

**Agenda Item No.**

**CHAIRMANS URGENT ITEM**

**THE VALE OF GLAMORGAN COUNCIL**

**PLANNING COMMITTEE : 3 SEPTEMBER 2015**

**REPORT OF THE HEAD OF REGENERATION AND PLANNING**

**8. GENERAL PLANNING MATTERS**

**WELSH GOVERNMENT CONSULTATION**

**1. SECONDARY LEGISLATION FOR DEVELOPMENT MANAGEMENT**

**Purpose of the Report**

1. To update Members on the Welsh Government (WG) consultation and to recommend an appropriate response to those consultations.

**Background**

2. As part of the implementation of the proposed changes to the Planning System in Wales, which will be introduced through The Planning (Wales) Act, a consultation paper has been released seeking the views of interested parties with regard to the above.
3. This consultation seeks the view of the council on subordinate legislation needed to implement the following sections of the Planning (Wales) Act 2015:
  - Non-Validation Appeals (s.29)
  - Decision Notices (s.33)
  - Notifications (s.34)
  - Consultations etc. in Respect of Certain Applications for Approval (s.37)
  - s.217 Appeals (s.48)
  - Statutory pre-application fees (s.18)
4. This consultation paper is not seeking opinions in respect of the primary legislation included in the Bill as this has already been approved by the National Assembly for Wales, and is due to receive Royal Assent in July.
5. The consultation paper (Appendix A) includes a set of specific questions to which the Welsh Government is requesting views. The closing date for replies is 11<sup>th</sup> September 2015.

## **Relevant Issues and Options**

6. The proposed responses to the consultation papers point out concerns regarding the bureaucratic way in which the proposed changes have been drawn up and possible flaws in the reasoning of Welsh Government in the way in which they envisage the proposals working. It also acknowledges certain improvements to the system such as removing the requirement to appeal to the magistrate's court in respect of notices served with regard to untidy land.
7. The issues raised are addressed individually in the consultation response attached at Appendix B.

## **Resource Implications (Financial and Employment)**

8. Responding to the consultation can be met from within the Directorate resources. Some of the proposals may have resource implications and where this is the case, the response to the consultation paper (Appendix B) makes reference to this. In particular the proposed charges for pre-application advice and for amendments to planning applications.

## **Sustainability and Climate Change Implications**

9. Land use planning has a significant impact on sustainability, ranging from influencing the need to travel, the location of new development, the sustainability credentials of new development as well as energy efficiency. Legal Implications (to Include Human Rights Implications)
10. Land use planning is a statutory process and the Act contains numerous references to elements of that process including planning appeals, development planning and the rights of individuals.

## **Crime and Disorder Implications**

11. None specific to this report.

## **Equal Opportunities Implications (to include Welsh Language issues)**

12. None specific to this report, although there are matters contained within the Bill to ensure that the planning service is delivered in a fair, consistent and equitable manner.

## **Corporate/Service Objectives**

13. The efficient handling of planning matters impacts on the corporate objectives relating to regeneration, the environment and housing.

## **Policy Framework and Budget**

14. This is a matter within the policy framework.

## **Consultation (including Ward Member Consultation)**

15. There has been no specific Ward Member consultation as this matter is not Ward specific.

## **Relevant Scrutiny Committee**

16. Economy and Environment.

## **RECOMMENDATIONS**

(1) That the content of the report be noted and the response to the consultation be agreed and sent to WG.

(2) That the matter be referred to Cabinet for information and that should Cabinet have any additional issues it wishes to raise that these be forwarded on to WG.

## **Reasons for the Recommendations**

(1) To allow the Council to respond to the consultation.

(2) To inform Cabinet of the views of the Committee when responding to the consultation and to allow any further comments of Cabinet to be forwarded to the WG.

## **Background Papers**

Welsh Government consultation

## **Contact Officer**

Marcus Goldsworthy, Head of Regeneration and Planning - Tel. 01446 704661

## **Officers Consulted**

None

## **Directorate of Development Services**