) that has to be approved before development commences. The purpose of this plan is to ensure that the site is developed in a sensitive manner that respects the surrounding environment.
- 2.8 It should be noted that most legislation relating to protection of the environment is covered by legislation that is not enforced by the Local Planning Authority.
- 2.9 Gain clarity on whether planning can put in place policies such as all new build requiring solar panels, rainwater capture etc on a local level, or if this is all directed by Welsh Gov planning policy
- 2.10 Local Development Plans have to be in general conformity with National Development Plans. It would be difficult to have a local policy that did not accord with national planning policy. The energy efficiency of a building is covered by Building Regulations, and any proposals to make solar panels mandatory is best addressed under this legislation. Proposals for new development has to obtain approval from the Suds Approval Body (SAB). The SAB would be responsible for ensuring that a development is sustainably drained. Planning requirements should not duplicate other legislation.

3. Conclusions/Key Points Summary

- 3.1 This reports indicates that the Local Planning Authority already has policies and guidance in place which require developers to address issue of biodiversity and ensure protection of the environment. In addition, other legislation seeks to ensure that development is energy efficient and sustainable. The combined effect of all these legislative strands is to ensure that biodiversity and sustainability are integral parts of the development process.

4. Legal implications

- 4.1 None

5. Finance Implications

- 5.1 None

6. Integrated Assessment Implications

6.1 None

Glossary of terms: *Please add glossary of terms if you are using acronyms*

PPW – Planning Policy Wales Edition 12

SAB – Suds Approval Body

LPA – Local Planning Authority

NRW – Natural Resources Wales

CEMP – Construction Environmental Management Plan

LDP – Swansea Local Development Plan 2010-2025

SPG – Supplementary Planning Guidance

Background papers:

None

Appendices:

Appendix 1 – October 2023 report to the Panel.