

Consultation reference: WG23275

## Annex 1 - Consultation Response Form

### Planning and Related Decisions of the Welsh Ministers

We want your views on our proposals which make changes to the way decisions on planning and related applications and appeals are dealt with, where they are referred to the Welsh Ministers, or the Planning Inspectorate acting on their behalf.

***Please submit your comments by 30/01/2015.***

If you have any queries on this consultation, please email:  
[planconsultations-g@wales.gsi.gov.uk](mailto:planconsultations-g@wales.gsi.gov.uk) or telephone Lewis Thomas on 029 2082 3201.

Data Protection
<p>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.</p> <p>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. We will then blank them out.</p> <p>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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published.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.</p>

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Planning and Related Decisions of the Welsh Ministers		
Date of consultation period: 07/11/2014 – 30/01/2015		
<b>Name</b>	Shea Jones	
<b>Organisation</b>	Community Housing Cymru Group	
<b>Address</b>	2 Ocean Way, Cardiff, CF24 5TG	
<b>E-mail address</b>	shea-jones@chcymru.org.uk	
<b>Type</b> (please select one from the following)	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input 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 checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

<b>Q1</b>	Do you agree that appeals against the refusal of, and conditions relating to, consents to display an advertisement should be incorporated within an expedited appeal system as part of the Commercial Appeals Service (CAS)? If not, why not?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b> No comment				

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Q2	Do you agree that the Welsh Ministers should apply section 195 of the Planning Act 2008 in Wales (which amends section 266(1) of the Town and Country Planning Act 1990) so that the default position for the determination of called in applications and appeals by statutory undertakers is that they are dealt with solely by the Welsh Ministers, unless the Welsh Ministers or the relevant Secretary of State gives direction for them to be dealt with jointly?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the 4 week timescale proposed for the dual-jurisdiction of non-determination appeals? If not, please suggest alternative timescales with your reasons.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: At present in Wales, when Appeals are submitted against non determination, the decision is effectively taken from the local planning authority who can only then report to committee on the basis of whether they are minded to grant planning permission or refuse.  The four week period would represent a reasonable time scale for the LPA to carry on and determine the planning application. It is assumed that this 4 week period would commence on the date of the receipt of a valid appeal, otherwise further clarification will be required.				

Q4	Is there any other comment you wish to make in relation to these changes to appeals against non-determination?
Comments: As a consequence of the above, where the local planning authority refuses permission within this additional period, an appeal against non-determination will become an appeal against refusal. If the local planning authority grants permission, the appellant has the opportunity of either withdrawing the appeal or proceeding with an appeal on revised grounds, if for example, conditions are not acceptable.  We further support proposals to allow non-determination appeals to be submitted any time following the ending of the statutory period for determination up to the point of determination of the application, thus removing the current 6 month maximum time limit.	

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Q5	Do you agree that the Planning Inspectorate should be given authority to determine listed building consent and listed building enforcement appeals in relation to Grade I and II* listed buildings in line with current procedures for Grade II listed buildings?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q6	Do you agree that the Planning Inspectorate should be given authority to determine appeals for which grants have been made by the Welsh Ministers under section 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q7	Do you agree that the Planning Inspectorate should be given authority to determine appeals against the determination of conditions attached to minerals permissions, made under paragraphs 11(1) of Schedule 13 and paragraph 9(1) of Schedule 14 to the Environment Act 1995?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q8	Do you agree that the Planning Inspectorate should be given authority to determine appeals against decisions or failure to take decisions under section 21 of the Planning (Hazardous Substances) Act 1990?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q9	Do you agree that the Planning Inspectorate should be given authority to determine appeals under section 208 of the Town and Country Planning Act 1990 against section 207 notices for the replacement of trees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q10	Are there any additional comments you wish to make in relation to these changes to the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997?
<p><b>Comments:</b></p> <p>Larger residential and mixed use planning applications are often subject to call ins and consequently dealt with by the Minister.</p> <p>Despite the recent emphasis given by the Welsh Government on the need to deliver housing, such call in procedures frequently result in considerable delays and uncertainty regarding the timescale for a decision.</p> <p>From the applicant/appellant's point of view it can be frustrating, as in order to seek updates on the progress of such applications, frequently there is no person identified as a first point of contact in the Welsh Government. The process should therefore be more transparent and should include a timetable which gives a firm indication as to when a decision is likely to be issued.</p>	

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I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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### **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-g@wales.gsi.gov.uk">planconsultations-g@wales.gsi.gov.uk</a> Please include 'Planning and Related Decisions of the Welsh Ministers - WG 23275' in the subject line.
<b>Post</b>
Please complete the consultation form and send it to: <b>Planning and Related Decisions of the Welsh Ministers Consultation Decisions Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please: email: <a href="mailto:planconsultations-g@wales.gsi.gov.uk">planconsultations-g@wales.gsi.gov.uk</a> ; or telephone: Lewis Thomas on 029 2082 3201