



Planning Policy and Development Management Update

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Planning Policy Update
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National Development Framework

- 20 year land use framework for Wales and will replace the current Wales Spatial Plan
 - Set out where nationally important growth and infrastructure is needed and how the planning system can deliver it
 - Provide direction for Strategic and Local Development Plans
 - Sit alongside Planning Policy Wales
 - Support national economic, transport, environmental, housing, energy and cultural strategies
 - Be reviewed every 5 years
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National Development Framework

Options

Focus on:

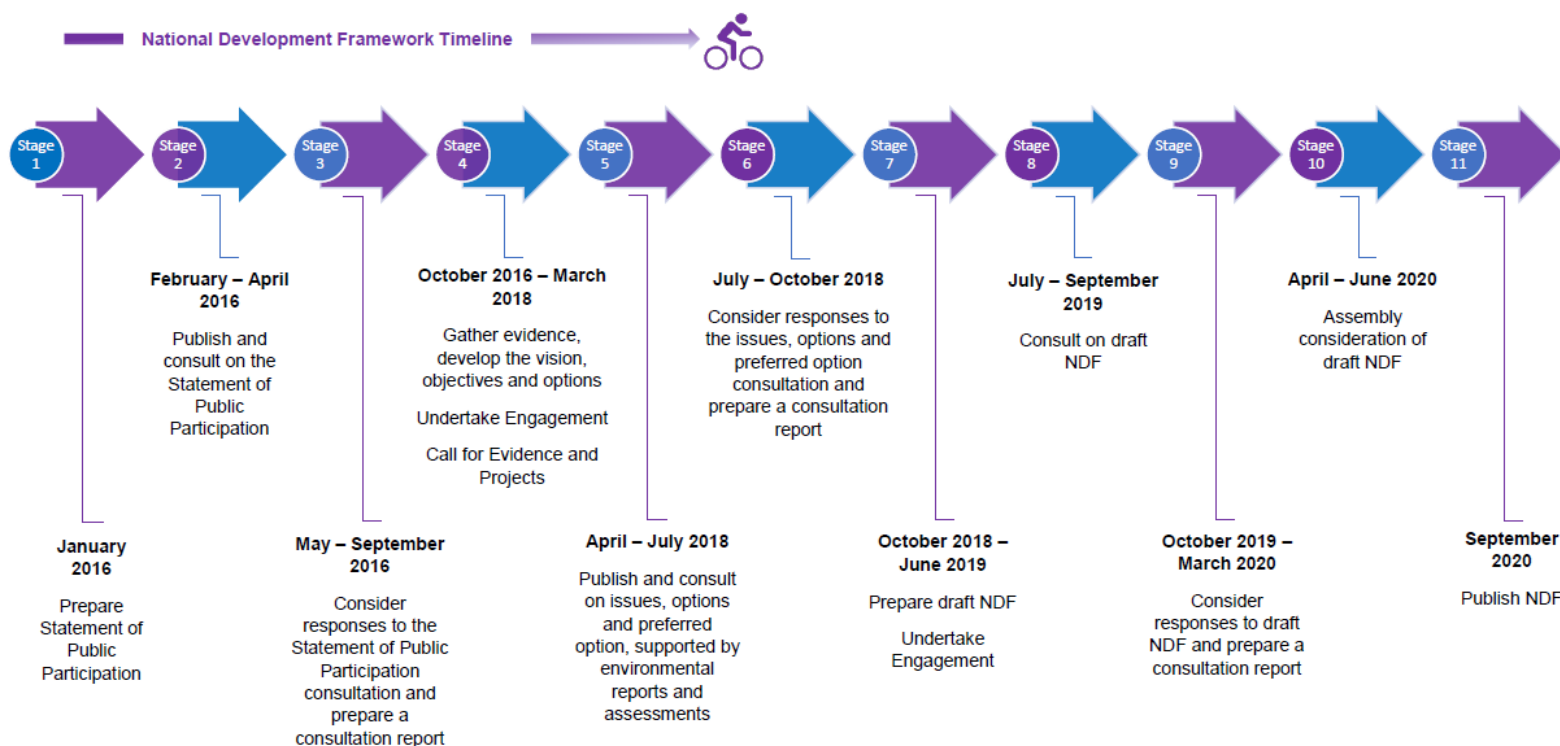
- Strongest market areas
 - Creating strong communities across Wales
 - Climate change and decarbonisation
 - Sustainable management of Wales' resources
 - No NDF
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National Development Framework

Preferred Option – Sustainable Places

- Placemaking
 - Distinctive and Natural Places
 - Productive and Enterprising Places
 - Active and Social Places
 - Wales' Regions – three regions
 - North Wales
 - Mid and South West Wales
 - South East Wales
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National Development Framework

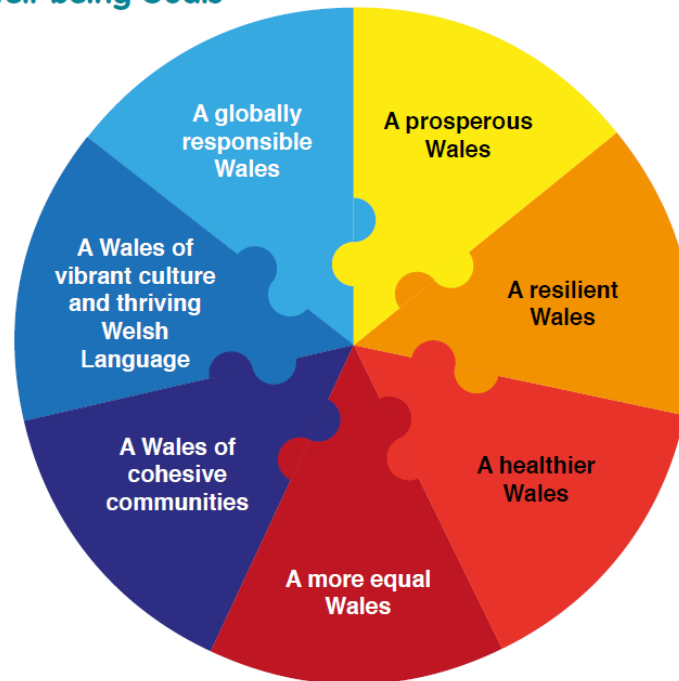


Well-being of Future Generations Act

- Improving the social, economic, environmental and cultural well-being of Wales
 - Make the public bodies listed in the Act think more about the long-term, work better with people and communities and each other
 - To give current and future generations a good quality of life we need to think about the long term impact of the decisions we make
 - Applies to public bodies
 - Puts in place 7 well-being goals
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Well-being of Future Generations Act 2015

Well-being Goals



Well-being of Future Generations Act 2015

Goal	Description of the goal
A prosperous Wales	An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.
A resilient Wales	A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).
A healthier Wales	A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.
A more equal Wales	A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).
A Wales of cohesive communities	Attractive, viable, safe and well-connected communities.
A Wales of vibrant culture and thriving Welsh language	A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.
A globally responsible Wales	A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.

Planning Policy Wales Edition 10

- Restructured into policy themes which reflect the well-being goals and policy updated where necessary to reflect Welsh Government strategies and policies
 - 'Completely revised', but essentially the same principles
 - Consultation closed in May 2018
 - Placemaking
 - Five Key Planning Principles
 - Four distinctive themes
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Planning Policy Wales Edition 10

Placemaking	Active and Social Places	Productive and Enterprising Places	Distinctive and Natural Places
Creating Sustainable Places Good Design Promoting Healthier Places The Welsh Language Making Spatial Choices Placemaking in Rural Areas	Housing Retail and Commercial Centres Community Facilities Recreational Spaces Transport	Economic Development Tourism The Rural Economy Transportation Infrastructure Telecommunications Energy Minerals Waste	Landscape Coastal Areas Historic Environment Green Infrastructure Biodiversity Water, Air, Soundscape & Light Flooding De-risking

Technical Advice Note 1: Dis-application of paragraph 6.2

- Afforded “considerable weight” to the need to increase the supply of housing if LPAs could not demonstrate a 5 year housing land supply
 - Could only demonstrate a 5 year housing land supply if LPA had an up to date LDP
 - 24 LPAs – 3 could demonstrate 5YHLS
 - “Speculative” applications, not in accord with plan-led system
 - Cabinet Secretary announced temporary disapplication
 - Weight for the decision maker
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Delivery of housing through the planning system review

- Consultation closes today
 - JHLAS process has exposed “unrealistic and unviable” allocations, therefore LPAs are not meeting LDP targets, hence the increase in “speculative” applications
 - Not in accord with plan-led system
 - Five questions relating to housing requirement, housing delivery, housing land supply monitoring
 - Could lead to revisions to PPW, Development Plans Manual or TAN1
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Replacement LDPs

- First round of LDPs coming up to review, so Replacement LDPs back on the agenda – Caerphilly
 - Monmouthshire, Bridgend, Carmarthenshire, Torfaen, Merthyr Tydfil, Blaenau Gwent, Ceredigion, Pembrokeshire Coast, Denbighshire, Conwy
 - Importance of plan-led system
 - Engage in process
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Conclusions

- More holistic approach
 - Think more strategically
 - Consider the wide ranging, overarching principles, themes and goals set out in the NDF, WBFG Act and PPW
 - Engagement in the LDP process and Welsh Government's strong emphasis on the importance of plan-led system
 - Engage in process, seek to get sites allocated in Replacement LDPs
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Lessons Learnt from Changes to the development management system in Wales

Phil Baxter, Director

Wales' Positive Planning Programme

Minister for Housing & Regeneration stated that he wanted 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"
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Development Management: Lessons Learnt

Planning (Wales) Act 2015 - enacted July 2015

- The Planning (Wales) Act gained Royal Assent on 6 July 2015.
 - The act set out a series of legislative changes to deliver reform of the planning system in Wales, to ensure that it is fair, resilient and enables development.
 - The act addresses 5 key objectives:
 1. a modernised framework for the delivery of planning services – the act introduces powers to allow planning applications to be made directly to Welsh Ministers in limited circumstances
 2. strengthening the plan led approach – the act introduces a legal basis for the preparation of a National Development Framework
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Development Management: Lessons Learnt

3. improved resilience – the act will allow the Welsh Ministers to direct local planning authorities to work together and for local planning authorities to be merged
 4. frontloading and improving the development management system – the act will introduce a statutory pre application procedure for defined categories of planning application strengthening the plan led approach
 5. enabling effective enforcement and appeals – the act enables changes to enforcement procedures to secure prompt, meaningful action against breaches of planning control and increase the transparency and efficiency of the appeal system.
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Development Management: Lessons Learnt

Development Management Procedures

Development Management Changes - Manual first published in March 2016. Now Revision 2 May 2017

The changes included the following areas:

- Pre-application Consultation - Mandatory process for all planning applications for “major” development
 - Pre-application Services – All LPA’s in Wales must provide a statutory pre-application advice service
 - DAS – only required for major development and sites in Conservation Areas and WH Sites
 - Invalid Applications – Applicants can appeal against invalid notices from LPA’s
 - Consultation in Respect of Certain Applications – LPA’s can apply discretion to consult others
 - Post Submission Amendments - £190 fee and extend determination by 4 weeks
 - Decision Notices – updated to reflect condition discharges
 - Notification of commencement – Developer responsibility to display notice
 - NMA’s – Section 96A allows changes to PP if not material. New conditions or remove/alter existing ones
 - Appeals – Appellants required to submit all evidence and full statement of case at outset. LPA Statement within 4 weeks. Final comments within 6 weeks. Costs award via written reps.
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Development Management: Lessons Learnt

Pre-Application Public Consultation

- Scope early – Discuss with LPA
 - Set realistic timescale for subsequent application
 - Statutory Consultees - Late/subsequent comments
 - Internal consultees
 - Draft Planning package – Inconsistent application
 - Fixed Scheme – Repeat Process
 - Judicial Review – third party challenges
 - Public Exhibitions – Quash misconceptions
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Development Management: Lessons Learnt

Pre-Application Service

- Statutory
 - meeting
 - Public register
 - Incomplete

 - Non-Statutory
 - Confidential
 - Retain Control - proportionate
 - Agree service level agreement
 - Excessive fees - perception
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Development Management: Lessons Learnt

Design & Access Statements

- All planning applications for “major” development i.e. >10 units, 1000sqm or 0.5ha and
 - Opportunity to explain design rationale
 - More tailored and bespoke – less rigid/context/relevant
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Development Management: Lessons Learnt

Validation of Applications

- Can take up to 2 weeks – Allow time in program
 - Appeals
 - Inconsistent
 - Monitoring
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Development Management: Lessons Learnt

Post submission amendments

- What constitutes an 'amendment'? No definition
 - Timescale – 4 week. Factor in program.
 - Subsequent amendments. LPA recover costs
 - Inconsistent application between officers and LPA's
 - Forces pre-application advice to 'get it right' at the outset
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Development Management: Lessons Learnt

Planning Decision Notices

- Very positive – condition monitoring
 - Securitisation – private finance
 - Administrative headache for LPA's
 - Several versions
 - Inconsistent
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Development Management: Lessons Learnt

Notification of Commencement of Development & Display of Notice

- Planning Conditions – Inconsistent application. Timing issues. Informatives
 - Enforcement Notice
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Development Management: Lessons Learnt

Non Material Amendments

- Modify or Remove Conditions
 - Add Conditions to permissions
 - Pitfalls - Reserved Matters and S73
 - Agree beforehand
 - Subjective
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Appeals

- Appellants required to submit all evidence as part of full statement of case with their notice of appeal – Appellant disadvantage
 - LPA and Interested parties have 4 weeks from start date
 - Final comments within 6 weeks from start date
 - Costs may now be recovered via the written representation method - deter Committees from acting unreasonably
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