



RECORD OF DELEGATED OFFICER DECISION

SUBJECT:

A WELSH GOVERNMENT CONSULTATION ON SECONDARY LEGISLATION FOR DEVELOPMENT MANAGEMENT.


PURPOSE OF REPORT:

THE PURPOSE OF THE REPORT IS TO ADVISE OF THE RECENTLY ISSUED WELSH GOVERNMENT CONSULTATION DOCUMENT 'SECONDARY LEGISLATION FOR DEVELOPMENT MANAGEMENT' AND TO SEEK APPROVAL TO SUBMIT THE CONSULTATION RESPONSE FORM, AS ATTACHED TO THIS REPORT AS APPENDIX A.

DELEGATED DECISION (Date):

THE CONSULTATION RESPONSE FORM IS AGREED PRIOR TO THE SERVICE DIRECTOR PLANNING SUBMITTING THE DOCUMENT TO THE WELSH GOVERNMENT.


Chief Officer Signature


Print Name

9/9/15
Date

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution.

R Ben.

CONSULTEE CABINET MEMBER SIGNATURE

1/09/15

DATE

James Cook

OFFICER CONSULTEE SIGNATURE

11/9/15

DATE

| | |
|---------------|---------------------------|
| Directorate: | Regeneration and Planning |
| Contact Name: | Simon Gale |
| Designation: | Service Director Planning |
| Tel.No. | 01443 494716 |

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015 - 2016 REPORT TO ACCOMPANY DECISION OF CHIEF EXECUTIVE

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| Part 1 (Non Confidential) |
| A WELSH GOVERNMENT CONSULTATION ON SECONDARY LEGISLATION FOR DEVELOPMENT MANAGEMENT |
| (Consultation begins: 19 June 2015 Consultation ends: 11 September 2015) |

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to advise of the recently issued Welsh Government Consultation Document 'Secondary Legislation for Development Management' and to seek approval to submit the Consultation Response Form, as attached to this report as **APPENDIX A**.
- 1.2 The first 20 (of 21) questions within the consultation document are noted in *italics* throughout the report below and are identified in relation to the particular subject areas of the consultation. (Question 21 is a general 'Any Other Comments' question at the end of the form and not issue specific).

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the proposed changes to the legislative planning system are noted and to and approve the appended Consultation Response Form for return to Welsh Government.

3.0 BACKGROUND

- 3.1 Significant changes to the planning system in Wales are in the process of being introduced by Welsh Government. The Planning (Wales) Bill ('the Bill') received Royal Assent on 6 July 2015 and is now the Planning (Wales) Act 2015, although very little of the Act is yet in force.
- 3.2 The Bill sets out a statutory purpose for the planning system in Wales and seeks to reinforce its role in helping to support economic prosperity, promote sustainable development and address the challenges posed by climate change, whilst safeguarding our access to a quality environment. In addition it will ensure that the use of land contributes towards sustainable development by improving the economic, social, environmental and cultural well-being of Wales, in accordance with the Well-being of Future Generations (Wales) Act 2015.

4.0 PURPOSE OF THE CONSULTATION

- 4.1 The consultation seeks the LPAs views on subordinate legislation needed to implement the following six sections of the Bill:
- Non-Validation Appeals (s.29);
 - Decision Notices (s.33);
 - Notifications (s.34);
 - Consultations etc..in respect of Certain Applications for Approval;
 - S.217 (Unsightly Land) Appeals (s.48); and
 - Statutory pre-application fees (s.18).

4.2 Invalid Applications: Notices and Appeals

(Questions 1 to 5 relate)

- 4.2.1 Section 29 of the Bill introduces a mechanism for appealing against a LPAs decision not to validate an application for planning permission.
- 4.2.2 It states that if a LPA thinks an application is invalid then they must give the applicant notice to that effect. The notice must identify the requirements and/or information in question and the reasons why it is not valid. As the proposed determination of such appeals is intended to be a quick process the notice would be the LPAs only opportunity to state why they consider the application to be invalid. Therefore the notice should be clear and the decision not to validate an application well considered. Only the matters identified in the notice can be appealed against and only the grounds identified by the appellants would be considered at the appeal.

RCT Response

There should not be the opportunity to extend the time period for appeal it should be fixed at 14 days. If there is to be an extension permitted by the Welsh Ministers then the time period for determining the application by the LPA should be extended by the number of days given as an extension beyond the 14 day appeal period if the appeal is successful to ensure fairness in the system.

- 4.2.3 It is proposed that secondary legislation (as inserted by s.29) will set out what a notice should include.

RCT Response

The name and address of the applicant should be included in the notice. A standard notice would be useful to standardise the form of notice across Wales. This would be in accordance with the intentions behind the Planning (Wales) Act.

- 4.2.4 If an applicant does not receive notice that their application is not valid, they will be able to appeal against non-determination after a period of 8 weeks (or 16 weeks if subject to EIA) if a decision has not been made in respect of the application.

- 4.2.5 The period for determination of the appeal by Welsh Ministers is proposed to be limited to 21 days from the start of the appeal period.
- 4.2.6 In respect of the application fee it is suggested that the LPA to retain the fee until the outcome of any non-validation appeal is considered. If the appeal finds the application invalid then the fee would be returned to the applicant as is currently the case.

RCT Response

It is agreed that the LPA should retain the fee pending the outcome of the appeal as there can be significant administrative costs in refunding fees which in the event may not be necessary.

4.3 Decision Notices

(Questions 6 and 7 relate)

- 4.3.1 The Bill makes several changes to decision notices. It (under s.33) requires a notice to specify the approved plans and documents with which the development is to be carried out; (under s.33) requires a revised version of the notice to be issued where consents are given or conditions changed; and, it must set out the duties imposed on developers (as inserted by s.34) to notify the LPA of the date development is to begin and to display a notice of the decision.
- 4.3.2 Where either details are required by a condition or the removal or variation of a condition are approved then the decision notice will be updated to reflect this and should include the date the details were approved and the relevant application reference. The proposed requirement to 'update' decision notices in this regard will also cover those instances where a section 78 appeal to remove or amend a condition is successful. It is proposed that the Development Management Procedure Order (DMPO) will be amended to require a copy of the most up-to-date decision notice to be placed on the planning register in order that any interested party can keep themselves fully informed of any changes to the planning permission.

RCT Response

This amendment is supported as it is it is much more open and transparent that the most up-to-date status of a permission is known and understood by all parties.

4.4 Notification of Development

(Question 8 relates)

- 4.4.1 The requirement (under s.34) for developers to inform the LPA of the date a development is to begin and to display a notice of the decision to grant planning permission at or near the site at all times when the development is being carried out will only be required for major developments (as defined in the DMPO) and developments of national significance. However, if an LPA

considers it would be appropriate to use for smaller developments they are able to use existing powers to grant conditional planning permission to require it.

- 4.5.2 Planning permission will be deemed to be granted subject to a condition that the duties to notify the LPA and display a notice at/near the site must be complied with. Non-compliance will therefore represent a breach of condition and can be the subject of enforcement action. Sufficient information to the LPA is considered to be written notice, including electronic communications of the date the development is to begin and the application reference number.
- 4.4.3 The notice of the decision to be displayed on site should be the most up-to-date version of the notice; it should be visible and legible to anyone passing without having to enter the site; and, if the notice is removed/destroyed/deteriorates to a condition that it is no longer legible then it must be replaced. Only one notice is required through legislation. However, if the LPA consider that a site is of a size to require more than one notice they can require this through condition and can also specify the location of the notice/s if they consider it necessary.

RCT Response

This procedure is supported and will keep residents more informed.

4.5 Consultations etc. in respect of certain applications for approval

(Questions 9 and 10 relate)

- 4.5.1 It is proposed (under s.37) to place a statutory requirement on consultees to respond to consultations where a LPA decide to consult them in respect of:
- Applications for consent, agreement or approval required by a condition subject to which planning permission has been granted;
 - Applications for the approval of reserved matters; and,
 - Applications for the approval of non-material amendments.
- 4.5.2 Consultees must provide a substantive response to consultation replies within a specified time period and report to the Welsh Ministers on their compliance with these requirements.
- 4.5.3 It is intended that where discretionary consultation occurs LPAs must not determine the associated application until 21 days after the date of the consultation or when a substantive response has been received, whichever is the sooner.

RCT Response

Given the expectation on local authorities to make timely decisions then it is not agreed that a decision could not be made until all statutory consultees have replied.

- 4.5.4 In respect of urgent Crown development it is not proposed to extend the current 14 days (as set out in Schedule 4 of the DMPO) to 21 days in respect of the need for consultation by the Welsh Ministers.

RCT Response

14 days is a very short period in which to provide a formal response. It is considered that 21 days is more reasonable and consistent.

4.6 Appeal against a notice issued in respect of land adversely affecting amenity (unsightly land)

(Questions 11 and 12 relate)

- 4.6.1 Section 48 of 'the Bill' changes responsibility for determining appeals against s.215 notices to the Welsh Ministers from the Magistrates' Court. For consistency it is proposed that the procedure for dealing with such appeals will follow the procedure for enforcement appeals. It will be for the Welsh Ministers to prescribe by which means an appeal will be considered (written representations, informal hearing etc..).

RCT Response

This procedure is supported as this would ensure consistency across the appeals process.

4.7 Post submission amendments

(Questions 13 and 14 relate)

- 4.7.1 In cases where post submission amendments are submitted to an LPA it is proposed that an LPA will be able to extend the determination period by 4 weeks.

RCT Response

Whilst 4 weeks seems a reasonable time in practice it is likely to be insufficient if there is a requirement to reconsult on an application. It could be extended to 5/6 weeks or where the LPA need to reconsult the consultation period be only 14 days and not 21 days

- 4.7.2 In order that an LPA can recoup the costs involved in dealing with amendments to a scheme it is proposed that a £190.00 (£166.00 at the current rate) fee be set.

RCT Response

This is supported but it is not clear what an LPA is to do if an applicant fails to pay the fee. Do the LPA proceed to determine the application on the basis of the original submission ? Further clarification will be needed

4.8 Applications that fall within Section 73 of the Town and Country Planning Act (TCPA) 1990

(Questions 15, 16, 17, 18, 19 and 20 relate)

- 4.8.1 Applications seeking the renewal of a consent or a minor material amendment are submitted under section 73 of the TCPA. When considering s.73 applications only the question of the conditions imposed on the planning permission can be considered. Section 73 cannot grant permission that is substantially different from the original application as it is limited by case law to grant changes that are 'minor material' in nature.
- 4.8.2 It is intended to make the planning system more proportionate to the changes that can now be made under s.73.
- 4.8.3 It is proposed to reduce the amount of information that an applicant will have to submit with a s.73 application as the LPA should already have a copy of previously submitted plans/documents/information. In addition it may be the case that the LPA would not have to go through the same extent of consultation on a s.73 application. In addition it is proposed that LPAs would have discretion over who should be notified of the s.73 application.
- 4.8.4 In cases where an applicant has submitted a s.96A Non Material Minor Amendment application but the LPA consider that the amendment is material the s.96A application will be refused. If then the applicant pursues a s.73 application it is proposed that the fee initially paid will be considered as part payment against the s.73 application.

RCT Response

No objection to these procedures other than the procedure outlined in 4.8.4 The fee for a S.73 Application after the refusal of a s.96A application should be the full amount. It is not considered that the LPA will have already considered the merits of the application (as suggested in 8.15 of the Consultation Document). If an LPA has determined that a s.96A submission is not a non-material minor amendment they may not have to consider the merits of the application. As a s.73 application the LPA are required to consider the conditions against which the permission was granted and not just the condition or conditions which it is proposed to vary/remove/amend. It is not accepted that the work of the LPA is necessarily reduced as a result of an initial rejection of an earlier s.96A application.

4.9 Pre-application Fees

- 4.9.1 Section 18 of 'the Bill' introduces a new statutory requirement for LPAs to provide pre-application services to applicants.
- 4.9.2 The enquiry submitted to the LPA should be on a pre-application enquiry form and be accompanied by a fee. The fee proposed is £25 for householder queries, £100 for minor development, £300 for major development and £600 for large major development (thresholds for each category are set out in Table 1 of the consultation document). Any further requests for information and/or meetings outside the statutory pre-application service may be subject to charge (at the discretion of the LPA) under the provisions of s.93 of the Local Government Act 2003. The response by the LPA should be provided within 21 days.

- 4.9.3 LPAs will also be required to provide a pre-application service for Developments of National Significance (DNS). It is proposed that this service will be subject to a standard national fee of £1,000. The response by the LPA should be provided within 28 days (with a provision to agree in writing an extension of time)

RCT Response

The proposed fees as indicated appear to be reasonable. However, it is considered important the LPA is reimbursed for any costs incurred in providing such a service.

5.0 CONCLUSION

- 5.1 It is recommended that Cabinet approve the completed Consultation Response Form (attached as **APPENDIX A**) for return as Rhondda Cynon Taf's response to the Consultation Document.

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Consultation Reference: WG24900

| Secondary legislation for new development management procedures | | |
|---|---|-------------------------------------|
| Date of consultation period: 12 June 2015 – 4 September 2015 | | |
| Name | Simon Gale | |
| Organisation | Rhondda Cynon Taf CBC | |
| Address | Sardis House Sardis Road Pontypridd Rhondda Cynon Taf CF37 1DU | |
| E-mail address | Simon.Gale@rctcbc.gov.uk | |
| Type <i>(please select one from the following)</i> | Businesses/Planning Consultants | <input type="checkbox"/> |
| | Local Planning Authority | <input checked="" type="checkbox"/> |
| | Government Agency/Other Public Sector | <input type="checkbox"/> |
| | Professional Bodies/Interest Groups | <input type="checkbox"/> |
| | Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations) | <input type="checkbox"/> |
| | Other (other groups not listed above) or individual | <input type="checkbox"/> |

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

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|------------------|--|-------------------------------------|---|--------------------------|
| Q1 | Do you agree that a notice that an application is not valid should include criteria a) to f)? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: | | | | |

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| Q2 | Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Comments: The name and address of the applicant should be included in the notice. A precedent notice would be useful to standardise the form of notice across Wales. This would be in accordance with the intentions behind the Planning (Wales) Act. | | | | |

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| Q3 | Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Comments: However, there should not be the opportunity to extend the time period for appeal it should be fixed at 14 days. If there is to be an extension permitted by the Welsh Ministers then the time period for determining the application by the LPA should be extended by the number of days given as an extension beyond the 14 day appeal period if the appeal is successful to ensure fairness in the system. | | | | |

Consultation Reference: WG24900

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| Q4 | Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Comments: If they fail to do so within the 21 day period then the appeal should be treated as dismissed. | | | | |

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| Q5 | Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: | | | | |

3.0 Decision Notices

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|--|--|-------------------------------------|-------------------------------------|--------------------------|
| Q6 | Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: It make it easier to locate the application and supporting documentation in the planning register. | | | | |

Consultation Reference: WG24900

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| Q7 | Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>Comments: It is considered important that the most up-to-date status of a permission is known and understood by all parties.</p> | | | | |

4.0 Notification of Development

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| Q8 | Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Comments: It is considered that the requirement to give notice of commencement should apply to all development not just certain types. That it is a deemed condition on certain developments but will need to be a specific condition on others adds unnecessary confusion to the process.</p> | | | | |

5.0 Consultations etc. in Respect of Certain Applications for Approval

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| Q9 | Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed: | Yes | Yes (subject to further comment) | No |
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Consultation Reference: WG24900

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| | a) a period of 21 days, | | | |
| | b) until all statutory consultees have provided a substantive response, whichever is the sooner, or | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | c) subject to a longer period if agreed in writing between the LPA and consultee? | | | |

Comments:
 This places the onus on the consultee to approach the LPA if they need a longer period to consider the matter and respond. However, it is not clear what, if any the penalty/sanction is if the consultee fails to respond. If they respond outside the 21 days it is still a material consideration that the LPA will need to consider before making a decision. If the LPA were to make a decision when a statutory consultees views are not known it could be that a decision is open to potential challenge as material considerations may not have been taken into account.

Urgent Crown development

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|-----|---|--------------------------|----------------------------------|-------------------------------------|
| Q10 | Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments:
 14 days is a very short period in which to provide a formal response. It is considered that 21 days is more reasonable and consistent.

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

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| Q11 | Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments:
 This would ensure consistency across the appeals process.

Consultation Reference: WG24900

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| Q12 | Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why. | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Comments: It is considered that when taking into account the nature and issues that arise in s.217 appeals that a 4 week period does seem reasonable. However, for consistency in the planning appeals process 6 weeks is the standard period.</p> | | | | |

7.0 Post Submission Amendments

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|---|---|--------------------------|-------------------------------------|--------------------------|
| Q13 | Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>Comments: Whilst 4 weeks seems a reasonable time in practice it is likely to be insufficient if there is a requirement to reconsult on an application. It could be extended to 5/6 weeks or where the LPA need to reconsult the consultation period be only 14 days and not 21 days.</p> | | | | |

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| Q14 i) | Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>Comments: It is not clear what an LPA is to do if an applicant fails to pay the fee. Do the LPA proceed to determine the application on the basis of the original submission ?</p> | | | | |

Consultation Reference: WG24900

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| Q14 ii) | If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: | | | | |

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

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|---|--|-------------------------------------|---|--------------------------|
| Q15 i) | Should the validation requirements for a renewal application be the same as the original application? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Comments: If the LPA are considering a renewal up-to-date information should be provided. | | | | |
| Q15 ii) | Should the LPA have discretion over the consultation requirements for a renewal application? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Comments: It is recognised however, that material factors may have changed in the intervening period that may require full re-consultation in some cases. | | | | |
| Q15 iii) | Should the LPA have discretion over the notification requirements for a renewal application? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Comments: as Q.15 ii) above. | | | | |

Consultation Reference: WG24900

Minor material amendments

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|---|--|-------------------------------------|-------------------------------------|-------------------------------------|
| Q16 i) | Should the validation requirements for a minor material amendment application be the same as the original application? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Comments: The LPA should have the opportunity to be able to review the application to see if/what further information is required to support the application to enable it to proceed to determination.</p> | | | | |
| Q16 ii) | Should the LPA have discretion over the consultation requirements for a minor material amendment application? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>Comments:</p> | | | | |
| Q16 iii) | Should the LPA have discretion over the notification requirements for a minor material amendment application? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>Comments: Other than the requirement to publish notices.</p> | | | | |

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

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|-----------|--|-----|-------------------------------------|----|
| Q17 i) | Should the validation requirements for these applications be the same as the original application? | Yes | Yes (subject to further comment) | No |
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Consultation Reference: WG24900

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|----------------------------------|---|-------------------------------------|----------------------------------|-------------------------------------|
| | | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Comments: comment as Q16 i) | | | | |
| Q17 ii) | Should the LPA have discretion over the consultation requirements for these applications? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: | | | | |
| Q17 iii) | Should the LPA have discretion over the notification requirements for these applications? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: comment as Q16 iii) | | | | |

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|--|--|--------------------------|----------------------------------|-------------------------------------|
| Q18 | Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Comments:</p> <p>It should be the full amount. It is not considered that the LPA will have already considered the merits of the application (as suggested in 8.15 of the Consultation Document). If an LPA has determined that a s.96A submission is not a non-material minor amendment they may not have to consider the merits of the application. As a s.73 application the LPA are required to consider the conditions against which the permission was granted and not just the condition or conditions which it is proposed to vary/remove/amend. It is not accepted that the work of the LPA is necessarily reduced as a result of an initial rejection of an earlier s.96A application.</p> | | | | |

9.0 Statutory pre-application service fees

Consultation Reference: WG24900

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|--|---|--------------------------|---|--------------------------|
| Q19 | Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>Comments: Whilst 21 days seems reasonable in most cases it is considered that there should be the flexibility and opportunity for an agreed extension of time between parties. It is considered this would be to the benefit of both sides in certain, larger and potentially more complex cases.</p> | | | | |

| | | | | |
|--|---|--------------------------|---|--------------------------|
| Q20 | Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>Comments: The proposed fees as indicated appear to be reasonable. However, it is considered important the LPA is reimbursed for any costs incurred in providing such a service.</p> | | | | |

| | | | | |
|---|--|-------------------------------------|---|--------------------------|
| Q21 | Do you have any other comments to make regarding the statutory pre-application service? | Yes | Yes (subject to further comment) | No |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>Comments: Should CIL not be included within the advice to be provided to householders? They could be liable to CIL and it is considered that the applicant should be made aware of this.</p> | | | | |

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|------------------|---|--|--|--|
| Q22 | We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them. | | | |
| Comments: | | | | |

Consultation Reference: WG24900

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|--|
| I do not want my name/or address published with my response (please tick) <input type="checkbox"/> |
|--|

How to Respond

Please submit your comments in any of the following ways:

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|---|
| Email |
| Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include 'Secondary Legislation for DM' in the subject line] |
| Post |
| Please complete the consultation form and send it to: Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ |
| Additional information |
| If you have any queries on this consultation, please Email: planconsultations-i@wales.gsi.gov.uk Telephone: Kristian Morgan on 02920 823360 |

