

**Planning Policy Wales
Version 5 and the
Presumption in
Favour of Sustainable
Development**

DLP BRIEFING NOTE 115

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On 7 November the Welsh Government wrote to Chief Planning Officers advising them of changes to Planning Policy Wales (i.e. PPW is now in its Version 5 form) that were published the same day. The changes are predominantly in connection to a presumption in favour of sustainable development and revisions to chapter 7 (Economic Development).

Further to various reports and consultations into planning in Wales, PPW5 now enshrines a presumption in favour of sustainable development into national policy and gives guidance to Local Planning Authorities (LPAs) on the weight to give to development plan policies that are outdated or superseded and the weight to attach to national policy, such as PPW5 itself - albeit the new guidance could have been worded in a stronger manner.

Proposed changes to the Economic Development chapter were first suggested in 2011 and have now been incorporated into formal national policy.

Presumption in Favour of Sustainable Development

The changes reinforce the need to prepare, adopt and implement a plan-led approach to the system and aim to strengthen the framework for planning applications to be determined in a manner that *"facilitates sustainable development"*. The new PPW emphasises that *"the planning system manages the development and use of land in the public interest, contributing to the achievement of sustainable development."* It is interesting that the term 'achievement' is used, rather than the hitherto more prevalent 'delivery' or 'objective'. Paragraph 2.1.2 has also been amended to state that Local Development Plans (LDPs) are *"fundamental to planning for sustainable development."*

Crucially, PPW5 introduces new section 2.7, which states that:-

*"Where development plan **policies** are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development" (WG emphasis) and*

"It is for the decision-maker, in the first instance, to determine through review of the development plan...whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development"

Meanwhile, new paragraph 2.8.4 reminds users that *"national development management policies set out (in PPW) should, where appropriate, be considered in the determination of individual applications; particularly where national planning policy provides a more up to date policy on certain topics."*

There is constant reminder throughout the amended PPW that decisions should be made in relation to up to date policies, which will often mean national policy rather than local policy, particularly in authorities without an adopted LDP. However the emphasis remains on a plan-led approach, including the regular review of adopted plans and the expedient preparation of new plans where there is no adopted (and up to date) plan in place.

The definition of sustainable development, taken from *One Wales: One Planet*, is now included within PPW. Paragraphs 4.2.2 to 4.2.3 now state that:-

"The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-maker when:

- preparing a development plan; and*
- taking decisions on individual planning applications. (WG emphasis)*

This is supported through legislation and national policy. Local planning authorities should therefore exercise their planning functions with the objective of contributing to the achievement of sustainable development."

The legislative position, under Section 39 of the Planning and Compulsory Purchase Act 2004, is not only that each LPA must prepare an LDP but that they must *"exercise the function with the objective of contributing to the achievement of sustainable development and must have regard to national policies and advice issued by Welsh Ministers"* (Figure 4.2)

Where there is no adopted development plan (and some such places do still exist in Wales), or relevant development plan policies are out of date or superseded, or where there are no relevant policies, then *"there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes."*

Economic Development

The new PPW confirms that the planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development. Furthermore, the system and the policies should aim to ensure that the growth of both output and of employment in Wales is not constrained by a shortage of land for economic uses. This can be achieved by planning to provide sufficient land to meet market requirements and also guiding and controlling economic development to help regeneration and promote social and environmental sustainability. Much of the attention of the Objectives section of the chapter is on development in the most appropriate, most efficient and most sustainable locations. This theme is applied across political borders too.

Employment Land Reviews are to be required as part of LDP evidence bases - with a relevant forthcoming Technical Advice Note to provide detail on the preparation of such reviews.

Simplified Planning Zones and Local Development Orders are, as ever, encouraged - especially in conjunction with the recently established Enterprise Zones.

There is also encouragement for the low carbon economy, business and technology clusters and social enterprises - in addition to an acknowledgement of the importance of economic development in the rural areas.

Other Amendments

Section 3.12 has been altered to reflect changes to the Welsh Ministers' call-in powers on planning applications, namely situations (albeit not automatically triggering a call-in) where proposals conflict with national policies, may have wider effects than immediate locality, are matters of national security, raise novel planning issues and are to have likely significant effects on designated sites or areas. In particular, under the WG Circular 07/12 (Notification Direction), applications for the following developments should be notified to the WG, if the LPA do not propose to refuse:-

- a) flood risk area development (i.e. in flood zone C2)
- b) residential development of more than 150 units (or 6ha) not in accordance with the development plan
- c) minerals development not in accordance with the development plan
- d) waste development not in accordance with the development plan
- e) aggregates development in National Parks and AONB

For more information on how these changes may affect a proposed development, a potential development site or more general situations, please contact the Cardiff office of DLP Planning.

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