

THE VALE OF GLAMORGAN COUNCIL

COMMUNITY LIAISON COMMITTEE: 19TH MARCH, 2014

REFERENCE FROM PLANNING COMMITTEE: 13TH FEBRUARY, 2014

“ GENERAL PLANNING MATTERS (DDS) –

(i) Welsh Government Consultation – The Planning Bill

The Committee received a report and presentation updating Members on the Welsh Government (WG) consultation and to recommend an appropriate response to that consultation.

The Minister for Housing and Regeneration announced the publication of the Draft Planning (Wales) Bill consultation paper entitled “Positive Planning” and the consultation response form on 4th December 2013. A copy of the documents was available on the following link:

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

As could be seen from the link, the Draft Planning Bill was accompanied by a supporting paper entitled “Positive Planning: Proposals to Reform the Planning System in Wales”.

The consultation would close on 26th February and following that date, the response would be considered. It had been indicated that the WG intended to introduce the Planning (Wales) Bill into the National Assembly for Wales during 2014 with a second Planning Bill to follow to restate and consolidate existing legislation, thereby creating a comprehensive planning statute for Wales.

In summary, the Bill proposed a range of measures and reforms with the aim of making the planning process more effective and more inclusive. A suite of measures were put forward, ranging from national or “Wales-wide” measures to more local and day to day measures. The proposals were grouped under four main themes, namely supporting culture change, active stewardship, improving collaboration and improving local delivery.

In terms of the national level, a National Development Framework for Wales would replace the Wales Spatial Plan and would have statutory status. It would also seek to focus on development and investment and would set the framework for strategic plans (see below) and local development plans. In addition, it was proposed to retain Planning Policy Wales and proposed that nationally significant developments would now be determined by Welsh Ministers.

At the regional level, it was proposed to introduce Strategic Development Plans (SDPs) aimed at facilitating sub-regional planning. These plans were envisaged for three areas, namely the Cardiff area, the Swansea area and the A55 corridor. Members noted that insofar as they related to Cardiff and Swansea, there appeared to be a synergy with the City Region concept. SDPs were intended to consider cross-boundary issues such as housing, transport and employment. Key questions related to responsibility for producing SDPs and who monitors their production had not yet been clarified although it appeared that there may be scope for the involvement of a panel of elected Members from the relevant area as well as the involvement of the business, social and environmental partners. It was suggested that local authority leads on the production of the SDP for their area.

The Planning Bill proposed the retention of the Local Development Plan (LDP). However, a key change would see plans expiring at the end of the Plan period putting a firm emphasis on the timely adoption of new development plans. In addition and where LDPs were in place, the local planning authority could work with Town or Community Councils to prepare "place plans".

In terms of Development Management, there were a number of proposals, summarised as follows:

- The requirement for mandatory pre-application consultation with neighbours would be included on major applications
- The removal of the requirement to submit design and access statements
- The introduction of a national scheme of delegation to reduce the number of applications to be presented to Planning Committee
- A reduction in the size of Planning Committees and the introduction of mandatory Member training
- Councils can retain the power to determine appeals that had been submitted on grounds of non-delegation
- Front-loading of the appeal system with early submissions of statements of common ground
- The introduction of living decision notices to update and reflect the current position on development sites.

In addition, and in terms of performance, applicants would have the ability to apply directly to Ministers for certain types of development within areas administered by poorly performing authorities. Finally, it was proposed to introduce a Planning Advisory and Improvement Service along with a competency framework for members of the profession.

In terms of timeline, the consultation would close on 26th February, with WG indicating the responses would be analysed during the Spring with the Planning (Wales) Act passing through the National Assembly for Wales during late 2014 and 2015.

The suggested response was attached to the report at Appendix A. In summary, the following comments were relevant to that response:

- In terms of stewardship and leadership the intention to provide for a National Development Framework and SDPs were noted. The current system provided for Planning Policy Wales and the Wales Spatial Plan at the national level with LDPs and associated Supplementary Planning Guidance at local level. The proposal saw the retention of Planning Policy Wales, the move to National Development Frameworks, the provision of National Development Management Policies, at a national level with SDPs at (certain) regional level with LDPs at a local level as well as the provision of Place Plans. The proposal therefore increased the tier of plan ranking rather than simplifying the process. There were also questions relating to accountability in terms of the production of various plans as well as capacity and resources. It was also unclear as to whether the format of Local Developments would need to be changed in form and format where SDPs existed. There was a suggestion that where SDPs exist, LDPs would be far slimmer documents. This in turn raised the issue of local accountability and ownership of key decisions relating to LDPs. Finally, there were unanswered questions in relation to how the proposed National Development Framework would sit with the Wales Infrastructure Investment Plan and how SDPs would relate to the work of the City Regions Board relating to the Cardiff and Swansea region. There was also a need for consideration to be given to how these proposals related to the recommendations of the Williams Commission.
- In terms of local delivery, there was clearly a move towards “standardising” procedures and processes across Wales, in terms of size of Planning Committee, third party rights and delegation scheme. Whilst this was noted, and could provide clarity and greater understanding, a key question related to local distinctiveness and what may be an appropriate approach in one area of Wales may not necessarily be appropriate elsewhere. Other initiatives, such as front-loading would come with resource implications although the Bill did not clearly address such issues in any detail.

Following the presentation, a discussion ensued in which the following questions and issues were put forward by Members:

Question or Issue	Response
After the introduction of the Planning Bill, what will be the role of the Town and Community Councils in the planning process?	Do not foresee the role of Town and Community Councils changing a great deal. They will still feed into the consultation process and will have speaking rights. In addition, where LDPs are in place the Local Planning Authority can work with Town and Community Councils to prepare “Place Plans”. The main difference would be with major developments,

	which would be determined by Welsh Government.
There are concerns about the delegation scheme, that the Planning Committee will not have a right to call in items. Will there be a call-in process from the Welsh Government?	There is a suggestion of national delegation and local distinctiveness is an issue. The Welsh Government can already propose call-ins, however this does not work in reverse and the Local Planning Authority cannot reclaim this.
If Welsh Government is going to take over, is there going to be any consultation for local residents in applications or representation in the deliberation of applications?	<p>Would expect that the Local Planning Authority would lead on this but the Local Authority would no longer receive a fee for this. It is expected that the current appeal system will be used and the Local Planning Authority will have to carry out the administration of this process, following determination, and pick up the planning conditions of the applications but without receiving a planning fee.</p> <p>The public will be able to make representation but only in the form of a formal inquiry procedure. The public could appear at an Infrastructure Planning Commission but they would be up against barristers and lawyers for developers.</p>
A Member raised a concern that the Planning Bill would result in a reduction in democracy, with Members having less influence and less opportunity to represent their communities. There is a clear intention to speed up the planning process, but is this the best way as the Welsh Government have sometimes taken months, if not years, to resolve call-in applications. Welsh Government is looking to centralise Government, rather than devolve it.	
A Member raised the issue of Elected Members having to take an exam to sit on Planning Committee and was concerned that the focus would be on	

questions about fences and hedges, etc., rather than the major issues.	
A Member requested that the Planning Bill presentation be presented to all Council Members.	

Following consideration of the report the Committee

RESOLVED –

- (1) T H A T the content of the report be noted.
- (2) T H A T Cabinet be requested to endorse the response as attached to the report.
- (3) T H A T the content of the report be referred to the Community Liaison Committee for information purposes.
- (4) T H A T the presentation made to the Planning Committee be presented to all Council Members.

Reasons for decisions

- (1) To allow the Planning Committee to respond to the consultation.
- (2) To allow the views of Planning Committee to be taken into consideration by Cabinet when responding to the consultation.
- (3) To keep Community Liaison Committee apprised of the issues contained within this report.
- (4) To apprise all Council Members on the Welsh Government Consultation – The Draft Planning (Wales) Bill.”

Attached as Appendix – Report to Planning Committee: 13th February, 2014

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 13 FEBRUARY 2014

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

8. GENERAL PLANNING MATTERS

WELSH GOVERNMENT CONSULTATION – THE PLANNING BILL

Purpose of the Report

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

Background

2. The Minister for Housing and Regeneration announced the publication of the Draft Planning (Wales) Bill, consultation paper entitled "Positive Planning" and the consultation response form on 4th December 2013. A copy of all documents are available on the following links:

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

3. As can be seen from the link, the Draft Planning Bill is accompanied by a supporting paper entitled "Positive Planning : Proposals to Reform the Planning System in Wales".
4. The consultation will close on 26th February and following that date, the responses will be considered. It has been indicated that the WG intends to introduce the Planning (Wales) Bill into the National Assembly for Wales during 2014 with a second Planning Bill to follow to restate and consolidate existing legislation, thereby creating a comprehensive planning statute for Wales.

Relevant Issues and Options

5. In summary, the Bill proposes a range of measures and reforms with the aim of making the planning process more effective and more inclusive. A suite of measures are put forward, ranging from national or "Wales-wide" measures to more local and day to day measures. The proposals are grouped under four main themes, namely supporting culture change, active stewardship, improving collaboration and improving local delivery.

6. In terms of the national level, a National Development Framework for Wales will replace the Wales Spatial Plan and will have statutory status. It will also seek to focus on development and investment and will set the framework for strategic plans (see below) and local development plans. In addition, it is proposed to retain Planning Policy Wales and proposes that nationally significant developments will now be determined by Welsh Ministers.
7. At the regional level, it is proposed to introduce Strategic Development Plans (SDP's) aimed at facilitating sub-regional planning. These plans are envisaged for three areas, namely the Cardiff area, the Swansea area and the A55 corridor. Members will note that in so far as they relate to Cardiff and Swansea there appears to be a synergy with the City Region concept. SDP's are intended to consider cross-boundary issues such as housing, transport and employment. Key questions relating to responsibility for producing SDP's and who monitors their production have not yet been clarified although it appears that there may be scope for the involvement of a panel of elected Members from the relevant area as well as the involvement of the business, social and environmental partners. It is suggested that local authority leads on the production of the SDP for their area.
8. The Planning Bill proposes the retention of the Local Development Plan (LDP). However, a key change sees plans expiring at the end of the plan period putting a firm emphasis on the timely adoption of new development plans. In addition and where LDP's are in place, the local planning authority can work with Town or Community Council's to prepare "place plans".
9. In terms of Development Management, there are a number of proposals, summarised as follows:
 - The requirement for mandatory pre-application consultation with neighbours to be included on major applications.
 - The removal of the requirement to submit design and access statements.
 - The introduction of a national scheme of delegation to reduce the number of applications to be presented to Planning Committee.
 - A reduction in the size of Planning Committees and the introduction of mandatory Member training.
 - Councils can retain the power to determine appeals that have been submitted on grounds of non-delegation.
 - Front-loading of the appeal system with early submissions of statements of common ground.
 - The introduction of living decision notices to update and reflect the current position on development sites.

10. In addition, and in terms of performance, applicants will have the ability to apply directly to Ministers for certain types of development within areas administered by poorly performing authorities. Finally, it is proposed to introduce a Planning Advisory and Improvement Service along with a competency framework for members of the profession.
11. In terms of timeline, the consultation period closes on 26th February, with WG indicating that responses will be analysed during the Spring with the Planning (Wales) Act passing through the National Assembly for Wales during late 2014 and 2015.
12. The suggested response is attached at Appendix A. In summary, the following comments are relevant to that response.
13. In terms of supporting culture change, the point is made that the language contained in the consultation document is very negative stating that the service is inconsistent, negative in outlook and unduly regulatory. The first point to make is that there is nothing wrong with regulation especially where that regulation has a clear and valuable purpose. What is necessary however, is the need to articulate why regulation is necessary and what is the purpose of that regulation.
14. In terms of stewardship and leadership the intention to provide for a National Development Framework and Strategic Development Plans are noted. The current system provides for Planning Policy Wales and the Wales Spatial Plan at the National level with Local Development Plans and associated Supplementary Planning Guidance at local level. The proposal sees the retention of Planning Policy Wales, the move to National Development Frameworks, the provision of National Development Management Policies, at a national level with Strategic Development Plans at (certain) regional level with Local Development Plans at a local level as well as the provision of Place Plans. The proposal therefore increases the tier of plan ranking rather than simplifies the process. There are also questions relating to accountability in terms of the production of various plans as well as capacity and resources. It is also unclear as to whether the format of Local Developments will need to be changed in form and format where Strategic Development Plans exist. There is a suggestion that where SDP's exist, LDP's will be far slimmer documents. This in turn, raises the issue of local accountability and ownership of key decisions relating to LDP's. Finally, there are unanswered questions in relation to how the proposed National Development Framework will sit with the Wales Infrastructure Investment Plan and how Strategic Development Plans will relate to the work of the City Regions Board relating to the Cardiff and Swansea region. There is also a need for consideration to be given to how these proposals relate to the recommendations of the Williams Commission.

15. In terms of local delivery, there is clearly a move towards "standardising" procedures and processes across Wales, in terms of size of Planning committee, third party rights and delegation scheme. Whilst this is noted, and could provide clarity and greater understanding a key question relates to local distinctiveness and what may be an appropriate approach in one area of Wales, may not necessarily be appropriate elsewhere. Other initiatives, such as front-loading will come with resource implications although the Bill does not clearly address such issues in any detail.

Resource Implications (Financial and Employment)

16. Responding to the consultation can be met from within the Directorate resources. Some of the proposals may well have resource implications and where this is the case, the response to the consultation paper (Appendix A) makes reference to this.

Sustainability and Climate Change Implications

17. 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)

18. Land use planning is a statutory process and the Bill contains numerous references to elements of that process including planning appeals, development planning and the rights of individuals.

Crime and Disorder Implications

19. None specific to this report.

Equal Opportunities Implications (to include Welsh Language issues)

20. 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

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

Policy Framework and Budget

22. This is a matter within the policy framework.

Consultation (including Ward Member Consultation)

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

Relevant Scrutiny Committee

24. Economy and Environment.

RECOMMENDATIONS

- (1) That the content of the report be noted and the response to the consultation be agreed.
- (2) That the matter be referred to Cabinet for a decision.
- (3) That the content of the report be referred to the Community Liaison Committee for information purposes.

Reasons for the Recommendations

- (1) To allow the Council to respond to the consultation.
- (2) To allow the views of Planning Committee to be taken into consideration by Cabinet when responding to the consultation.
- (3) To keep Community Liaison Committee apprised of the issues contained with this report.

Background Papers

The Planning (Wales) Bill 2014 and associated documents.

Contact Officer

Rob Thomas, Director of Development Services - Tel. 01446 704630

Officers Consulted

Finance
Legal (Committee Reports)

ROB THOMAS
DIRECTOR OF DEVELOPMENT SERVICES

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 Response Form

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

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	Marcus Goldsworthy	
Organisation	Vale of Glamorgan Council	
Address	Docks Office Barry CF634RT	
E-mail address	mjgoldsworthy@valeofglamorgan.gov.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation reference: WG20088

Supporting Culture Change

Q1	Do you agree that the proposed remit for a Planning Advisory and Improvement Service will help local planning authorities and stakeholders to improve performance?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Qualified Support The proposal for a PAIS is welcomed in principle, however VoG is concerned that the decision has been taken for WG to host this service. The Planning Advisory Service (PAS) in England is funded by DCLG but hosted by the Local Government Association. Colleagues in LPAs in England have commented that this 'independence' has resulted in a service that is trusted and well received as PAS is part of the local government family and working for local authorities not central government. The proposals within Positive Planning are significantly different from this set up and therefore it is likely that the service will be viewed differently to PAS in England.</p>			

Q2	Do you agree that existing Welsh Government support arrangements for the built environment sector in Wales should be reviewed?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Qualified Comments It is unclear what is actually meant by this question. We would have concerns if this were to mean the loss of the Design Commission for Wales who VoG has worked closely with in the past to improve planning applications</p>			

Q3	Do you agree that competency frameworks should be prepared for planning practitioners and elected representatives to describe the skills, knowledge and behaviours necessary to deliver planning reform?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Qualified comments It is unclear how this would work with regard to the professional planning body the RTPI. Furthermore while Councillors will welcome opportunities for training, if this were to mean a formal qualification, VoG is concerned that it may lead to a reluctance for members to sit on the Planning Committee.</p> <p>Furthermore competency frameworks need to be considered for agents and all those who submit planning applications as applying it solely to LPAs ignores the fact that there is a huge discrepancy in the quality and abilities of others involved in the planning process and development industry. Not engaging with the issue 'cross-sector' will not lead to the required and desired culture change. All players, the private sector as well as in other public sector bodies need to be signed up to this competency framework.</p>			

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Consultation reference: WG20088

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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: Qualified support The replacement of the WSP with a National Development Framework is supported. However, there are a number of national plans in existence (WIIP, WEFO Economic Prioritisation Framework) or in the pipeline and the NDF should be overarching, taking account of these plans. There should also be a spatial dimension to the NDF.</p> <p>There is an opportunity to ensure that the proposed framework should not just be a national planning document, but should cover all aspects of planning, economic growth, transportation and infrastructure in order to achieve wider aims and integrate planning activity with other important policies and interventions. This requires a joined up approach within Welsh Government, with the need to collaborate between departments in order to achieve positive outcomes and avoid producing conflicting advice. There should also be a consistency of approach between departments and disciplines. By way of example it has recently been announced that a National Transport Plan will be produced, with this Plan including reference to important regional proposals and policies. As a result, within transport the indication is that this National Transport Plan will set the context for discussions with the individual local authorities on schemes and priorities, and will feed into the work of the City Region Boards. The reason for using this as an example is that such an approach departs from the approach being recommended within Planning, and the case for this departure or differing approach needs to be evidenced. Positive Planning does not indicate the estimated timescales involved with producing an NDF and the subsequent timing of the production of SDPs. Further clarification on timescales would be welcomed.</p> <p>The consultation document implies that the NDF will be for a time period of 20 years minimum but there is no indication of a monitoring process similar to that required of LPAs in relation to LDPs. WG commit to a 5 yearly review of the NDF but no annual monitoring arrangements. We have a plan-led system and therefore the ethos should be followed but plans can't be too flexible or too rigid - need a balance. Wales Spatial Plan was too generic and therefore not really utilised in practice.</p>			

Q5	Do you agree that Planning Policy Wales and Minerals	Yes	No
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Consultation reference: WG20088

	Planning Policy Wales should be integrated to form a single document?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Qualified Support Have no objection to this although, cannot see any real benefit and ultimately will lengthen PPW. If this consultation relates to encouraging Positive Planning, we fail to see how a decision relating to whether two policy documents are combined or whether they stand alone is fundamental to the debate.</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: Qualified Support To a certain extent PPW does this already and it is assumed that this just means being more specific and explicit in defining what they are? The building blocks for planning already exist, and care should be taken to ensure that a core set of Development Management policies do not make the planning system and process unworkable and too inflexible.</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: Have concerns that the proposed hierarchy is designed to remove the local democratic input into planning decisions. It seems that the WG is intent on taking the largest most controversial applications away from the democratically elected councils to be determined by what amount to an unelected quango.</p> <p>There is clearly scope to add a new category of application above the current major application as had been done in England but there is no evidence that creating applications of national significance which would not be determined by a Council would in any way improve matters. There is a lack of evidence for the need for this procedure, as WG already currently have the power to call in applications and they are not resourced to deal with this procedure.</p> <p>Example: VoG dealt with application for Defence Technical College at St Athan in 17 weeks, resource intensive but a good performance. Shows that LPAs can cope with this type of application and no evidence that another body would perform as well, feel this proposal shows a lack of trust in LPAs.</p> <p>There are also significant concerns about LPAs being required to deal with discharge of conditions on such applications without receiving a fee.</p>			

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

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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: There is no evidence or reserarch undertaken to back this up.			

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: See above			

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: While not agreeing with the need for this type of application, setting out the requirements regarding pre application notification and consultation should ensure improve the quality of application.			

Q11	Do you agree that a fee should be charged for pre-application advice for prospective Developments of National Significance applications?	Yes	No
		x	<input type="checkbox"/>
Comments: As above, while not agreeing with the need, yes a fee should be charged and a proportion of this fee should be passed to LPAs to cover resources required for			

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pre-application advice, compilation of a Local Impact Report and other activities associated with the determination of DNS.

The IAG report recommended that "Provision is made in relation to nationally significant infrastructure projects determined by the Welsh Ministers for the fee structure to recognize the resource implications for local planning authorities in their role as principal consultees in relation to such applications and in relation to the discharge of conditions and in the enforcement of development consents once granted".

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 type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
 This proposal raises concern regarding a conflict of interest. The Planning Inspectorate will be the body undertaking the processing and we assume making a recommendation to Welsh Ministers and could also find themselves undertaking an appeal on one of 'their' applications. Moreover Planning remains a democratic function and there are real concerns about how the impartiality of this appeals service will be maintained.

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:
 This seems to make the planning process more restrictive. In the case of major proposals, there will always be amendments as a result of costs or other unforeseen circumstances. This would be obvious to practitioners. Restricting amendments will be overly inflexible.

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

Comments:
 This approach does not seem sensible. If a nationally significant proposal is deemed to be a WG decision, any subsequent related proposals should be dealt with in the same manner.

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

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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"/>
<p>Comments:</p> <p>If this were dealt with by a Council, there is every likelihood that schemes would be dealt with quicker via Committee procedures.</p>			

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 type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>It is clear for other authorities experiences of the service will be almost impossible to run unless the LPA responsibilities post-determination are fully funded and as it appears that no financial provision will be made for such work (ie planning fees) then there will be no capacity in LPAs to deal with such work.</p>			

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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This would encourage prospective appellants to discuss appeals with a LPA before submitting which may in some cases negate the need for an appeal altogether.</p>			

Consultation Response Form

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

Consultation reference: WG20088

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"/>
<p>Comments:</p> <p>The ability of the Planning Inspector to determine how to handle the examination of an appeal, would enable the appeal process to be proportionate</p>			

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"/>
<p>Comments:</p> <p>With certain caveats - for example if a technical reason for refusal is resolved during the life of an appeal, e.g. through the submission of drainage or flood or noise reports it is considered that these reports should be capable of being submitted. To not accept such submissions would be totally inflexible.</p>			

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 type="checkbox"/>
<p>Comments:</p> <p>Have no strong feeling either way on this proposals and question whether it is actually needed.</p>			

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"/>
<p>Comments:</p> <p>A fee for submitting a planning appeal as in the case of an enforcement appeal would seem to be the logical way of achieving this and may encourage those who</p>			

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appeal on a whim to think more carefully.

Q22	Do you agree that a Commercial Appeals Service (CAS) should be introduced?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The VoG sees no reason why a model based on the householder appeals service for smaller commercial appeals could not work just as efficiently.			

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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>In light of the Williams Commission report is this question not somewhat academic, given that the Commission has considered this issue. Feedback on the merger of local planning authorities will be provided in response to the Williams Commission report. Regardless of this, there would need to be a business case to indicate and evidence if and why larger authorities are more efficient, as current indications do not reflect this to be the case.</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 type="checkbox"/>
<p>Comments: The Vale of Glamorgan is not a National Park, but in light of the Williams Commission report is this question not somewhat academic, given that the Commission has considered this issue. Feedback on the role and requirement of national parks will be provided in response to the Williams Commission report.</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: Qualified comments The suggested areas of Swansea and Cardiff complement initiatives such as City Regions however there are real concerns that work in producing SDP's will be a duplication of work in other guises, specifically within City Region Boards. Having SDP's as separate entities, outside of the work of the Boards would entail duplication and further silo working. At a time when resources are scarce and the need to avoid duplication is paramount, we should be seeking ways to add value rather than to add layers and structures.</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: The identified categories are as follows:</p>			

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- Housing provision on LPA basis, thus avoiding discussion at LDP stage;
- Employment land on LPA basis to provide a coherent approach;
- Strategic allocations (i.e. housing/employment);
- Gypsy and traveller provision (number of pitches, both permanent and transit) on LPA basis;
- Identification of cross LPA boundary infrastructure and links to the WIIP;
- Assessment, charging and collection of a CIL on a consistent basis;
- Waste facilities and mineral requirements including safeguarding;
- Identification of strategic environmental opportunities including Green Belt, if appropriate; and
- Single Annual Monitoring Schedule (AMS).

However if this is to be an all encompassing plan it needs to consider issues such as strategic employment and economic development and most importantly transportation links and infrastructure, especially given the advent of a new National Transport plan.

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: Qualified comments Any strategic planning document will need to consider social, economic and environmental issues. However, please refer to q 25 (above) which query the appropriate mechanism for taking forward SDP's.</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: An LDP is an LDP. It will need to have regard to other policies at a national and strategic level. In reality, even a light touch LDP (if such a concept can be legislated for) will need to deal with land allocations and a whole host of related issues. To have a light touch LDP will also raise concerns of disenfranchisement by those who cannot and have not involved themselves at the regional level.(this is likely to be a very valid and frequent concern)</p>			

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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: VOG agrees with the principle but not the suggested indicators and would consider that there are more appropriate alternative indicators which are more meaningful to both the authority and to users of the service. Work is currently underway with the Local Government Data Unit and we would welcome further discussion with Welsh Government on the definitions and thresholds. Also the relationship between the indicators in annex A, the Annual Performance Report and POSW Benchmarking is not clear in Positive Planning and again VOG would welcome further discussion on this.</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: We would welcome further discussion on the format and standards for an annual performance report. Although supportive of an annual performance report to drive improvement there is concern that this APR should not become a tool for penalising performance. Experience has shown that such a focus can result in channelling resources into those specific areas where performance is measured at the detriment of other services.</p> <p>In line with the response to Q3, VoG considers it appropriate that performance reporting should apply to all players in the planning service - Welsh Government, statutory consultees and the private sector. There is also a concern at the time spent on monitoring and reporting on performance at a time when budgets are falling and resources are extremely tight.</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: It seems perverse to penalise a poor performing authority by taking away the</p>			

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major development applications from its development management team. This significant drop of fee income can only result in additional difficulties for the LPA in terms of resourcing the development management function. It is likely that this proposal will result in job losses and the virtual closure of that authorities planning service which could result in a long term problem for WG therefore it is hard to see how the LPA can then find itself 'improved' and in a position to be receiving major applications again.

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>The emphasis should be on discussion as opposed to direction. There should be evidence to support the benefits of a joint Local Development Plan, and where such evidence exists, there should be no disagreement..</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: Qualified Support</p> <p>We agree with the principle as it would focus efforts on ensuring new development plans are prepared in time for the 'next' plan period. There is however concerns regarding external influences, such as the risk of legal challenge which can delay plan preparation and lead to a policy vacuum. There are also the concerns of a lack of consistency in terms of the lifespan of different plans. For consistency and ease of understanding, if the NDF is a minimum of 20 years, it should follow that the SDP and LDP should be 20 years.</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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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Comments: Qualified support
 This consultation is about simplifying processes and as a result it is surprising to see the introduction of so many potential tiers of policies and plans. In certain areas this could mean a NDF, SDP, LDP and Place Plans. Whilst SPG and Place Plans have their place and role, we do not feel that these should be mandatory and should only feature where they add value. The best examples relate to master plans or Site Development Briefs and in the Vale of Glamorgan we have a good track record of producing such briefs and SPG. In addition, these Plans should not necessarily be planning documents in the traditional sense. We are currently finalising town centre plans that have been prepared in consultation with stakeholders and also we are currently producing master plans in partnership with others for employment sites and visitor destinations.

Notwithstanding the above. this proposal has the potential to be massively resource intensive at a time of a reduction in staff numbers at LPAs and for this reason it is not necessary to legislate for such plans, over and above the system that currently.

Finally it should be pointed out that in England the first judicial review against a Neighbourhood plan has been launched by a developer and in an area of high development pressure like VoG it is likely that such challenges could be forthcoming as well.

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 type="checkbox"/>

Comments: Qualified Support
 Yes Qualified it may be appropriate to require that such applications can only be submitted in the form of reserved matters? In essence, an allocation will be treated as an in principle acceptance of the proposed land use. How this will work in practice, especially in relation to discussion on parameters, planning obligations and viability debates remain to be seen. There is a danger that these issues will overload the reserved matters process and not actually receive a quicker service.

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 type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
 See no real benefit in this process and in the VoG we are not aware there has ever been issue in this regard. Has research been undertaken or evidence that such a problem exists because it seems to be a very resource hungry way of

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dealing with what we consider to be a non issue?

Q37	Should the requirement for mandatory design and access statements be removed?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes but qualified, VoG agrees that the requirement for mandatory design and access statements should be removed however it is consider that there may be a place for such documents in applications for major developoments such as housing schemes where it is clear that referecnce to important policies such as Manual for Streets has been necessary.			

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: Yes this requirement should be removed as newspaper advertisements are a costly requirement and savings from the removal of this requirement would be welcome in the current climate. VoG publish planning application lists on their websites with many Councils already uploading applications, supporting documentation and decisions. This is a far more cost effective, efficient way of publicising applications and has the potential to reach a far wider audience. Likewise, when one considers the other statutory provisions of consulting with neighbouring land owners and the use of site notices, press advertisements are an unnecessary requirement.			

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

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From a professional point of view there is merit in a national minimum scheme of delegation, however there would need to be scope to allow local variations to such a scheme, so that local characteristics and issues can be built into any scheme. For example, there may be issues with the removal of the ability to provide local variation, for example in respect of areas of special designation such as conservation areas heritage coast areas and areas of special landscape value.

There are no questions dealing with the proposed development management changes and therefore a response to these are provided below for completeness: The aim to make the decision notice a "live" document will need to be dealt with carefully and can probably only be achieved as an electronic document, otherwise a situation could be envisaged where numerous paper versions of the notice are in circulation and this will just lead to general confusion.

VoG recommends an approach where the decision notice on the councils online register is a live document where relevant conditions are removed as discharged - however there may well still be issues because of the need to ensure that that condition has been complied with which in most cases will entail a site visit. WG may want to consider a type of application or fee for confirming discharge and compliance with conditions to ensure extra financial burdens are not placed on Councils.

Renewals of permission must take account of the work that can sometime be generated by such applications and a blanket minium fee is not appropriate.

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"/>
<p>Comments:</p> <p>Yes, agree to this suggestion.</p> <p>Other D. M. changes – see responses under 39</p>			

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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:			
Yes, agree			

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:			
<ul style="list-style-type: none"> • Introduction of temporary stop notices: a means of securing prompt, effective action, allowing LPAs to put an immediate halt to breaches of Planning control for up to 28 days, with no right of appeal. • Changing the title of S.94 'Completion Notices' to 'Termination Notices' to provide greater clarity and to reflect their role in the system; • Providing LPAs with the power to require the submission of retrospective planning applications where unauthorised development can be regularised and controlled by planning conditions; • Providing LPAs with the power to decline to determine retrospective planning applications for development that is subject to an enforcement notice - this will force the developer to appeal ground (a) if they want to secure planning permission for the unauthorised development; • Removing the ability to appeal ground (a) where a refusal of planning permission has already been upheld at appeal; • Removing the ability to appeal against the refusal of retrospective planning permission where a ground (a) has failed; and • Transferring responsibility for determining section 215 appeals (unsightly Land notices) from the Magistrates to Welsh Ministers. <p>In general agreement with regard to all of the above but have some reservations regarding the effectiveness of termination notices- the key issue will be that the developer cant just apply for what they have previously had consent for again and start the whole issue over.</p>			

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:			

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Yes we welcome the introduction of temporary stop notices to assist LPAs with their enforcement activities, this is long overdue.

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

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How to Respond

Please submit your comments in any of the following ways:

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