Report No. 22/25
National Park Authority

Report of: Director of Place and Engagement

Subject: Response to Welsh Government Consultation on Changes to Permitted Development Rights in relation to Air Source Heat Pumps, Off-street Parking EV Chargers, Temporary Camp Sites, Reverse Vending Machines, Development by Statutory Undertakers (electricity), Affordable Housing and Meanwhile Uses; and change to the definition of major development.

Decision Required: Yes

Recommendation:

The Authority is recommended to:

A. Approve the attached response to the consultation, with delegation for further minor amendments subject to consultation with other Designated Landscapes (see Appendix A)

1. Key Messages

The Welsh Government consultation runs until 1st July 2025 and seeks views on proposed changes to various permitted development rights in Wales which are set out in the Town and Country Planning (General Permitted Development) Order 1995, including in relation to:

- Air source heat pumps
- Off-street parking electric vehicle charging units
- Temporary camp sites
- Reverse vending machines
- Development by statutory undertakers (electricity)
- Affordable housing sites and meanwhile uses

Views are also being sought on a proposed change to the definition of major development set out in the Town and Country Planning (Development Management Procedure) Order 2012. The consultation document is available here: Changes to permitted development rights | GOV.WALES

Members of the Authority will be asked to approve the attached response (see Appendix A) as the Pembrokeshire Coast National Park Authority response. Delegation is sought to liaise with other Designated Landscapes with a view to also potentially submitting a joint Landscapes Wales response on behalf of all National Parks and National Landscapes in Wales subject to support from the other Designated Landscapes. Any such response would be along the lines of the PCNPA submission provided in Appendix A.

2. Background

Permitted development rights allow certain developments to take place without the need to submit a planning application to the local planning authority, subject to certain restrictions and conditions.

In Wales the installation of air source heat pumps (ASHPs), electric vehicle charging infrastructure located on an area lawfully used for off-street parking, temporary camp sites, and development by statutory undertakers (electricity) all benefit from existing permitted development rights. Reverse Vending Machines (also known as deposit return vending machines) do not currently benefit from permitted development rights.

Welsh Government are consulting on changes to the existing permitted development right that allows for the installation of ASHPs on or within the curtilage of a dwelling house which will help promote and support the adoption of ASHPs in homes. In addition, they are consulting on changes to the existing permitted development rights that allow for the installation of electrical outlets and upstands for recharging electric vehicles. This will further facilitate the roll-out of electric vehicle charge points in line with predicted growth in use of electric vehicles and to ensure sufficient charging infrastructure is available to support zero emission vehicle targets.

Welsh Government are consulting on changes to permitted development rights in relation to the number of days allowed for temporary uses of land for camping, with a proposal to increase this from 28 days to 60 days. Members will be aware that the Authority recently confirmed an Article 4 (1) Direction to remove 28 day permitted development rights in relation to camping and caravan sites in the National Park, therefore this proposal is of particular significance to the Authority.

Welsh Government are consulting on giving permitted development rights for the erection of Reverse Vending Machines. Reverse vending machines (RVMs), also known as deposit return vending machines, are designed to collect and recycle beverage containers. The Welsh Government is proposing to introduce deposit return scheme (DRS) regulations early in 2025, in preparation for full launch of the scheme in 2027. This proposal specifically excludes Article 1 (5) land and is therefore not intended to apply to National Park locations.

Welsh Government are consulting on development by statutory undertakers (electricity) which relates to enable development to comply with safety standards, and also to increase the ability to replace existing equipment and lines. They are also consulting on including smart meter operators within the definition of statutory undertakers.

Finally Welsh Government are also considering the creation of a new permitted development class for temporary provision of affordable housing, for a period of 5 years. They are seeking views on granting planning permission through permitted development rights for sites allocated for affordable housing in local development plans, with further questions as to whether such permitted development rights should apply to exception sites (sites outside the boundary for development in LDPs).

'Major development' is defined in article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 to facilitate additional publicity for larger developments. Welsh Government are consulting on changes to the definition where it applies to the development of housing suggesting this change to 25 homes instead of the current 10 homes.

3. Main Issues

The main issues for the Authority coming from the consultation are in relation to the proposed changes in relation to camping, affordable housing and changes to the description of major development. These are highlighted below.

Whilst the principle of establishing a prior notification procedure for campsites is supported, the extension of days to 60 for its occupation and the extremely limited matters that are proposed as matters for consideration in that process means that this proposal is considered likely to significantly exacerbate the issues facing the Pembrokeshire Coast National Park and other tourism hotspots.

Issues not addressed adequately by the proposals:

1. WG have not considered or referenced feedback from the Pembrokeshire Coast National Park or others around potential landscape harm caused by existing or extended permitted development rights and the prior notification procedure proposed does not allow individual or cumulative impacts to be assessed. These points were set out in the PCNPA original consultation response in 2021/2022 but have not been referenced. These points have also been highlighted to WG officials in meetings to discuss the Article 4 (1) Direction being progressed in PCNPA. No consideration of landscape impacts on other Designated landscapes including Gower who have had an Article 4 (1) Direction in place since the 1970s has been undertaken or included in the considerations for prior notification.
2. WG have not considered biodiversity impacts (other than to sites within SSSIs) and the prior notification procedure proposed does not allow these to be assessed. This approach does not allow Authorities to properly undertake their Section 6 Duty under the Environment (Wales) Act 2016. Biodiversity impacts cannot be assumed to be limited only to locations with SSSIs and the extension from 28 days to 60 days significantly exacerbates the potential risk of harm and disturbance to habitats and species, with no ability for the LPA to refuse prior notification on these grounds.
3. WG have not considered water capacity impacts and the prior notification procedure does not allow these to be assessed.
4. No limit on campsite numbers is proposed (unlike in England where this is limited to 50 pitches) meaning that sites of several hundred (as experienced in PCNPA under current legislation) can occur for the 60 days, with potentially significant associated impacts on communities, landscape and protected species.
5. No evidence on the 100 metre buffer regarding impacts has been provided by WG as to why and how this adequately protects amenity and landscape impacts, particularly in the context of no limit on the size of campsite.

6. No consideration appears to have been given to the legislative requirement for WG to consider National Park Duties in preparing legislation. Section 62 of the Environment Act 1995 places a duty on certain bodies and persons to have regard to the purposes for which National Parks are designated. In this context we consider that this duty in a context should result in an exclusion of this wider permission in Designated Landscapes. This has been proposed for Reverse Vending Machines which is appropriate, but the potential for significant harm from 60 day uses for camping is we would argue more significant, particularly given the cumulative impacts that may occur.
7. Whilst the prior notification exclusions would prevent a campsite 'on a site' of a scheduled monument or listed building – this is not sufficient as campsites surrounding a scheduled monument or listed building may have a detrimental impact on its setting.
8. No consideration on impacts on best and most versatile agricultural land or economic impact on agricultural practices appears to have been made. Discussion with English Authorities has highlighted anecdotal evidence of farmers choosing to not grow crops that would remove the ability to use recreational campsites in some locations, given the 60 days opportunity.

The NPA questions why the WG is seeking to limit the use of an Article 4(1) Direction to highway issues. This is contrary to WG's guidance in the Development Management Manual which allows for the introduction of an Article 4 Direction in exceptional circumstances where there is a real and specific threat, supported by evidence that demonstrates localised intervention is necessary (section 3.3). It is a matter for the Local Planning Authority to provide robust evidence based on their local experience and issues experienced. The NPA does not support the limitation to highway issues only. There are a number of real and specific threats that have been identified by the PCNPA in order to support the introduction of an Article 4(1) Direction in relation to 28 day camping, caravan and mobile home sites and these are wide ranging in relation to landscape and visual impacts, water capacity, waste disposal including waste water disposal, biodiversity and environmental impacts, highway capacity issues and impacts on community, including noise. In suggesting limiting this to highways WG are also failing to comply with the Environment Act 1995 duty to consider the National Park purposes which may include conservation and landscape. The limitation of Article 4 Directions to highway issues only is also contrary to national policy in TAN 5 (paragraph 5.3.9) which makes it clear that LPAs should consider the use of Article 4 Directions, where necessary, to restrict permitted development rights that might have a significant effect on SPAs, SACs and Ramsar Sites. National policy therefore clearly supports the use of Article 4 Directions in relation to biodiversity issues.

The proposals around Affordable Housing also raise a number of concerns. Whilst we recognise that there is a need for temporary accommodation to alleviate the housing crisis, we do not consider that the use of land as a 'meanwhile use' for emergency housing should be extended beyond the one year currently allowed for. Extending this time period further with no requirement for formal public consultation and without the ability to ensure a proper standard of development is met, for example the installation of an appropriate highway / open space and contributions

towards S.106 obligations such as education / bus services means that temporary housing developments can effectively become very permanent developments built to standards which would not be otherwise accepted and leaving occupants with insufficient facilities (eg no open space, no laid road network or pavements, no contribution for the local school and no established bus service).

Exception sites have not been through any form of assessment unlike housing allocations within a Local Development Plan. They may have biodiversity issues / landscape character impacts and a lack of foul water drainage capacity / lack of water capacity and lack of highway capacity – as none of this has been assessed, granting permitted development rights could lead to substantial unanticipated harms and an unsafe development. There may also be unanticipated impacts on transport and education facilities which could not be addressed via S.106 legal obligations if the permitted development approach is used rather than the planning system. There is also a risk of a significant democratic deficit as local communities will have had no engagement whatsoever on exception sites. If an exception site element is proposed we would strongly suggest that National Parks and other National Landscapes be exempted.

Officers do not consider prior approval addresses many of the problems that would be created by establishing a permitted development class for LDP allocations.

Officers note that there is an accompanying statement from WG regarding a mechanism to address planning obligations, but would question whether this can really be delivered as well as noting that presumably such a mechanism would not allow for viability negotiations or variations or modifications to agreed S.106 agreements through the planning system. There is significant risk that this approach would not address issues such as a need for planning obligations for elements such as education / transport or mechanisms to ensure onsite provision of open space is adequate and properly maintained.

There is a suggestion of ‘pattern book’ houses as some type of standard national design for affordable housing across Wales through permitted development. Officers are concerned that this approach would fundamentally conflict with the placemaking principles WG have been keen to establish in the design process.

There would be no ability to condition construction methodologies in a manner to protect local community amenity and no ability to properly consult local communities, who may not have followed the LDP process. In circumstances where foul drainage improvements are due but have not yet take place, prior approval would lead to a scheme being refused rather than use of a Grampian condition. It would also not allow for proper design amendments or control of materials.

The proposals around making housing permitted development raise significant concerns in relation to the Welsh language and Officers consider that they run contrary to a number of the recommendations (7, 8 and 9) from the recent Commission for Welsh Speaking Communities on Town and Country Planning report in February 2025 The Report of the Commission for Welsh-speaking Communities on Town and Country Planning. Lack of use of the planning system for affordable homes and meanwhile uses means that the LPA cannot condition local letting

policies or rural letting policies. There is also no ability to apply a phasing condition. These are usual controls LPAs apply in Welsh speaking sensitive communities and there is a risk that without these controls there would be an unacceptable and adverse impact on Welsh speaking communities.

In relation to the definition of major development the PAC requirement of 10 or more appears overly onerous and moving this to 25 better reflects schemes which are genuinely 'major' in terms of potential impacts on their communities. Officers consider that there should also be a change in site area to reflect likely densities.

4. Legal Background

Current permitted development rights for ASHPs can be viewed in The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012.

Permitted development rights for EV charging infrastructure in areas lawfully used for off-street parking are set out in Class D and E of Part 2 of Schedule 2 to the 1995 Order. The current PDRs can be viewed in the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019

The 1995 Order grants planning permission for the temporary use of land for up to 28 days each year. An additional 28-day temporary permission was granted during the COVID pandemic. This enabled up to a total of 56 days of camping without having to apply for planning permission. WG are re-consulting stakeholders on the principle of amending the 1995 Order in respect of recreational campsites. They propose a new specific class of permitted development for recreational campsites within Part 4 of Schedule 2 to the 1995 Order. Camping would then be excluded from Class B in Part 4, except when in connection with a festival.

Part 42 of Schedule 2 of the 1995 Order contains the permitted development rights for shops or financial or professional services establishment in Wales. WG are considering amending this to enable a new class to Part 42 of Schedule 2, which would allow the installation of small outbuildings for RVMs in supermarket car parks. The proposals would encompass glass recycling as well as cans.

Class G of Part 17 of Schedule 2 of the 1995 Order grants planning permission development by statutory undertakers for the generation, transmission or supply of electricity. Class G enables electricity undertakers to carry out installation and renewal of a variety of installation types, subject to constraints.

Class G (b) of Part 17 of Schedule 2 of the 1995 Order permits "the installation or replacement of any [electronic communications line] which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line". Class G (b) is constrained by Class G.1 (b) of the Order, which states development is not permitted where: it would take place in a National Park, Area of outstanding Natural Beauty or Site of Special Scientific Interest;

- the height of any support would exceed 15 metres; or
- the line would exceed 1,000 metres in length.

WG propose to revise Class G (b) to enable the replacement of existing electronic communications line which falls within National Park, Area of outstanding Natural Beauty or Site of Special Scientific Interest without the need to seek planning permission. This would be constrained by requiring the electricity undertaker to ensure the height, design or position of the replacement communications line reflects that of the existing communications line.

Some local authorities in Wales have used their emergency permitted development rights in Part 12A of the 1995 Order to address the housing crisis.
The emergency planning permission set out in Part 12A lasts for a year. Housing departments promoting meanwhile uses are asking however whether the emergency permitted development rights can be extended.
WG are considering creating a new permitted development class within Part 12A specifically for meanwhile uses for affordable housing that would extend the deployment period. There would be no requirement for public consultation under such permitted development rights.

WG are also considering a new permitted development class would be created to grant planning permission for local development plan (LDP) allocations and also for exception sites.

Major development is defined in article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. Major development was originally defined in the 2012 order to facilitate additional publicity for larger developments. When the Planning (Wales) Act 2015 introduced the requirement for pre-application services and consultation, the definition was used to trigger these requirements. WG are proposing to increase dwelling numbers from 10 to 25 dwellings to reduce the burden of pre-application consultation for development where the planning impacts of change are less significant.

5. Financial considerations

It is unclear what the financial implications to the Authority from the changes would be, however the move to making affordable home applications on LDP allocations permitted development could result in a significant reduction in planning fees for this type of application, whilst the Authority would anticipate still having to undertake considerable administration to process this and check that it met the requirements of the permitted development regulations. This is not however the major concern raised by these proposals which are also considered to raise issues around democratic deficits, risk of poor design and potentially negative impacts on welsh language speaking communities.

6. Impact on our Public Sector Duties

6.1 Integrated Assessment Completed: NO not necessary as WG consultation rather than PCNPA proposal or policy

6.2 Welsh language impacts

Welsh language considerations are a question within the consultation. Officers have flagged concerns that the proposals in relation to Meanwhile Uses and Affordable Housing permitted development rights could have detrimental impacts on the Welsh

Language and run contrary to a number of recommendations made by the Commission for Welsh Speaking Communities on Town and Country Planning.

6.3 Section 6 Biodiversity Duty and Carbon Emission Impacts

As set out in the response Officers have significant concerns that the proposals in relation to campsites and affordable housing have given insufficient consideration to potential adverse impacts on the environment and on how the Section 6 Biodiversity Duty can be met.

6.4 Equality, Socio- Economic Duty, Human Rights

Any increase in permitted development rights results in a proposal not being subject to public consultation as part of a planning process. Whilst Officers have identified some proposals which could be supported without this element, there are very real concerns around the potential for a democratic deficit being created by a lack of consultation on some major proposals, including affordable housing schemes. This has been flagged in the draft response.

6.5 Well-being of Future Generations (Wales) Act

7. Conclusion
The Authority is recommended to:

A. Approve the attached response to the consultation, with delegation for further minor amendments subject to consultation with other Designated Landscapes (see Appendix A).

8. List of background documents:

- Draft response (Appendix A)
- Link to WG consultation Changes to permitted development rights | GOV.WALES

(For further information, please contact Sara Morris via saram@pembrokeshirecoast.org.uk)

Llywodraeth Cymru
Welsh Government

Number: WG51387

Welsh Government

Consultation Document

Changes to Permitted Development Rights

Response Form

Date of issue: 8 April 2025

Action required: Responses by 1 July 2025

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

This consultation seeks your views on proposed changes to various permitted development rights in Wales, including:

- Air source heat pumps
- Off-street parking electric vehicle charging units
- Temporary camp sites
- Reverse vending machines
- Development by statutory undertakers (electricity)
- Emergency affordable housing and meanwhile uses

How to respond

The closing date for responses is 1 July 2025 and you can respond in the any of the following ways:

Online form: Please complete the online consultation response form on the consultation internet page.

Email: Please download and complete the consultation response form and send it to: planconsultations-c@gov.wales

Please include WG51387 ‘Changes to Permitted Development Rights’ – in the subject line.

Post: Please download and complete the consultation response form and send it to:

WG51387 – Changes to Permitted Development Rights
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

- Email: planconsultations-c@gov.wales

- For air source heat pumps and off-street EV charging

  Tel: Marged Wyatt on 0300 025 1352

- For temporary campsites, reverse vending machines, statutory undertakers (electricity), and emergency affordable housing and meanwhile uses

  Tel: Kris Hawkins on 0300 025 3491

This document is also available in Welsh: https://www.llyw.cymru/newidiadau-i-hawliau-datblygu-ganiateir

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for Welsh Government consultations and for any personal data you provide as part of your response to the consultation.

Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. The lawful basis for processing information in this data collection exercise is our public task; that is, exercising our official authority to undertake the core role and functions of the Welsh Government. (Art 6(1)(e))

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. In the case of joint consultations this may also include other public authorities. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, 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. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation and that the Welsh Government may be under a legal obligation to disclose some information.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ
e-mail: dataprotectionofficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House

Water Lane
Wilmslow
Cheshire SK9 5AF
Tel: 0303 123 1113
Website: https://ico.org.uk/

Consultation Response Form

Your name: Sara Morris

Organisation (if applicable): Pembrokeshire Coast National Park Authority

Organisation type:

- Business/Consultant ☐
- Local Planning Authority ☒
- Government Agency/Other Public Sector ☐
- Professional Bodies/Interest Groups ☐
- Voluntary Sector/Community Groups ☐
- Other Group or Individual (not listed above) ☐

Email / telephone number: saram@pembrokeshirecoast.org.uk

Your address:

Awdurdod Parc Cenedlaethol Arfordir Penfro / Pembrokeshire Coast National Park Authority
Parc Llanion / Llanion Park
Doc Penfro / Pembroke Dock
Sir Benfro / Pembrokeshire

Air Source Heat Pumps

Question 1

Do you agree that condition G.3 (a), which requires an air source heat pump be used solely for heating purposes, should be removed to also enable the installation of an air-to-air heat pump?

- Yes ☒
- No ☐
- Don’t know ☐

Please provide your reasons:

Question 2

Do you agree that the limitation requiring an air source heat pump to be 3 metres from the property boundary should be removed?

- Yes ☒
- No ☐
- Don’t know ☐

Please provide your reasons:

The evidence around noise reduction appears to support this.

Question 3

Do you agree that the current external volume of an air source heat pump should be increased from 1 cubic metre to 1.5 cubic metres?

- Yes ☐
- No ☒
- Don't know ☐

Please provide your reasons:

The visual impact of a larger sized unit does not appear to have been considered and unless National Parks are excluded from the other proposed changes to PD rights we would oppose this due to a potentially negative impact on Designated Landscapes.

Question 4

Do you agree that the existing limitation of one ASHP on or within the curtilage of a dwelling house should be increased to a maximum of two where the dwelling house is a detached property?

- Yes ☒
- No ☐
- Don't know ☐

Please provide your reasons:

Question 5

Do you think that permitted development rights should permit the installation of ASHPs on or within the curtilage of a block of free-standing flats?

- Yes ☐
- No ☒
- Don’t know ☐

Please provide your reasons:

The potential for adverse amenity and visual impacts are significant in accommodation blocks with a number of properties and we consider this should require consideration and consultation through the planning process to ensure these are avoided.

Question 6

Do you agree that ASHPs should be permitted on a wall fronting a highway (where the installation is not within a Conservation Area, on a listed building or on a scheduled monument)?

- Yes ☐
- No ☒
- Don’t know ☐

If yes, do you think up to two air source heat pumps on a wall fronting a highway would be acceptable?

No

Please provide your reasons:

We are concerned that WG are not proposing to exclude National Parks and National Landscapes from this proposal and strongly recommend that consideration is given to excluding Article 1 (5) land as is proposed in relation to Reverse Vending Machines. Section 62 of the Environment Act 1995 places a duty on certain bodies and persons to have regard to the purposes for which National Parks are designated. This duty applies to the Welsh Government. In this context we consider that this duty in a context should result in an exclusion of this wider permission in Designated Landscapes.

Question 7

Do you agree that the limitation of not permitting the installation of an air source heat pump where a wind turbine is located in the curtilage of a dwelling should be removed?

- Yes ☒
- No ☐
- Don't know ☐

Please provide your reasons:

Question 8

Do you agree that the limitations listed in paragraph 2.33 (and in relation to paragraph 2.31-2.32) should include reference to restricting installations on a wall (or roof) of a dwellinghouse or within the curtilage of a dwellinghouse (including on a building within that curtilage) which fronts a highway in a Conservation Area?

- Yes ☒

- No ☐
- Don’t know ☐

Please provide your reasons:

We are concerned that WG are not proposing to exclude National Parks and National Landscapes from this proposal and strongly recommend that consideration is given to excluding Article 1 (5) land as is proposed in relation to Reverse Vending Machines. Section 62 of the Environment Act 1995 places a duty on certain bodies and persons to have regard to the purposes for which National Parks are designated. This duty applies to the Welsh Government. In this context we consider that this duty in a context should result in an exclusion of this wider permission in Designated Landscapes.

Question 9

Do you agree that the other limitations listed in paragraph 2.33 should remain unchanged?

- Yes ☐
- No ☒
- Don’t know ☐

Please provide your reasons:

We are concerned that WG are not proposing to exclude National Parks and National Landscapes from this proposal and strongly recommend that consideration is given to excluding Article 1 (5) land as is proposed in relation to Reverse Vending Machines. Section 62 of the Environment Act 1995 places a

duty on certain bodies and persons to have regard to the purposes for which National Parks are designated. This duty applies to the Welsh Government. In this context we consider that this duty in a context should result in an exclusion of this wider permission in Designated Landscapes.

Question 10

Are there any other planning issues regarding ASHPs that you feel are not covered in the questions above and that you wish to raise?

We are concerned that WG are not proposing to exclude National Parks and National Landscapes from this proposal and strongly recommend that consideration is given to excluding Article 1 (5) land as is proposed in relation to Reverse Vending Machines. Section 62 of the Environment Act 1995 places a duty on certain bodies and persons to have regard to the purposes for which National Parks are designated. This duty applies to the Welsh Government. In this context we consider that this duty in a context should result in an exclusion of this wider permission in Designated Landscapes.

Off-Street Electric Vehicle Charging

Question 11

Do you agree that the limitation stating wall-mounted outlets for EV charging cannot face onto and be within 2 metres of a highway should be removed?

- Yes ☐
- No ☒
- Don't know ☐

Please provide your reasons:

We think that this may impact unacceptably on the character and appearance of an area. This would particularly be an issue in both Conservation Areas and Designated Landscapes.

Question 12

Do you agree that the permitted height of an upstand for EV charging located within the curtilage of a dwelling house or a block of flats should remain 1.6 metres?

- Yes ☒
- No ☐
- Don't know ☐

Please provide your reasons:

A level above this may have unacceptable visual impacts.

Question 13

Do you agree that the permitted height of an upstand for EV charging located in an area lawfully used for off-street parking but which is not within the curtilage of a dwelling house or a block of flats should be increased from 1.6 metres to 2.7 metres?

- Yes ☐
- No ☒
- Don't know ☐

Please provide your reasons:

There may be other considerations such as wider context which mean this is unacceptable visually eg relationship to Listed walls /Conservation Area etc.

Question 14

Do you consider that there should be a minimum buffer between a 2.7 metre EV charging upstand and a residential property (including flats)?

- Yes ☐
- No ☐
- Don't know ☒

Please provide your reasons:

Question 15

Do you agree that the restriction preventing the installation of an electrical upstand facing onto and within two metres of a highway should be removed?

- Yes ☒
- No ☐
- Don’t know ☐

Please provide your reasons:

Question 16

Do you agree that permitted development rights should allow for the installation of a unit for equipment housing or storage cabinets needed to support non-domestic upstands for EV recharging?

- Yes ☒
- No ☐
- Don’t know ☐

Please provide your reasons:

Question 17

Do you agree with the other proposed limitations for units for equipment housing or storage cabinets, including the size limit of up to 29 cubic metres and no more than one unit per car park?

- Yes ☒
- No ☐
- Don’t know ☐

Please provide your reasons:

Question 18

Are there any other planning issues regarding EV Chargers located on an area lawfully used for off-street parking that you feel are not covered in the questions above and that you wish to raise?

Temporary Change of Use of Land for Camping

Question 19

Do you agree with the proposed permanent retention to Part 4 of Schedule 2 of the 1995 Order as outlined above, permitting temporary land uses for 60 days (or 28 for markets or for motor vehicle racing)?

- Yes ☐
- No ☒
- Don't know ☐

Please provide your reasons:

Whilst the principle of establishing a prior notification procedure for campsites is supported, the extension of days to 60 for its occupation and the extremely limited matters that are proposed as matters for consideration in that process means that this proposal is considered likely to significantly exacerbate the issues facing the Pembrokeshire Coast National Park and other tourism hotspots.

Issues not addressed adequately by the proposals:

1. The National Park Authority is extremely disappointed that WG have not considered or referenced feedback from the Pembrokeshire Coast National Park or others around potential landscape harm caused by existing or extended permitted development rights. The prior notification procedure proposed does not allow individual or cumulative landscape and visual impacts to be assessed. These points were set out in the PCNPA original consultation response in 2021/2022 but have not been referenced or addressed. These points have also been highlighted to WG officials in meetings to discuss the Article 4 (1) Direction being progressed in PCNPA. No consideration of landscape impacts on other Designated landscapes including Gower who have had an Article 4 (1) Direction in place since the 1970s has been undertaken or included in the considerations for prior notification.
2. WG have not considered biodiversity impacts (other than to sites within SSSIs) and the prior notification procedure proposed does not allow these to be assessed. PCNPA have one current 28 day site operating which is accessed by driving over a SSSI, however as this is not the site itself, the prior notification procedure would not address this. We consider that this approach does not allow Authorities to properly undertake their Section 6 Duty under the Environment (Wales) Act 2016. Biodiversity impacts cannot be assumed to be limited only to locations with SSSIs and the extension from 28 days to 60 days significantly exacerbates the potential risk of harm and disturbance to habitats

and species, with no ability for the LPA to refuse prior notification on these grounds.

3. WG have not considered water capacity impacts and the prior notification procedure does not allow these to be assessed.
4. No limit on campsite numbers is proposed (unlike in England where this is limited to 50 pitches) meaning that sites of several hundred (as experienced in PCNPA under current legislation) can occur for the 60 days, with potentially significant associated impacts on communities, landscape and protected species.
5. No evidence on the 100 metre buffer regarding impacts has been provided by WG as to why and how this adequately protects amenity and landscape impacts, particularly in the context of no limit on the size of campsite.
6. No consideration appears to have been given to the legislative requirement for WG to consider National Park Duties in preparing legislation. Section 62 of the Environment Act 1995 places a duty on certain bodies and persons to have regard to the purposes for which National Parks are designated. This duty applies to the Welsh Government. In this context we consider that this duty in a context should result in an exclusion of this wider permission in Designated Landscapes. This has been proposed for Reverse Vending Machines which is appropriate, but the potential for significant harm from 60 day uses for camping is we would argue more significant, particularly given the cumulative impacts that may occur.
7. Whilst the prior notification exclusions would prevent a campsite 'on a site' of a scheduled monument – this is not sufficient as campsites surrounding a scheduled monument may have a detrimental impact on its setting.
8. No consideration on impacts on best and most versatile agricultural land or economic impact on agricultural practices appears to have been made. Discussion with English Authorities has highlighted anecdotal evidence of farmers choosing to not grow crops that would remove the ability to use recreational campsites in some locations, given the 60 days opportunity.

The NPA questions why the WG is seeking to limit the use of an Article 4(1) Direction to highway issues. This is contrary to WG's guidance in the Development Management Manual which allows for the introduction of an Article 4 Direction in exceptional circumstances where there is a real and specific threat, supported by evidence that demonstrates localised intervention is necessary (section 3.3). It is a matter for the Local Planning Authority to provide robust evidence based on their local experience and issues experienced. The NPA does not support the limitation to highway issues only. There are a number of real and specific threats that have been identified by the PCNPA in order to support the introduction of an Article 4(1) Direction in relation to 28 day camping, caravan and mobile home sites and these are wide ranging in relation to landscape and visual impacts, water capacity, waste disposal including waste water disposal, biodiversity and environmental impacts, highway capacity issues and impacts on community, including noise. In suggesting limiting this to highways WG are also failing to comply with the Environment Act 1995 duty to consider the

National Park purposes which may include conservation and landscape. The limitation of Article 4 Directions to highway issues only is also contrary to national policy in TAN 5 (paragraph 5.3.9) which makes it clear that LPAs should consider the use of Article 4 Directions, where necessary, to restrict permitted development rights that might have a significant effect on SPAs, SACs and Ramsar Sites. National policy therefore clearly supports the use of Article 4 Directions in relation to biodiversity issues.

Question 20A

Do you agree with the proposed introduction of a measure withdrawing deemed consent for the use of land for camping within 100 metres of the curtilage of a "protected building"?

- Yes ☐
- No ☒
- Don't know ☐

Please provide your reasons:

There is no evidence to support this and no limit to the camping numbers proposed. We do not consider that this limit sufficiently addresses the harm that can be created by extending the use to 60 days.

Question 20B

Do you agree with the list of land types excluded from the new class?

- Yes ☐
- No ☒
- Don't know ☐

Please provide your reasons:

We are extremely disappointed that despite multiple meetings with WG Officers informing them of the issues facing Pembrokeshire Coast National Park and its intention to progress with an Article 4 (1) Direction and despite WG's awareness of the long standing Article 4 (1) Direction in Gower that National Parks and National Landscapes are not excluded from the new class, when Reverse Vending Machines which are far smaller in nature do propose this exclusion.

We respectfully remind WG of our consultation response in 2021 which identified the particular landscape impacts in the National Park, but which has failed to make the list of issues summarised in this report.

We are concerned that WG are not proposing to exclude National Parks and National Landscapes from this proposal and strongly recommend that consideration is given to excluding Article 1 (5) land as is proposed in relation to Reverse Vending Machines. Section 62 of the Environment Act 1995 places a duty on certain bodies and persons to have regard to the purposes for which National Parks are designated. This duty applies to the Welsh Government. In this context we consider that this duty in a context should result in an exclusion of this wider permission in Designated Landscapes.

As noted above – the prior notification exemption list is deficient in many ways and significant harm and risk may arise from the increased number of days.

The exemptions do not address landscape harm, cumulative landscape harm, water capacity, harm to biodiversity outside a SSSI , harm to the setting of a scheduled monument or the setting of a listed building (not simply their site location) and risks to agricultural practices.

Question 21

Are there any other planning issues regarding temporary campsites that you feel are not covered in the questions above and that you wish to raise?

Biodiversity and duties to enhance it under the Environment Wales Act 2016 appears to have been insufficiently considered in these proposals. The assumption that biodiversity impacts are limited to those in a SSSI is patently inadequate as an approach.

We are concerned that WG are not proposing to exclude National Parks and National Landscapes from this proposal and strongly recommend that consideration is given to excluding Article 1 (5) land as is proposed in relation to Reverse Vending Machines. Section 62 of the Environment Act 1995 places a duty on certain bodies and persons to have regard to the purposes for which National Parks are designated. This duty applies to the Welsh Government. In this context we consider that this duty in a context should result in an exclusion of this wider permission in Designated Landscapes.

As set out above, the exemptions do not address landscape harm, cumulative landscape harm, water capacity, harm to biodiversity outside a SSSI , harm to the setting of a scheduled monument or the setting of a listed building (not simply their site location and risks to agricultural practices. We also note proposed SACs are not excluded – this appears contrary to guidance in WG TAN 5.

As set out above, the NPA questions why the WG is seeking to limit the use of an Article 4(1) Direction to highway issues. This is contrary to WG's guidance in the Development Management Manual which allows for the introduction of an Article 4 Direction in exceptional circumstances where there is a real and specific threat, supported by evidence that demonstrates localised intervention is necessary (section 3.3). It is a matter for the Local Planning Authority to provide robust evidence based on their local experience and issues experienced. The NPA does not support the limitation to highway issues only. There are a number of real and specific threats that have been identified by the PCNPA in order to support the introduction of an Article 4(1) Direction in relation to 28 day camping, caravan and mobile home sites and these are wide ranging in relation to landscape and visual impacts, water capacity, waste disposal including waste water disposal, biodiversity and environmental impacts, highway capacity issues and impacts on community, including noise. In suggesting limiting this to highways WG are also failing to comply with the Environment Act 1995 duty to consider the National Park purposes which may include conservation and landscape. The limitation of Article 4 Directions to highway issues only is also contrary to national policy in TAN 5 (paragraph 5.3.9) which makes it clear that LPAs should consider the use of Article 4 Directions, where necessary, to restrict permitted development rights that might have a significant effect on SPAs, SACs and Ramsar Sites. National policy therefore clearly supports the use of Article 4 Directions in relation to biodiversity issues.

Reverse Vending Machines

Question 22

Do you agree with the revised dimensions for permitted development for RVM outbuildings, to a maximum of 40 square metres, and to a maximum height of 3.5 metres?

- Yes ☐
- No ☐
- Don’t know ☒

Please provide your reasons:

Question 23

Do you agree that DRS should not be subject to any specific exceptions relating to advertisement consent and should be subject to the same constraints as exist for other similar developments, such as cashpoints?

- Yes ☒
- No ☐
- Don’t know ☐

Please provide your reasons:

Question 24

Do you agree that 15 metres distance from the curtilage of a building which is used for residential purposes is a sufficient distance to mitigate the noise impact of recycling of glass? If not, do you have any information which would assist in justification of a differing distance?

- Yes ☐
- No ☐
- Don't know ☒

Please provide your reasons:

Question 25

Do you consider the other limitations to the new permitted development class under Part 42 of Schedule 2 of the 1995 Order are acceptable?

- Yes ☒
- No ☐
- Don't know ☐

Please provide your reasons:

We are delighted that appropriate consideration has been given to Designated Landscapes and that the proposal is to exclude Article 1 (5) land as a limitation. We consider that this is an appropriate response to the requirement under Section 62 of the Environment Act 1995 for the duty applying to certain bodies and persons to have regard to the purposes for which National Parks are designated. This duty applies to the Welsh Government.

Question 26

Are there any other planning issues regarding reverse vending machines that you feel are not covered in the questions above and that you wish to raise?

We are delighted that appropriate consideration has been given to Designated Landscapes and that the proposal is to exclude Article 1 (5) land as a limitation. We consider that this is an appropriate response to the requirement under Section 62 of the Environment Act 1995 for the duty applying to certain bodies and persons to have regard to the purposes for which National Parks are designated. This duty applies to the Welsh Government.

Development By Statutory Undertakers – Electricity

Question 27

Do you agree the definition of statutory undertakers should be revised to enable the provision of smart meter services?

- Yes ☒
- No ☐
- Don’t know ☐

Please provide your reasons:

Question 28

Do you agree with the increase in volume of permitted development of an electricity installation from 29 cubic metres to 45 cubic metres, subject to the proposed revised constraints of any replacement installation not exceeding 3 metres in height and not exceeding 29 cubic metres if within 5 metres of a dwelling?

- Yes ☒
- No ☐
- Don’t know ☐

Please provide your reasons:

Question 29

Do you agree that electricity undertakers should be able to replace existing electricity communications line in a National Park, Area of Outstanding Natural Beauty or Site of Special Scientific Interest without the need to seek planning permission, provided the height, design or position of the replacement communications line reflects that of the existing communications line?

- Yes ☒
- No ☐
- Don’t know ☐

Please provide your reasons:

Provided that the height, design and position (not or) reflects the existing communication line then we consider that this would be sufficient to protect landscape interests.

Question 30

Do you consider the 1,000 metre limit to replacement of existing electronic communications line remains reasonable and proportionate, given the other constraints to height, design, and position of the replacement communications line?

- Yes ☒
- No ☐
- Don’t know ☐

Please provide your reasons:

Question 31

Do you agree with the proposed broader definition of investigation works permitted under Class G (c) of Part 17 of Schedule 2 of the 1995 Order?

- Yes ☐
- No ☐
- Don’t know ☒

Please provide your reasons:

Question 32

Do you agree with the introduction of a new permitted development right for electricity undertakers under Class G (c) of Part 17 of Schedule 2 of the 1995 Order, to enable them to build a means of enclosure in accordance with their duties under Article 11 of the Electricity Safety, Quality and Continuity Regulations 2002?

- Yes ☒
- No ☐
- Don’t know ☐

Please provide your reasons:

Question 33

Are there any other planning issues regarding electricity that you feel are not covered in the questions above and that you wish to raise?

Emergency Affordable Housing and Meanwhile Uses

Question 34

Do you agree with the introduction of a new permitted development right in Part 12A for housing meanwhile uses? What should the maximum duration for a meanwhile housing use be?

- Yes ☐
- No ☒
- Don't know ☐

Please provide your reasons:

Whilst we recognise that there is a need for temporary accommodation to alleviate the housing crisis, we do not consider that the use of land as a meanwhile use for emergency housing should be extended beyond the one year currently allowed for. Extending this time period further with no requirement for formal public consultation and without the ability to ensure a proper standard of development is met, for example the installation of an appropriate highway / open space and contributions towards S.106 obligations such as education / bus services means that temporary housing developments can effectively become very permanent developments built to standards which would not be otherwise accepted and leaving occupants with insufficient facilities (eg no open space, no laid road network or pavements, no contribution for the local school and no established bus service). There is also likely to be a poorer standard of design associated with temporary accommodation with associated visual impacts on the character and appearance of communities.

Question 35

In addition to controls on windows for habitable rooms being too close to each other, what other limitations should the meanwhile use permitted development right be subject to?

Please provide your reasons:

As set above – we do not consider this appropriate. However if this is applied, adequate highway provision including laid roads / pavements and adequate open space even if only informal rather than formal should be a minimum as well as adequate water supply and foul drainage connections.

Question 36

Do you consider that provision for public consultation should not be included in the new permitted development right for housing meanwhile uses? If no, what mechanism for public publicity or consultation should be included?

- Yes ☐
- No ☒
- Don't know ☐

Please provide your reasons:

We fundamentally disagree with this approach, given the significant impacts a large housing proposal for meanwhile uses could have on the surrounding community this must include a public consultation requirement.

Question 37

Should development proposals conforming to ‘exception site’ policies be included within a new class of permitted development right? If no, what are the reasons for not including such policies?

- Yes ☐
- No ☒
- Don’t know ☐

Please provide your reasons:

Exception sites have not been through any form of assessment unlike housing allocations within a Local Development Plan. They may have biodiversity issues / landscape character impacts and a lack of foul water drainage capacity / lack of water capacity and lack of highway capacity/ unacceptable impacts on Best and Most Versatile Agricultural Land – as none of this has been assessed, granting permitted development rights could lead to substantial unanticipated harms and an unsafe development. There may also be unanticipated impacts on transport and education facilities which could not be addressed via S.106 legal obligations if the permitted development approach is used rather than the planning system. We note that there is an accompanying statement from WG regarding a mechanism to address planning obligations, but we would question whether this can really be delivered as well as noting that presumably such a mechanism would not allow for viability negotiations or variations or modifications to agreed S.106 agreements through the planning system.

We think that a suggestion of ‘pattern book’ houses as some type of standard national design for affordable housing across Wales would fundamentally conflict with the placemaking principles WG have been keen to establish in the design process.

There is also a risk of a significant democratic deficit as local communities will have had no engagement whatsoever on exception sites. If an exception site element is proposed we would strongly suggest that National Parks and other National Landscapes be exempted.

Question 38

Should prior approval be a two-stage process whereby the first stage involves scoping the further information required to be submitted?

- Yes ☐
- No ☒
- Don't know ☐

Please provide your reasons:

We do not consider prior approval addresses many of the problems that would be created by establishing a permitted development class for LDP allocations.

This approach would not address issues such as a need for planning obligations for elements such as education / transport or mechanisms to ensure onsite provision of open space is adequate and properly maintained. We note that there is an accompanying statement from WG regarding a mechanism to address planning obligations, but we would question whether this can really be delivered as well as noting that presumably such a mechanism would not allow for viability negotiations or variations or modifications to agreed S.106 agreements through the planning system.

There would be no ability to condition construction methodologies in a manner to protect local community amenity and no ability to properly consult local communities, who may not have followed the LDP process. In circumstances where foul drainage improvements are due but have not yet take place, prior approval would lead to a scheme being refused rather than use of a Grampian condition. It would also not allow for proper design amendments or control of materials.

We think that a suggestion of 'pattern book' houses as some type of standard national design for affordable housing across Wales would fundamentally conflict with the placemaking principles WG have been keen to establish in the design process.

If this is proposed we would strongly suggest that National Parks and other National Landscapes be exempted.

Question 39

What information should be submitted as part of a prior approval submission (or in a two stage prior approval process, what would be the list of issues a local planning authority would choose from when scoping what should be submitted at the second stage?

We simply don’t think this will work appropriately, see above concerns under Question 38.

Please explain your suggestions:

Question 40

How should the level of information submitted be kept proportional to the scale and complexity of the development and be of a lesser requirement than associated with a planning application?

Using permitted development rights means there will be a democratic deficit and inadequate controls on design, a lack of planning obligations and lack of controls over construction methods and ongoing elements such as materials. A lack of education, transport contributions will mean developments unsupported by key contributions.

We think that a suggestion of ‘pattern book’ houses as some type of standard national design for affordable housing across Wales would fundamentally conflict with the placemaking principles WG have been keen to establish in the design process.

If this is proposed we would strongly suggest that National Parks and other National Landscapes be exempted.

Please explain your suggestions.

Question 41

Are there benefits to restrict the house types that can be bult under the permitted development rights? If yes, please explain what benefits are envisaged?

- Yes ☐
- No ☐
- Don’t know ☒

Please provide your reasons:

We do not think this approach is workable. We think that a suggestion of ‘pattern book’ houses as some type of standard national design for affordable housing across Wales would fundamentally conflict with the placemaking principles WG have been keen to establish in the design process.

Question 42

Will using permitted development rights for the delivery of affordable housing sites lead to time and cost savings compared to taking the same development through the submission of a planning application?

- Yes ☐
- No ☒
- Don’t know ☐

Please provide your reasons:

Using permitted development rights means there will be a democratic deficit and inadequate controls on design, a lack of planning obligations and lack of controls over construction methods and ongoing elements such as materials. A lack of education, transport contributions will mean developments unsupported by key contributions.

It will be faster, but there will be ongoing costs and harm to the community as a result.

We think that a suggestion of ‘pattern book’ houses as some type of standard national design for affordable housing across Wales would fundamentally conflict with the placemaking principles WG have been keen to establish in the design process.

If this is proposed we would strongly suggest that National Parks and other National Landscapes be exempted.

Question 43

Are there any other planning issues regarding affordable housing and meanwhile uses that you feel are not covered in the questions above and that you wish to raise?

The inability to require planning obligations is a major issue that does not appear to have been appropriately considered – whilst WG state this can be addressed, no detail is provided on how this would work. Affordable homes tend to have a higher proportion of families with school age children and be more dependent on non car travel modes – a lack of ability to address these issues is likely to result in developments which are not properly integrated or served by community facilities.

Definition of Major Development

Question 44

Do you agree the number of dwellings in paragraph (c)(i) of the definition of major development should increase to 25?

- Yes ☒
- No ☐
- Don't know ☐

Please provide your reasons:

The PAC requirement of 10 or more appears overly onerous and moving this to 25 better reflects schemes which are genuinely 'major' in terms of potential impacts on their communities. There should also be a change in site area to reflect likely densities.

Question 45

If the change to dwelling numbers changed, as outlined in question 9.1, should the site area in paragraph (c)(ii) also change?

- Yes ☒
- No ☐
- Don't know ☐

Please provide your reasons and if you agree, indicate what would be the appropriate site area.

The site area should also change as for outline applications numbers may not be clear at that stage. The site area should be based on 30dph.

Compensation for Future Removal of Permitted Development Rights

Question 46

Are there any other planning issues regarding compensation for future removal of permitted development rights that you feel are not covered in the questions above and that you wish to raise?

No

Welsh Language Considerations

Question 47

What, in your opinion, would be the likely effects of the proposals above on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

Do you think that there are opportunities to promote any positive effects?

Lack of use of the planning system for affordable homes and meanwhile uses means that the LPA cannot condition local letting policies or rural letting policies. There is also no ability to apply a phasing condition. These are usual controls

LPAs apply in Welsh speaking sensitive communities and there is a risk that without these controls there would be an unacceptable and adverse impact on Welsh speaking communities.

We note that The Commission for Welsh Speaking Communities on Town and Country Planning report in February 2025 The Report of the Commission for Welsh-speaking Communities on Town and Country Planning identified a number of recommendations in relation to housing and stressed that the type and mix of housing within planning applications could have an impact on Welsh language:

Recommendation 7 of the report states: The new framework for providing an assessment of the significant effects of a planning application on areas of higher density linguistic significance should be used for all planning applications that are likely to have such significant effects. The new framework should not be limited to planning applications for large developments not allocated in a development plan.

Recommendation 8: If the planning authority considers after a screening process that a planning application is likely to have significant effects on the Welsh language outside areas of higher density linguistic significance, the 15 developer should prepare an assessment of those effects. Planning Policy Wales should not state that the need for assessment is limited to applications for windfall sites.

Recommendation 9: Technical Advice Note 20 should be reviewed and amended in its entirety to provide more specific advice and guidance on how to prepare Welsh language impact assessments for different types of developments. This advice should also provide specific guidance on mitigation and improvement actions tailored for developments of different types.

The proposals in relation to pd rights on allocated sites and even exception sites **appear contrary to these recommendations** and to actually worsen LPAs ability to consider Welsh Language matters. We suggest this is a significant issue which has not been properly assessed in developing these proposals.

We would also question, despite the comments that planning obligations can be addressed despite making proposals PD whether this is possible and whether in fact the lack of ability to use planning obligations on permitted development proposals also means there is a likely reduction in contributions towards education, including for Welsh language schools.

Do you think that there are opportunities to mitigate any adverse effects?

If you make this PD there is no way of addressing the issues flagged in Question 47.

Question 48

In your opinion, could the proposals above be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or
- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

No.

General Considerations

Question 49

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

As set out above in relation to the section on camping**,** the NPA questions why the WG is seeking to limit the use of an Article 4(1) Direction to highway issues. This is contrary to WG's guidance in the Development Management Manual which allows for the introduction of an Article 4 Direction in exceptional circumstances where there is a real and specific threat, supported by evidence that demonstrates localised intervention is necessary (section 3.3). It is a matter for the Local Planning Authority to provide robust evidence based on their local experience and issues experienced. The NPA does not support the limitation to highway issues only. There are a number of real and specific threats that have been identified by the PCNPA in order to support the introduction of an Article 4(1) Direction in relation to 28 day camping, caravan and mobile home sites and these are wide ranging in relation to landscape and visual impacts, water capacity, waste disposal including waste water disposal, biodiversity and environmental impacts, highway

capacity issues and impacts on community, including noise. In suggesting limiting this to highways WG are also failing to comply with the Environment Act 1995 duty to consider the National Park purposes which may include conservation and landscape. The limitation of Article 4 Directions to highway issues only is also contrary to national policy in TAN 5 (paragraph 5.3.9) which makes it clear that LPAs should consider the use of Article 4 Directions, where necessary, to restrict permitted development rights that might have a significant effect on SPAs, SACs and Ramsar Sites. National policy therefore clearly supports the use of Article 4 Directions in relation to biodiversity issues.

We are concerned that WG are not proposing to exclude National Parks and National Landscapes from many of the proposals in this document and strongly recommend that consideration is given to excluding Article 1 (5) land as is proposed in relation to Reverse Vending Machines. Section 62 of the Environment Act 1995 places a duty on certain bodies and persons to have regard to the purposes for which National Parks are designated. This duty applies to the Welsh Government. In this context we consider that this duty in a context should result in an exclusion of this wider permission in Designated Landscapes – this matter does not appear to have been given sufficient consideration in drafting these proposals.

In relation to the housing proposals, we note that The Commission for Welsh Speaking Communities on Town and Country Planning report in February 2025 The Report of the Commission for Welsh-speaking Communities on Town and Country Planning identified a number of recommendations in relation to housing and stressed that the type and mix of housing within planning applications could have an impact on Welsh language:
Recommendation 7 of the report states: The new framework for providing an assessment of the significant effects of a planning application on areas of higher density linguistic significance should be used for all planning applications that are likely to have such significant effects. The new framework should not be limited to planning applications for large developments not allocated in a development plan.

Recommendation 8: If the planning authority considers after a screening process that a planning application is likely to have significant effects on the Welsh language outside areas of higher density linguistic significance, the 15 developer should prepare an assessment of those effects. Planning Policy Wales should not state that the need for assessment is limited to applications for windfall sites.

Recommendation 9: Technical Advice Note 20 should be reviewed and amended in its entirety to provide more specific advice and guidance on how to prepare Welsh language impact assessments for different types of developments. This advice should also provide specific guidance on mitigation and improvement actions tailored for developments of different types.

The proposals in relation to pd rights on allocated sites and even exception sites **appear contrary to these recommendations** and to actually worsen LPAs ability to consider Welsh Language matters. We suggest this is a significant issue which has not been properly assessed in developing these proposals

Confidentiality

Responses to consultations may be made public on the internet or in a report.

If you do not want your name and address to be shown on any documents we produce please indicate here ☐

Llywodraeth Cymru
Welsh Government

Number: WG51387

Welsh Government

Consultation Document

Changes to Permitted Development Rights

Air Source Heat Pumps, Off-street Parking EV Chargers, Temporary Camp Sites, Reverse Vending Machines, Development by Statutory Undertakers (electricity), Affordable Housing and Meanwhile Uses; and change to the definition of major development.

Date of issue: 8 April 2025

Action required: Responses by 1 July 2025

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

This consultation seeks your views on proposed changes to various permitted development rights in Wales which are set out in the Town and Country Planning (General Permitted Development) Order 1995, including:

- Air source heat pumps
- Off-street parking electric vehicle charging units
- Temporary camp sites
- Reverse vending machines
- Development by statutory undertakers (electricity)
- Affordable housing sites and meanwhile uses

Your views are also sought on a proposed change to the definition of major development set out in the Town and Country Planning (Development Management Procedure) Order 2012.

How to respond

The closing date for responses is 1 July 2025 and you can respond in any of the following ways:

Online form: Please complete the online consultation response form on the consultation internet page.

Email: Please download and complete the consultation response form and send it to: planconsultations-c@gov.wales

Please include WG51387 ‘Changes to Permitted Development Rights’ – in the subject line.

Post: Please download and complete the consultation response form and send it to:

WG51387 – Changes to Permitted Development Rights
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

- **By email:** planconsultations-c@gov.wales

- For air source heat pumps and off-street EV charging
  Tel: Marged Wyatt on 0300 025 1352

- For temporary campsites, reverse vending machines, statutory undertakers (electricity), affordable housing sites and meanwhile uses; Definition of major development.
  Tel: Kris Hawkins on 0300 025 3491

Mae'r ddogfen yma hefyd ar gael yn Gymraeg / This document is also available in Welsh:
https://www.llyw.cymru/newidiadau-i-hawliau-datblygu-ganiateir

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for Welsh Government consultations and for any personal data you provide as part of your response to the consultation.

Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. The lawful basis for processing information in this data collection exercise is our public task; that is, exercising our official authority to undertake the core role and functions of the Welsh Government. (Art 6(1)(e))

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. In the case of joint consultations this may also include other public authorities. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, 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. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation and that the Welsh Government may be under a legal obligation to disclose some information.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ
e-mail: dataprotectionofficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Tel: 0303 123 1113
Website: https://ico.org.uk/

Contents

CHANGES TO PERMITTED DEVELOPMENT RIGHTS

CONSULTATION

AIR SOURCE HEAT PUMPS, OFF-STREET EV CHARGERS, TEMPORARY CAMP SITES, REVERSE VENDING MACHINES, ELECTRICITY UNDERTAKERS, AFFORDABLE HOUSING SITES AND MEANWHILE USES, DEFINITION OF MAJOR DEVELOPMENT

1. SCOPE OF CONSULTATION

1.1 This consultation seeks views on proposals relating to permitted development rights. The Welsh Government is committed to ensuring that the planning system is efficient, effective and responsive. Permitted development rights provide flexibilities and planning freedoms to different users, including householders and businesses.

1.2 Permitted development rights are set out in the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order"). The changes we are seeking views on relate to the following:

- Domestic air source heat pumps
- Off-street electric vehicle charging infrastructure
- Temporary campsites
- Reverse vending machines
- Development by statutory undertakers (electricity)
- Emergency affordable housing and meanwhile uses
- Definition of 'Major Development'

1.3 In Wales the installation of air source heat pumps (ASHPs), electric vehicle charging infrastructure located on an area lawfully used for off-street parking, temporary camp sites, and development by statutory undertakers (electricity) all benefit from existing permitted development rights. Reverse Vending Machines (also known as deposit return vending machines) do not currently benefit from permitted development rights.

1.4 Permitted development rights allow certain developments to take place without the need to submit a planning application to the local planning authority subject to certain restrictions and conditions. Where restrictions and conditions are

exceeded a planning application is required so that a scheme and any potential impacts can be considered in more detail.

1.5 We are consulting on changes to the existing permitted development right that allows for the installation of ASHPs on or within the curtilage of a dwelling house which will help promote and support the adoption of ASHPs in homes.

1.6 In addition, we are consulting on changes to the existing permitted development rights that allow for the installation of electrical outlets and upstands for recharging electric vehicles. This will further facilitate the roll-out of electric vehicle charge points in line with predicted growth in use of electric vehicles and to ensure sufficient charging infrastructure is available to support zero emission vehicle targets.

1.7 We are consulting on changes to permitted development rights in relation to the number of days allowed for temporary uses of land for camping.

1.8 We are consulting on giving permitted development rights for the erection of Reverse Vending Machines. Reverse vending machines (RVMs), also known as deposit return vending machines, are designed to collect and recycle beverage containers. The Welsh Government is proposing to introduce deposit return scheme (DRS) regulations early in 2025, in preparation for full launch of the scheme in 2027.

1.9 We are consulting on development by statutory undertakers (electricity) which relates to enable development to comply with safety standards, and also to increase the ability to replace existing equipment and lines. We are also consulting on including smart meter operators within the definition of statutory undertakers.

1.10 We are also considering the creation of a new permitted development class for temporary provision of affordable housing, for a period of 5 years. We are seeking your views on granting planning permission through permitted development rights for sites allocated for affordable housing in local development plans.

1.11 ‘Major development’ is defined in article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 to facilitate additional publicity for larger developments. We are consulting on changes to the definition where it applies to the development of housing.

2. AIR SOURCE HEAT PUMPS

Background

2.1 Welsh Government is committed to improving energy efficiency and reducing the carbon emissions of homes. ASHPs are expected to become one of the main sources of domestic heating technology, as Wales and the UK, seek to transition away from fossil fuels to low carbon and net zero alternatives. ASHPs will help to build Wales's energy resilience and security and provide more efficient heating for consumers.

2.2 ASHPs currently benefit from permitted development rights and can be installed without planning permission subject to certain limitations and conditions. Permitted development rights for ASHPs are set out in Part 40, Installation of Domestic Microgeneration Equipment, Class G of the 1995 Order. Current permitted development rights for ASHPs can be viewed in The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012.

2.3 To promote and support the deployment of ASHPs in homes across Wales and to help meet low carbon objectives, permitted development rights are being reviewed to amend or remove regulations that may act as barriers to installation.

2.4 Whilst the objective of any changes to permitted development rights is to simplify planning requirements and procedures, the Welsh Government will seek to ensure that appropriate consideration is given to any potential impacts on the environment and local amenity, so that individuals and communities are not exposed to any unacceptable negative effects.

2.5 In 2022, the UK Government's Department for Energy Security and Net Zero commissioned an independent report titled 'Review of Air Source Heat Pump Noise Emissions, Permitted Development Guidance and Regulations'. The review focused on the impact that heat pump noise has on the public and whether existing planning rules are a barrier to widespread heat pump deployment. The review was published in January 2023 and produced several recommendations for changes to the permitted development rights for ASHPs in England. The UK Government consulted on changes informed by the review in February 2024.

2.6 In January 2024, the Welsh Government published a report - 'Air Source Heat Pump Noise and Permitted Development Rights in Wales' (part 1 and part 2).

2.7 The review focused on identifying issues, gathering views and experiences from stakeholders, and assessing impact of noise on individuals. The main findings concluded that whilst noise was an important issue to manage particularly in relation to urban deployment, complaints were relatively low. The report recommended:

- amending or removing the three metre rule.
- providing better data on ASHPs and their noise levels to allow consumers to make better choices,
- recognising the importance of physical barriers to mitigate sound, and
- updating MCS standards.

2.8 Wales and England's reviews of ASHPs, the Micro Certification Scheme's 020 Planning Standards review (see below), and ongoing discussion with colleagues within the Welsh Government and UK Government have helped inform the ASHP proposals set out in this consultation. This consultation is seeking views on whether the changes to permitted development in Wales should be amended to allow greater flexibility for the installation of ASHPs. The review will also potentially introduce greater consistency between permitted development rights in Wales and England.

Micro Certification Scheme

2.9 The Micro Certification Scheme (MCS) is a quality assurance programme for small-scale renewable energy technologies. The MCS is an independent body which sets installation requirements and certifies low-carbon products and installers to ensure they meet high standards.

2.10 The current permitted development rights for ASHPs in both Wales and England require that the heat pump installation is compliant with the Microgeneration Certification Scheme (MCS) 020 Planning Standard (or an equivalent standard). The MCS 020 Planning Standard sets out the noise assessment methodology used by installers to determine whether an ASHP is compliant with the MCS established noise limit. MCS 020 is designed to allow certified contractors to establish clearly whether an installation will meet permitted development requirements.

2.11 MCS have initiated their own review and consultation of the 020 Planning Standard to reflect and support the UK Government's work. The Welsh Government engaged with MCS to help inform this process. The MCS consultation ended on 26 January 2024. The proposed changes under consideration for MCS 020 include improving the definition of a solid barrier, what constitutes a reflective surface, assumptions about background noise and

noise assessment, and updated supporting guidance for installers. The amendments will strengthen the installation and noise assessment required for the permitted development right. Further details of the MCS 020 consultation and follow up work can be found on the MCS website.

Changes to Permitted Development Rights for Air Source Heat Pumps within the curtilage of domestic properties

Expanding the type of ASHP captured under permitted development rights

2.12 ASHPs take two main forms, **air to water** heat pumps and **air to air** heat pumps. The former transfers heat from the air to water, which can then be used for central heating and hot water. The latter transfers heat between indoor and outdoor air, typically providing both heating during the colder months and reversing the process to provide cooling during the warmer months.

2.13 The current permitted development right sets out a condition in G.3 whereby development is permitted by Class G if:

(a) the air source heat pump is used solely for heating purposes.

2.14 Condition G.3 (a) means that air to air heat pumps, most of which also allow cooling, are not permitted under existing permitted development rights. In order to increase consumer choice and flexibility the Welsh Government is proposing to remove condition G.3 (a) thus permitting installation of both air to water and air to air heat pumps.

2.15 Air to air systems are not currently designed to heat water, they are designed to heat or cool spaces using a vented air system. In terms of energy efficiency, they are similar to air to water heat pumps. Air to air heat pumps would, if included within permitted development rights, be subject to the same permitted development rights and MCS 020 Planning Standards as existing ASHPs (i.e. air to water systems).

Question 1

Do you agree that condition G.3 (a), which requires an ASHP be used solely for heating purposes, should be removed to also enable the installation of an air-to-air heat pump?

Yes

No

Don't Know Please provide your reasons

ASHP distance from a property's boundary - the 3-metre rule

2.16 The existing permitted development right for ASHPs in Wales requires that all parts of the development must be at least 3 metres from the property boundary. This rule was originally introduced as a precautionary measure to help safeguard local amenity and manage potential noise impacts on neighbouring properties. However, over time ASHP technology has improved leading to quieter and more efficient products.

2.17 It is recognised that the existing 3-metre rule poses significant challenges to widespread adoption of ASHPs. Consequently, the installation of ASHPs for many properties in Wales will, under current permitted development rights, require planning permission to proceed.

2.18 The submission of a planning application may delay installation and incur a planning application fee. Local planning authorities may also require a more detailed acoustic survey to more accurately establish noise impact thus leading to additional cost.

2.19 Whilst submission of a planning application will be the appropriate course of action where regulations are not met, it is evident from the Welsh Government's ASHP review and contact with industry and members of the public, that the 3-metre rule is the most restrictive aspect of current permitted development rights in Wales and acts as a barrier to the installation.

2.20 The MCS ASHP existing sound limit of 42 decibels (dB) is calculated by adding the maximum allowable output from the ASHP unit itself of 37dB plus a 40dB background constant. The MCS standard allows for an acoustic output of 42dB under normal operating conditions as measured 1 metre from the nearest habitable room of an adjacent property.

2.21 The MCS are proposing to retain the existing ASHP noise limit of 37 decibels (dB) whilst removing reference to background noise to simplify the assessment process. This does not change the sound level limit that ASHPs must comply with. MCS are also seeking to strengthen standards by better defining what constitutes an acoustic barrier where mitigation of sound levels may be required for a proposal to proceed.

2.22 As a consequence of the MCS work, and improvements to ASHP technology leading to quieter units, **the Welsh Government is proposing to remove the 3-**

metre rule completely. This approach is consistent with revisions currently being implemented in England.

2.23 The permitted development right threshold would no longer require consideration of the distance an ASHP was from a property boundary. Instead, the ASHP would need to comply with the acoustic limits set by MCS and their methodology for measuring and mitigating sound levels. This would measure acoustic impact on the nearest habitable rooms and advise on the need for any subsequent mitigation should sound levels exceed maximum limits. If sound limits are exceeded and mitigation measures are insufficient or cannot be implemented, a planning application would need to be submitted for more detailed consideration.

2.24 Where the MCS methodology requires the installation of or relies on an existing acoustic barrier such as a fence or wall, it is proposed to introduce a condition requiring the retention of that acoustic barrier for as long as the heat pump remains in place.

Question 2

Do you agree that the limitation requiring an ASHP to be 3 metres from the property boundary should be removed?

Yes

No

Don't Know

Please provide your reasons

<u>ASHP external unit volume</u>

2.25 Permitted development rights in Wales currently allow an ASHP's external compressor unit (including any housing/casing) to measure up to 1 cubic metre in volume. The size of an ASHP evaporator and fan can influence noise output. Larger fans can allow a slower spin speed helping to reduce noise levels whilst maintaining or increasing heat generation capacity. Larger units can be more efficient and heat larger spaces more effectively. The UK Government's review 'Review of Air Source Heat Pump Noise Emissions, Permitted Development Guidance and Regulations' was in favour of increasing unit size. The UK Government have since confirmed that they propose to increase their permissible unit size from 0.6 to 1.5 cubic metres to provide more flexibility and to support potential operational benefits of larger units.

2.26 Increasing the size limit to 1.5 cubic metres would offer households greater flexibility, enabling the installation of larger more efficient units to meet higher heating and hot water demands of certain properties. Larger units would still be required to comply with MCS noise limits. An increase in unit size would also promote consistency across Wales and England.

Question 3

Do you agree that the current external volume of an ASHP should be increased from 1 cubic metre to 1.5 cubic metres?

Yes

No

Don't Know

Please provide your reasons

Number of ASHPs permissible on or within the curtilage of a dwelling house

2.27 Currently permitted development rights allow one ASHP on or within the curtilage of a dwelling house. We are seeking views on allowing up to two ASHPs on or within the curtilage of a dwelling where that dwelling is **detached**. This would offer potential benefits to larger dwellings which may have greater heat demands and where there is more space between properties.

2.28 MCS is working on creating a method to effectively assess noise emissions from multiple heat pumps installed on the same property. Any proposal to allow two ASHPs on a detached dwelling would be subject to the successful implementation of MCS methodology. The 37dB noise limit for a single ASHP unit is also expected to apply to a two-unit installation.

Question 4

Do you agree that the existing limitation of one ASHP on or within the curtilage of a dwelling house should be increased to a maximum of two where the dwelling house is a detached property?

Yes

No

Don't Know

Please provide your reasons

Air Source Heat Pumps on or within the curtilage of a block of free-standing flats

2.29 Permitted development rights in Wales do not currently permit ASHPs on or within the curtilage of a block of flats. In this consultation we are seeking your views on whether or not ASHPs (one or more) should be permitted on or within the curtilage of a blocks of flats. There are a number of issues to consider when contemplating permitting installation of ASHPs on blocks of flats, including noise levels, space requirements, and visual amenity.

2.30 Whilst new flats can design ASHPs into the fabric of the building or within its curtilage, retrofitting existing flats may raise practical difficulties. Siting ASHPs on the exterior walls of a block of flats could result in cumulative noise impacting on residents, or noise limits being exceeded after the installation of a certain number of ASHPs. In the latter case further installations could require planning permission. The Welsh Government would welcome consultee thoughts on the matter.

Question 5 Do you think that permitted development rights should permit the installation of ASHPs on or within the curtilage of a block of free-standing flats? Yes No Don't Know Please provide your reasons

Air Source Heat Pumps installed on a wall which fronts a highway

2.31 The current permitted development right does not permit an ASHP on a dwellinghouse or within the curtilage of a dwellinghouse (including on a building within that curtilage) where it is located on a wall or roof fronting a highway. This restriction is focused primarily on limiting an ASHP's potential impact on visual amenity and character of an area. Whilst the restriction on locating an ASHP on a roof fronting a highway continues to be supported in all circumstances, it is considered that constraining installation on a wall fronting a highway in all circumstances is over restrictive. In England permitted development rights

currently allow the installation of an ASHP on a property fronting a highway where it is not located above the ground floor storey.

2.32 Any installation benefitting from this proposal would be required to be sited entirely within the property's curtilage. This proposal would not permit installations on walls adjacent to a highway where installation would obstruct a highway in anyway and would be an offence under the Highways Act. If this change is accepted, it is proposed that installations on a wall fronting a highway would not be permitted within a Conservation Area, on a listed building or scheduled monument. Installations in a Conservation Area would be acceptable where they do not front a highway.

Question 6

Do you agree that ASHPs should be permitted on a wall fronting a highway (where the installation is not within a Conservation Area, on a listed building or on a scheduled monument)?

Yes

No

Don't Know

If yes, do you think up to two ASHPs on a wall fronting a highway would be acceptable?

Please provide your reasons

<u>Location of an ASHP</u>

2.33 Existing permitted development rights provide limitations on where or how an ASHP can be located on a dwelling house or within the curtilage of a dwelling house. In addition to the proposals relating to the 3-metre rule and installations on a wall fronting a highway, both of which are discussed above, Class G of the 1995 Order also states that an ASHP is not permitted where it would be:

- installed on a pitched roof;
- installed on a flat roof where it would be sited within one metre of the external edge of that roof;
- installed on a dwelling or curtilage of a dwelling and a stand-alone wind turbine is already installed within the curtilage of the dwellinghouse
- installed within the curtilage of the dwelling house if the dwelling house is a listed building;

- installed on a site designated as a scheduled monument;
- installed on a roof which fronts a highway.

2.34 The Welsh Government is considering two further amendments to this list firstly the removal of the restriction on installing an ASHP where a wind turbine is located in the curtilage of the dwelling and secondly introducing to the criteria a limitation on installing an ASHP in a Conservation Area where it fronts a highway (see paragraph 2.31 and 2.32 above and Question 8 below).

Question 7

Do you agree that the limitation of not permitting the installation of an ASHP where a wind turbine is located in the curtilage of a dwelling should be removed?

Yes

No

Don't Know

Please provide your reasons

Question 8

Do you agree that the limitations listed in paragraph 2.33 above (and in relation to paragraph 2.31-2.32) should include reference to restricting installations on a wall (or roof) of a dwellinghouse or within the curtilage of a dwellinghouse (including on a building within that curtilage) which fronts a highway in a Conservation Area?

Yes

No

Don't Know

Please provide your reasons

Question 9

Do you agree that the other limitations listed in paragraph 2.33 above should remain unchanged?

Yes

No

Don't Know

Please provide your reasons

Question 10

Are there any other planning issues regarding ASHPs that you feel are not covered in the questions above and that you wish to raise?

3. OFF-STREET ELECTRIC VEHICLE CHARGING

Background

3.1 The number of EV charging points across Wales needs to increase to support the anticipated growth in electric vehicle usage, and to align with Net Zero Wales targets and UK Government's proposed ban on the sale of new petrol and diesel vehicles by 2030/35. Reliable and comprehensive charging infrastructure is needed to support this transition. The majority of EV charging takes place at home, and we expect this to continue. As the number of EVs on the road increase, government must ensure that legislative frameworks support charge point installations in a timely and affordable manner.

3.2 To help support these objectives, amendments to existing permitted development rights for EV charging points in **areas lawfully used for off-street parking** is necessary to provide more flexibility in the positioning of wall chargers and upstands and, where appropriate, to allow the installation of larger higher capacity charging units. These proposals do not relate to on-street parking for which different legislation applies.

3.3 Permitted development rights for EV charging infrastructure in areas lawfully used for off-street parking are set out in Class D and E of Part 2 of Schedule 2 to the 1995 Order. The current PDRs can be viewed in the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019.

Changes to permitted development rights for EV charging infrastructure

Wall mounted charging outlet

3.4 We are not proposing to amend the size of a wall mounted charging outlet, however, to provide further flexibility to individuals and organisations wishing to install wall mounted EV charging outlets, we are proposing to remove the requirement preventing the location of an outlet facing on to and within 2 metres of a highway so that it can be installed anywhere within an area lawfully used for off-street parking (privately or publicly owned off-street parking).

3.5 It should be noted that this proposal does not in any way support the extension or trailing of cables from a lawful off-street parking area across a public highway which includes a pedestrian highway (or pavement). The proposal supports the charging of vehicles within the lawful off-street parking area only. The obstruction of a public highway by electrical cables or other related items may constitute an offence under the Highways Act 1980 and could be liable to fine or prosecution.

3.6 This change aligns with proposals being brought forward in England and will provide a consistent approach to the installation of wall mounted outlets across Wales and England.

3.7 We are not proposing to change the limitation set out in Class D of the GPDO restricting the siting of a wall mounted charger within a site designated as a scheduled monument.

Question 11

Do you agree that the limitation stating wall-mounted outlets for EV charging cannot face onto and be within 2 metres of a highway should be removed?

Yes

No

Don’t Know

Please give your reasons

<u>Electrical Upstand EV Charging Units</u>

3.8 Class E currently allows the installation, alteration or replacement within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it. Development is not permitted where an upstand exceeds 1.6 metres in height; is within 2 metres of a highway; is within a site designated as a scheduled monument; or results in more than one upstand per parking space.

3.9 Current permitted development rights do not distinguish between siting upstands within the curtilage of dwelling houses, flats, or other areas. The proposed changes to permitted development rights will distinguish between these areas to allow for a variation in upstand height based on its location.

Height of electrical charging upstands located within the curtilage of a domestic dwelling or a block of flats

3.10 Where an upstand is located in an area lawfully used for off street parking within the curtilage of domestic dwelling or a building containing one or more flats the maximum height of the upstand will remain unchanged at 1.6 metres in height.

3.11 Paragraph 3.5 above which states that obstruction of a public highway may be an offence under the Highways Act also applies to charging upstands located within the curtilage of a domestic dwelling or a block of flats.

Question 12

Do you agree that the permitted height of an upstand for EV charging located within the curtilage of a dwelling house or a block of flats should remain 1.6 metres?

Yes

No

Don't know

Please give your reasons

Height of upstands not located within the curtilage of a domestic dwelling or a block of flats

3.12 We are proposing to enable the installation of higher capacity upstands within an area lawfully used for off-street parking where they are **not** located within the curtilage of a domestic dwelling or a building containing one or more flats. The purpose of this increase is to allow, where required, upstands that can accommodate a larger power supply, separate power modules and internal battery storage for high powered chargers. To achieve this we are proposing an increase in the height of charging units from 1.6 metres to up to 2.7 metres. No more than one upstand per parking space would be permitted.

3.13 Paragraph 3.5 above which states that obstruction of a public highway may be an offence under the Highways Act 1980 also applies to upstands for EV charging located within the curtilage of a domestic dwelling or a block of flats.

3.14 This change aligns with proposals being brought forward in England and will provide a consistent approach to the installation of electrical upstands across Wales and England.

Question 13

Do you agree that the permitted height of an upstand for EV charging located in an area lawfully used for off-street parking, but which is not within the curtilage of a dwelling house, or a block of flats should be increased from 1.6 metres to 2.7 metres?

Yes

No

Don't Know

Please give your reasons

3.15 An increase in upstand height to 2.7 metres may have visual or other amenity considerations in respect of light and noise or nighttime usage, which if situated close to a residential property may have an impact. Consultees are therefore asked for their views on the need to establish a minimum buffer between upstands of 2.7 metres and residential properties for the purpose of mitigating possible impacts.

Question 14

Do you consider that there should be a minimum buffer between a 2.7 metre EV charging upstand and a residential property (including flats)?

Yes

No

Don't Know

Please give your reasons

<u>Location of electrical upstands for EV charging</u>

3.16 To provide further flexibility to individuals and organisations wishing to install an electrical upstand charging unit, we are proposing to remove the requirement preventing the location of an upstand facing on to and within two metres of a

highway so that it can be installed anywhere within an area lawfully used for off-street parking. This applies to an upstand located within the curtilage of a domestic dwelling or a block of flats, and to an upstand located in non-domestic areas. See also paragraph 3.5 above.

3.17 This change aligns with proposals being brought forward in England and will provide a consistent approach to the installation of electrical upstand chargers across Wales and England.

Question 15

Do you agree that the restriction preventing the installation of an electrical upstand facing onto and within two metres of a highway should be removed?

Yes

No

Don't Know

Please give your reasons

Equipment housing (or storage cabinets) to support non-domestic upstands for EV recharging within an area lawfully used for off-street parking

3.18 We are proposing that permitted development rights should allow for the installation of a unit for equipment housing or storage cabinets to support the operation of bigger and more powerful EV upstands. We are proposing that the permitted development right would be subject to the following limitations:

- only apply in non-domestic, off-street ground level car parks;
- allow for the installation of no more than one unit per car park.
- allow units up to a maximum size of 29 cubic metres;
- allow units up to a maximum of three metres in height;
- units would not be permitted within five metres of the highway or within 10 metres of the curtilage of residential development.

3.19 This change aligns with proposals being brought forward in England and will provide a consistent approach to the installation of equipment housing or storage cabinets needed to support non-domestic upstands within an area lawfully used for off-street parking across Wales and England.

Question 16

Do you agree that permitted development rights should allow for the installation of a unit for equipment housing or storage cabinets needed to support non-domestic upstands for EV recharging?

Yes

No

Don't Know

Please give your reasons

Question 17

Do you agree with the other proposed limitations for units for equipment housing or storage cabinets, including the size limit of up to 29 cubic metres and no more than one unit per car park?

Yes

No

Don't know

Please give your reasons

Question 18

Are there any other planning issues regarding EV Chargers located on an area lawfully used for off-street parking that you feel are not covered in the questions above and that you wish to raise?

4. 2021 CONSULTATION: AMENDMENTS TO THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

4.1 Between November 2021 and February 2022, the Welsh Government consulted on a series of proposals for revisions to permitted development rights, several of which sought to make permanent the temporary changes introduced by the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (Wales) Order 2021.

4.2 Analysis of consultation responses found broad support for all of the proposals, with the exception of the proposals for changes to the duration of temporary land use for the purposes of camping. A statistical analysis of consultation responses is attached at **Annex A**.

4.3 Given the broad support for those proposals, except for the extension of time periods for the temporary use of land and proposed changes to Class D and E (EV Chargers) which have been partly superseded by this consultation, we will move forward with introducing those changes to the 1995 Order as the Government's legislative programme permits. In relation to Class D, D1(a) we are not proposing to remove the limitation on the scale of a wall mounted EV outlet (currently 0.2 cubic metres). In relation to Class E (EV charging upstands) we are proposing to increase the height of non-domestic upstands from 1.6m to 2.7m instead of the previously suggested 2.5m (see para 3.12 above).

4.4 The proposals being taken forward are:

- Enabling temporary changes of use in town centres from classes A1, A2 or A3 to any of the other A classes, or to class B1, D1 or D2, (unless the new use fell within class B1(c), the whole of the building did not fall within a town centre, or where the change of use was for the sale of hot food for consumption off the premises);
- Use of the highway adjacent to premises falling within class A3, for the purpose of consuming food or drink supplied from those premises, including the provision of tables, seating, counters, stalls umbrellas, barriers or heaters, between 8am and 10pm;
- The erection of retractable awnings (to be retracted between 10pm and 8am) over the frontage of premises falling within class A3, for on Article 1(5) land, within a World Heritage Site, or the curtilage of a listed building;
- Changes to class F of Part 1 of schedule 2 of the 1995 Order, requiring permeability of any new or replacement hard surfaces installed within the curtilage of a dwelling house, to reduce the risk of localised flooding;
- Changes to Class D and E of Part 2 of Schedule 2 of the 1995 Order (EV chargers) proposing a condition restricting advertising unrelated to the provider or function of the EV infrastructure, changes to Part 12 of the 1995 Order enabling third parties to undertake EV development on behalf of Local Authorities, and changes to Part 13 of schedule 2 of the 1995 Order enabling highway Authorities to specify installation of EV infrastructure, and changes to Part 17 of Schedule 2 of the 1995 Order to enable statutory undertakes to do the same; and
- The reintroduction of Part 39 of Schedule 2 of the 1995 Order to enable the erection of temporary shelters for the housing of birds, in order to respond to

outbreaks of Avian Influenza or other similar communicable diseases for the duration of, and for up to 4 months after, the outbreak of such a disease.

5. TEMPORARY CHANGE OF USE OF LAND FOR CAMPING

5.1 The 1995 Order grants planning permission for the temporary use of land for up to 28 days each year. An additional 28-day temporary permission was granted during the COVID pandemic, in order to support economic recovery and meet the demand for temporary uses including domestic tourism in the light of restrictions on international travel. This enabled up to a total of 56 days of camping without having to apply for planning permission.

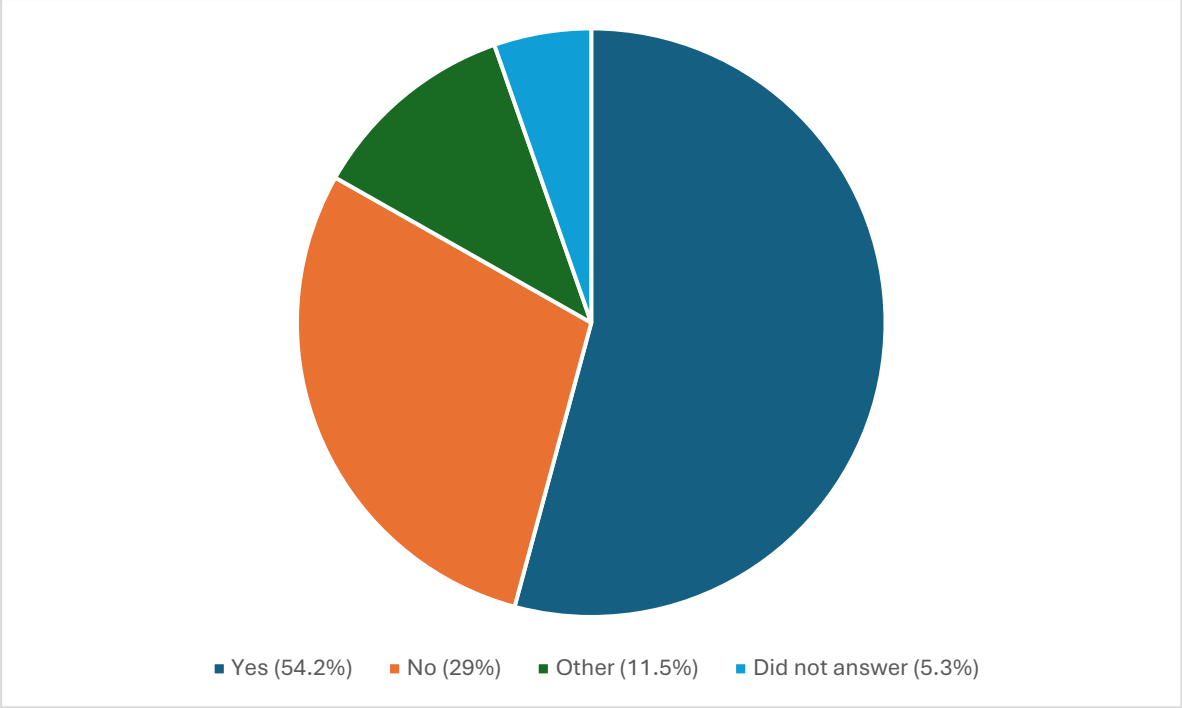
5.2 The temporary changes to the 1995 Order made by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No. 2) Order 2021, applied to all temporary uses of land not just camping and caravaning.

5.3 Similar changes had been made in England. Following the end of the pandemic, the additional 28 day provision was not retained, however in England, a new permitted development class was created specifically for recreational campsites which provided permission for a temporary change of use for up to 60 days each year.

5.4 Between November 2021 and February 2022, the Welsh Government consulted on proposals to make the additional 28 day provision permanent. Question 1 of the 2021 consultation document asked, “Should the additional days granted by Class A of Part 4A be retained permanently, permitting temporary uses to take place for up to 56 days (28 days for specified uses) in a calendar year?”.

5.5 Responses received were as follows:

Yes – 71
No – 29
Other – 15
Did not answer – 7



5.6 Although the proposals were broadly supported by consultees, concerns were raised during the consultation about the disruption caused by living next to a pop-up camping site. Examples given as part of consultation responses included:

a) Significant transport impact arising from congestion on rural networks from intensive use of certain sites;
b) Anti-social behaviour in very late hours near to some residential settings, including uncontrolled drinking and loud music, and poor campsite discipline, particularly relating to ablutions;
c) Some inadequately equipped, scaled or poorly managed campsites; and
d) Some local planning authorities (LPAs) experienced challenge in identifying sufficient resource to regulate compliance with the extended time periods.

5.7 The demand for increased access to camping opportunities arose at the time of the 2021 consultation, which was a reflection of constraints to tourism and holidaying options arising from the COVID pandemic. These travel and tourism constraints no longer apply. Nevertheless, representations from the tourism and agriculture sectors have highlighted the continued interest in implementing the changes, particularly as the additional time for recreational campsites in England have been retained.

5.8 As the extended operation periods have remained in England, but not in Wales, Welsh business assert that they are operating at a competitive disadvantage. As circumstances have changed since the COVID pandemic, there is a possibility

that views on the issue may have shifted since the 2021 consultation. We therefore are re-consulting stakeholders on the principle of amending the 1995 Order in respect of recreational campsites.

5.9 Following consideration of feedback from the 2021 consultation, we propose a new specific class of permitted development for recreational campsites within Part 4 of Schedule 2 to the 1995 Order. Camping would then be excluded from Class B in Part 4, except when in connection with a festival.

5.10 The new class for recreational campsites would be subject to limitations and conditions to protect the amenity of the occupiers of nearby dwellings from antisocial impacts arising in the case of camping activities, particularly noise from antisocial behaviour and odours from burning, cooking, or inefficiently managed temporary toilets.

5.11 We propose to introduce a limitation which would prevent the change of use of land where it would be within 100 metres of a “protected building”, in order to protect the amenity of existing owners or occupiers. A “protected building” would be defined as a dwelling which is not occupied by the landowner or the operator of the temporary recreational campsite. Consultees should note that the introduction of this clause will result in land within 100 metres of a “protected building” losing the existing 28 days of permitted development rights for temporary camping uses.

5.12 While we consider the 100 metre “buffer” will address the onsite amenity concerns associated with pop-up campsites, addressing concerns about traffic impacts at a national level is more challenging. The highway safety impacts of access to temporary sites remains unchanged from the current 28-day use of the land. We also consider that in the vast majority of situations the temporary nature of the use means that while adverse traffic impacts will occur on local networks in terms of congestion and effects on amenity of roadside dwellings, overall, these will be at an acceptable level. We also, therefore, propose to require campsites to be subject to a prior notification procedure with LPAs, ensuring that issues of vehicular access and wastewater management are agreed with the LPA.

5.13 We would expect LPAs to take a strategic approach to the use of Article 4 directions. Directions would be made before pop-up campsite proposals are brought forward, utilising their powers in a limited way only in those areas where the road network is severely restricted in width so cannot satisfactorily accommodate a temporary increase in traffic.

5.14 There are some areas of land that are not suitable for recreational camping due to the unacceptable planning impacts that would be caused. We therefore propose to exclude the use of land:

a) on a site of a scheduled monument;
b) in a safety hazard area;
c) in a military explosives storage area;
d) on a site of special scientific interest;
e) on a site of a listed building;
f) for the siting of any caravan except a caravan which is used as a motor vehicle designed or adapted for human habitation.
g) within Flood Zones 2 or 3.

5.15 We therefore propose to:

- introduce a new Class to Part 4 of Schedule 2 of the 1995 Order, exclusively for use as a recreational campsite for not more than **60** days in any calendar year. The use would not be permitted within 100 metres of the curtilage of a dwelling not occupied by the landowner or site operator;
- Require campsites to be subject to a prior notification procedure ensuring appropriate access provision and management of wastewater from the site; and
- Exclude the use of land within the designations set out in paragraph 5.13 for safety reasons and to protect heritage assets.

Question 19

Do you agree with the proposed new class within Part 4 of Schedule 2 of the 1995 Order as outlined above, permitting temporary recreational campsites for up to 60 days in a calendar year?

Yes

No

Don't Know

Please provide your reasons

Question 20A

Do you agree with the proposed limitation on the temporary use of land for camping within 100 metres of the curtilage of a “protected building”?

Yes

No

Don’t Know

Please provide your reasons

Question 20B

Do you agree with the list of land types excluded from the new class?
Yes
No
Don’t Know

Please provide your reasons

Question 21

Are there any other planning issues regarding temporary campsites that you feel are not covered in the questions above and that you wish to raise?

6. Reverse Vending Machines

6.1 Chapter 5 of Planning Policy Wales (PPW) sets out the Welsh Government’s planning policies in relation to the reduction and management of waste, in accordance with “Towards Zero Waste”, the Welsh Government’s broader waste strategy. PPW refers to the “waste hierarchy”, and the sequential process to waste prevention and reduction, and encouragement of reuse and recycling.

6.2 The UK and Welsh Governments, and the Department for Agriculture, Environment and Rural Affairs in Northern Ireland jointly consulted on proposals to use of permitted development rights to support the domestic reuse and recycling of materials through the use of reverse vending systems in 2021. The analysis of the consultation was published in 2023 and can be found at

https://assets.publishing.service.gov.uk/media/63c96864d3bf7f24b033500b/DRS_Government_response_Jan_2023.pdf.

6.3 The consultation analysis considers a variety of factors, including the form and materials to be recycled, the governance arrangements required for such a scheme and the relevant waste management targets. Of particular relevance to the planning system were the consultation responses referring to the hosting of such a scheme. The 2023 consultation summary of responses states:

"The success of a DRS is dependent on the ease of access to return points for consumers. If retailers are obligated to apply for planning permission for reverse vending machines outside of their premises, it could result in delays to the scheme implementation and represent an additional cost to retailers. Responses to the consultation were strongly in favour of creating a new permitted development right for reverse vending machines to ensure the smooth implementation of the scheme.

As planning is a devolved matter, government will therefore pursue an additional permitted development right for reverse vending machines in each nation. Permitted development rights should be brought forward in each nation, subject to consideration from relevant Ministers and including nation-specific conditions and limitations to manage local impacts and protect local amenity."

6.4 Part 42 of Schedule 2 of the 1995 Order contains the permitted development rights for shops or financial or professional services establishment in Wales.

6.5 The Welsh Government accepts the principles identified in the joint consultation report in relation to permitted development rights for such schemes. In order to ease the implementation of our broader strategy for the use of DRS to meet our targets for waste, recycling and reuse, we are considering introducing a new class to Part 42 of Schedule 2, based on, but not identical to, the criteria consulted upon by UK Government in 2021, and those adopted by the Scottish Ministers in 2020.

6.6 In light of the responses to the 2021 consultation, we are considering the following limitations to permitted development rights for such development:

- No part of the development should exceed 3.5 metres in height (this reduced from 4 in the 2021 consultation, as was adopted by the Scottish Ministers).
- No part of the development should protrude beyond a wall facing onto the highway and be within 5 metres of that highway.
- When installed in the wall of a shop, no part of the development may protrude beyond 2 metres from the outer surface of that existing wall.

- No part of the development will be constructed within 15 metres of the curtilage of a building used for residential purposes.
- The total footprint of all reverse vending machines within the curtilage (excluding those within the building) shall not exceed 40 square metres (this is reduced from 80 metres as consulted upon in 2021 and adopted by the Scottish Ministers).
- Development is not permitted within land identified in article 1(5) land or World Heritage Site, or within the curtilage of a listed building or scheduled monument.

6.7 We consider that the installation of small outbuildings for RVMs in supermarket car parks could also benefit from deemed consent under this amendment to the 1995 Order. This would enable those retail stores obligated to provide reverse vending schemes to implement such schemes in circumstances were installation of facilities within existing buildings cannot be accommodated. We therefore propose to enable the creation of an outbuilding under the new class of Part 42 of Schedule 2.

6.8 The consultation in 2021 identified limitations for permitted development for the installation of RVMs, to a maximum of 80 square metres and to a maximum height of 4 metres. As a broad indicator of impact, 80 square metres equates to roughly 12 parking spaces. Whilst we understand the benefits of commonality between systems across the UK for retailers responsible for providing DRS, we consider the creation such an outbuilding, without the need to seek planning permission, as disproportionate to other permitted development rights, and excessive in terms of risk of impact to amenity.

6.9 Several internationally operating companies offer RVM products using a shipping container as a base module. Shipping containers come in a variety of standard sizes, as set out in the below table.

Outside Length	Outside Height	Outside Width	Area sqm
2.44m (8ft)	2.26m (7ft 6in)	2.26m (7ft)	6
2.99m (10ft)	2.59m (8ft 6in)	2.44m (8ft)	7
6.06m (20ft)	2.60m (8ft 6in)	2.44m (8ft)	15
12.2m (40ft)	2.60m (8ft 6in)	2.44m (8ft)	30

6.10 Some current products use 20 foot containers as a baseline which are 15 square metres in area. Using these dimensions as a starting point, the proposed revised permitted development rights outlined above in para 6.6 above would enable retailers which are under a duty to provide a DRS, to build a structure capable of containing two 15 square metre containers, or one 30 square metre container.

6.11 The proposed maximum height and additional area would also enable developers to install an awning or covering to protect users from the elements whilst making use of the RVM, and to provide a roof for the structure where appropriate.

Question 22

Do you agree with the revised dimensions for permitted development for RVM outbuildings, to a maximum of 40 square metres, and to a maximum height of 3.5 metres?

Yes

No

Don't Know

Please provide your reasons

6.12 The proposed amendment to the 1995 Order does not specify any constraints relating to branding or advertising for any DRS. The display of advertisements as part of RVM development would continue to be controlled by the Town and Country Planning (Control of Advertisements) Regulations 1992.

Question 23

Do you agree that DRS should not be subject to any specific exceptions relating to advertisement consent and should be subject to the same constraints as exist for other similar developments, such as cashpoints?

Yes

No

Don't Know

Please provide your reasons

6.13 Unlike the permitted development rights proposed for England and already in place for Scotland, the Welsh Ministers intend to include the provision of whole glass recycling and reuse in Welsh RVMs. This introduces additional factors.

6.14 Typically, RVMs will crush cans prior to storage for recycling, and plastics do not generate significant noise levels whilst being moved around a RVM system. The deposit and movement of whole glass bottles will, however, result in a higher level of noise than for the recycling of plastic or metals.

6.15 Several commercial RVM designs include a “soft drop” mechanism, where a glass container is dropped above a collecting receptacle from a sufficiently low height that there is little risk of damage. Nevertheless, this creates a notable sound which is likely to lead to an adverse impact on amenity, particularly where the volume of recycling is high.

6.16 The proposed amendment to the 1995 Order prevents development where it would occur within 15 metres of the curtilage of a building used for residential purposes. This distance is already in place in Scotland and proposed in England. We would be interested in the views of stakeholders on the reasonableness of this distance for the purposes of ensuring appropriate protection from noise impact arising from the grant of permitted development rights for the installation of RVMs.

Question 24

Do you agree that 15 metres distance from the curtilage of a building which is used for residential purposes is a sufficient distance to mitigate the noise impact of recycling of glass? If not, do you have any information which would assist in justification of a differing distance?

Yes

No

Don’t Know

Please provide your reasons

Question 25

Do you consider the other limitations to the new permitted development class under Part 42 of Schedule 2 of the 1995 Order are acceptable?

Yes

No

Don't Know

Please provide your reasons

Question 26

Are there any other planning issues regarding reverse vending machines that you feel are not covered in the questions above and that you wish to raise?

7. DEVELOPMENT BY STATUTORY UNDERTAKERS - ELECTRICITY

7.1 As the UK moves towards decarbonisation, demand for grid capacity is forecast to increase. The UK Government has been reviewing consenting arrangements for distribution networks and in its call for evidence on Land Rights and Consents for Electricity Network Infrastructure (August 2022) included a focus on permitted development rights. As planning permission and associated permitted development rights are a devolved matter, it is for the Welsh Government to determine whether the amendments made in Scotland and proposed in England are both relevant and suitable for Wales.

7.2 The following proposed changes to permitted development rights serve to enable electricity undertakers to meet rising consumer demand for services. They also closely align with the changes proposed by the Scottish Government's consultation proposed revisions in 2023, to bring consistency to permitted development rights for electricity undertakers.

7.3 Class G of Part 17 of Schedule 2 of the 1995 Order grants planning permission development by statutory undertakers for the generation, transmission or supply of electricity. Class G enables electricity undertakers to carry out installation and renewal of a variety of installation types, subject to constraints. Class G can be summarised as permitting:

- Electric lines, shafts, tunnels, feeder or service pillars or transforming or switch stations;

- The installation and replacement of electronic communications line connecting any part of an electric line to any electrical plant or building;
- Sinking of boreholes and the installation of machinery to do so;
- Extension or alteration of buildings on operational land;
- Construction of a building for protecting plant or machinery, on operational land; and
- Any other development carried out, in, on or over operational land.

7.4 Development is not permitted under class G by limitations intended to ensure that development does not have an adverse amenity impact on neighbouring land uses. The Scottish Government consulted on proposed changes to these constraints in May 2023, which will be considered in further detail below.

7.5 We consider that the Scottish Government proposals enable a suitable level of increased development for electricity undertakers without causing significant adverse impact to third parties.

7.6 Class G sets out permitted development by statutory undertakers for the "generation, transmission or supply of electricity". This definition does not reflect the evolving modern practices, and in particular the increasing provision of smart meter services designed to monitor domestic electricity consumption. We consider it is appropriate to explicitly include works relating to smart meter communications within the definition of works identified in class G.

Question 27

Do you agree the definition of statutory undertakers should be revised to enable the provision of smart meter services?

Yes

No

Don't Know

Please provide your reasons

7.7 Class G (a) permits development of "… transforming or switching stations or chambers necessary in connection with an electric line". Development under class G (a) is not permitted (identified in para G.1 (a) (ii) of Schedule 2 of the 1995 Order) if "it would consist of or include the installation or replacement at or above ground level or under a highway used by vehicular traffic, of a chamber for housing apparatus and the chamber would exceed 29 cubic metres in capacity".

7.8 The Scottish Government consulted on increasing the permitted size of such an installation from 29 cubic metres to 45 cubic metres. The reasoning for the proposed increase was to accommodate for certain standard designs employed across the electricity network, to enable safer access for maintenance and to replace existing infrastructure with larger capacity to meet demand.

7.9 The Scottish Government identified that the increased volume permitted by this change could have an adverse amenity impact and proposed additional constraints to reduce this possibility, which does not prevent "like for like" replacement where such development is already situated within 5 metres of a dwelling, being:

- Such development could not exceed 3 metres in height; and
- The volume of the development could not exceed 29 cubic metres if it were to be within 5 metres of a dwelling.

7.10 We also propose to introduce similar constraints to the increase in volume permitted for electricity substations, to avoid adverse amenity impact arising from the replacement of existing infrastructure.

Question 28

Do you agree with the increase in volume of permitted development of an electricity installation from 29 cubic metres to 45 cubic metres, subject to the proposed revised constraints of any replacement installation not exceeding 3 metres in height and not exceeding 29 cubic metres if with 5 metres of a dwelling?

Yes

No

Don't Know

Please provide your reasons

7.11 Electricity undertakers typically incorporate telecommunications lines used to monitor the network, and ensure its safety, within the electricity infrastructure. These telecommunications can be wired or fibre-optic. Occasionally, however, these telecommunications networks can be installed separately.

7.12 Class G (b) of Part 17 of Schedule 2 of the 1995 Order permits "the installation or replacement of any [electronic communications line] which connects any part

of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line".

7.13 Class G (b) is constrained by Class G.1 (b) of the Order, which states development is not permitted where:

- it would take place in a National Park, Area of outstanding Natural Beauty or Site of Special Scientific Interest;
- the height of any support would exceed 15 metres; or
- the line would exceed 1,000 metres in length.

7.14 In order to increase the efficiency of both the electricity infrastructure network and the planning system, we propose to revise Class G (b) to enable the replacement of existing electronic communications line which falls within a National Park, Area of outstanding Natural Beauty or Site of Special Scientific Interest without the need to seek planning permission. This would be constrained by requiring the electricity undertaker to ensure the height, design or position of the replacement communications line reflects that of the existing communications line.

Question 29

Do you agree that electricity undertakers should be able to replace existing electricity communications line in a National Park, Area of Outstanding Natural Beauty or Site of Special Scientific Interest without the need to seek planning permission, provided the height, design or position of the replacement communications line reflects that of the existing communications line?

Yes

No

Don't Know

7.15 We are also interested in stakeholder's views on the 1,000-metre limit imposed by Class G.1 (b) of the Order.

Question 30

Do you consider the 1,000 metre limit to replacement of existing electronic communications line remains reasonable and proportionate, given the other constraints to height, design, and position of the replacement communications line?

Yes

No

Don't Know

Please provide your reasons

7.16 Class G (c) of Part 17 of Schedule 2 of the 1995 Order permits "the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes". Class G (c) is constrained by Class G.2 (c) of the Order, which requires the removal of plant or machinery, and the restoration of land to its previous condition, on completion of the works or at the end of a period of 6 months, whichever is the sooner. The effect of the constraint imposed by Class G.2 (c) is that works must be concluded within 6 months of commencement, or planning permission must be sought.

7.17 The level and range of investigative works required to assess sites for suitability for electrical undertakings has broadened and can include such works as the sinking of rotary boreholes, peat-probing, excavating trial pits, and monitoring of ground water and gas. We propose to include these types of works within those able to be undertaken by electricity undertakers under class G (c). Such works would continue to be restrained by class G.2 (c) as summarised above.

Question 31

Do you agree with the proposed broader definition of investigation works permitted under Class G (c) of Part 17 of Schedule 2 of the 1995 Order?

Yes

No

Don't Know

Please provide your reasons

7.18 Class A of Part 2 of Schedule 2 of the 1995 Order enables the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. This is constrained by Class A.1 where the means of enclosure would be more than 1 metre in height if adjacent to a highway, or otherwise more than 2 metres in height, or an improved or altered means of enclosure would exceed the height of the original.

7.19 The Electricity Safety, Quality and Continuity Regulations 2002 introduced new measures relating to the provision of enclosures around electricity operations in order to improve public safety. Article 11 of the 2002 Regulations sets out the requirement for the means of enclosure for an electricity substation to be a fence or a wall of not less than 2.4 metres in height.

7.20 We propose to introduce a new permitted development right subsection under Class G of Part 17 of Schedule 2 of the 1995 Order, for electricity undertakers only, to enable them to construct a means of enclosure which meets the duties placed on them by the 2002 Regulations, without the need to seek planning permission. To ensure compliance with the 2002 Regulations, we propose that the height of such an enclosure should not exceed 2.5 metres.

Question 32

Do you agree with the introduction of a new permitted development right for electricity undertakers under Class G (c) of Part 17 of Schedule 2 of the 1995 Order, to enable them to build a means of enclosure in accordance with their duties under Article 11 of the Electricity Safety, Quality and Continuity Regulations 2002?

Yes

No

Don't Know

Please provide your reasons

Question 33

Are there any other planning issues regarding electricity that you feel are not covered in the questions above and that you wish to raise?

8. AFFORDABLE HOUSING SITES AND MEANWHILE USES

8.1 In a written statement issued on 6 November 2024 the establishment of an Affordable Homes Task Force was announced. Bringing an end to homelessness is inextricably linked to the delivery of more homes. The Task Force has two workstreams to explore what more can be done to aid the delivery of more affordable homes, looking at both the short and long term challenges.

Meanwhile uses

8.2 In its short term workstream, the Task Force has been considering the role of emergency housing to address homelessness. Some local authorities in Wales have used their emergency permitted development rights in Part 12A of the 1995 Order to address the housing crisis.

8.3 "Meanwhile uses" are those uses of land which are undertaken temporarily while a longer term intended use of the land is being prepared. The approach has been applied to provide affordable housing as a meanwhile use. Prefabricated or modular houses have been assembled on local authority owned sites which are earmarked for schemes in the longer term. While the housing meets space standards, there is usually some policy requirement, for example in terms of road layouts and open space which are not met. Often emergency permitted rights have been used followed by a planning application for temporary planning permission for these meanwhile uses.

8.4 The emergency planning permission set out in Part 12A lasts for a year. Housing departments promoting meanwhile uses are asking however whether the emergency permitted development rights can be extended to reduce the burdens associate with preparing and submitting a planning application.

8.5 We do not consider it appropriate to extend the period granted for emergency permitted development rights given the broad nature of development it facilitates. We are therefore considering creating a new permitted development class within Part 12A specifically for meanwhile uses for affordable housing that would extend the deployment period.

8.6 A specific permitted development right for meanwhile housing uses would allow limitations to be tailored specifically for housing, such as restricting overlooking through distances between habitable windows and obscured glazing. It would also provide the opportunity for social registered landlords to be listed as a trusted developer for such developments alongside local authorities.

8.7 The biggest concern with such a permitted development right would be the loss of public consultation that is currently required as part of determining a planning application. While publicity of the development can be required it would not replace the ability of the public to influence either the principle or form of the development. We welcome you views on the appropriate time limitation for meanwhile use and whether there is an appropriate mechanism that can address the consultation deficit.

Question 34

Do you agree with the introduction of a new permitted development right in Part 12A for housing meanwhile uses? What should the maximum duration for a meanwhile housing use be?

Yes

No

Don't Know

Please provide your reasons

Question 35

In addition to controls on windows for habitable rooms being too close to each other, what other limitations should the meanwhile use permitted development right be subject to?

Please provide your reasons

Question 36

Do you consider that provision for public consultation should not be included in the new permitted development right for housing meanwhile uses? If no, what mechanism for public publicity or consultation should be included?

Yes

No

Don't Know

Permanent affordable housing

8.8 Consideration is being given to provision of affordable housing in the longer term and whether affordable housing can be successfully delivered through permitted development rights. Given the social imperative to construct more social housing, the Task and Finish Group are looking to remove barriers from the development process. Permitted development is one mechanism being considered as the social housing sector has noted barriers and delays associated with the planning application process.

8.9 Permitted development rights have a role in removing smaller scale uncontroversial development with acceptable planning impacts from the workload of LPAs. They can therefore focus on more strategic placemaking activities.

8.10 One of the main issues preventing the use of permitted development rights to deliver whole housing sites is that it is difficult to draft a code that includes the placemaking elements of a development at a national scale. Issues vital to good placemaking such as layout, building scale, green infrastructure and open space provision are sensitive to local circumstances. Specifying this for housing development across Wales is therefore problematic. We are therefore interested in the views of stakeholders on the extent to which permitted development rights can facilitate whole site development.

Local Development Plan allocations

8.11 In our plan led system, the proposed location for new housing is set out in local development plans. Research commissioned in 2012 reviewed the management and control of the use of land in Wales in a plan led system - 'A New Approach to Managing Development in Wales: Towards a Welsh Planning Act.' https://www.gov.wales/sites/default/files/publications/2018-10/towards-a-welsh-planning-act.pdf The report discussed how the acceptability of housing was established at development plan stage of the planning system but often revisited at the development management stage.

8.12 The report recommended making plan allocations binding but noted that the scrutiny given to candidate sites at the plan stage varied. It explored a number of options for reducing the time and effort required to get development proposals through the development management stage.

8.13 Since the report issued, 'permission in principle' has been established in England. The Task and Finish Group are considering whether a similar reduced

scope of consent process is possible through using permitted development rights.

8.14 As noted above, the individual characteristics of sites make a blanket permission difficult to implement but the mechanism of prior approval of certain details may overcome the issues raised. The concern with a prior approval approach is it may not provide any advantage to delivering affordable housing sites compared to the planning application process. However, this alternative approach to consenting could provide an opportunity to reduce the amount of information required, taking account of the assessment at plan preparation stage and put beyond doubt that the principle of development cannot be revisited.

Scope of the permitted development right

8.15 Assuming that a new permitted development class would be created to grant planning permission for local development plan (LDP) allocations, we would be grateful for your views on the scope of the permission. The Task Force is looking at affordable housing, but the permitted development right could be restricted further to just allocations for homes for social rent or expanded to cover all housing allocations including market housing. Market housing sites are required to bring forward a proportion of affordable housing so has the benefit of increasing overall housing supply and provides funding to bring forward affordable housing. Provision would be made to ensure financial contributions and other mitigations usually provided for planning obligations under section 106 of the Town and Country Planning Act 1990 would continue to be provided.

8.16 Sites wholly for affordable housing provision often are brought forward through an ‘exceptions policy’, located adjacent to settlement boundaries. The land benefitting from permitted development rights for LDP housing site allocations would be clearly understood. The land associated with a criteria based ‘exceptions policy’ is however less clear. Nevertheless, given the contribution such policies make to affordable housing supply we would welcome your views on whether provision for ‘exception sites’ should be made within the new permitted development class.

Question 37

Should development proposals conforming to ‘exception site’ policies be included within a new class of permitted development right? If no, what are the reasons for not including such policies?

Yes

No

Don’t Know

Please provide your reasons

8.17 Prior approval as part of the permitted development approach to consent will be important to maintain high standards of placemaking. Depending on the level of assessment at plan making stage and whether master-planning activity has already taken place, further information on layout, building scale, green infrastructure and open space provision may be required. We are proposing a two-stage process, like current permitted development rights for agriculture and telecoms. First the LPA will confirm the extent of information required. The second stage will be assessment of the provided detail.

8.18 We are keen to hear your views on whether a two-stage process is needed to scope out the information requirement. We also want your suggestions about the type and extent of information required to make a robust decision at prior approval stage that creates a new consenting route which provides efficiencies compared to a traditional planning application route.

Question 38

Should prior approval be a two-stage process whereby the first stage involves scoping the further information required to be submitted?

Yes

No

Don’t Know

Please provide your reasons

Question 39

What information should be submitted as part of a prior approval submission (or in a two stage prior approval process, what would be the list of issues a local planning authority would choose from when scoping what should be submitted at the second stage?

Please explain your suggestions.

Question 40

How should the level of information submitted be kept proportional to the scale and complexity of the development and be of a lesser requirement than associated with a planning application?

Please explain your suggestions.

8.19 One possible way to reduce the amount of information required would be restrict the house types that would benefit from the permitted development right. It could be that house types within an approved pattern book of designs that are compliant with space standards would be the only houses that could be built. We would be grateful for your views on whether use of a pattern book would reduce the assessment burden at prior approval stage.

Question 41

Are there benefits to restrict the house types that can be bult under the permitted development rights? If yes, please explain what benefits are envisaged?

Yes

No

Don't Know

Please provide your reasons

8.20 Using permitted development rights is one way to create a more efficient pathway to consent for affordable housing. The secondary legislation required to deliver the new procedure is easier to bring forward than the primary legislation need to deliver the 'permission in principle' approach used in England. Local development orders are an example of alternative consenting routes which may help affordable housing delivery. We would be grateful for your views on

whether there are any other ways of providing alternative more efficient consent mechanisms than applications for planning permission.

Question 42

Will using permitted development rights for the delivery of affordable housing sites lead to time and cost savings compared to taking the same development through the submission of a planning application?

Yes

No

Don't Know

Please provide your reasons

Question 43

Are there any other planning issues regarding affordable housing and meanwhile uses that you feel are not covered in the questions above and that you wish to raise?

9. DEFINITION OF MAJOR DEVELOPMENT

9.1 In looking for procedures to remove, the Affordable Homes Task Force have been considering pre-application procedures, the role of consultation and pre-application services. Pre-application consultation has an important role to play in helping the public participate in planning decision making at a stage when the design can readily change and adapt to public comments. It can however significantly delay smaller development.

9.2 As a measure to speed up the delivery of sites we would welcome your views on whether the definition of major development should be amended in respect of housing development. Major development is defined in article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. Major development was originally defined in the 2012 order to facilitate additional publicity for larger developments. When the Planning (Wales) Act 2015 introduced the requirement for pre-application services and consultation, the definition was used to trigger these requirements. The definition of major development is:

"major development" ("datblygiad mawr") means development involving any one or more of the following—

(a) the winning and working of minerals or the use of land for mineral-workingdeposits;

(b) waste development;

(c) the provision of dwellinghouses where—

(i) the number of dwellinghouses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more;

9.3 We are proposing to increase dwelling numbers from 10 to 25 dwellings to reduce the burden of pre-application consultation for development where the planning impacts of change are less significant. It is acknowledged that the risks of this change include a greater number of applications are submitted with poorly designed proposals due to a lack of engagement with local residents and statutory consultees. We are interested in your views on whether the benefits of this change outweigh these risks.

9.4 We acknowledge the current statutory pre-application procedures are fixed too late in the development design process to have the beneficial impact that was intended. Legislation on its own was never intended to achieve the benefits of engagement in the design process, with the promotion of best practice key to this. However, changes to this legislation are being considered separately by the Task Force.

9.5 In increasing the number of dwellings to 25 in paragraph (c)(i) of the definition of major development, we are also considering whether the corresponding default site area of 0.5 hectares in paragraph (c)(ii) should also increase and would welcome you views on what would be an appropriate area.

Question 44

Do you agree the number of dwellings in paragraph (c)(i) of the definition of major development should increase to 25?

Yes

No

Don't Know

Please provide your reasons

Question 45

If the change to dwelling numbers changed, as outlined in question 9.1, should the site area in paragraph (c)(ii) also change?

Yes

No

Don't Know

Please provide your reasons and if you agree, indicate what would be the appropriate site area.

10. COMPENSATION FOR FUTURE REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

10.1 Section 108 of the Town and Country Planning Act 1990 provides for the payment of compensation in certain cases where planning permission for development granted by a development order or a local development order is withdrawn and where, on an application for planning permission for that development, the application is refused or permission is granted subject to conditions. Section 108 also enables the circumstances in which compensation is payable to be limited.

10.2 Since the regulation making powers of the Planning Act 2008 to further limit compensation were commenced in Wales, the Welsh Government has applied these amended limits to all new permitted development rights. The description of developments to which the amended compensation limits apply are set out in

The Town and Country Planning (Compensation) (Wales) (No.2) Regulations 2014 ("the 2014 Regulations").

10.3 We consider the additional limits on compensation provided for by the 2014 Regulations strike an appropriate balance between compensating developers for losses associated with disruption associated with amending and withdrawing planning permission and the public interest in minimising the amount of public money needed to do so.

10.4 Where permitted development rights proposed in this consultation are to be taken forward in legislation, our intention is to add them to the list of prescribed development set out in regulation 2 of the 2014 Regulations. This will mean the new and amended permitted development rights will be subject to the compensation limits set out in those regulations.

10.5 The only exception to this approach would be the proposals for permitted development changes for electricity undertakers set out in section 7 above. This is because paragraph 3 of section 108 of the 1990 Act disapplies the section in relation to planning permission for development on operational land of statutory undertakers.

Question 46

Are there any other planning issues regarding compensation for future removal of permitted development rights that you feel are not covered in the questions above and that you wish to raise?

11. Welsh Language Considerations

Question 47

What, in your opinion, would be the likely effects of the above proposals on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

Do you think that there are opportunities to promote any positive effects?

Do you think that there are opportunities to mitigate any adverse effects?

Question 48

In your opinion, could the *proposals* be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or
- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

12. General Considerations

Question 49

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Summary of Consultation Questions

	Air Source Heat Pumps
Q1	Do you agree that condition G.3 (a), which requires ASHP be used solely for heating purposes, should be removed to also enable the installation of an air to air heat pump?
Q2	Do you agree that the limitation requiring an ASHP to be 3 metres from the property boundary should be removed?
Q3	Do you agree that the current external volume of an air source heat pump should be increased from 1 cubic metre to 1.5 cubic metres?
Q4	Do you agree that the existing limitation of one ASHP on or within the curtilage of a dwelling house should be increased to a maximum of two where the dwelling house is a detached property?
Q5	Do you think that permitted development rights should permit the installation of ASHPs on or within the curtilage of a block of free-standing flats?
Q6	Do you agree that ASHPs should be permitted on a wall fronting a highway (where it is not proposed within a Conservation Area, on a listed building, or on a scheduled monument)?
Q7	Do you agree that the limitation of not permitting the installation of an ASHP where a wind turbine is located in the curtilage of a dwelling should be removed?
Q8	Do you agree that the limitations listed in paragraph 2.33 above (and in relation to paragraph 2.31-2.32) should include reference to restricting installations on a wall (or roof) of a dwellinghouse or within the curtilage of a dwellinghouse (including on a building within that curtilage) which fronts a highway in a Conservation Area?
Q9	Do you agree that the other limitations listed in paragraph 2.29 above should remain unchanged?
Q10	Are there any other planning issues regarding ASHPs that you feel are not covered in the questions above and that you wish to raise?
	EV Chargers within an area lawfully used for off-street parking
Q11	Do you agree that the limitation stating wall-mounted outlets for EV charging cannot face onto and be within 2 metres of a highway should be removed?
Q12	Do you agree that the permitted height of an upstand for EV charging located within the curtilage of a dwelling house or a block of flats should remain 1.6 metres?
Q13	Do you agree that the permitted height of an upstand for EV charging located in an area lawfully used for off-street parking, but which is not within the curtilage of a dwelling house or a block of flats should be increased from 1.6 to 2.7 metres?
Q14	Do you consider that there should be a minimum buffer between a 2.7 metre EV charging upstand and a residential property (including flats)?
Q15	Do you agree that the restriction preventing the installation of an electrical upstand facing onto and within two metres of a highway should be removed?
Q16	Do you agree that permitted development rights should allow for the installation of a unit for equipment housing or storage cabinets needed to support non-domestic upstands for EV recharging?

Q17	Do you agree with the other proposed limitations for units for equipment housing or storage cabinets, including the size limit of up to 29 cubic metres and no more than one unit per car park?
Q18	Are there any other planning issues regarding EV Chargers located on an area lawfully used for off-street parking that you feel are not covered in the questions above and that you wish to raise?
	Temporary Campsites
Q19	Do you agree with the proposed permanent retention to Part 4 of Schedule 2 of the 1995 Order as outlined above, permitting temporary land uses for 60 days (or 28 for markets or for motor vehicle racing)?
Q20A	Do you agree with the proposed introduction of a measure withdrawing deemed consent for the use of land for camping within 100 metres of the curtilage of a “protected building”?
Q20B	Do you agree with the list of land types excluded from the new class?
Q21	Are there any other planning issues regarding temporary campsites that you feel are not covered in the questions above and that you wish to raise?
	Reverse Vending Machines
Q22	Do you agree with the revised dimensions for permitted development for RVM outbuildings, to a maximum of 40 square metres, and to a maximum height of 3.5 metres?
Q23	Do you agree that DRS should not be subject to any specific exceptions relating to advertisement consent and should be subject to the same constraints as exist for other similar developments, such as cashpoints?
Q24	Do you agree that 15 metres distance from the curtilage of a building which is used for residential purposes is a sufficient distance to mitigate the noise impact of recycling of glass? If not, do you have any information which would assist in justification of a differing distance?
Q25	Do you consider the other limitations to the new permitted development class under Part 42 of Schedule 2 of the 1995 Order are acceptable?
Q26	Are there any other planning issues regarding reverse vending machines that you feel are not covered in the questions above and that you wish to raise?
	Statutory Undertakers - Electricity
Q27	Do you agree the definition of statutory undertakers be revised to enable the provision of smart meter services?
Q28	Do you agree with the increase in volume of permitted development of an electricity installation from 29 cubic metres to 45 cubic metres, subject to the proposed revised constraints of any replacement installation not exceeding 3 metres in height and not exceeding 29 cubic metres if with 5 metres of a dwelling?
Q29	Do you agree that electricity undertakers should be able to replace existing electricity communications line in a National Park, Area of outstanding Natural Beauty or Site of Special Scientific Interest without the need to seek planning permission, provided the height, design or position of the replacement communications line reflects that of the existing communications line?

Q30	Do you consider the 1,000 metre limit to replacement of existing electronic communications line remains reasonable and proportionate, given the other constraints to height, design, and position of the replacement communications line?
Q31	Do you agree with the proposed broader definition of investigation works permitted under Class G (c) of Part 17 of Schedule 2 of the 1995 Order?
Q32	Do you agree with the introduction of a new permitted development right for electricity undertakers under Class G (c) of Part 17 of Schedule 2 of the 1995 Order, to enable them to build a means of enclosure in accordance with their duties under Article 11 of the Electricity Safety, Quality and Continuity Regulations 2002?
Q33	Are there any other planning issues regarding electricity that you feel are not covered in the questions above and that you wish to raise?
	Affordable Housing and Meanwhile Uses
Q34	Do you agree with the introduction of a new permitted development right in Part 12A for housing meanwhile uses? What should the maximum duration for meanwhile housing use be?
Q35	In addition to controls on windows for habitable rooms being too close to each other, what other limitations should the meanwhile use permitted development right be subject to?
Q36	Do you consider that provision for public consultation should not be included in the new permitted development right for housing meanwhile uses? If no, what mechanism for public publicity or consultation should be included?
Q37	Should development proposals conforming to ‘exception site’ policies be included within a new class of permitted development right? If no, what are the reasons for not including such policies?
Q38	Should prior approval be a two-stage process whereby the first stage involves scoping the further information required to be submitted?
Q39	What information should be submitted as part of a prior approval submission (or in a two stage prior approval process, what would be the list of issues a local planning authority would choose from when scoping what should be submitted at the second stage?
Q40	How should the level of information submitted be kept proportional to the scale and complexity of the development and be of a lesser requirement than associated with a planning application?
Q41	Are there benefits to restrict the house types that can be bult under the permitted development rights? If yes, please explain what benefits are envisaged?
Q42	Will using permitted development rights for the delivery of affordable housing sites lead to time and cost savings compared to taking the same development through the submission of a planning application?
Q43	Are there any other planning issues regarding affordable housing and meanwhile uses that you feel are not covered in the questions above and that you wish to raise?
	Definition of Major Development
Q44	Do you agree the number of dwellings in paragraph (c)(i) of the definition of major development should increase to 25?

Q45	If the change to dwelling numbers changed, as outlined in question 9.1, should the site area in paragraph (c)(ii) also change?
	Compensation for Future Removal of Permitted Development Rights
Q46	Are there any other planning issues regarding compensation for future removal of permitted development rights that you feel are not covered in the questions above and that you wish to raise?
	Welsh Language Considerations
Q47	What, in your opinion, would be the likely effects of the [matter, recommendation, option, proposal, policy, legislation etc] on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English. Do you think that there are opportunities to promote any positive effects? Do you think that there are opportunities to mitigate any adverse effects?
Q48	In your opinion, could the [matter, recommendation, option, proposal, policy, legislation etc] be formulated or changed so as to: - have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or - mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?
	General Considerations
Q49	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them