

Asbri Planning

Presentation to CH Cymru Technical Services Forum 15th May 2015

Positive Planning

Planning For A Better Future

Planning (Wales) Bill 2015



Changes to Planning – What will be the effects on development?

The Planning (Wales) Bill

- 6th October 2014 - Carl Sargeant (Minister for Housing & Regeneration) announced Planning (Wales) Bill and White Paper consultation entitled 'Positive Planning'.
 - The Minister stated that he wants to see:
 - "planning become an enabler of appropriate development ..."*
 - and to
 - "...see simplification of what is currently a highly complex system and greater collaboration in delivery of planning"*
 - "We are changing the planning system to make it **fair, enabling** and **resilient** for this and future generations."*
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Why is it not fair ?

Doesn't it enable ?

Resilient to what ?

- It always feels like a fight.
 - It takes longer than we would like.
 - Inconsistencies cause delays.
 - The public don't understand and engage with the process at the right time.
 - Site allocations and 'implementable' planning permissions needed sooner or within an established time scale.
 - Need system to be able to react to change quicker.
 - Need to understand market conditions better, where do people want to live.
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Changes to Planning – What will be the effects on development?

Timetable

- Stage 1 – 10th February: National Assembly for Wales voted to agree the general principles of the Bill. This means that the Bill has successfully passed Stage 1 of the National Assembly for Wales' legislative process.
 - Stage 2 – commenced 11th February: detailed consideration of the Environment and Sustainability Committee's comments on the Bill.
 - Stage 3 – further detailed consideration of the Bill, by the whole Assembly. Amendments can be tabled and are voted on by the whole Assembly; and
 - Stage 4 – a short debate and a vote by the whole Assembly on whether to approve the final text of the Bill.
 - If the Bill passes through all four stages, it is anticipated that it will receive Royal Assent in the summer 2015.
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Changes to Planning – What will be the effects on development?

So what is proposed?

Main objective:

- “To introduce a national, regional and local planning system for Wales which improves the existing system and creates culture change to enable the positive delivery of appropriate development.”

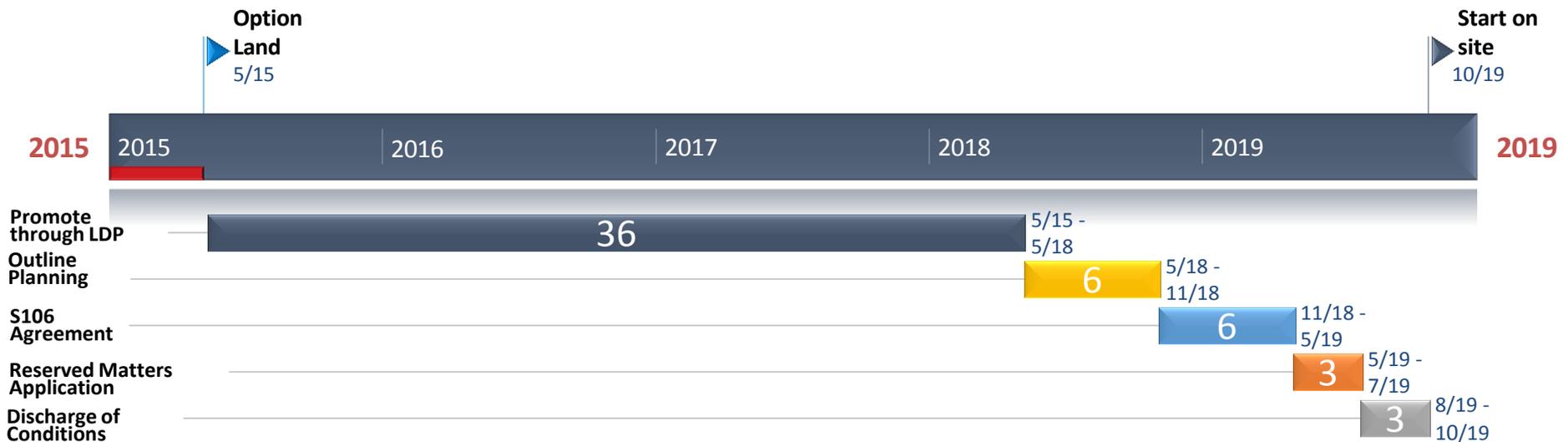
Four key objectives:

- securing a modernised planning service;
- strengthening the plan led approach;
- improving resilience for the planning service;
- improving the development management system; and
- enabling effective enforcement and appeals.

How?

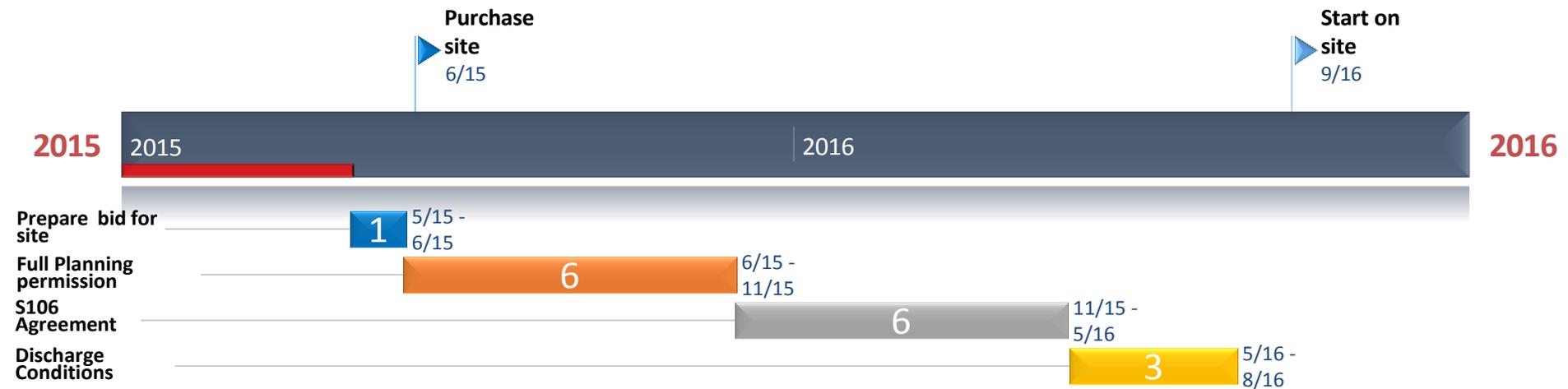
- To achieve changes in the Development Planning and Development Management systems which already exist.
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Time it takes to get planning through a Development Plan-Led process



Total time 4.5 years

Time it takes to get a housing site through planning



Total time 16 months

Changes to Planning – What will be the effects on development?

Summary of changes to Development Planning

- A National Development Framework (NDF) for Wales to replace the Wales Spatial Plan
 - Statutory Strategic Development Plans (SDPs) to facilitate sub-regional planning
 - Refinement of the Local Development Plan System
 - Town and Community Councils to produce Place Plans.
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Changes to Planning – What will be the effects on development?

National Development Framework

- Welsh Government to prepare a **National Development Framework (NDF)** which will identify:
 - national infrastructure investment; and
 - strategic development opportunities
 - The NDF will replace the existing Wales Spatial Plan.

 - The NDF will comprise part of the statutory development plan.
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Changes to Planning – What will be the effects on development?

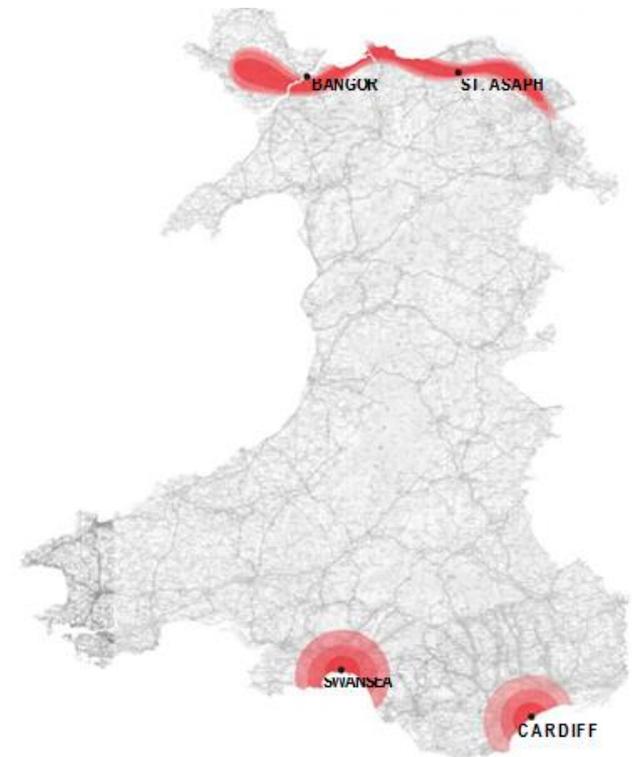
Statutory Strategic Development Plans

3 Strategic Planning Areas are proposed:
Cardiff;

- Swansea; and
- A55 Corridor

SDPs will extend beyond existing LPA boundaries and are intended to address issues such as housing, employment, waste and transport so that the benefits of growth can be maximised.

SDPs will be prepared and subject to independent scrutiny through an Examination process.



Changes to Planning – What will be the effects on development?

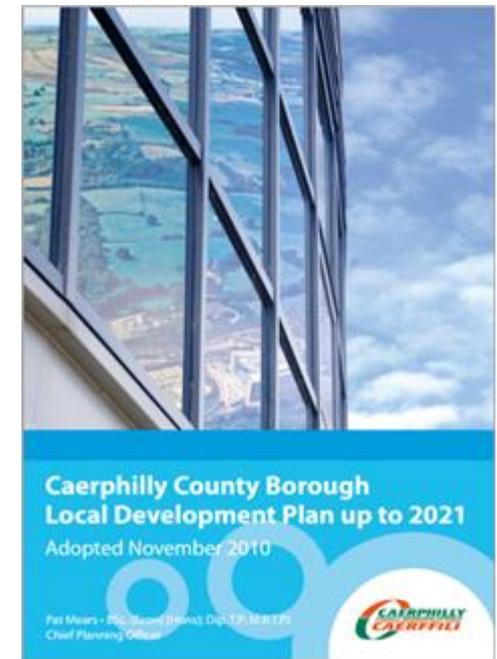
Local Development Plans

Local Development Plans (LDPs) are to be retained, but will need to be reviewed to ensure consistency with both the NDF and SDPs.

Revised TAN 1 proposes that – No up to date Adopted Plans – No 5 Year Land Supply. Severe implications for:

- Cardiff Council;
- Isle of Anglesey County Council;
- Vale of Glamorgan Council; and
- Wrexham County Borough Council.

Welsh Ministers will also have the power to direct two Local Planning Authorities to prepare a Joint LDP



Changes to Planning – What will be the effects on development?

Place Plans

Provision for Town and Community Councils to prepare Supplementary Planning Guidance or Place Plans in conjunction with LPAs.

Key Issues:

- Resources/expertise
- Conflicts/self interest
- Process
- Delivery
- Timescales



Changes to Planning – What will be the effects on development?

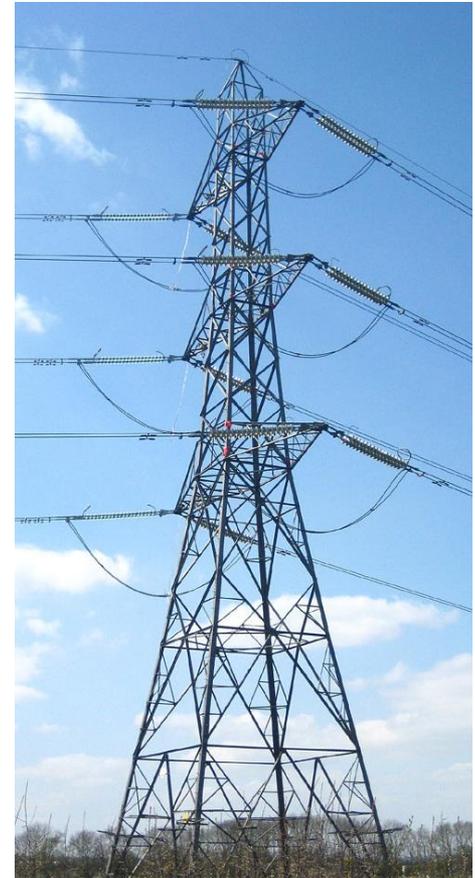
Summary of changes to Development (Control) Management

- Ministers to determine applications for development of national significance
 - Where LPAs are identified as 'poorly performing', developers can submit applications directly to Ministers
 - Reform of Planning Committees and a national scheme of delegation
 - Consultation on planning fees, i.e. increased planning fees
 - Applications in accordance with the Development Plan delegated
 - Introduction of procedure for non-material amendments
 - Frontloading of the appeals process and options to recover some costs
 - Mandatory pre-application consultation when requested
 - Consultation on the removal of the requirement for DASs
 - Fast track right of appeal for application validation issues
 - Restrict applications for Village Green status at the planning stage.
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Changes to Planning – What will be the effects on development?

Development of National Significance

- Applications for 'Development of National Significance' (DNS) must be made directly to Welsh Government.
- DNS includes Energy, Infrastructure and Waste development which are excluded from the Nationally Significant Infrastructure Projects which will continue to be administered by the UK Government.



Changes to Planning – What will be the effects on development?

Local Authority Performance

LPA's must produce **Annual Performance Reports** to nationally agreed standards to ensure a 'good local planning service', with penalties possible for persistent poor performance.

Applicants being able to apply for planning permission directly to Ministers for certain types of development within poorly performing Authorities.

DEVELOPMENT MANAGEMENT QUARTERLY SURVEY			
TABLE 1 - Planning Applications Determined Within 8 Weeks			
July - September 2014			
Welsh Local Planning Authority	Number Determined Under 8 Weeks	Number Determined Over 8 Weeks	Percentage Determined Under 8 Weeks
	Q3 14	Q3 14	Q3 14
Merthyr Tydfil CBC	62	4	94
Brecon Beacons NPA	126	11	92
Pembrokeshire Coast NPA	134	23	85
Neath Port Talbot CBC	177	40	82
Rhondda Cynon Taff CBC	305	73	81
Vale of Glamorgan CBC	245	59	81
Conwy CBC	154	40	79
Gwynedd CC	181	54	77
Isle of Anglesey CC	174	55	76
Bridgend CBC	158	51	76
Newport CC	201	71	74
Denbighshire CC	209	75	74
Carmarthenshire CC	320	118	73
Monmouthshire CC	209	81	72
Powys CC	177	70	72
Caerphilly CBC	217	86	72
Snowdonia NPA	95	38	71
Blaenau Gwent CBC	71	30	70
Flintshire CC	217	104	68
Cardiff CC	441	237	65
Swansea CC	301	170	64
Torfaen CBC	71	43	62
Wrexham CBC	109	81	57
Pembrokeshire CC	116	112	51
Ceredigion CC	75	106	41
WALES TOTAL	4545	1832	
WALES AVERAGE	182	73	71

Changes to Planning – What will be the effects on development?

Reform of Planning Committees

- Reduction in the number of applications determined at Committee
- National Planning Committee protocol
- National programme of member training
- National scheme of delegation
- Limited size of planning committee: 11-21 members proposed

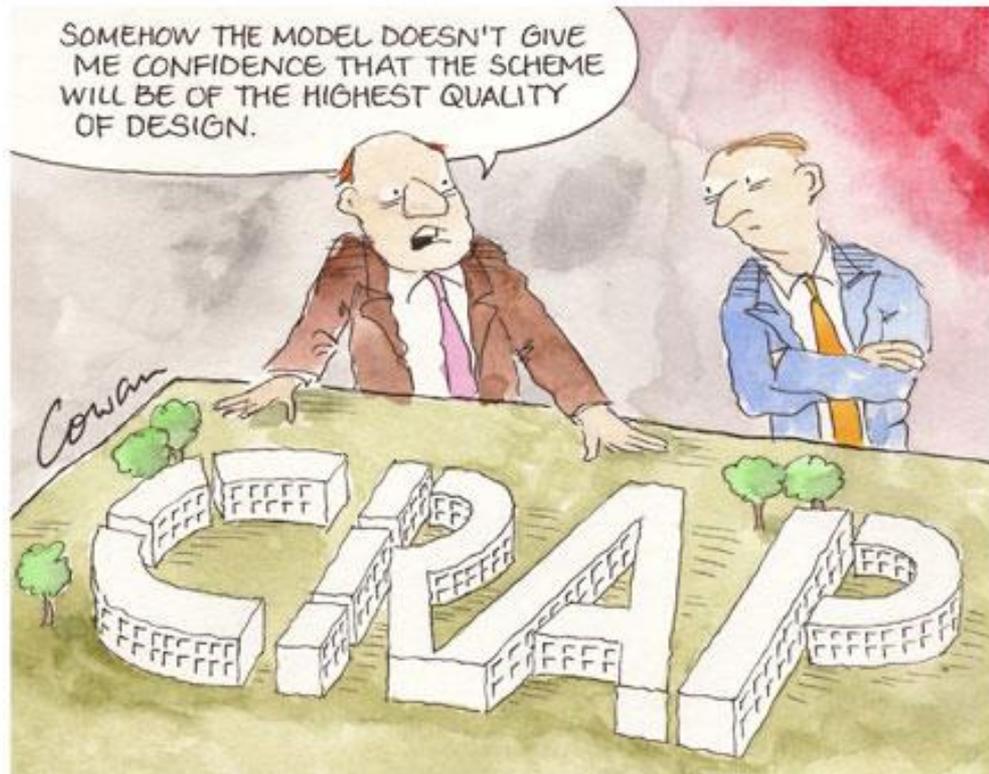


<http://wales.gov.uk/docs/desh/research/130731planning-committee-operation-study-summary-en.pdf>

Changes to Planning – What will be the effects on development?

Pre-Application Public Consultation

- All major applications to be subject to pre-application public consultation:
 - 10 units or 0.5ha
 - delays need to be factored into application preparation



<http://www.rtpi.org.uk/media/6313/Guidlelines-on-effective-community-involvement.pdf>

Changes to Planning – What will be the effects on development?

Village Greens

No right to make a Town or Village Green application where planning permission or development consent has been granted.



Changes to Planning – What will be the effects on development?

Appeals Process

Reform of the **appeals system** to reflect changes in England;

- Front loading the preparation of evidence and statements of common ground
 - No amendments to be made to the proposal once the appeal is lodged
 - LPAs able to retain the power to determine an appeal that has been lodged on the grounds of non-determination
 - Removal of the 6 month time limit for submitting appeal for non-determination
 - PINS to determine method of appeal
 - New appeal service to arbitrate over planning application validation disputes.
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Changes to Planning – What will be the effects on development?

Planning Decision Notices

- Allow for decision notice to be updated as necessary to reflect current position of planning permission.
- When LPA approves any details required by condition or limitation, the decision notice must also be updated and re-issued.
- Will require developer to notify LPA of date on which development is to begin and details of planning permission being implemented.
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Statutory Consultees

- Statutory consultees must provide a substantive response within a prescribed period and
 - Must report to the WMs on their compliance with the requirements.
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Changes to Planning – What will be the effects on development?

Planning Fees

- No substantive increase in fees since 6th April 2009
- Expectation that planning fees will increase by up to 15%
- LPAs will be able to charge for discharging of conditions

DASs

- Consultation on the need for mandatory Design & Access Statements.

Community Appeals

- Being debated 18/3/15, i.e. has no status as yet
 - Would allow Ward Councillors or Community Councils to appeal decisions
 - Appeals would only be allowed to be submitted under certain circumstances
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Stage 2 Changes

- A total of 205 amendments proposed considered at Stage 2
 - Welsh Language – assessments needed on likely effects of Plans
 - NDF – specification of period covered
 - Statutory Timescale for Welsh Ministers to determine planning applications
 - Design and access statements must continue to be submitted
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Stage 3 Amendments

- Amendments proposed - Community Right of Appeal
- Place Plans – statutory status as part of the Development Plan

Very few substantive amendments got through

- Joint Boards for National Parks
- More emphasis on Welsh Language in determining planning applications
- New section on sustainable development

Process now goes to Stage 4 where a Vote decides whether or not to approve the legislation (19th May).

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