

AGENDA ITEM 3**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL****CABINET****16TH DECEMBER 2014****REPORT OF THE DIRECTOR OF REGENERATION AND PLANNING**

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The Planning Bill and Accompanying Welsh Government Consultations 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 the Planning Bill which was introduced to the National Assembly in October, and to agree a response to the associated consultations on more detailed elements of the planning system as set out in the report.

2. RECOMMENDATIONS

- 2.1 It is recommended that:

- (1) The contents of the Planning Bill are noted.
- (2) Rhondda Cynon Taf County Borough Council welcomes the Planning Bill and the opportunity to consider the details proposed.
- (3) The consultation response forms attached at Appendices 2-6 are agreed for submission to the Welsh Government.

3. BACKGROUND

- 3.1 The Planning (Wales) Bill ('The Bill') is a set of provisions that is intended to provide a modern legislative framework for the operation of the planning system in Wales. It puts in place delivery structures, processes and procedures which are intended to make the planning system fit for the 21st Century. Taken together the provisions aim to allow the planning system to support the delivery of national, local and community aspirations by creating sustainable places where there is improved access to quality homes, jobs and built and natural environments and supports the use of the Welsh language.
- 3.2 The Bill is a 'framework' act which means it is seeking powers for the Minister to enact through secondary legislation and policy, changes that:

- Provide an updated delivery framework for the preparation of development plans and planning decisions, including allowing the Welsh Ministers to decide a limited number of planning applications in defined circumstances.
- Reaffirm Welsh Government commitment to the plan led system by replacing the Wales Spatial Plan (WSP) with a National Development Framework (NDF) and introducing provisions which would allow the preparation of Strategic Development Plans (SDPs) where needed.
- Ensure that Local Development Plans (LDPs) are delivered and reviewed regularly so that they remain relevant to planning decisions.
- Improve the operation of the development management system so it complements the implementation of Local Development Plans (LDPs), including the introduction of provisions to promote greater consistency and availability of pre application advice.
- Further enhance engagement by making it easier for citizens to influence the future of their communities, through the introduction of statutory pre application consultation for significant planning applications.
- Overhaul the arrangements under which planning decisions are made including introducing provisions which would allow for the standardisation of planning committee arrangements and procedures and delegation to officers across Wales.
- Modernise the planning enforcement system to ensure that breaches of planning control can be remedied efficiently.
- Streamline the planning appeal process.

3.3 The Council is **not** being asked to comment on these provisions, however, they are in line with the consultation document '*Positive Planning*' which Cabinet considered at their meeting of 19 February 2014. (a copy of the Council's response to that consultation is attached at Appendix 1)

3.4 The Bill is currently being scrutinised by the Welsh Government's Environment & Sustainability Committee and its inquiry is likely to conclude in February. The provisional timetable for the Bill is set out below:

- Stage 1 – 6 Oct – 10 Feb - this will include the wider scrutiny of the Bill with evidence sessions and written responses to the Committee.
- Stage 2 – 11th Feb – 31 March – the Environment & Sustainability Committee can vote on changes to provisions
- Stage 3 – 1 April – 5 May – Full Assembly can vote in amendments
- Stage 4 - May – follows immediately after Stage 3 where Assembly pass the Bill

4. **ACCOMPANYING CONSULTATIONS**

4.1 Welsh Government have issued five consultation documents to accompany the Bill. These consultations seek views on the following subjects:

- Planning Committees, Delegation and Joint Planning Boards
 - Frontloading the Development Management System
 - Design in the Planning Process
 - Planning Application Fees
 - The Power to Override Easements
- 4.2 The deadline for responses to these consultations is 16 January 2015. The proposed detailed responses to the specific questions in the consultations are attached at Appendices 2 to 6. Some of the key issues are discussed in more detail below
- 4.3 Planning committees, delegation and joint planning boards.
- 4.4 This consultation seeks views on proposals to introduce national regulations on how Planning Committees should operate on a consistent basis across Wales.
- 4.5 The first part of the consultation relates to a proposal for a **National Planning Committee Protocol**. The purpose of the national protocol would be to minimize the significant variations in how planning committees function across Wales.
- 4.6 Welsh Government has invited local government to take the lead on preparing the planning committee protocol referred to above.
- 4.7 Three officers from RCT, namely the Director of Legal and Democratic services, the Service Director Planning and our Principal Planning Solicitor are members of the working group that has been established to draft the protocol. Early in the New Year, it is proposed to bring a draft of the proposed protocol to the Corporate Services Scrutiny Working Group (that has already been established to look at the operation of the Development Control Committee) for Member's consideration.
- 4.8 The next section of the consultation deals with the size and make up of **Planning Committees** and again seeks to ensure a more consistent approach across Wales.
- 4.9 These proposals are in line with the changes that the Council has already made to the operation of the Development Control Committee and it is proposed that the Council should offer no objection to their implementation (see Appendix 2 – Questions 1 to 4).
- 4.10 The next two sections of the consultation deal with Welsh Government's desire for a consistent approach to the role of Planning Committees across Wales. Key to this is the proposal to legislate for a mandatory **National Scheme of Delegation** so that the same type of application is dealt with in the same way across Wales.
- 4.11 The national scheme of delegation proposed in the consultation would consist of the following exceptions

- a. Departure/contrary to development plan (where officers are minded to approve)
- b. Applications involving an Environmental Impact Assessment
- c. LPA employee/Council member has an interest in the application
- d. The application would be a major* development (for example 10 or more houses)
- e. There would be at least 20 individual objection/support letters.
- f. Member call-in (subject to the criteria discussed below)

4.12 Criteria a-c above are in line with the Council's current scheme. However criteria d and e would mean a significant number of applications that are currently dealt with by the Development Control Committee, would be dealt with under delegated powers.

4.13 To quantify the impact of the proposed national delegation scheme, the following assessment compares the number of applications the new Development Control Committee has dealt with since June 2014, with what it would have dealt with if the proposed national scheme was in place.

COMMITTEE DATE	NUMBER OF APPLICATIONS ON AGENDA WITH EXISTING DELEGATION	NUMBER OF APPLICATIONS THAT WOULD HAVE BEEN ON SAME AGENDA WITH PROPOSED DELEGATION
19 June 2014	7	0
3 July 2014	5	1
17 July 2014	5	0
7 August 2014	7	0
21 August 2014	4	1
4 September 2014	7	1
18 September 2014	7	1
2 October 2014	6	2
16 October 2014	4	2
6 November 2014	6	0
TOTAL	58	8

NOTE: The number of items on Committee Agendas referred to above only counts 'new' applications, ie Approvals/Refusals. It does not take account of report backs following Site Visits and Deferred applications or Requests for Neighbouring LPA Comments

4.14 The table shows that there are significant implications for how the Development Control Committee would operate. For example, there would only have been the need for two applications to be reported to Committee during the months of June, July and August. It is questionable whether it is cost effective to call a Committee to deal with just one or two applications. The alternative is that the Committee would only meet when there is sufficient business which could be once every three or four months. Such a scenario is not conducive to developing a highly trained, knowledgeable Committee as Members would not be considering applications on a regular basis. Furthermore, it would delay the determination of major developments.

** Major Developments are defined as: development involving any one or more of the following—*

(a) the winning and working of minerals or the use of land for mineral-working deposits;

- (b) waste development;
- (c) the provision of dwellinghouses where—
- (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more;

- 4.15 The proposal for a 'one size fits all' national scheme of delegation should be resisted. Whilst the push for greater consistency in how such schemes work is sensible, without any local discretion it will lead to a democratic deficit and prejudice the ability to develop effective planning committees.
- 4.16 The consultation asks if a threshold of 20 individual objections or a petition of 30 signatories should trigger an applications consideration by Committee. It is not the number of objections, but their content which is important, and is therefore the measure of the impact of a proposal.
- 4.17 These concerns are reflected in the proposed responses at Appendix 2 – Questions 5 to 12.
- 4.18 The final criterion of the proposed national scheme deals with the issue of '**member call in**'. The consultation proposes three options:
- Option 1 – Delegation Panels:
 - Option 2 - Member call-in linked to objection threshold:
 - Option 3 - Member call-in linked to objection threshold and development threshold:
- 4.19 Currently only a small number of the applications dealt with by the Development Control Committee are as a result of Member call-in and there is no evidence of the system causing inefficiencies. The Council has made significant changes this year in the way Committee and the Scheme of Delegation operate and this has been fully embraced by Members. In September the Council achieved a 90% delegation rate.
- 4.20 To impose significant restrictions on the ability of Members to call applications into Committee will mean that Members could become less committed to the new arrangements. It should be for each Council to decide how they manage the issue of Member call-in.
- 4.21 These concerns are reflected in the proposed responses at Appendix 2 – Questions 13 to 15.
- 4.22 The final element of the Committee consultation document deals with the introduction of **Joint Planning Boards** and **Strategic Development Panels** which were proposed in the *Positive Planning* consultation. The consultation seeks views on the size and makeup of the joint planning boards which would cover more than one authority.
- 4.23 The response of the Council to the proposal in the *Positive Planning* consultation to establish joint planning boards served by a single planning

department was that these proposals appear premature in the context of the ongoing discussions around Council mergers. Only when any proposed local government reorganisation is agreed is it appropriate to decide which areas should be covered by joint planning committees. 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.

- 4.24 These ongoing concerns are represented in the proposed response at Appendix 2 – questions 16 and 17.
- 4.25 Frontloading the Development Management System
- 4.26 This consultation document is seeking views on provisions in the Bill to introduce pre-application consultation and a mandatory pre-application service
- 4.27 In terms of consultation, a developer will be required to consult with the local community on large development at pre-application stage and submit a consultation report with any subsequent application.
- 4.28 The work of the WLGA working group on the Committee Protocol will be essential in offering guidance on the role of elected Members in the pre-application process.
- 4.28 The consultation also deals with the intention in the Bill to place a **statutory duty on Councils to provide a pre-application service** when the service is requested by prospective applicants.
- 4.29 The consultation sets out a structure of how the pre-application service should be delivered and states that a national fee for using the service will be introduced.
- 4.30 The Council already offers an extensive pre-application service and therefore making such a service mandatory has little impact. The proposals should lead to better applications being made as communities and consultees will be engaged in schemes at the early stages. The consultation questions at Appendix 3 deal with the operation of the proposed pre-application system, rather than whether the proposed system itself should be introduced. The proposed responses to the questions reflect their technical nature.
- 4.31 The Welsh Government also proposes that fees are set nationally for pre-application services. The additional fee income from the national charge is welcome, although having already reviewed pre-application charging, the level of fee income is relatively small. There has always been a concern that charging a fee for pre-application advice may deter developers. However, if it applies across Wales in a standard way, Councils are operating on a level playing field which minimises the risk of a charge making RCT look uncompetitive to investors, in comparison to other Councils.

4.32 Design in the Planning Process

- 4.33 This consultation seeks views on the removal of the mandatory requirement for **Design and Access Statements** to be submitted with all planning applications and views on how good design can be delivered without the need for Design and Access Statements.
- 4.34 It is widely accepted that Design and Access statements have become something of a tick box exercise on smaller applications and an unnecessary burden. However, it is proposed that the Council recommends that they be retained for larger developments in order to promote robust approach to design and layout. (see Appendix 4 – Questions 13 and 14).
- 4.35 The remaining questions deal with how good design can be promoted across Wales and seek examples of good practice. The proposed responses at Appendix 4 highlight some of the processes in operation at RCT and recommend that Welsh Government consider the enhanced use of agencies such as Design Commission for Wales and the Planning Advisory and Improvement Service, to promote an appropriate level of design quality across Wales.
- #### 4.36 Review of Planning Application Fees.
- 4.37 The consultation document proposes a 15% uplift in fees however it is proposed that the Council would have to refund the application fee where an application remains undetermined after a period of time.
- 4.38 The proposed 15% increase in planning fees is welcome just to keep up with the rising costs of dealing with planning applications. (see Appendix 5 – Question 1). There has not been an increase in fees in Wales for a number of years and this proposal reflects increases that have already been implemented in England. However, it should be recognised that the increase will still not cover the full cost of determining planning applications.
- 4.39 Welsh Government considers that it is unreasonable for a LPA to go beyond certain time periods before providing a decision on a planning application. To encourage swifter decisions it is proposed that where a planning application remains undecided after a set period of time, the application fee is refunded.
- 4.40 It is recommended that the Council objects to this proposal (see Appendix 5 – Questions 2a, 3a and 3b). Having such a significant penalty based solely on the speed of determination appears to contradict the Performance Framework approach and Annual Performance Report that Welsh Government are proposing, in seeking to judge the performance of an authority in a much rounder sense.
- 4.41 For a council to lose a large fee from its budget simply because it took longer than expected to determine one large application, when all it's other permormance is good, is wholly disproportionate particularly when the delay

might not have been the fault of the authority. Whilst there are mechanisms in the proposal to agree an extension (with the applicant) of the time period before a refund is necessary, it is still likely to drive unintended behaviours such as authorities refusing applications to avoid refunding the fee, or developers prolonging negotiations to get their fee back.

- 4.42 It is therefore recommended that Welsh Government reconsider how the proposed Performance Frameworks and Annual Performance Reports can be used to monitor the quality of planning services rather than impose significant **(see Appendix 5 – Question 2b)** financial penalties based on the speed of determining individual planning applications.
- 4.43 The remaining questions deal with the operation of proposals to extend the scope of planning fees for matters such as the discharge of conditions, confirming that a condition has been discharged, a new fee category for renewable energy/low carbon applications and charging for section 106 agreements. The proposed response by the Council is set out in Appendix 5 - Questions 4 to 14.

Proposed Amendments To Legislation On The Power To Override Easements And Other Rights.

- 4.44 Welsh Government is proposing changes to legislation which will extend the rights of local authorities (and other “relevant organisations”) to override easements and other rights such as covenants that exist over land in their ownership through the planning application process.
- 4.45 The Welsh Government’s view is that this will “improve the implementation of regeneration projects by removing an impediment to the use of the land”. The amendments proposed are the same as those that have been implemented in England.
- 4.46 Whilst the provisions allow for a relevant organisation to override a right they also provide for compensation to be paid by the relevant organisation to those whose rights are overridden. The right to compensation will remain.
- 4.47 The amendments will remove a statutory limitation within the legislation and may assist the Council in the implementation of development and regeneration projects. It is therefore recommended that we agree to these proposals. (See Appendix 6 – Question 1).

5. CONCLUSIONS

- 5.1 The Welsh Government's review of the planning system is very welcome, and the detailed proposals which are out to consultation, will certainly assist in improving the planning system in Wales.
- 5.2 Rhondda Cynon Taf has already implemented a number of changes, particularly around the Committee arrangements, which are reflected in the Welsh Government's approach. In addition officers are involved in the ongoing work to develop the detail of many of the proposals.

APPENDIX 1

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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		
Name	Simon Gale	
Organisation	Rhondda Cynon Taf Council	
Address	Regeneration & Planning Division, Rhondda Cynon Taf CBC Sardis House, Pontypridd	
E-mail address	Simon.Gale@rctcbc.gov.uk	
Type (please select one from the following)	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"/>

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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"/>

Comments:
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.

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.

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.

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"/>

Comments:
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.

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"/>

Comments:
A national 'curriculum' of Member training could be useful but local issues would still need to be covered in training.

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.

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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>			

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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.			

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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"/>

Comments:

LPAs should be able to recover the cost of their involvement.

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"/>

Comments:

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.

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"/>

Comments:

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.

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

Comments:

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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:			

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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)			

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

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"/>
<p>Comments:</p> <p>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.</p>			

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"/>
<p>Comments:</p>			

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"/>
<p>Comments:</p> <p>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.</p>			

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"/>
<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.</p>			

Consultation reference: WG20088

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: 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: 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: 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"/>
<p>Comments:</p> <p>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.</p>			

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"/>
<p>Comments:</p>			

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"/>
<p>Comments:</p> <p>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.</p>			

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"/>
<p>Comments:</p> <p>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.</p>			

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

APPENDIX 2

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Consultation Response Form

Planning committees, delegation and joint planning boards

We want your views on our proposals to prescribe the size and make-up of planning committees and the introduction of a national scheme of delegation. Your views on the membership of joint planning boards under section 2 of the Town and Country Planning Act 1990 are also sought.

Please submit your comments by 16 January 2015.

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

planconsultations-e@wales.gsi.gov.uk or telephone Luke Seaborne on 029 2082 1573.

Data Protection
<p>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.</p> <p>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.</p> <p>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.</p>

Planning committees, delegation and joint planning boards		
Date of consultation period: 06 October 2014 – 16 January 2015		
Name	Simon Gale	
Organisation	Rhondda Cynon Taf County Borough Council	
Address	Rhondda Cynon Taf County Borough Council Planning Department, Sardis House, CF37 1DU, Pontypridd.	
E-mail address	simon.gale@rctcbc.gov.uk	
Type (please select one from the following)	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"/>

Planning Committees

Q1	Do you agree that the size of the planning committee should be limited to a minimum of 11 members and a maximum of 21 members?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree that where wards have more than one elected member only one should sit on the planning committee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with introducing a quorum of 50% (rounded up where the total committee size is an odd number) for decision-making?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q4	Do you agree that the use of substitute members on the planning committee should be prohibited?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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The role of the planning committee

Q5	Do you agree with the development management role of the planning committee outlined above?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Because the impact of developments that are smaller than 'major' developments can still be worthy of consideration by the Planning Committee				

National Scheme of Delegation

Q6	Do you agree with the inclusion of an exception that requires all applications that are contrary to the adopted development plan which are being recommended for approval to be determined by the planning committee? If not, please explain the reasons.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Subject to there being a clear definition of what contrary to the adopted development plan means.				

Q7	Do you agree with the inclusion of an exception that requires all applications involving an EIA to be determined by the planning committee? If not, please explain the reasons.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	Do you agree with the inclusion of an exception relating to applications made by members, LPA staff and their spouses, partners and close relatives? If not, please explain the reasons.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9	Do you agree that the development threshold should be 'major development' as prescribed in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012? If not, please explain the reasons and suggest an alternative threshold.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>RCT have made changes to their committee arrangements and scheme of delegation. In September we achieved a 90% delegation rate under these new arrangements and our committee agendas are well balanced with well considered debates.</p> <p>Under the thresholds suggested in the consultation there would only have been the need for two applications to be reported to Committee during the months of June, July and August. It is questionable whether it is cost effective to call a Committee to deal with just one or two applications where the proposal may only be for 10 houses where there are no objections. The alternative is that the Committee would only meet when there is sufficient business which could be once every three or four months. Such a scenario is not conducive to developing a highly trained, knowledgeable Committee as Members would not be considering applications on a regular basis. Furthermore, it would delay the determination of major developments.</p> <p>The proposal for a 'one size fits all' national scheme of delegation should be resisted. Whilst the push for greater consistency in how such schemes work is sensible, without any local discretion it will lead to a democratic deficit and prejudice the ability to develop effective planning committees.</p>				

Q10	Do you agree that LPAs should have the	Yes		No
------------	---	-----	--	----

	choice of two development thresholds?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: But if it is considered acceptable to have a higher threshold then there is obviously an acceptance that variation to suit local circumstances is appropriate. If that is the case then there should also be an option of a lower threshold to suit local circumstances.				

Q11	Do you agree that the national scheme of delegation should include an exception based on an objection threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	If yes, is 20 letters from different people in different addresses and/or a petition with 30 signatures appropriate to establish that there is a genuine community-wide interest in the development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The sheer weight of objection is not a measure of the impact a development will have on the neighbouring residents. Just because there are not 20 objectors it does not mean the community impact does not need to be considered by a Planning Committee				

Q13	Is it necessary to limit member call-in? If not, please specific the reasons.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Currently only a small number of the applications dealt with by the Council's Development Control Committee are as a result of Member call-in and there is no evidence of the system causing inefficiencies. The Council has made significant changes this year in the way Committee and the Scheme of Delegation operate and this has been fully embraced by Members. In September the Council achieved a 90% delegation rate.

To impose significant restrictions on the ability of Members to call applications into Committee will mean that Members could become less committed to the new arrangements. It should be for each Council to decide how they manage the issue of Member call-in.

Q14	Should delegation panels be introduced as measure to validate member call-in requests?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q15	Should member call-in be linked to another exception? If not, please specific the reasons and provide a suggested alternative measure.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Please see answer to question question 13				

Joint Planning Boards

Q16	Do you agree that the Welsh Ministers should have the authority to determine the size of the joint planning board membership, providing that size is consistent with that for planning committees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The proposals for Joint Planning Boards appear premature in the context of the ongoing discussions around Council mergers. Only when any local government reorganisation is agreed is it appropriate to decide which areas should be				

covered by joint planning committees. 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.

Q17	Do you agree with the proposed population formula for establishing the numbers of members from contributing planning authorities to form the joint planning board?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Do not agree with joint planning boards				

Financial Impacts

Q18	Do you have any comments to make about the partial Regulatory Impact Assessment at Annex 1? Are the assumptions made realistic? If not, what figures would be more appropriate?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

General

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

I do not want my name/or address published with my response (please tick) ☐

How to Respond

Please submit your comments in any of the following ways:

Email

<p>Please complete the consultation form and send it to :</p> <p>planconsultations-e@wales.gsi.gov.uk</p> <p>[Please include '<i>Planning Committees, Delegation and Joint Planning Boards – WG23070</i>' in the subject line]</p>
Post
<p>Please complete the consultation form and send it to:</p> <p>Planning Committees, Delegation and Joint Planning Boards Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</p>
Additional information
<p>If you have any queries on this consultation, please</p> <p>Email: planconsultations-e@wales.gsi.gov.uk</p> <p>Telephone: Luke Seaborne on 029 2082 1573</p>

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APPENDIX 3

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Consultation reference: WG23314

Consultation Response Form

Frontloading the development management system

We would like your views on our proposals for the detailed operation of the pre-application processes introduced by sections 15 and 16 of the Planning (Wales) Bill. We also want your views on our proposals to use powers provided in the Planning (Wales) Bill and the Planning and Compulsory Purchase Act 2004 to place duties on statutory consultees.

Please submit your comments by 16 January 2014.

If you have any queries on this consultation, please email:
planconsultations-c@wales.gsi.gov.uk or telephone 029 2082 5632.

Data Protection
<p>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.</p> <p>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.</p> <p>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.</p>

Consultation reference: WG23314

Frontloading the development management system		
6 October 2014 – 16 January 2015		
Name	Simon Gale	
Organisation	Rhondda Cynon Taf County Borough Council	
Address		
E-mail address	simon.gale@rctcbc.gov.uk	
Type (please select one from the following)	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"/>

Type of development affected

Q1	Do you agree that all “major” development should be subject to pre-application consultation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23314

Publicising the development proposal

Q2	Do you agree that the issue of neighbour letters and site notices should follow the guidance in Circular 32/92? If not, how should the notification process operate?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree that 21 days is an appropriate timescale to allow responses to pre-application consultation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q4	Would LPA offices be an appropriate location for viewing a hard copy of the plans and supporting information? If not, where should hard copies of plans and supporting information be made available for public viewing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23314

Consultation with “specified persons” (statutory consultees)

Q5	Do you agree that 21 days is an appropriate timescale for consultees to respond?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q6	Should provision be made for a time extension when this is agreed in writing between the developer and consultee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Duty on the developer to provide a pre-application consultation report (PAC)

Q7	Are there any other issues that should be included in the pre-application consultation report? If so, please identify these issues and explain why they should be included in the PAC.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: In addition to listing the material planning comments made, the developer should also be required to separately list the non-material planning issues raised so that the council is aware of other issues and concerns the community/consultees may have.			

Consultation reference: WG23314

The pre-application enquiry form

Q8	Do you agree that the information specified in paragraph 3.4 will be sufficient to allow the LPA to respond?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Maintaining records of the pre-application service

Q9	Do you agree that LPAs should maintain spatial records of pre-application enquiries?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

The LPA response

Q10	Should the written response from the LPA contain any other information?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The response should include reference to anticipated CIL contributions				

Consultation reference: WG23314

Timescale for response

Q11	Do you agree that 21 days provides the LPA with sufficient time to provide a written response that meets the requirements set out in paragraph 3.10?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes subject to the ability to agree an extension of time with the developer				

Meeting

Q12	Do you agree that the timescales and process for the pre-application meeting is appropriate?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The timescales are too prescriptive and may constrict more open and positive discussions				

Fees for the statutory pre-application service

Q13	Do you agree that the fee for the statutory pre-application service should be based on existing discretionary charges? If not, how should fees for the statutory pre-application service be calculated?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG23314

Q14	Should householder development proposals that are submitted to the statutory pre-application service be exempt from a fee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Substantive responses

Q15	Do you agree with our definitions of “substantive response”?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Timescales for response

Q16	Do you agree that 21 days is a reasonable timescale for statutory consultees to provide a “substantive response” to consultation requests?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Subject to agreed extensions of time				

Consultation reference: WG23314

Performance reports

Q17	Do you have any comments on the content of the performance report?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Other

Q18	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

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:

Email
<p>Please complete the consultation response form and send it to: planconsultations-c@wales.gsi.gov.uk</p> <p>(Please include "WG213314" in the subject line).</p>

Consultation reference: WG23314

Post
<p>Please complete the consultation form and send it to:</p> <p>Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3NQ</p>
Additional information
<p>If you have any queries on this consultation, please Email: planconsultations-c@wales.gsi.gov.uk or Telephone: Alan Groves on 029 2082 5362</p>

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APPENDIX 4

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CONSULTATION RESPONSE FORM

Design in the Planning Process

We want your views on how we can support our national planning policy on design and facilitate the delivery of good design through the planning system.

Please submit your comments by **16 January 2015**

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 tick the box below. 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.

Confidentiality

Responses to consultations may be made public on the internet or in a report.

If you do not want your name and address to be shown on any documents we produce please indicate here ☐

If you do not want your response to be shown in any document we produce please indicate here ☐

CONSULTATION RESPONSE FORM

Design in the Planning Process (Consultation)		
Date: 6 October 2014 - 16 January 2015		
Name	Simon Gale	
Organisation	Rhondda Cynon Taf County Borough Council	
Address	Planning Department, Sardis House, CF37 1DU, Pontypridd.	
E-mail address	simon.gale@rctcbc.gov.uk	
Telephone	01443 494716	
Type <i>(please select one from the following)</i>	Business	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency / Other Public Sector	<input type="checkbox"/>
	Professional Body / Interest Group	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self-help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

Q1	Design Quality	X
	Is the planning system effectively delivering the five key objectives of good design? Give reasons for your answer.	
	Yes	
	Neither Yes nor No	X
	No	

Q1	Further Comments
	<p>The planning process helps to achieve the objectives of good design both through encouraging developers to take a more positive approach to designing their developments, ensuring that design is a consideration in the decision making process, and for most larger developments in Rhondda Cynon Taf (RCT) ensuring that appropriate design professionals are involved in preparing and assessing proposed development in a manner which accounts for the design objectives.</p> <p>However, there are barriers to efficiently delivering these objectives consistently, notably:</p> <p>Securing high quality design in new development is often dependent on negotiation and the willingness of applicants to engage in the process or to have their own high ambitions.</p> <p>The reliance on negotiation can often result in a conflict between the desire to process applications within 8 / 13 / 16 weeks and the desire to secure good design.</p> <p>The result is that the process delivers inconsistent results</p>

Q2	Local Development Plans	X
	Do you agree that a national development management policy on design would be beneficial?	
	Yes	X
	Neither Yes nor No	
	No	

Q2	Further Comments

--

Q3	Supplementary Planning Guidance	X
	Are area and site specific plans, such as masterplans, being used to positively plan for key development? Can you highlight areas of good practice?	
	Yes	X
	Neither Yes nor No	
	No	

Q3	Further Comments
	RCT have an LDP policy which requires residential developments of over 50 dwellings to be accompanied by a masterplan and this is generally complied with. However, the quality of masterplans can be dependent on the desire of applicants to engage fully with the council in their production.

Q4	Supplementary Planning Guidance	X
	Do you agree that the Welsh Government should produce practice guidance on the process of site analysis to inform the development of well designed proposals?	
	Yes	X
	Neither Yes nor No	
	No	

Q4	Further Comments
	Provision of such guidance would be helpful and would remove the need for each for each LPA to produce their own (largely similar) guidance. This would also help LPAs which lack the resources or skills to produce appropriate guidance in-house, and

avoid poor quality guidance or inconsistency between different authorities.

It might be desirable to allow each LPA to 'rebadge' such national guidance as their own, with an opportunity to add additional sections addressing any locally specific contextual issues that are particularly relevant within each LPA area.

Q5 Front Loading / Pre-applications

How can we ensure that pre-application discussions assist in the improvement of design quality and inclusive access of development? Can you highlight areas of good practice?

The success of pre-application discussions is enhanced by using a wide range of officers and the developers in a project team approach so that proposals are designed in a comprehensive and cohesive way rather than by pursuing individual agendas.

Q6 Planning Applications

Other than further training or additional practice guidance what additional tools would assist you in assessing the quality of design in planning proposals?

An enhanced role for DCfW in providing design advice for larger planning applications. This would help by providing additional expertise and by adding weight to LPAs' decisions regarding design

It would be useful for DCfW or another organisation to promote a broader selection of exemplar developments, with a more detailed explanation of how they are successful in relation to good design.

Q7	Access Do you agree that the amendments to the 1APP form will ensure inclusive access issues are considered in development proposals?	X
	Yes	
	Neither Yes nor No	X
	No	

Q7	Further Comments
<p>It is unlikely that any single measure would 'ensure' that inclusive access is considered in design from the outset, particularly as it is one of many competing design issues.</p> <p>Such a question could be related to a more clearly and simply stated planning policy and technical guidance setting out in which cases planning permission might be refused for failure to provide inclusive access (and to review the proportion of new developments which successfully provide different degrees of inclusive access).</p> <p>There is not an identifiable problem in RCT of applicants failing to provide a basic degree of inclusive access, or consent under Building Regulations being withheld in relation to access for developments which have been already been granted planning permission.</p> <p>Building Regulations appear to be successful way of addressing technical design issues relating to access, and the majority of applicants and architects in RCT are aware of Part M access requirements. It may be most appropriate to address broader access concerns in a technical manner using Building Regulations, rather than discretionary planning policies.</p>	

Q8	Access What information or other measure would assist local planning authorities assess planning proposals in terms of inclusive access?	
<p>It would be helpful for the WG to provide more detailed or technical guidance in relation to what is required from 'inclusive access' and how this can be achieved through both planning and Building Control process.</p>		

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Q9**Design Commission for Wales and Planning Advisory and Improvement Service**

How can the PAIS and DCfW mainstream good design and inclusive access in the planning process?

PAIS and DCFW can help to mainstream good design by raising awareness of design good practice

Q10**Design Skills and Good Practice**

How can we continue to raise the design skills of local authority officers and members and what further specific training is required?

Both DCfW and PAIS could have an expanded role in

DCfW and PAIS could facilitate a broader range of design related support for planners to ensure that non-design professionals have the correct skills to understand and assess design in relation to more straight forward developments, or to interpret and understand the value of professional design advice in relation to more complex developments.

Q11**Design Skills and Good Practice**

Is there scope for local planning authorities to work differently or more collaboratively on design issues? Do you know of any existing activity in this area?

X**Yes****X****Neither Yes nor No**

No	
-----------	--

Q11 Further Comments

It would be helpful for DCfW, PAIS or POSW to facilitate a cross-authority design group for design officers and planning officers engaged with assessing the design of proposed development, in order to encourage greater communication and exchange of experience between LPAs.

SEWCOG and the Built Heritage Forum provide examples of similar arrangements that play this role successfully for the Historic Environment professionals.

It may be helpful for authorities to share design expertise and resources

Q12 Design Skills and Good Practice

Can you highlight areas of good practice, from Wales or elsewhere, relating to any of the above, which promote and/or lead to the achievement of good design and inclusive access?

Q13 Design and Access Statements

Are there any benefits in retaining the requirement for Design and Access Statements for particular applications?

X

Yes

x

Neither Yes nor No

No

Q13 Further Comments

Design & Access Statements successful in providing information for larger and more complex planning applications, and it is useful to retain them (or a similar document) for these types of development.

--

Q14	Design and Access Statements	X
	Should the mandatory requirement for Design and Access Statements be removed from secondary legislation? Give reasons for your answer.	
	Yes	
	Neither Yes nor No	X
	No	

Q14	Further Comments
<p>The current use of procedural legislation to set out the scope of DASs implies that completing them is simply a case of ticking the right boxes so the application can be made valid, rather than producing a document which shows design has been carefully thought about in the development scheme. In addition it is difficult to fully assess the content of DASs prior to validation.</p> <p>Design & Access Statements are successful in providing information for larger and more complex planning applications, and it is useful to retain them (or a similar document) for these types of development</p>	

Q15	Any Other Comments
	<p>We have asked a number of specific questions. If you have any related issues or ways which design can be improved through the planning system which we have not specifically addressed, please let us know.</p>

How to respond

Please submit your comments by **16 January 2015** in any of the following ways:

E-mail	Post
<p>Please complete the consultation form and send it to:</p> <p>planconsultations-a@wales.gsi.gov.uk / planconsultations-a@cymru.gsi.gov.uk</p> <p>[Please include 'Design in the Planning Process Consultation' in the subject line]</p>	<p>Please complete the consultation form and send it to:</p> <p>Design Consultation Planning Policy Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3NQ</p>

Additional information
<p>If you have any queries about this consultation, please:</p> <p>E-mail: max.hampton@wales.gsi.gov.uk</p> <p>Telephone: Max Hampton on 02920 82 6166</p>

APPENDIX 5

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Consultation reference: WG23067

Annex 2 - Consultation Response Form

Review of Planning Application Fees

We want your views on our proposals to ensure local planning authorities have the necessary resources and that they are used in the most efficient and effective way.

This consultation document puts forward proposals for changes to the system of planning fees to help achieve this aim.

Please submit your comments by 16/01/2015.

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

planconsultations-b@wales.gsi.gov.uk or telephone Owen Struthers on 029 2082 6430.

Data Protection
<p>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.</p> <p>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.</p> <p>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.</p>

Consultation reference: WG23067

Review of Planning Application Fees		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Simon Gale	
Organisation	Rhondda Cynon Taf County Borough Council	
Address	Rhondda Cynon Taf County Borough Council Planning Department, Sardis House, CF37 1DU, Pontypridd.	
E-mail address	simon.gale@rctcbc.gov.uk	
Type (please select one from the following)	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"/>

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q1b	If not, what do you consider to be a more appropriate change, if any?
Comments:	

Consultation reference: WG23067

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Having such a significant penalty based solely on the speed of determination appears to contradict the Performance Framework approach and Annual Performance Report that Welsh Government are proposing, in seeking to judge the performance of an authority in a much rounder sense.

For a council to lose a large fee from its budget simply because it took longer than expected to determine one large application, when all it's other performance is good, is wholly disproportionate particularly when the delay might not have been the fault of the authority. Whilst there are mechanisms in the proposal to agree an extension (with the applicant) of the time period before a refund is necessary, it is still likely to drive unintended behaviours such as authorities refusing applications to avoid refunding the fee, or developers prolonging negotiations to get their fee back.

Q2b	If you do not agree, what other options are available?
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Comments:

Welsh Government should reconsider how the proposed Performance Frameworks and Annual Performance Reports can be used to monitor the quality of planning services rather than impose significant financial penalties based on the speed of determining individual planning applications.

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Do not agree with any time period

Consultation reference: WG23067

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Q3b	If you do not agree, what do you consider to be an appropriate time?
<p>Comments:</p> <p>Do not agree with any time period</p>	

Q4a	Do you agree with the proposed fee levels to accompany the discharge of planning conditions?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The £83 charge is disproportionate to the work involved. Under the proposal the same fee of £83 would be applied to a request to approve the materials on a new shopfront development as a request to discharge all 40 complex conditions on a major development.</p>				

Q4b	If you do not agree, what do you think constitutes an appropriate amount?
<p>Comments:</p> <p>There could be a smaller fee applied but that fee should be for the discharge of each condition rather than each request. If there is concern that some authorities may add more conditions than necessary to increase revenue, then this could be monitored by Welsh Government as part of the National Performance Framework</p>	

Q5	Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?
<p>Comments:</p> <p>Yes: subject to agreed extensions of time and a refusal to discharge the</p>	

Consultation reference: WG23067

condition constituting compliance

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The current arrangements where Council Legal departments charge a fee for the actual work they have undertaken is fairer. It is often the applicant's solicitors that cause delay in the processing of a Section 106 agreement				

Q7b	If you have answered yes, how should this fee be calculated? If not, what are your reasons?
Comments:	

Q8	Do you agree that the fee to accompany a	Yes		No
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Consultation reference: WG23067

	ground (a) appeal should only be payable to the LPA?		Yes (subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9b	If you have answered no, please explain why.
Comments:	

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Consultation reference: WG23067

Q10b	If you have answered no, please explain why.
<p>Comments:</p> <p>If the applicant has changed their mind after an approval then it is reasonable for them to pay for the consideration of an amended scheme.</p>	

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
<p>Comments:</p>	

Consultation reference: WG23067

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Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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Q12b	If you have answered yes, how should this matter be addressed?
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Comments:

By using the proportion of the red line within each authority for outline applications or using the proportion of the number of dwellings/floorspace/number of wind turbines for full and reserved matters applications.

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

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Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
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Consultation reference: WG23067

Comments:

The proposed 15% increase in planning fees is welcome just to keep up with the rising costs of dealing with planning applications. There has not been an increase in fees in Wales for a number of years and this proposal reflects increases that have already been implemented in England. However, it should be recognised that the increase will still not cover the full cost of determining planning applications.

I do not want my name/or address published with my response (please tick) ☐

How to Respond

Please submit your comments in any of the following ways:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include 'Planning Fees Consultation – WG23067' in the subject line]

Post

Please complete the consultation form and send it to:

**Planning Fees Consultation
Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

email: planconsultations-b@wales.gsi.gov.uk or

telephone: Owen Struthers on 029 2082 6430

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APPENDIX 6

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Consultation reference: WG23294

Annex 1 - Consultation Response Form

Consultation on Proposed Amendments to Legislation on the Power to Override Easements and Other Rights

We want your views on our proposals to amend, by order, the provisions contained in the following Acts which provide powers to relevant organisations enabling them to override easements and other rights over land in their ownership to improve the implementation of regeneration projects by removing an impediment to the use of the land:

- (i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980;
- (ii) Section 19 of the New Towns Act 1981;
- (iii) Paragraph 5 of Schedule 10 to the Housing Act 1988: and
- (iv) Section 237 of the Town and Country Planning Act 1990.

This consultation document puts forward proposals to amend the provisions listed above.

Please submit your comments by: 16/01/2015.

If you have any queries on this consultation, please email:
planconsultations-h@wales.gsi.gov.uk or telephone 029 2082 5181.

Data Protection
<p>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.</p> <p>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.</p> <p>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.</p>

Consultation reference: WG23294

Use of Land: Power to Override Easements and Other Rights		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Simon Gale	
Organisation	Rhondda Cynon Taf County Borough Council	
Address	Rhondda Cynon Taf County Borough Council Planning Department, Sardis House, CF37 1DU, Pontypridd.	
E-mail address	simon.gale@rctcbc.gov.uk	
Type (please select one from the following)	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"/>

Do you agree that the following provisions should be amended so that the overriding of easements and other rights in Wales will not only apply to the erection, construction or carrying out or maintenance of any building or works phase, but also to the permanent new use of the site when use is in accordance with planning permission?		Yes	Yes (subject to further comment)	No
Q1	(i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ii) Section 19 of the New Towns Act 1981			
	iii) Paragraph 5 of Schedule 10 to the Housing Act 1988			
	iv) Section 237 of the Town and Country Planning Act 1990			

Consultation reference: WG23294

Q2

We have asked a specific question; if you have any related issues which we have not specifically addressed, please use this space to report them.

Comments:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

How to Respond

Please submit your comments in any of the following ways:

Email

Please complete the consultation form and send it to :

planconsultations-h@wales.gsi.gov.uk

[Please include 'Consultation on Overriding Easements and Other Rights – WG23294' in the subject line]

Post

Please complete the consultation form and send it to:

**Consultation WG23294
Decisions Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please email: planconsultations-h@wales.gsi.gov.uk or

telephone: Andrew Ward on 029 2082 5181

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