

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

19TH FEBRUARY, 2014

REPORT OF THE DIRECTOR OF REGENERATION AND PLANNING

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WELSH GOVERNMENT CONSULTATION ON PROPOSALS TO REFORM THE PLANNING SYSTEM IN WALES

1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to outline the contents of '*Positive Planning*' the Welsh Government consultation on proposals to reform the Planning System in Wales. It will contribute to the forthcoming Planning Bill. In addition agreement is sought for the attached consultation response at Appendix A.

2. RECOMMENDATIONS

- 2.1 It is recommended that:

- (1) The consultation response form is agreed for submission to the Welsh Government.

3. INTRODUCTION

- 3.1 The consultation paper contains Welsh Government's proposals to modernise the planning system in Wales and includes proposed changes to primary legislation, secondary legislation, and policy and guidance. Welsh Government says that most importantly, the consultation paper confirms the need for culture change - a change in attitude away from regulating development towards encouraging and supporting development.
- 3.2 The consultation start date was 4 December 2013 and ends on 26 February 2014.

4. EXECUTIVE SUMMARY

- 4.1 The document covers four main headings, *culture change; active stewardship; collaboration; and improved local delivery*.
- 4.2 To **support culture change** proposals include:
- WG establishing a national planning advisory and improvement service to disseminate good practice, assist sharing of expertise and resources between Local Planning Authorities (LPAs). In addition a competency

framework is proposed for planning practitioners and elected members to describe the skills, knowledge and behaviours necessary to deliver planning reform.

- 4.3 To be **active stewards** of the planning system WG's proposals include:
- WG preparing a national land use plan and introduce a new category of development for large infrastructure planning applications where Welsh Ministers will be responsible for taking planning decisions, called Developments of National Significance.
- 4.4 To **improve collaboration** the proposals include:
- The merging of planning authorities and the creation of joint boards covering larger areas, and the establishment of a system of Strategic Development Plans (SDPs).
- 4.5 To **improve local delivery** of planning services WG propose to:
- Introduce standardised annual performance reporting for LPAs. Where performance is consistently poor there will be an option for applicants to submit major planning applications to Welsh Ministers rather than the LPA.
 - Refine the Local Development Plan (LDP) system, and promote collaboration between LPAs and town and community councils to produce 'Place Plans'.
- 4.6 Significant changes to the way in which planning committees operate are proposed including limiting their size to 21 Members, and a national scheme of delegation aimed at a 90% delegation rate.
- 4.7 A summary of all the proposals in the consultation document is available in the Members room along with a full copy of the consultation document and draft Planning Bill. Attached at Appendix A is a draft response to the 43 specific questions raised in the consultation document.
- 4.8 There are some positive elements in the proposals that will make the planning application process more efficient, and there are welcome proposals that provide Councils with more robust enforcement powers. It is less easy to support some of the proposals for merging planning authorities, joint plan preparation and strategic planning areas in advance of the WG response to the Williams Report and wider collaboration agenda. The proposals in respect of planning committees and delegation schemes are significant and require careful consideration to ensure the view of local Members can be incorporated. In addition, issues of accountability both in decision making and plan making require further consideration.

5. KEY ISSUES IN THE PROPOSALS

- 5.1 The following section deals with the key issues arising from the proposals. The text in bold highlights the main issues which the proposals raise. The detailed responses proposed are set out in the consultation response in Appendix A.

Supporting Culture Change

- 5.2 Welsh Government want to ensure “*that the planning system is an enabling process...[and] is about putting the right development in the right place, and that such decisions are made fairly, openly and efficiently*”. They recognise that “*elected members and officers within local planning authorities (LPAs) have key responsibilities in ensuring planning’s vital enabling role*”. The independent studies undertaken to support the proposals concluded that the system is fundamentally sound, but the attitudes of all the parties involved in the planning process are crucial to its success.
- 5.3 The main proposal under this heading is to create a national planning advisory and improvement service (PAIS) hosted by WG, and steered by an external advisory board.
- 5.4 The PAIS would:
- Identify and disseminate good practice and standards, assist sharing of expertise and resources between LPAs.
 - Identify, promote and target training requirements for planning practitioners and members (working with stakeholders).
 - Provide targeted, specialist advice and mentoring.
 - It is also proposed that the PAIS would develop a national competency framework for practitioners and elected representatives (including a national programme of Member training).

Issues raised by the proposals: An advisory service hosted by WLGA rather than WG would be more welcome and resources to support a ‘national curriculum’ of planning training for Members and officers would also be useful. It is not clear from the document how individuals would be judged against the competency framework and how this would sit against existing ‘charters’ such as the Member Code of Conduct and the Royal Town Planning institute. It is also unclear how the PAIS would be resourced. In the current financial circumstances, Local Government does not have the capacity to contribute to a new national service in anything other than an advisory capacity.

Active Stewardship

- 5.5 The document proposes that WG should play a more active role in the delivery of planning services to reduce duplication, increase consistency and improve performance.
- 5.6 One of the key proposals is that WG will prepare a national land use plan-**National Development Framework** (NDF) that identifies proposals of national significance including infrastructure over a minimum of 20 years. The NDF will

have development plan status and provide a framework for Strategic Development Plans and LDPs.

- 5.7 Another key proposal is the introduction ***Development of National Significance*** (DNS) applications which will be determined by Welsh Ministers. These applications will be smaller than those currently determined by the UK government. For example, for energy applications the UK government deals with proposals that generate more than 50 mega watts (mw). The Welsh Government proposes to determine applications for proposals between 25 and 50 mw. These applications are currently dealt with by Local Authorities. To put this into context a 25 mw scheme is about 9 wind turbines.
- 5.8 WG will receive the fee for these applications but LPAs will be expected to complete a Local Impact Report (LIR) including draft conditions and legal requirements. LPAs retain responsibility for post determination decisions including variation or removal of a condition, the discharge of conditions and enforcing against breaches of planning control.

Issues raised by the proposals: There is concern that this process will limit the public's opportunity to engage in the planning process, compared to their ability to be heard by Council Committees. The Council will no longer receive a fee for these applications but will still be required to undertake a significant amount of work. Generally this will add an additional tier of applications into the planning system at a time when the system is already becoming over complex and hard for the public to understand. There is also a question about local input and accountability for local development. The NDF needs to be based on a robust evidence base and have significant consultation. More evidence is needed to demonstrate why this proposed approach will outweigh the issues listed above.

- 5.9 Proposals are put forward for refining the **appeals** process for all applications including:
- Currently costs awards can only be made in appeals where an inquiry or hearing is held. It is proposed that the costs regime be extended to appeals conducted by written representations.
 - Mechanisms are to be introduced to enable Welsh Ministers to recover their own costs resulting from the submission of an appeal.
 - A new mechanism to allow Welsh Ministers to initiate costs where they consider parties to have behaved unreasonable.

Issues raised by the proposals: There is nothing wrong with the current system whereby any party at the appeal can ask the Inspector to award costs if they think the other party has acted unreasonably. Added to the proposal to extend the costs regime to written representations these measures could increase the likelihood of costs being awarded against the Council in an appeal. If the changes suggested result in the Ministers being able to recover their own costs in the result of costs being awarded, the Inspector would have a conflict of interest.

Improving Collaboration

- 5.10 WG propose to update existing powers to enable them to reduce the number of LPAs “*to increase the efficiency and sustainability of local planning services in the face of both fresh demands and diminishing resources.*” Existing powers lie within the Town and Country Planning Act 1990 for the Welsh Ministers to establish a **joint planning board** as the LPA for two or more areas.
- 5.11 A joint planning board would be served by a single planning department. Membership of a joint planning board would be drawn from contributing local authorities on a proportionate basis linked to population.
- 5.12 That the strategic elements of LDPs, such as housing, employment, transport, gypsy and traveller provision, minerals and waste, would be included in a new tier of development plan, a **Strategic Development Plan**, i.e. paragraph 4.15.
- 5.13 The document proposes three SDPs:
- Cardiff;
 - Swansea; and
 - A55 Corridor.
- 5.14 A nominated lead local authority will work collaboratively with other local authorities covered by the SDP to identify the exact boundary of the plan area based on robust evidence which must be submitted for approval by Welsh Ministers.
- 5.15 In terms of governance arrangements WG’s preferred option is that responsibility for preparing a SDP sits with representatives from LPAs nominated to a ‘**Panel**’. The ‘Panel’ will comprise locally elected members from the LPAs within the geographical area, with representation reflecting population. Funding and resource arrangements to support operational activities will be for the ‘Panel’ to determine. It is also proposed that economic, social and environmental partners are part of the ‘Panel’; comprising around one third of the total membership, with **all members having equal voting rights**.

Issues raised by the proposals: These proposals appear premature in the context of the ongoing discussions around Council mergers. Only when the ‘Williams’ proposals or any other proposed local government reorganisation are agreed is it appropriate to decide which areas should be covered by what type of plans. It is difficult to see any benefit in the planning authority (including the Committee) being merged with another authority ahead of the rest of the Council. To do so would be an unnecessary distraction at a time when Councils are dealing with the implications of major budget reductions and concentrating on delivering the wider collaboration agenda.

The adoption of SDPs should be the responsibility of the constituent local authorities. Whilst non elected stakeholders can be part of the preparation process, these stakeholders do not have a democratic mandate and therefore should be part of the ‘Panel’ in an advisory capacity not in a voting capacity.

It should also be noted that the preparation of an SDP should include significant community involvement and be based on a robust evidence base.

Improving Local Delivery

- 5.16 WG have identified the essential elements of what they think a good local planning service should include. It is described in detail in Annex A of the consultation document and covers key indicators in the following areas:
- Plan making;
 - Decision taking;
 - Efficiency;
 - Quality;
 - Engagement; and
 - Enforcement.
- 5.17 Building on the essential elements of a good local planning service, each LPA in future will be obliged to produce an **Annual Performance Report** (APR). As a last resort, penalties may be imposed in cases of persistent poor performance. These could include direct intervention and taking control of certain aspects of the local planning service, including the submission of planning applications direct to Welsh Ministers.

Issues raised by the proposals: In principle the 'essential elements' are appropriate but more focus is needed on outcomes and outputs in the proposed framework. WG should consult further on the detail and the performance thresholds which are currently unrealistic.

The Annual Performance Report should be part of the Council's overall performance reporting process to ensure that the Planning Service is seen within the wider corporate context and priorities.

There should be sanctions for continuing poor performance but the resources for creating a team in WG to deal with major applications would be better spent supporting service improvements in LPAs.

Taking away major applications from LPAs would result in a significant drop in fee income. It is likely that this would result in job losses and it is therefore hard to see how the LPA can then find itself 'improved' and in a position to be receiving major applications again. Issues of locally accountable decisions being made on local development proposals which involve the local community are also raised.

It is also noted that the matrix provided by Welsh Government is not accurate currently.

- 5.18 Further refinement of the LDP process is proposed and there are additional proposals to enable WG to direct one or more LPAs to produce a **Joint LDP**.
- 5.19 WG consider that **Town and Community Councils** are well placed to work with LPAs to produce locally relevant Supplementary Planning Guidance (SPG) or **Place Plans**. Any SPG or Place Plan would have to be in conformity with (and adopted as SPG) alongside the LDP. WG propose to establish a small number of pilot projects and intend to invite joint expressions of interest from LPAs and Town and Community Councils.

Issues raised by the proposals: Only when the 'Williams' proposals or any other proposed local government reorganisation is agreed is it possible to decide which areas could be covered by a jointly prepared LDP.

There already exists the opportunity to prepare 'local' SPG and therefore at a time of diminishing resources an added tier of plans will add a further and unnecessary burden to the Council with little value being added.

- 5.20 WG considers that the **Development Control** process "*has become too legally focused and difficult for non professionals to follow or understand... the system is perceived as complex with lengthy timescales for decision making*". They say that "*Central to improving the service is a need to move practice swiftly from **development control** to **development management**. We need to get away from the regulatory culture that has become established, which can hinder development and move to a service delivery approach that enables*".
- 5.21 They define **Development Management** as a "*positive and proactive approach to shaping, considering, determining and delivering development proposals. It is led by the local planning authority, working collaboratively with those proposing developments and other stakeholders. It is undertaken in the spirit of partnership and inclusiveness, and supports the delivery of key priorities and outcomes*".
- 5.22 Proposals to implement 'development management' include a simplified process for applications on allocated sites, mandatory pre-application advice when requested including, pre-application engagement with the local community. WG say it is reasonable for Councils to recover the cost of providing this advice. In addition, WG proposes to introduce a duty on statutory consultees to provide a substantive response within set timescales.
- 5.23 WG are proposing significant changes to the way in which **planning committees** operate. There are proposals covering schemes of delegation, the size of planning committees, and the procedures that are used in the committee. They make reference to the differences in rates of delegation across Wales (between 70% and 95%) and the size of committees and feel that this leads to inconsistency in decision making and service delivery.
- 5.24 Through the Bill WG intend to:
- Introduce a national scheme of delegation for officers to determine planning applications; and
 - Prescribe the size, make-up and procedures within which Local Planning Authority Committees should operate.
- 5.25 The legislation would seek enabling powers for the Welsh Ministers to require LPAs to include a national scheme of delegation within their own delegation schemes aiming for around **90% of applications to be determined by officers**. They also intend to amend legislation to have a minimum of 11 members and a **maximum of 21 members participating in planning committees**.

Issues raised by the proposals: It is difficult to comment on this in detail without seeing a draft National Scheme, however it is likely to mean that more applications are delegated to officers than in RCT currently. It is recommended that WG carry out further consultation with Local Authorities before this issue is progressed.

Generally, most LPA's schemes are based on the 'by exception' model and the current differences in rates of delegation across Wales are as a result of local variation. If a national scheme is deemed to be necessary then introducing local variation will defeat the object of delivering consistency.

It is not proposed to object to smaller, well trained committees in principle, however further consultation is welcomed on the detailed arrangements and in particular, the role of local Member.

- 5.26 There are a number of proposals that affect the post decision process. These include a new form of decision notice that identifies the plans and documents associated with the planning permission, and records details agreed by future applications to discharge conditions.
- 5.27 There will also be a requirement for developers to notify the LPA of the date on which development began, and post near the site throughout the period of development, a copy of the planning permission being implemented. There will also be a formal procedure introduced to allow developers to make minor amendments to proposals after the planning permission has been issued.
- 5.28 WG intend to make changes to the Commons Act to prohibit applications being made to register land as a town and village green where that land has entered the planning system i.e. been identified for development in a development plan, has received planning permission, or is the subject of an application for planning permission before the LPA.
- 5.29 WG intend to introduce a suite of changes to improve the performance of the enforcement process such as;
- Introduction of temporary stop notices: a means of securing prompt, effective action, allowing LPAs to put an immediate halt to breaches of planning control for up to 28 days, with no right of appeal.
 - Providing LPAs with the power to require the submission of retrospective planning applications where unauthorised development can be regularised and controlled by planning conditions;

Issues raised by the proposals: The improvements to the enforcement system are welcomed.

6.0 WELSH GOVERNMENT TIMESCALES

- 6.1 Welsh Government will analyse the consultation responses in the spring of this year with a view to introducing the Bill to the National Assembly for Wales later in the year. It is anticipated that the new Planning Act for Wales could receive Royal Assent sometime in the summer of 2015.

- 6.2 The majority of the proposals involving the following matters rely on the Act and its secondary legislation to come into being
- National Development Framework;
 - Development of National Significance;
 - Strategic Development Plans;
 - Local Development Plans and the power to force joint preparation;
 - Direct planning applications to Welsh Ministers in Poor Performing Areas;
 - Appeals;
 - Planning Committees and the National Scheme Of Delegation;
 - Development Management Procedures Wales Order; and
 - Increasing Planning Application Fees.
- 6.3 However, there are some matters such as the proposed Planning Improvement & Advisory Service and the merger Local Planning Authorities (not National Parks) where Welsh Government have existing powers to implement ahead of the Bill receiving approval.

7. **CONCLUSION**

- 7.1 The move towards a positive and proactive planning system in Wales is to be welcomed. Such a system should make it easier for businesses to develop and invest in Rhondda Cynon Taf. However, Welsh Government does need to be clear about what the role of planning is because however positively and proactively the system is delivered, it is ultimately dealing with permissions, in what remains a quasi-judicial process. There will sometimes be a tension between this and the Welsh Government's call for "*a change in attitude away from regulating development towards encouraging and supporting development.*"
- 7.2 Proposals to improve the efficiency of the planning application system should be supported, as should the additional enforcement powers that are proposed. However, whilst WG have recognised that the system has become too complex and riddled with legal requirements, there is little in the reforms that deal with the burden of documents that are needed to support a planning proposal.
- 7.3 There are a number of proposals dealing with issues around merging Local Planning Authorities, preparing joint LDPs and Strategic Planning areas all of which seem premature ahead of the WGs response to the Williams Report, and the current discussions around local government reorganisation.
- 7.4 There are some proposals in the document that could lead to a significant change in the way planning is delivered by the Council. Proposals to limit the size of planning committees and the introduction of a national scheme of delegation affect Rhondda Cynon Taf more than any other authority in Wales, given that RCT has the largest planning committee and one of the lowest rates of delegation. Smaller, well trained committees may work in principle, but before any legislation is finalised, there needs to be further consultation on the detailed arrangements and particularly to define the role of local Member.

Consultation reference: WG20088

Consultation Response Form

Positive Planning - A consultation on proposals to reform the planning system in Wales

We would like your views on our proposals to change the planning system in Wales. This requires changes to primary legislation, secondary legislation, and policy and guidance.

Please submit your comments by 26/02/2014.

If you have any queries on this consultation, please email: planconsultations-d@wales.gsi.gov.uk or telephone Switchboard on 0300 0603300 or 08450103300.

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 or tick the box at the end of this form. 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: WG20088

Positive Planning - A consultation on proposals to reform the planning system in Wales		
Date of consultation period: 04/12/2013 – 26/02/2014		
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E-mail address	Simon.Gale@rctcbc.gov.uk	
Type <i>(please select one from the following)</i>	Businesses/ 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: WG20088

Supporting Culture Change

Q1	Do you agree that the proposed remit for a Planning Advisory and Improvement Service will help local planning authorities and stakeholders to improve performance?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The proposal for a PAIS is welcomed in principle. Do not agree that WG should host this service as there will be more value gained if it is part of the local government family and supporting local planning authorities.</p> <p>The service offered to LPAs in England by PAS is free of charge. In times of declining budgets, it is important that the PAIS service is offered on a similar basis in Wales. This should not however be at the expense of other LPA resources.</p> <p>We also need further detail on how the proposed PAIS will link with existing organisations such as the RTPI, POSW, Data Unit and WLGA to prevent duplication of effort and message.</p>			

Q2	Do you agree that existing Welsh Government support arrangements for the built environment sector in Wales should be reviewed?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>It is not clear by what is meant by existing Welsh Government support arrangements for the built environment sector and therefore it is difficult to answer the question.</p>			

Q3	Do you agree that competency frameworks should be prepared for planning practitioners and elected representatives to describe the skills, knowledge and behaviours necessary to deliver planning reform?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>A national 'curriculum' of Member training could be useful but local issues would still need to be covered in training.</p> <p>Not clear how practitioners will be judged against the framework (or potential sanctions) and how it works in relation to existing 'charters' such as the RTPI and members Code of Conduct.</p>			

Consultation reference: WG20088

Consultation reference: WG20088

Active Stewardship

Q4	Do you agree that the National Development Framework will provide a robust framework for setting national priorities and aid delivery?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The replacement of the WSP with a National Development Framework is supported in principle. There are a number of national plans in existence (eg, WIIP) or in the pipeline and the NDF should complement these.</p> <p>However, it is important that the NDF and its supporting evidence goes through an adoption process that is sufficiently robust to ensure that the NDF carries significant weight.</p>			

Q5	Do you agree that Planning Policy Wales and Minerals Planning Policy Wales should be integrated to form a single document?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>			

Q6	Do you agree that a core set of development management policies should be prepared for consistent application by all local planning authorities?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes, but there still needs to be an option to include development management policies in the LDP to cover local issues.</p>			

Q7	Do you agree that the proposed development hierarchy will help to ensure that planning applications are dealt with in a proportionate way dependent on their likely benefits and impacts?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>More evidence is needed to demonstrate why the benefits of this new approach will outweigh the reduction in local accountability in decision making, and public involvement in the process of that decision making; the loss of fee income to local authorities (and the potential resulting loss of staff); and an added tier of</p>			

Consultation reference: WG20088

applications in an already complex system. If this does go forward then the Local Authority must be a genuine consultee, its involvement properly funded, and the applicant and local communities fully engaged.

The capacity of the Welsh Government, both in terms of resources and direct planning application experience, to deliver the improved service outlined will need to be fully considered.

Q8	Do you agree with the proposed categories and thresholds for Developments of National Significance set out in Annex B?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: As above.			

Q9	Do you agree with the proposed categories and thresholds for Major Developments set out in Annex B?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: There should be an additional category for large majors. A 500 house scheme is very different to a 10 house scheme in the way that they are considered so they should be in different categories particularly for performance indicator purposes.			

Q10	Do you agree Developments of National Significance applications should be subject to mandatory pre-application notification, and consultation?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: If they go ahead LPAs should be able to recover the cost of their considerable involvement.			

Consultation reference: WG20088

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Q11	Do you agree that a fee should be charged for pre-application advice for prospective Developments of National Significance applications?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>LPAs should be able to recover the cost of their involvement.</p>			

Q12	Do you agree that the Planning Inspectorate Wales is the most appropriate body to undertake the processing of a Development of National Significance application?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes if you accept the principle for DNS. However, more evidence is needed to demonstrate why the benefits of this new approach will outweigh the reduction in local accountability in decision making, and public involvement in the process of that decision making; the loss of fee income to local authorities (and the potential resulting loss of staff); and an added tier of applications in an already complex system. If this does go forward then the Local Authority must be a genuine consultee, its involvement properly funded and local communities fully engaged.</p>			

Q13	Do you agree that only one round of amendments to an application for Developments of National Significance should be permitted after it has been formally registered?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Whilst this may speed the process up, having introduced this new tier of proposals, the process should be aimed at getting the best possible outcome. This may require more than one amendment to deal with issues which would result in the granting of permission, rather than a refusal.</p>			

Q14	Do you agree with the proposals for handling connected consents?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>			

Consultation reference: WG20088

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Q15	Do you agree that examination should follow a similar procedure to the proposed call-ins and appeals?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
 There is concern that the public become sidelined in this process whereas at present they can currently represent themselves locally at committee for applications of this scale.

Q16	Do you agree with the proposed division of responsibilities between the Welsh Ministers and the local planning authority at the post-determination stage?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
 Only if LPAs are able to recover the cost of their involvement.

Q17	Do you agree that the statement of case and draft statement of common ground should be produced when submitting an appeal?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
 Only agree with the draft statement of case. The statement of common ground needs to be agreed with the other party during the process.

Q18	Do you agree that the Planning Inspectorate should decide how to handle the examination of an appeal?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Consultation reference: WG20088

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Q19	Do you agree no changes should be made to the content of an application post appeal submission?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Q20	Do you agree with the proposal for the Welsh Ministers to be able to initiate awards of costs?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			
There is nothing wrong with the current system. If the changes suggested below result in the Ministers being able to recover their own costs when costs are awarded, the Inspector would potentially have a conflict of interest.			

Q21	Should fees be introduced to cover the costs of the Welsh Ministers resulting from an appeal?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			
Only if the option to charge a fee for the appeal is introduced. (having regard to the answer to question 20)			

Consultation reference: WG20088

Q22	Do you agree that a Commercial Appeals Service (CAS) should be introduced?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Consultation reference: WG20088

Improving Collaboration

Q23	Do you agree that local planning authorities should be merged to create larger units?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No - LPAs should be merged at the same time as the rest of the Council, whether this be under the terms of the Williams report or any other collaboration/merger. It is difficult to see any benefit in the planning authority (including the Committee) being merged with another authority ahead of the rest of the Council. To do so would be an unnecessary distraction at a time when Councils are dealing with the implications of major budget reductions and concentrating on delivering the wider collaboration agenda.			

Q24	Do you think that a national park authority should continue to have responsibility for planning in their area?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			

Q25	Do you agree that strategic development plans should only be prepared in the identified areas?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Only when the 'Williams' proposals or any other proposed local government reorganisation is agreed, will it be possible decide which areas should be covered by which tier/type of plans.			

Q26	Do you agree that the scope of Strategic Development Plans should be limited to the key issues identified in paragraph 5.29?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Again this is difficult to agree without knowing the future shape of Local Government. If there are a small number of Councils (or even one) in the SDP area then there should only be one development plan for the area.			

Consultation reference: WG20088

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Q27	Do you agree that a partnership between local planning authorities and social, economic and environmental stakeholders should oversee preparation of Strategic Development Plans?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The adoption of SDPs should be the responsibility of the constituent local authorities. Stakeholders can be part of the preparation process, however these stakeholders do not have a democratic mandate and therefore should only be part of the 'Panel' in an advisory capacity not in a voting capacity.</p>			

Q28	Do you agree that a light touch Local Development Plan should be prepared in areas where there is a Strategic Development Plan?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Again this is difficult to agree without knowing the future shape of Local Government. If there are a small number of Councils (or even one) in the SDP area then there should only be one development plan for the area, not multiple layers.</p>			

Consultation reference: WG20088

Improving Local Delivery

Q29	Do you agree with the essential elements of a good planning service identified in Annex A?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>In principle yes, but more focus is needed on outcomes and WG need to consult further on the detail and performance thresholds, which are currently unrealistic. Engagement with Local Authorities and bodies such as POSW and WLGA is essential before this is implemented.</p> <p>Given the increased role of the Welsh Government in the proposed system, the same performance regime should apply to the Welsh Government.</p>			

Q30	Do you agree that each local planning authority should produce and publish an annual performance report to agreed standards?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes, but this should be part of the Council's overall performance reporting process to ensure that the Planning Service is seen in the wider corporate context and Council priorities.</p>			

Q31	Do you agree that where a local planning authority is designated as poorly performing there should be an option to submit planning applications for major development only to Welsh Ministers?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>There should be sanctions for continuing poor performance, but the resources for creating a team in WG to deal with major applications would be better spent supporting service improvements in LPAs.</p> <p>Taking away the major development applications from LPAs will result in a significant drop in fee income. It is likely that will result in job losses and therefore it is hard to see how the LPA can then find itself 'improved' and in a position to be receiving major applications again.</p>			

Consultation reference: WG20088

Q32	Do you agree that Welsh Ministers should be able to direct preparation of a joint Local Development Plan?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Only when the 'Williams' proposals or any other proposed local government reorganisation is agreed is it possible to decide which areas could be covered by a jointly prepared LDP.			

Q33	Do you agree that Local Development Plans should plan for at least 15 years ahead and have a set end date beyond which they cease to be the development plan?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Q34	Do you agree that local planning authorities should work with town and community councils to produce place plans which can be adopted as supplementary planning guidance?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: There already exists the opportunity to prepare 'local' SPG and therefore at a time of diminishing resources an added tier of plans will add a further and unnecessary burden to LPAs.			

Q35	Do you agree that where a development proposal accords with an allocation in an adopted development plan a new planning application process should be introduced, to ensure that only matters of detail such as design and layout are considered?	Yes	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: It is hard to see how in reality this will work any differently to the current system. There will still be a requirement to produce studies in accordance with EU legislation and 106 packages will still need to be negotiated.			

Consultation reference: WG20088

In any case Outline consents are a useful tool to bring the site to market

Q36	Do you support the proposal to allow a right of appeal against a local planning authority not registering a planning application?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes but only for major cases.			

Q37	Should the requirement for mandatory design and access statements be removed?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: They have not achieved what they set out to do and instead they have slowed the system down.			

Q38	Should the requirement to advertise planning applications for certain developments in a local newspaper be removed?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This is a significant cost and does not add much value to the consultation process.			

Q39	Should there be any local variation within a national scheme of delegation for decision making on applications?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments:			

Consultation reference: WG20088

Difficult to comment without seeing the proposed scheme of delegation. Further consultation is required therefore.

Most LPA's schemes are based on the 'by exception' model and the current differences are as a result of local variation. If a national scheme is deemed to be necessary then introducing local variation will defeat the object of delivering consistency.

Smaller, well trained committees are acceptable in principle, however further consultation is welcomed on the detailed arrangements and in particular, the role of the local Member.

Q40	Do you agree that a minor material change should be restricted to "one whose scale and nature results in a development which is not substantially different from that which has been approved"?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Q41	Do you agree that the proposals strike a balance between the need to preserve land used as Town and Village Greens and providing greater certainty for developers?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			
<p>The Draft Planning (Wales) Bill does not set out the proposed wording of the amendments to Section 15 Commons Act 2006 but similar changes were brought in, in England, as a result of the Growth and Infrastructure Act 2013 and it is anticipated that the amendments to the legislation as it affects Wales will be in a similar form.</p> <p>The Council is in agreement with the proposals suggested by the Welsh Government subject to scrutiny of the s.15 Commons Act 2006 amendments.</p>			

Consultation reference: WG20088

Q42	Do you agree that the proposals will reduce delay in the planning enforcement system?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Q43	Do you agree with the introduction of temporary stop notices to the planning enforcement system in Wales?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Consultation reference: WG20088

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation response form and send it to: planconsultations-d@wales.gsi.gov.uk (Please include 'Positive Planning – WG20088' in the subject line).
Post
Please complete the consultation form and send it to: Planning Bill Team Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-d@wales.gsi.gov.uk or telephone: 0300 0603300 or 08450103300