

Do you agree that the primary purpose of the planning system in Wales is the delivery of land for sustainable development?

It is difficult to boil down the purpose of the planning system to one sentence, but the delivery of land for sustainable development is a reasonable attempt.

An alternative good starting point would be to explain that since 1947 the planning system has removed the right of landowners to develop land without obtaining consent, with the public interest being the main overarching influence on decisions. From this, it can be then explained that 'public interest' includes sustainable development and its various components, and that therefore the planning system has to deliver land for sustainable development.

Does PPW in paragraph 4.1.2 define sustainable development sufficiently for the purposes of legislation?

There is no definitive answer to this; any definition will give rise to questions of interpretation and weight. However for the purposes of the planning system, this definition is adequate. Whatever is chosen must refer to the economic, social and environmental components of sustainable development.

However we do have reservations about trying to be more detailed beyond this definition, e.g. paragraph 4.1.5 of PPW starts to become woolly and vague, particularly 'promoting good governance' and 'using sound science responsibly'.

A potential problem for planning may be if the Sustainable Development Bill / Act introduces definitions or issues that then cause complications for the subsequent Planning Bill.

Does the current national/local structure enable decisions on the social, environmental and economic aspects of sustainable development to be taken at the appropriate level for: a) development plans b) planning applications?

The problem with development plans and delivering sustainable development is the lack of cohesion between neighbouring local authorities, especially in the south eastern region where there are several authorities covering a small geographical area. It is too easy for one LPA to assume that another LPA will accommodate a proportion of the development that evidence shows is required in that area. This may be a political decision (e.g. reducing the amount of development land in our authority, as the neighbouring area can provide it instead), but without cohesion between the authorities this is a risky approach and will probably lead to required sustainable development (e.g. affordable housing, renewable energy generation, waste recycling plants etc) not being delivered.

If planning is to deliver sustainable development properly, in the correct locations, there needs to be a powerful national (Welsh) voice; this must also have a spatial element. Therefore we consider the WSP should be a more useful and authoritative tool for identifying approximately what development is needed over a long period: housing, jobs, waste, transportation, renewable energy etc. This would form a (probably statutory) starting point for the subsequent rounds of development plans. We accept that LAs are best-placed to prepare the LDPs for their area, but there should be collaboration (perhaps in four areas as per the WSP: a city-region basis in the South East, a sub-regional basis in Swansea and its hinterland, the northern coastal strip sub-region and the mid/west /north Wales rural areas) to ensure the LDPs adequately address and deliver what is required.

Planning applications are generally determined at the correct level, though we think nationally important infrastructure decisions should be based on agreement, where possible, between both the responsible Welsh Minister and responsible Secretary of State, rather than just the latter. This would help accountability within Wales. Where there is disagreement between the two, perhaps the decision should revert to the Inspector's recommendation.

We would also suggest that consideration be given to how very minor planning applications such as householder extensions should be handled. Are planners the best people to determine these effectively, given the current resource pressures being felt at LPAs? One procedure would be that the LPA produce design guidance (in collaboration with local consultants, architects, surveyors and technicians); once adopted, any proposal is checked for compliance by a locally-appointed board of experts (e.g. architects/surveyors). Planners should ideally contribute to planning to deliver sustainable development, there is little need for the wide range of expertise and skills of planners to determine whether an extension looks appropriate for its site.

Using the criteria of transparency, accessibility, timeliness and democratic accountability, please score the delivery of planning on a scale of 1 (low) to 10 (high) for development plans and planning applications/development management. Please provide evidence to substantiate your scores.

The way that development plans are prepared is not transparent.

We firmly believe that the LDP is, theoretically, an ideal form of development plan, particularly given that Wales has Unitary Authorities rather than two tiers. We do not want to see yet another change to a different development plan system, certainly not one as convoluted as the LDF system in England.

However the candidate site assessments and/or sustainability appraisals that LPAs undertake in preparing their plans too often do not reveal how or why one site is chosen to be allocated rather than another. Even if a candidate site assessment does reveal reasons why a site is not chosen by the LPA to be taken forward, the likelihood of convincing either the LPA or the Inspector to change the plan to include the site - even if the previously identified problems precluding allocation have been addressed - in the final version of the plan is small. Essentially, the LPA need to consider their Deposit plan to be sound, so there is little reason for them to subsequently consider changing it, despite evidence being submitted to show how and why a site may be suitable or indeed better than an allocated site in terms of sustainability or access to services or any other issue.

It also often seems that a SA is used to ensure a plan is sound, rather than to prepare the best possible plan for an area. Moreover, in relation to potential allocations, the SA often appears to be a tick-box exercise or an attempt at quantifying sustainability into a scale of 1-5 / traffic light system. This generally fails to identify opportunities and benefits that can arise from allocating sites. This is surely not good planning.

Also LPAs too frequently publish evidence (e.g. background papers, topic papers, technical reports) at the same time as their consultation documents. This creates a suspicion that the LDP is not being prepared following the evidence rather than simultaneously - or worse, in advance. Allied to this, consultation periods only last six weeks. This is a very short timeframe to review evidence and make representations. We would encourage evidence to be published (for information, if not for

consultation) once it is available rather than alongside the Preferred Strategy / Deposit plan.

Development plans are always notoriously inaccessible to the general public. Interest generally only starts when there are lines on a map, when proposals are evident. Even then, the development plan normally does not attract the interest that a planning application does.

LDPs and the various stages in their preparation should include Non-Technical Summaries or Plain Language guides. Perhaps a generic example of an explanatory introduction (ideally no more than two pages) for the public could be provided by WG. LPAs could then use this in mailshots, local press, on their websites and in places with high footfall.

We are sure that all parties recognise the need to have complete plan coverage, to have plans that are up-to-date and to prepare plans in a timely manner. But we also feel that where delays are unjustifiable or unreasonable, there should be powers for WG (or AN Other) to enforce quicker preparation or punish slow preparation, perhaps through a fall-back position of PPW being used for determining applications where the LDP is more than a certain number of years late / delayed. This would be similar to the proposed situation in England where an absent plan would mean the National Planning Policy Framework becomes the default policy.

In terms of democratic accountability, we are not sure that Members fully understand the development plan system or the importance of an LDP in terms of its future role in decision-making (determining applications). We encourage further use of training members.

Two further comments about the LDP system. Firstly it is disappointing that a plan only has to be found sound in order for it to be adopted. Proper planning should aim for the best possible plan, rather than an acceptable plan. Therefore Inspectors must be given greater powers to recommend changes and improvements, even if they consider the plan to be in essence sound. Admittedly this may extend the period for preparing a plan, but if the powers are introduced once Wales has complete coverage by LDPs, it might not be problematic, given that the second tranche of LDPs should be able to be prepared quicker (lessons having been learnt, an evidence base already in situ that just needs to be updated, monitoring already taking place). Secondly, we believe a further stage is required in the LDP process. Currently the norm is to have candidate site stage (not really a chance to shape the plan as it is usually part of the evidence gathering), followed by Preferred Strategy / pre-deposit, then the deposit stage. The deposit version is usually what the LPA considers to be their sound plan that subsequently will be submitted (pre-submission changes being encouraged to be minor). Although introducing a further stage will enlorge the period of preparing the LDP, we think a stage similar to the old 'Issues and Options' would help make plans better. This would allow the public and stakeholders to voice their opinion on the main issues in advance of the Preferred Strategy. This could be spatial, or could be more about principles than locations. In some respects this stage could be described as a mix of gathering evidence and preparing the plan. It would be particularly helpful if there are no other alterations to the system. If WSP was given more weight and overarching regional planning was introduced (as suggested above), then there might be less reason to have this additional stage in the LDP process.

The planning application process is generally much more transparent than the development plan system. However we think that it would be more transparent (and indeed accessible) if all comments / consultation responses made on an application

were made available- probably via the LPA website - once received. This could help all parties identify what comments were awaited (thus helping speed up the process) and also give opportunity for rebuttals / submission of further information (thus increasing the likelihood of a good scheme coming forward).

We would encourage consultation with a local community in advance of major applications. For certain sized schemes, it should be compulsory. Even for smaller schemes, it could be advisable. It generally helps all parties: identifying possible weaknesses with a scheme, highlighting areas of potential objection, helping to consider opportunities and benefits. Moreover this is good manners if nothing else.

Related to this, both in terms of delivering good development and delivering it in a timely manner, is the use of pre-application discussions. Although these require resources (especially at the LPA), they invariably help all parties. They should be compulsory for developments of a certain size and advisable for all major development. We would suggest that for major development up to a certain scale this can be done through correspondence, but for larger developments should involve a meeting with officers. Involvement of other bodies and stakeholders should be encouraged too. Although the relevance and significance of the advice depends on the site and scheme, it would be helpful as well if consultees (CCW, EA, Welsh Water, Cadw) had available a guide to developers (and LPAs) saying in what circumstances they expect to be consulted - including both pre-application and post-submission.

Finally, we believe the current outline planning application regime is too onerous in terms of supporting information. An outline application should test the principle of development and possibly parameters e.g. maximum number of dwellings. We find that generally it is landowners who wish to make outline applications, rather than developers. They wish to establish planning consent on their land before selling to a developer. By requiring a DAS, CfSH assessments and other documents, which themselves often relate to buildings rather than the site and the principle of development, an outline application often requires considerable investment from the landowner. It is not worth anyone's while making a detailed application, as inevitably a developer will have their own scheme and designs for the site.

There is an outline application (all matters reserved) in Carmarthenshire for residential development on a brownfield site. Determination of this application has been delayed for at least 18 months due to access objections that could easily be resolved at the reserved matters stage.

We are preparing an outline application (only access proposed) for residential development on a greenfield site. There is no pragmatic reason why this application ought to include a CfSH assessment; developers know that they will need to meet a certain code level, and the details can be proposed at reserved matters stage.

Therefore we suggest the regulations for outline applications are amended so that they are less onerous in terms of supporting statement, albeit we appreciate that more detail than a simple redline plan (in the case of major developments) should be provided. If this is not a regulatory matter, then there should be guidance explaining what should be expected with an outline application, bearing in mind what matters are reserved.

What criteria would you use to describe the effective delivery of planning decisions and development plans?

Delivery should not just be described in the above terms (democratic accountability, timeliness etc), but also in meeting objectives, targets and requirements on the ground, e.g. providing homes to meet the needs and aspirations of the whole population, providing sufficient capacity to generate renewable energy, enabling sites for job creation.

Please describe how the criteria suggested could be measures and how information about them could be collected.

We believe in top-down objectives. The WG is well-placed to set out aspirations for a reasonably long period of time in regards to renewable energy generating, waste recycling, water use, transportation goals, housing need, job creation and landscape/biodiversity protection, particularly because they have a statutory commitment to Sustainable Development and doctrines such as One Planet. By taking a long-term view, e.g. at least 25 years, the delivery towards these targets can be monitored and revised accordingly as new evidence comes to light and as LDPs are reviewed. Ideally these objectives should be set out in a national document similar to WSP. If given a long enough lifetime, this will not need to be reviewed constantly, but perhaps updated every five years or so.

Is the current allocation of roles and responsibilities the best for delivering sustainable development in Wales?

There are too many planning applications for minor development that divert resources from more important applications or tasks.

Local Development Orders could be a useful tool in simplifying the system and reducing the number of consents, but these are currently very rare. Perhaps they are too complicated or hard to introduce in their current guise. We suggest WG think seriously about how to encourage them (perhaps they are perceived as removing power from decision-makers or are require too many upfront resources?)

In our view, the WG need to consider what planning should be used for. For example, it could be suggested that planning should not be about householder extensions or front walls, but about the important spatial issues that affect the country.

This does not mean all extensions should be allowed irrespective of their design, but surely if good local guidance on what is and is not acceptable (e.g. in terms of appearance, materials, energy efficiency, proximity to neighbours) is available, the determination of these proposals could be removed from the usual planning application regime. There are suitable experts in other fields in a good position to say whether an extension is suitable or not.

As suggested elsewhere, we consider that Inspectors should have greater powers when examining LDPs. In the interests of expediency, we do wish to see complete LDP coverage within a few years, however for the second tranche of LDPs, we really believe that Inspectors should be empowered to recommend changes that make a plan better, rather than merely accepting that a plan is sound.

We also believe the WG - in consultation with stakeholders and other planning actors - should have a role in defining the issues and matters fundamental to sustainable development and its delivery- from which the spatial plans and LDPs can take over. Allied to this, there is a role for someone (possibly WG) to organise sub-regional / regional planning to ensure LDPs are effective and cohesive.

What realignment of roles or additional levels of responsibility, if any, could improve delivery?

Of the 46 planning applications received by Cardiff Council in the week ending 5th December, 22 were for extensions and other minor forms of development. We suspect that in other weeks the proportion would be higher. We question whether planners are best positioned to decide if an extension is suitable or not- there are more important issues that planners should be working towards addressing.

In terms of development plans, the adopted LDP that we have most closely been involved with was Caerphilly's. Although this was found sound, we are of the opinion that it does not represent the best plan for the county borough.

In terms of (sub) regional organisation, the situation in the Cardiff city-region appears to be one whereby LAs accept there is a pressing need for an increased supply of housing land, but the majority wish the housing to be located elsewhere, i.e. not within their administrative boundaries. This is unlikely to be resolved without some form of steering from an overarching body.

What changes do you consider could be made to local planning authority organisation/management structures, or to decision making responsibilities, which would improve delivery?

Generally we think that schemes of delegation allow an appropriate proportion of applications to be determined at Committee.

The often-different views of Officers and Members can cause problems however, although it is recognised that it would be difficult to take decisions away from elected representatives.

Perhaps applications for developing allocated sites (assuming in general accordance with the plan) should be delegated to officers on the basis that the allocation was approved by Members. This might improve delivery and prevent often bizarre overturns.

Pre-application advice ought to carry weight in the decision-making process, whether at local level or at appeal. We think that minuted records of discussions should be signed off by all parties as an accurate reflection on what has been discussed, agreed and recommended. This could and should cover the necessary supporting documents, the parts of the development that need further attention or justification and matters of design (dis)agreement.

Does the current combined Planning Inspectorate for England and Wales deliver appeal decision and plan examinations effectively?

PINS ought to have greater authority in recommending changes to LDPs.

Do you consider that the level of policy development and intervention by the Welsh Government is appropriate for effective delivery?

We think PPW is a very effective tool and are pleased with it and the way that it is updated on a piecemeal basis.

The TANs are on the whole reasonably effective, albeit some are fairly old now. But TANs should be technical advice on assessing particular issues, rather than policy or spatial in nature. Therefore TAN8 and to a lesser extent TAN15 may need to have

their spatial elements provided as policy elsewhere. Delivery of renewable energy is crucial and for various reasons TAN8 is not working effectively: possibly not enough policy for assessing medium-sized windfarms.

It is in our view the WSP that is ineffective. We support this becoming a much more useful document to assist in the preparation of LDPs and would encourage it setting out the spatial strategy for the major issues facing Wales for the next 25+ years. It is very rare to quote the WSP in a planning application / appeal setting; although used more often in the context of LDPs and promoting sites, its influence is too weak.

What changes to the role of statutory consultees (if any) could improve delivery?

We think each statutory consultee should publish guidance for developers explaining in what scenario they would wish to be consulted pre-application.

We presume that not all consultees are consulted on each and every application; this is the correct procedure as otherwise it moves resources from where they are needed, i.e. commenting on relevant applications.

One potential problem is ensuring information is provided at the correct time. For the purposes of obtaining planning permission within a given timescale, it is useful to have certain issues 'conditioned' i.e. so that information is provided post-consent. But this may give rise to delays in commencing development if LPAs and consultees are focussing on determining applications rather than discharging conditions. We have two thoughts on this: firstly care should be taken not to repeat information that would need to be provided under a separate legislative or regulatory system; secondly, perhaps WG (in conjunction with the consultees) should set out matters they feel can be conditioned and those they do not. This would at least forewarn developers, consultants, consultees and the LPAs what would be required to accompany the application and what can essentially be provided later.

What aspects of the planning service and/or planning legislation could be reconsidered or more appropriately delivered by other agencies so as to simplify and focus planning's role on delivering sustainable development?

As discussed above, we believe very minor applications could be removed from the usual decision-making process and instead determined by a panel of experts against design guides.

Similarly, applications for listed building consent (that do not also require planning permission) could perhaps be taken out of the control of planning officers / members and instead utilise the skills of Cadw and/or suitably qualified experts, including where appropriate those conservation officers who are suitably well-versed in the local heritage.

Do you have any examples of barriers to effective delivery, examples of good practice or suggestions to improve delivery through the planning system that could be implemented quickly without legislation or organisational changes?

Applicants for major development should be encouraged / forced to consult with the local community prior to making an application. This not only improves accessibility and transparency for the wider public, but also may help speed up decision-making of the formal application and thus improve delivery (both the mechanism and the development). Too often the first that a neighbour hears about a scheme is a very

formal, legal-looking notice from the LPA which automatically creates uncertainty, scepticism and worry. Perhaps a plan could be sent out with the notice / pinned to the notice.