

Meeting of:	CABINET
Date of Meeting:	22 SEPTEMBER 2026
Report Title:	SUPPLEMENTARY PLANNING GUIDANCE (SPG): PLANNING OBLIGATIONS AND INFRASTRUCTURE
Report Owner: Cabinet Member / Responsible Chief Officer	CABINET MEMBER FOR REGENERATION AND HOUSING CORPORATE DIRECTOR – COMMUNITIES
Responsible Officer:	ADAM PROVOOST STRATEGIC PLANNING AND TRANSPORTATION MANAGER
Policy Framework and Procedure Rules:	There is no impact on the policy framework or procedure rules.
Executive Summary:	The purpose of this report is to seek Cabinet approval to undertake public consultation on a draft Planning Obligations and Infrastructure Supplementary Planning Guidance (SPG) document. Subsequent adoption of this SPG will support the effective implementation of the existing planning policy framework contained within the Replacement Local Development Plan adopted March 2024 (RLDP), the Council’s statutory land-use Planning document.

1. Purpose of Report

- 1.1 The purpose of this report is to seek Cabinet approval to consult on a draft Planning Obligations and Infrastructure Supplementary Planning Guidance (**SPG**) document (**Appendix 1**) and Non-Technical Guide (**Appendix 2**).

2. Background

- 2.1 The Replacement Local Development Plan (RLDP), adopted in March 2024, seeks to enable the continued development of a safe, healthy and inclusive network of communities that connect more widely with the regions to enable sustainable economic growth. In order to achieve this Vision, the RLDP seeks to direct inward investment, sustainable development and regeneration activities to the most

appropriate places. While new development can bring many benefits, it can also have impacts, which create the need for new infrastructure provision or enhancements to existing infrastructure provision. New development can therefore necessitate provision of new benefits (in kind or by payment of financial contributions), including highway improvements, outdoor recreation areas, school places, and affordable housing.

- 2.2 Planning obligations provide a means to mitigate the above impacts on communities and infrastructure and contribute to making new developments acceptable in planning terms. They are secured by means of a legally binding contract (currently known as a “s106 Agreement”, entered into by the landowner and/or developer of a site with the Council in its capacity as the Local Planning Authority (LPA)). A s106 Agreement binds the title to the land comprising the site and so successor landowners to the original parties to s106 agreements are also bound to comply with the s106 covenants. In legal terms, the agreement ‘runs with the land’.
- 2.3 Planning obligations provide a means for the planning system to secure investment in and deliver infrastructure to support the strategic growth planned for within the adopted RLDP. The robust evidence base supporting the RLDP has sought to maximise policy gains to this end. The adopted RLDP is expected to generate planning contributions with a combined value of over £116m and deliver 1,700 new affordable homes over the Plan period (up to 2033).
- 2.4 On 23rd July 2026, Development Control Committee was informed of the need to produce a Planning Obligations and Infrastructure SPG to support and expand on RLDP policies relevant to planning obligations and infrastructure. Councillor Granville, Chair of Development Control Committee, volunteered to champion production of the SPG, and has since been working alongside the Strategic Planning and Transportation Manager to progress the new SPG.

3. Current situation / proposal

- 3.1 A draft version of the SPG has been prepared in readiness for public consultation. It seeks to support and expand upon the policies (but does not create new policy), in the RLDP relevant to planning obligations and infrastructure. It also consolidates references to the suite of SPGs that contain thematic planning guidance on different forms of planning obligation (i.e. Affordable Housing, Education and Recreation) to support RLDP implementation.
- 3.2 The draft SPG provides specific guidance on:
 - Where, what, when and how planning obligations will be sought to mitigate the impact of development and enable creation of sustainable communities;

- How a consistent approach will be followed to determine the requirements for planning obligations while recognising each application will be considered on its own merits;
- The use of planning conditions (in the first instance) and/or planning obligations; and
- How legal agreements will be drafted, negotiated, published, completed and monitored.

3.3 A non-technical supplemental guide (**Appendix 2**) has been produced for use alongside this SPG to explain how planning contributions can and cannot be used.

3.4 Prior to seeking Council approval for adoption, the draft Planning Obligations and Infrastructure SPG will be subject to a public consultation exercise. Consultation responses will be sought to influence and shape the final version of the SPG. A consultation report will be reported back to Cabinet then Council, to document a general summary of comments, the issues raised, the LPA's response and how those comments have influenced the final version of the SPG.

3.5 If then adopted, the SPG will support the effective implementation of the existing planning policy framework, provide more detailed advice and guidance to applicants preparing planning applications and will become a material consideration in the determination of planning applications.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 An initial Equality Impact Assessment (**EIA**) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or on the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

5. Well-being of Future Generations (Wales) Act 2015 implications and connection to Corporate Well-being Objectives

5.1 The new SPG for Planning Obligations and Infrastructure will provide additional guidance and material weight to support adopted RLDP Policies. It seeks to provide clarity in respect of their future interpretation, setting out what the Council expects from applicants in respect of satisfying those policies' detailed criteria. This will enable delivery of key infrastructure projects using s106 planning obligations, which is a key contributory factor to delivering Local Well-being Objective One: "A prosperous place with thriving communities".

5.2 The SPG will also contribute to the following goals within the Well-being of Future Generations (Wales) Act 2015:

- A prosperous Wales – Delivery of infrastructure projects secured through s106 Agreements will help to create sustainable communities and deliver improvements to existing infrastructure and/or provide new supporting infrastructure where necessary.
- A Wales of cohesive communities – Delivery of infrastructure is key to enabling sustainable places, delivering socially inclusive developments and promoting more cohesive communities.

6. Climate Change and Nature Implications

- 6.1 There are no direct Climate Change and nature implications from this report, although the additional guidance will enable sustainable development grounded in placemaking principles. Resultant planning obligations will also contribute strategically to both these areas, where relevant and necessary in planning terms.

7. Safeguarding and Corporate Parent Implications

- 7.1 There are no safeguarding and corporate parent implications arising from this Report.

8. Financial Implications

- 8.1 There are no financial implications arising from this Report.

9. Recommendations

- 9.1 It is recommended that Cabinet:
- (a) Approve a public consultation period of 6 weeks on the draft Planning Obligations and Infrastructure SPG (**Appendix 1**) and Non-Technical Guide (**Appendix 2**);
 - (b) Delegate authority to the Corporate Director - Communities and Group Manager - Planning and Development Services to make minor presentational changes, typographical or factual corrections as necessary prior to public consultation;
 - (c) Note that the results of the public consultation will be presented back to Cabinet for approval to send the final form SPG to Council for adoption.

Background documents

None