

REPORT OF DIRECTOR OF PARK DIRECTION AND PLANNING

SUBJECT: PLANNING (WALES) BILL

1. Purpose of Report

- 1.1 To provide members with an initial appreciation and understanding of the Planning (Wales) Bill and associated proposed secondary legislation.
- 1.2 It also explains other recent changes in respect of the planning function.
- 1.3 It is proposed to produce a further and more substantive report for a future meeting to allow the Authority to respond formally to the various consultations.

2. Planning (Wales) Bill

- 2.1 On 6 October 2014, the Minister for Natural Resources, Carl Sargeant AM, introduced the [Planning \(Wales\) Bill](#) to the National Assembly for Wales.
- 2.2 The Bill follows on from the Positive Planning and Draft Planning (Wales) Bill consultation late last year. At the meeting of the National Park Authority on 5 February 2014, authority for responding to the consultation was delegated to the Development Management Committee. Authority was also delegated to the Chief Executive, in consultation with the Chairman of the Authority, to agree a National Parks Wales response to the consultation in collaboration with the Brecon Beacons and Snowdonia National Park Authorities.
- 2.3 At the meeting of the Development Management Committee on 19 February 2014, it was resolved that the recommended [response](#) be largely accepted.
- 2.4 The Bill will go through a number of stages before being enacted. As part of stage 1, the Environment and Sustainability Committee at the National Assembly has been given the remit to undertake an inquiry into its general principles and to consider such matters as potential barriers to implementation, possible unintended consequences, financial implications and measurability of outcomes. The committee has issued an invitation to contribute to the inquiry / call for evidence, which closes on 7 November 2014.
- 2.5 In terms of its provisions, the Bill brings forward the following main changes:

Development Planning

- 2.6 There will be a new National Development Framework (NDF) for Wales. This will replace the Wales Spatial Plan. It will comprise part of the statutory development plan and will concentrate on land use issues of national significance and identify key locations for infrastructure investment. It will not seemingly set targets for housing or employment.
- 2.7 Strategic Development Plans (SDPs) will also be introduced to help facilitate sub-regional planning. The three suggested strategic planning areas are likely to remain focussed on Cardiff, Swansea and the A55 Corridor at this stage for which separate SDPs will need to be prepared. As such, SDPs are likely to extend beyond existing local planning authority boundaries and are intended to provide a statutory basis to resolve cross boundary issues such as housing, employment, waste and transport. A panel of elected members from each represented local planning authority area, as well as other nominated members will be responsible for the preparation and review of the SDP.
- 2.8 The Local Development Plan (LDP) system will remain at the local level. However, there will be a future requirement for such plans to be conformity with both the NDF and any SDP. In addition, adopted plans will expire at the end of the plan period.

Development Management

- 2.9 A new consent regime for Developments of National Significance (DNS) is being introduced to be determined by Welsh Ministers. This new consenting process is likely to relate to large-scale development proposals that are currently determined by local planning authorities. There will be no change in terms of UK Nationally Significant Infrastructure Projects (NSIPs) submitted under the Planning Act 2008.
- 2.10 In addition, where local planning authorities have been identified as 'poorly performing', developers will have the option to submit planning applications direct to Welsh Ministers. This is likely to relate to major schemes.
- 2.11 Also likely for major schemes is mandatory pre-application consultation by developers. The provision by local planning authorities of pre-application advice will also become mandatory.
- 2.12 The Bill gives greater flexibility for a future review of the requirement for Design and Access Statements.
- 2.13 Provisions are included to allow for the reform of the size and make-up of planning committees and the introduction of a national scheme of delegation.
- 2.14 In respect of appeals, streamlined appeal mechanisms are being introduced to deal with disputes over the validation of planning applications. In addition, amendments to applications once submitted for appeal will not be able to be made. Costs are to be extended to written representation appeals while Welsh

Ministers also propose to recover their own costs for successful costs applications.

- 2.15 There will be a new duty on statutory consultees to respond on pre-application consultations and during the determination of planning applications.
- 2.16 Land that has entered the planning system through either the development plan or planning application process will no longer be capable of being designated a Town or Village Green.
- 2.17 Decision notices will become living documents reflecting approved amendments and discharge of conditions. This is to make it easier to understand the nature and extent of extant planning permissions.
- 2.18 The Bill also aims to help deliver a positive and enabling planning system. Culture change is a key theme and to help implement the changes, a Planning Advisory and Improvement Service (PAIS) has been created. This aims to disseminate good practice, provide specialist advice and help local planning authorities share resources. It is also understood that a competency framework for practitioners and members is to be established to ensure that the necessary skills, experience and behaviours are available to enable the planning reforms to come to fruition.

3. Associated consultations

- 3.1 A number of the provisions in the Bill depend upon subordinate legislation for implementation and a series of [consultation documents](#) have been published alongside the Bill providing further detail. These are set out in brief below.
- 3.2 The deadline for responses is 16 January 2015. As stated at the beginning of the report, a more substantive report looking at the issues in greater detail and including recommended responses will be brought to a future meeting to allow the Authority to meet this deadline.

Frontloading the Development Management System

- 3.3 This details the operation of pre-application processes introduced by sections 15 and 16 of the Bill. It also seeks views on how powers in the Bill and the Planning and Compulsory Purchase Act 2004 can facilitate improved service delivery by statutory consultees.

Design in the Planning Process

- 3.4 This seeks views on how national planning policy on design can be supported and facilitated to deliver good design through the planning system (section 27 of the Bill).

Planning Committees, Delegation and Joint Planning Boards

- 3.5 This addresses delegation arrangements and the size and make-up of planning committees seeking to secure fair, consistent and efficient decision-making across Wales (sections 3 (2), 13, 37 and Schedule 1 of the Bill). Views are also sought on the size and make-up of joint planning boards and strategic planning panels.

Review of Planning Application Fees

- 3.6 This sets out proposals to increase planning application fees and other changes to help ensure resources are used in the most efficient and effective way.

Power to Override Easements and other Rights

- 3.7 This proposes powers enabling relevant organisations to override easements and other rights over land in their ownership that has come forward through the planning system.

4. Other Changes

- 4.1 In addition to the consultation documents, Welsh Government has published a new [circular](#) on the use of planning conditions, which provides amended guidance and links to legislation, as well as an updated list of model conditions to be used from now on.
- 4.2 Also, changes to telecommunications permitted development rights are being introduced in November following consultation last year. At that time, the Authority expressed some concern with certain aspects and a separate report is included on the agenda setting out the nature and extent of changes for members' information.

5. Options

- 5.1 None set out at this stage.

6. Financial considerations

- 6.1 None set out at this stage. Any implications in this respect will be covered in a future report.

7. Risk considerations

- 7.1 None set out at this stage. Any implications in this respect will be covered in a future report.

8. Conclusion

8.1 In essence, the report at this stage is for information and on this basis, no concluding comments are made.

9. Recommendation

9.1 That the report be noted.

Background Documents

Planning (Wales) Bill
Associated Welsh Government consultations and publications
Previous Authority responses to consultations

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