

REPORT OF DIRECTOR OF PARK DIRECTION AND PLANNING

SUBJECT: POSITIVE PLANNING – PROPOSALS TO REFORM THE PLANNING SYSTEM IN WALES. A WELSH GOVERNMENT CONSULTATION

Purpose of Report

1. To bring to Members' attention a Welsh Government consultation document – Positive Planning. Members are requested to bring the consultation document which was provided in the NPA papers of 5 February 2014.
2. To recommend that the Authority responds to the consultation document as set out in Appendix one.
3. To note that the NPA provided delegation of authority to the Chief Executive and Chair of the Authority for a further response be submitted on behalf of National Parks Wales.

Introduction

The Welsh Government issued this White Paper on changes to the planning process in Wales in December 2013. Responses to this consultation are required by the 26th February 2014. Members are requested to have read the consultation document.

Background

The consultation paper contains the Welsh Government's proposals to modernise the planning system in Wales and includes changes to primary legislation, secondary legislation and policy and guidance. The consultation paper identifies the need for culture change, a change in attitude away from regulating development towards encouraging and supporting development.

In his address to the Wales Planning Forum on the 4th December 2013, the Minister for Housing and Regeneration Carl Sargeant stated: *'I want to unlock the potential of planning to bring about change by enabling the delivery of homes, jobs and infrastructure that Wales requires. For too long planning has focussed on regulating development, being perceived by many as negative and reactionary. I want to change this by empowering planning to once again become a visionary activity which is proactive and enables rather than holds*

back development. Planning must become a tool to drive growth across Wales'.

Themes

The proposals build on a wide range of evidence to identify the changes that need to be made to the law, policy and culture for planning to become an enabler of appropriate development.

The proposals support the delivery of four themes:

- (1) Supporting culture change
- (2) Active stewardship
- (3) Improving collaboration and
- (4) Improving local delivery

Taking each in turn:

(1) Supporting culture change:

- Key proposals include establishing a national planning advisory and improvement service to drive forward the culture change agenda.
- Developing a competency framework for planning practitioners and elected members to describe the skills, knowledge and behaviours necessary to deliver an enabling planning system.

(2) In support of active stewardship:

- Preparing a national development plan, the National Development Framework to replace the Wales Spatial Plan.
- Introducing a new category of development for larger infrastructure planning applications (developments of national significance) where Welsh Ministers will be responsible for taking planning decisions.

(3) In support of improved collaboration, key proposals include:

- Providing an updated legal framework which would allow local planning authorities to be merged.
- Establishing a system of strategic development plans to address issues of greater than local importance such as housing land supply.

(4) In support of improved local delivery of planning services, key proposals include:

- Introducing standardised annual performance reporting for local planning authorities. Where performance is consistently poor there will

be an option to submit defined planning applications direct to Welsh Ministers.

- Refining of the Local Development Plan system, and collaboration between local planning authorities and town and community councils to produce 'Place Plans'.
- Increasing the effectiveness of the development management system, including front loading processes to provide effective pre-application advice and community engagement for the largest planning applications.

The consultation document provides for a substantial questionnaire to be completed. Appendix one provides a draft response.

A slide presentation of the content of the bill will be presented at the meeting and the questionnaire responses will be considered in full.

Recommendation

That Members:

Agree to respond to the Positive Planning consultation as set out in Appendix one;

Background Documents

Planning Bill News – December 2013

Positive Planning – proposals to reform the planning system in Wales

<http://wales.gov.uk/docs/desh/consultation/131204positive-planning-proposals-to-reform-planning-en.pdf>

the above document is attached as Appendix one to this report

<http://wales.gov.uk/consultations/planning/draft-planning-wales-bill/?lang=en>

link to the Welsh Government's consultation front page on the planning bill

Planning (Wales) Bill – [draft]

<http://wales.gov.uk/docs/desh/consultation/131204draft-planning-bill-wales-en.pdf>

(For further information, please contact Jane Gibson on 01646 624806 or by e-mailing janeg@pembrokeshirecoast.org.uk)

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Consultees: Vicki Hirst, Head of Development Management, Martina Dunne, Head of Park Direction, and Tegryn Jones, Chief Executive, officers from BBNPA and SNPA

Consultation reference: WG20088

Consultation Response Form

Positive Planning - A consultation on proposals to reform the planning system in Wales

We would like your views on our proposals to change the planning system in Wales. This requires changes to primary legislation, secondary legislation, and policy and guidance.

Please submit your comments by 26/02/2014.

If you have any queries on this consultation, please email: planconsultations-d@wales.gsi.gov.uk or telephone Switchboard on 0300 0603300 or 08450103300.

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response or tick the box at the end of this form. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Consultation reference: WG20088

Positive Planning - A consultation on proposals to reform the planning system in Wales		
Date of consultation period: 04/12/2013 – 26/02/2014		
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Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

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Supporting Culture Change

Q1	Do you agree that the proposed remit for a Planning Advisory and Improvement Service will help local planning authorities and stakeholders to improve performance?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The PAIS has the potential to be a very useful tool to provide information, advice, training and improve the performance of planning authorities throughout Wales. In principle a centralised role for setting standards etc that are common to all is a positive move.</p> <p>The PAIS could usefully provide assistance in relation to forward planning issues. Disseminating best practice, coordinating the funding of research on behalf of authorities for example.</p> <p>To retain credibility and continuity the PAIS needs to be financed centrally and not rely on financial resources from LPAs. If the PAIS has a remit of being self funding then it will not become an effective tool for improving the planning performance in Wales. The PAIS needs to fully engage and support the existing players in training - and seek the commitment from the Royal Town Planning Institute, the Institute of Historic conservation officers, The Royal Society of Architects, Wales and the Planning Officers' Society Wales for example. It also needs to work closely with its English counterpart the Planning Advisory Service to make the most effective use of limited resources and reduce duplication.</p>			

Q2	Do you agree that existing Welsh Government support arrangements for the built environment sector in Wales should be reviewed?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes.</p>			

Q3	Do you agree that competency frameworks should be prepared for planning practitioners and elected representatives to describe the skills, knowledge and behaviours necessary to deliver planning reform?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>No. The preparation of frameworks by a Government for another body to follow will not necessarily bring about the changes in culture that are required.</p>			

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Working sensitively with existing bodies - see Q1 will probably produce a similar outcome for less cost, encourage more buy-in and not be perceived as a government instigating a 'telling' and not 'listening' approach.

The Royal Town Planning Institute already covers professional codes of conducts etc for its members. It would be pointless duplicating or amending slightly existing codes and frameworks which work effectively at present.

Setting standards for the training of members involved in Planning Committees is clearly advantageous and something which is already occurring within many Authorities including National Parks. A clear set of requirements for this training is acceptable.

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Active Stewardship

Q4	Do you agree that the National Development Framework will provide a robust framework for setting national priorities and aid delivery?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes - welcome a strategic approach to planning.</p> <p>The development of the NDF will assist in dealing with cross boundary issues which is necessary to ensure that the most sustainable development proposals are put forward rather than restricting development to localised areas, based on very local aspirations and views. It will enable a more strategic approach to plan making to be delivered.</p> <p>However, it must be a robust tool, based on evidence and with direct consultation and steer from LPAs to be implementable and to deliver its aims.</p> <p>Will the NDP also provide spatial expression for the UK government’s National Planning Statements? If it solely is taking on the role of the Wales Spatial Plan then that role was more rounded in terms of providing expression to the role of national designations such as National Parks and this should not be lost.</p>			

Q5	Do you agree that Planning Policy Wales and Minerals Planning Policy Wales should be integrated to form a single document?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>- Not necessarily needed in one document - although the two need to cross-refer. It does need to be kept as simple and readable as possible. Minerals planning tends to be a technically based matter and it may be that the two will not marry particularly effectively to become an easily understood and useable single document. What is of more particular concern is that the policy contained within both should remain up to date and pertinent to planning matters in Wales.</p>			

Q6	Do you agree that a core set of development management policies should be prepared for consistent application by all local planning authorities?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>No - the planning issues affecting individual local planning authorities' areas may be very specific and different. Elected members and councillors who will implement such policies need to be engaged in the development of these</p>			

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policies, understand the context and consequences of such policies. They have a clear role to play in developing appropriate development management policies for their areas in the context of national aims, objectives and policies.

Wales should not allow its unique diversity, distinctiveness and local cultural differences to be lost in the aim of providing consistency of policy.

There is also the question of application and implementation of policy - one that has been produced as a central level for local implementation will always cause difficulties of buy-in, interpretation and implementation. There is a difficulty of how this would fit in with the Development Plan and how any amendments to policy would be disseminated.

However, if this approach is taken, it is essential that the standardised policies do not undermine local issues and the significance of local identity and character to retaining diversity and interest in the Welsh built environment.

Q7	Do you agree that the proposed development hierarchy will help to ensure that planning applications are dealt with in a proportionate way dependent on their likely benefits and impacts?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

Comments:

There is concern that this introduces a further tier of decision making, which still requires considerable input by the LPA with no financial return. It is considered that the process for determining DNS (development of national significance) applications needs refinement (if to follow that of the NSIPs which it is understood is the intent) and that a proportion of the fee should be attributed to the LPA as it has a major role to play in the decision making process including a mandatory pre application process.

In addition, each LPA is better placed to understand local issues and sensitivities and there is concern that the removal of the decision making to Welsh Ministers will undermine local accountability and transparency. The need for this further tier would also be lessened if the PAIS can provide some of the specialist input that has been identified as one of the reasons for this level of decision making being introduced.

It is also considered that major applications should be subject to mandatory pre-application discussions rather than this being an option.

In both DNS and major applications, pre-applications should be subject to a mandatory requirement clearly set out by WG to both the local authority and the developer to ensure that it works in an appropriate manner and does address the speedier and more positive decision making that is the aim of the pre-application process being introduced as a requirement.

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And on a point of clarity 'How does the major development test for National Parks relate to this?'

Q8	Do you agree with the proposed categories and thresholds for Developments of National Significance set out in Annex B?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It is considered that a clear time frame for determination of DNS projects should be given and the Welsh Ministers be subject to scrutiny on compliance with the set time frames in the same way as LPAs are.			

Q9	Do you agree with the proposed categories and thresholds for Major Developments set out in Annex B?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No - a one size fits all does not provide for a workable solution particularly in National Parks. A development of over 5 dwellings (rather than 10) would be considered as major in the Park. It is suggested that should the approach under Q7 be adopted that the time for decision making be varied depending on whether pre-application advice is sought - in the event that it is sought the 8 weeks determination period would apply; in the event that it wasn't sought this would trigger a 16 week determination. Alternatively decision making time frames should be based on averages - see response to Q29			

Q10	Do you agree Developments of National Significance applications should be subject to mandatory pre-application notification, and consultation?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes although it has to be appreciated that these developments are often			

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complex and difficult for non- professionals to understand - efforts should be made to ensure that summary, conclusions, referencing and indexing take people easily to the relevant sections. Often the information is so dense that it successfully flummoxes participants early on in the process.

Q11	Do you agree that a fee should be charged for pre-application advice for prospective Developments of National Significance applications?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Q12	Do you agree that the Planning Inspectorate Wales is the most appropriate body to undertake the processing of a Development of National Significance application?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Q13	Do you agree that only one round of amendments to an application for Developments of National Significance should be permitted after it has been formally registered?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes otherwise the matter becomes incredibly timeconsuming, costly and complex for participants to interact with and understand. It is considered that the scope of the amendment should be defined - this should not be an opportunity to radically alter the submission, more an opportunity to refine and improve.			

Q14	Do you agree with the proposals for handling connected consents?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

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Q15	Do you agree that examination should follow a similar procedure to the proposed call-ins and appeals?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Q16	Do you agree with the proposed division of responsibilities between the Welsh Ministers and the local planning authority at the post-determination stage?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			
The discharge of conditions element needs further consideration especially with regard to fees for the post-determination stage and consistency.			

Q17	Do you agree that the statement of case and draft statement of common ground should be produced when submitting an appeal?	Yes	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			
Yes for the statement of case.			
No for the statement of common ground. A SoCG could not be provided with any great meaning unless the LPA also has agreed it as a preliminary draft for submission. A one-side draft by the applicant will undoubtedly be an all embracing document demonstrating that agreement could, should be reached in certain areas. Time would be wasted in agreeing the areas of disagreement or rather non-agreement rather than time spent drawing up an agreed document for submission as a 'joint effort'. It is considered that guidance should be provided on the content of a Statement of Common Ground to avoid time delays in providing these.			

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Q18	Do you agree that the Planning Inspectorate should decide how to handle the examination of an appeal?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Q19	Do you agree no changes should be made to the content of an application post appeal submission?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			
<p>Yes very rightly the applicant should not be allowed to amend his proposal at this very late stage - which should also include the submission of unilateral undertakings. Post appeal submission changes bring into question the transparency of the process and could lead third parties to view the process with suspicion.</p>			

Q20	Do you agree with the proposal for the Welsh Ministers to be able to initiate awards of costs?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			
<p>Yes, and that Welsh Ministers should also be in a position to have costs awards to them.</p>			

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Q21	Should fees be introduced to cover the costs of the Welsh Ministers resulting from an appeal?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>No, introducing a fee at the appeal stage is fraught with issues concerning the 'rights' of appeal and the ability for engagement in full with a process.</p>			

Q22	Do you agree that a Commercial Appeals Service (CAS) should be introduced?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The appeal system for the householder trial has worked really well -if a similar scheme is proposed for commercial appeals this could save lpas a lot of work and time.</p>			

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Improving Collaboration

Q23	Do you agree that local planning authorities should be merged to create larger units?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>With specific reference only to NPAs - No, the NPAs should remain independent and should not be merged to create larger units.</p> <p>The importance of independence</p> <p>When the National Parks were first established in the 1950s they were managed through committees of County Councils. In the early 1990s, an independent panel chaired by Cardiff University Professor Ron Edwards reviewed the history and operation of the Parks over the past 40 years and set out a vision for their future, culminating in a report known as the Edwards report .</p> <p>One of the review’s principal recommendations was for the creation of free-standing, independent National Park Authorities as it found that local government management was not delivering National Park purposes effectively.</p> <p>The review concluded that:</p> <p>“Independence would allow the National Park Authority to set its own agenda and pursue it resolutely... Despite evidence of some increasing flexibility by county councils over the devolution of responsibilities, national parks need authorities with complete freedom to manage finance, personnel and property resources and to organise their own administrative procedures, including the commissioning of professional services.”</p> <p>The principle of and rationale for free-standing, independent authorities was subsequently accepted by the Government, which agreed that a county council, with its wider remit, would not be able to give the same focus and resources to a National Park that an NPA would.</p> <p>The Government considered that independent status would have a number of advantages, including “a greater clarity of vision and self-confidence, a higher profile, freedom to manage their own affairs as well as a more undivided commitment to National Park objectives” .</p> <p>NPAs were established in Wales in 1996, following the 1995 Environment Act. Since then, they have operated independently from local government, whilst maintaining strong collaborative links.</p> <p>The Government also recognised that for consistency of policy-making, each National Park should be considered in its entirety and that responsibility for detailed planning in these areas should rest with NPAs. To this end the 1991 Planning and Compensation Act required NPAs to produce one local plan covering the entire Park.</p> <p>This principle of park-wide planning has stood the test of time and, within the</p>			

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context set by independent NPAs, has resulted in a coherent approach to land use planning, recreation, land and visitor management functions, with Park communities and businesses benefiting from a consistent policy framework covering the whole of the National Park.

Welsh Government Policy Reviews on National Parks

The Welsh Government periodically reviews National Parks and NPAs as part of its ongoing sponsorship of these bodies, so there is a historical trail of policy reviews and statements on which to draw when considering the efficacy of current management arrangements.

In 2004, the Welsh Government published the results of an independent review of the National Parks. In 2007, the Welsh Government produced a policy statement on National Parks and NPAs which states that:

“the NPAs’ role as the local planning authorities for their areas is a vitally important one, and one that fully underpins their key statutory purposes and one that contributes to the delivery of sustainable development”.

The Welsh Government has recently consulted on a replacement policy statement .

In 2012, the Planning Division of the Welsh Government commissioned a study on the Delivery of Planning Services in Statutory Designated Landscapes in Wales.

These reviews and statements have reaffirmed the continuing importance of independent NPAs to manage National Parks and the benefits of NPAs retaining their planning powers.

Commission on Public Service Governance and Delivery

The rationale for and importance of NPAs operating independently was recognised explicitly by the Commission on Public Service Governance and Delivery , which considered question 23 as part of its work.

Following extensive inquiry and evidence gathering, the Commission concluded that:

“Overall, we do not believe there is a convincing case for abolishing NPAs and transferring their functions to local authorities...” (para F.21).

It concluded that the distinctive focus of NPAs on conserving and promoting sustainable access to National Parks would be at risk if their functions were transferred to local authorities (para 2.60). Instead, the Commission recommended that NPAs build on their existing collaborative efforts and develop clear and consistent ways of collaborating with each other, and with local authorities and other bodies such as Natural Resources Wales, to avoid duplication and maximise the use of resources and scarce expertise.

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As far as we are aware the views of some local authority leaders that NPA functions should be delivered by their respective councils are not formal corporate positions of their authorities. The Commission on Public Service and Delivery did not find such views convincing, nor are they backed up by evidence. We note that the Welsh Local Government Association has made no representations for local authorities to be given NPA planning or other functions.

There is no evidence to suggest that merged planning services would offer better value for public money, or that National Park purposes would be delivered more effectively by local authorities, who have a much wider remit and are themselves facing a sustained period of change and significantly reducing resources.

Transfer of NPA functions to local government would in effect recreate a model that has previously been tried and failed in terms of delivering National Park purposes and which has been rejected by the Commission on Public Service Governance and Delivery.

Advantages of small scale nature of NPAs for planning service delivery

The relatively small scale nature of NPAs has several distinct advantages for planning service delivery, which include:

- Reduced potential for bureaucracy and enhanced delivery capability and service quality
- Greater accessibility and responsiveness of decision makers
- A close interface with farmers, landowners and local businesses
- Good working relationship with local planning agents
- Flexible and proactive approach to development management
- Reliance on partnership working, delivering more collective value for National Park purposes and communities
- Collaboration becomes the norm, achieving significant savings for the public purse

More detail on these can be found in the National Parks Wales submission to the Commission on Public Service Governance and Delivery .

Collaboration - the way forward

National Parks Wales fully supports the recommendation of the Commission on Public Service Governance and Delivery that NPAs must develop clear and consistent ways of collaborating with each other, with local authorities, with Visit Wales and with Natural Resources Wales. The Commission commended NPAs for sharing 'back-office' functions and service delivery capacity but urged them to go further, concluding that "There is very probably scope to improve the efficiency and co-ordination of NPA functions".

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Collaboration with constituent local authorities

The three Welsh NPAs are committed to working with their constituent local authorities and other bodies to achieve a greater degree of collaboration on service delivery. Collaboration has already achieved significant savings for the public purse e.g. during 2011-12 the NPAs of Wales saved an estimated £2.2 million through collaborative working. The NPAs also collaborate on a regional basis and on economic as well as other land use issues e.g. Snowdonia NPA is leading on the preparation of a North Wales Employment Land Strategy in collaboration with all North Wales LPAs. This is looking at strategic employment sites across the region and their land requirements for the next 20 years. The NPAs are keen to develop collaborations with their constituent local authorities that allow for the exchange of information but which also maximise the use of limited resources e.g. Snowdonia NPA has worked closely with Gwynedd and Conwy LPAs on the Welsh Language Sensitivity Analysis, on which consultants were commissioned jointly with Gwynedd, and on an analysis of CIL viability issues.

Collaboration between the three NPAs

It is accepted that there is scope for further collaboration between the three NPAs on the delivery of corporate services, building on the excellent progress already made. The three NPAs in Wales already have a number of active work programmes looking at opportunities for collaboration and the pursuit of shared outcomes on planning e.g. the NPAs have commissioned a study into the joint working opportunities for our planning departments and, following a successful joint Planning Improvement Fund bid, are producing joint supplementary planning guidance on sustainable development, which aims to define what kind of sustainable development is appropriate in National Parks. This work is a direct response to recommendation 7 of the LUC evaluation and is a good example of a quick and proactive collaboration to assist in the promotion of sustainable economic development which will assist local businesses in bringing forward new economic proposals.

Given that the three NPAs each now have adopted LDPs there is greater scope for collaboration on LDP production. The generally slower progress of constituent LPAs on preparing their LDPs would be another factor counting against the merger of planning functions e.g. Snowdonia NPA merging with Gwynedd / Môn may slow down any LDP review process that Snowdonia NPA is proposing, as the Gwynedd / Môn LDP will not be adopted until 2016 at the earliest.

Greater efficiency in delivering corporate services would allow the NPAs to retain a strong focus on the local delivery of core, front-line services such as conservation. These cannot be pursued remotely as they require intimate local knowledge of landscape and culture, and working with local partners, local communities and businesses and local landowners/ managers. The review of NPA governance that will be undertaken by the Welsh Government in 2014 offers an opportunity to review and take forward the progress already made on alternative models for delivering corporate services and support functions.

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The NPAs consider that there is also scope for greater collaboration with Wales' five Areas of Outstanding Natural Beauty (AONB) on planning, through closer working approaches and the sharing of expertise and good practice. International guidelines on protected area management and the ecosystem approach point to looking at protected landscapes as a system, which would support a national, multi-area approach. The new Policy Statement on Protected Landscapes that will be issued in 2014 by the Welsh Government provides a framework to allow productive discussion to take place on how this might be achieved in practice, including through a single management plan for all protected landscapes in Wales. Consideration should be given to how such a plan could be integrated with the plans of Natural Resources Wales and how local distinctiveness would be respected.

In conclusion, no convincing case can be made for merging NPAs with other LPAs to create larger planning units, as was concluded by the Commission on Public Service Governance and Delivery. Instead, greater collaboration should be actively and consistently sought, with constituent local authorities, agencies such as Visit Wales and between the three NPAs.

Q24	Do you think that a national park authority should continue to have responsibility for planning in their area?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes, this has been debated long and hard over the years.... The consultation document states that with constituent local authorities retaining social and economic responsibilities close collaborative working with NPAs is essential to ensure that sustainable decisions and outcomes are achieved. We agree and as outlined in our response to question 23, we believe greater collaboration to be the way forward as it reflects both the existing legislative position and the operating culture of NPAs and their strong commitment to partnership working. Furthermore, NPAs are key delivery bodies for the proposals in both the Environment and Future Generations Bills. The retention of responsibility for planning is a critical part of NPAs playing their fullest part in assisting with the implementation of the Welsh Government's future agenda on sustainable development.</p> <p>Evidence on effective collaboration</p> <p>The claim in the consultation document that evidence of effective collaboration is mixed, especially where an NPA has to work with a significant number of local authorities, is disputed. There are many examples of effective collaboration, including where a number of local authorities are involved. There is no better example of this than the preparation and implementation of National Park Management Plans, which coordinate and integrate all other plans, strategies and actions within the Park's boundaries. In the Brecon Beacons, the Plan lays</p>			

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out 20-year strategies and 5-year actions by and for everyone delivering its purposes and duty, or concerned about the Park's future. The plan promotes coordinated implementation, monitoring and evaluation of activities collectively across a wide range of partners and stakeholders.

There are many actions identified in the Action Plan, with a variety of lead organisations and partners associated with the delivery of each. As stated throughout the Plan this requires the collaborative and concerted efforts of all involved in the Park's management. The future of the Park depends on sustained partnerships, particularly in times of limited resources. The Unitary Authorities that operate within the Brecon Beacons National Park are explicitly identified as essential partners for taking many of the actions forward.

Further evidence on existing collaborations is provided in our response to question 23. While we accept that there is scope for greater collaboration with constituent local authorities, we would like to draw attention to the findings of the Commission on Public Service Delivery and Governance which commended NPAs for sharing 'back-office' functions and service delivery capacity, while recognising that there was scope to do more.

Para 3.15 of the LUC Evaluation reported that all NPAs have entered into formal arrangements to share resources / expertise on several issues, including:

- Pembrokeshire Coast NPA has a service level agreement with Carmarthenshire County (not a constituent LPA) and the NPA sits on the Minerals Liaison Group for the wider area. There are also very strong relationships with Pembrokeshire County Council with close working on ecology, housing delivery, highways, and tourism and economic development.
- Brecon Beacons NPA has a service level agreement with Carmarthenshire for the delivery of minerals planning services and also undertakes some of Powys County Council's planning function on their behalf in the vicinity of the National Park. The NPA, amongst other things, is also heavily involved in regeneration partnerships located along its southern boundary.
- Snowdonia NPA jointly funds rural housing enablers with their two constituent local authorities, Gwynedd and Conwy, and forms part of a consortium of north Wales LPAs that has set up a joint minerals planning unit in Flintshire to deliver minerals planning on their behalf. The Chief Executive and Director of Planning of Snowdonia NPA lead and sit on a number of Boards including Gwynedd Council's Local Service Board, Gwynedd Housing Partnership, Green Economy for the Conwy County Borough Council Local Service Board and the North Wales Economic Forum.

The benefits of NPAs operating a planning function

There are several benefits of NPAs operating as the LPA not least the ability to plan to National Park boundaries. This provides consistency across the designated landscape, alignment with the National Park Management Plan and a clear focus on National Park purposes.

Significantly on this point the LUC Evaluation concluded that:

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...the key advantage of planning to National Park boundaries is that NPAs can adopt a consistent approach across the whole of the National Park area in their Local Development Plan regardless of local authority boundaries. This allows clear focus to be given to National Park purposes and allows alignment with the National Park Management Plan, creating a coherent approach and a clear focus across each National Park. (para 4.6).

...there is recognition of the importance of statutory designated landscapes having their own clear identity, separate from that of the constituent local authority(s), to try and ensure consistency in the delivery of planning functions across the statutory landscape. (para 4.18)

The current Welsh Government policy statement on National Parks and NPAs states that:

“the NPAs’ role as the local planning authorities for their areas is a vitally important one, and one that fully underpins their key statutory purposes and one that contributes to the delivery of sustainable development”.

The Commission on Public Service Governance and Delivery recognised that National Parks are national assets, not just local ones. Independent research by ARUP on the value of Wales’ National Parks found that overall the National Park economies account for £557m of GVA, representing 1.2% of the Welsh economy. Economic activity that is concerned with the protection or management of the environment, or that is dependent in some way on the environment supports 10,738 jobs directly within National Parks and a further 2,033 jobs across Wales. The Parks receive 12 million visitors each year spending an estimated £1bn on goods and services. The operation by NPAs’ of the planning function has successfully underpinned and supporting this economic activity.

It is therefore evident that National Park status and NPAs’ role as planning authorities are not a bar to positive planning or good performance, as is perceived by some. Further evidence of this includes the recent establishment of two enterprise zones within National Parks - Haven Waterway in the Pembrokeshire Coast and former development sites at Trawsfynydd and Llanbedr in Snowdonia . Major developments can and do take place within National Parks e.g. the South Hook LNG plant in the Pembrokeshire Coast .

The benefits of NPAs operating a planning function are also recognised by RTPI Cymru in its draft response to the Positive Planning consultation, which states:

“Ultimately, areas are designated as national parks because of the quality and distinctiveness of their landscape and heritage - their distinctiveness as places. The planning function is a key mechanism for sustaining and enhancing those qualities. To remove this function from NPAs would seriously undermine their effectiveness. It would put the special qualities of the national parks themselves at risk.”

Local representation

The consultation document states that local communities and some businesses

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expressed opinions that their interests were often overlooked, which they felt in part was due to the absence of effective local representation on NPAs. NPAs already have strong local representation through members appointed by the constituent local authorities and NPA decision makers are generally more accessible than their local authority counterparts. Local accountability was considered by the Commission on Public Service Governance and Delivery, which recommended that local-authority nominated NPA members must represent wards that fall wholly within the Park area or, if that is impossible, partly within the Park area. This position was also advocated by the three NPAs in their submission to the Commission.

The Commission also recommended that the Welsh Government should consider whether direct elections would strengthen local accountability, although it heard no conclusive evidence on this. The Welsh Government is reviewing the governance of NPAs in 2014 which provides an opportunity to consider these matters in more detail. However, none of these accountability issues are cause for removing planning responsibility from NPAs.

Evidence on NPAs' performance as local planning authorities

Independent evaluation

The role of the planning system to regulate the use of land in the public interest is a challenging one and is at its most challenging in sensitive landscapes such as National Parks. In 2012 an evaluation of planning services in statutory designated landscapes in Wales was undertaken by Land Use Consultants (LUC) for the Welsh Government. This found that overall the planning system is working well in National Parks. Member training is done very well in the three Welsh NPAs with regular and joint training sessions and pre-application discussions encouraged and found to be useful.

The evaluation supported integration with constituent local authorities and collaboration on service delivery and found that all three NPAs have entered into formal arrangements to share resources/expertise. The Commission on Public Service Governance and Delivery recognised the progress that had been made on collaboration and commended NPAs for working well together on the sharing of both 'back-office' functions and service delivery capacity.

The LUC evaluation found many examples of good practice within NPAs, as well as good performance in relation to national indicators for planning service delivery. At the local level, each National Park local development plan was found to provide a consistent policy context for planning to the boundary of the statutory designated landscape, in line with National Park purposes. This should be contrasted with the weak and inconsistent position the evaluation found in AONBs, due to the number of LPAs involved in their management.

Without a NPA planning function there would be an inconsistent approach to the management of development. This would be particularly problematic in the Brecon Beacons due to the large number of local authorities involved (currently, there are nine unitary authorities in the Brecon Beacons National Park, which would be reduced to six if the recommendations of the Commission on Public Service Governance and Delivery were accepted). The resulting lack of

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coherence between management and development planning would undermine the delivery of National Park purposes. The importance of planning in supporting biodiversity in National Parks has been recognised by the Minister in his strategic grant letter for 2013-14 .

Local development plans

All three Welsh NPAs have made excellent progress on local development plans . Pembrokeshire Coast NPA was the first local authority in Wales to succeed in getting its plan adopted, Snowdonia NPA achieved adoption in 2011 (and was the first local authority in North Wales to adopt) and Brecon Beacons NPA achieved adoption in 2013. This means that the NPAs are outperforming several other local authorities (including Gwynedd, Powys, Monmouthshire and Carmarthenshire) and that communities and businesses within National Parks have a more certain and up to date policy framework to guide their needs and aspirations than their neighbours.

Development management

On development management, the three NPAs perform as well as other rural local planning authorities. The NPAs have a good track-record in operating a responsive planning service e.g. in the Pembrokeshire Coast 89% of Planning Enforcement cases are resolved within 12 weeks.

Recent planning statistics from the Welsh Government on speed of determining planning applications show that the NPAs' average speed of determination (about 67%) is on a par with that of the 9 rural local planning authorities (about 68%).

Examination of the planning performance framework - indicator dashboard that was published by the Welsh Government alongside the 'Positive Planning' consultation document demonstrates that the three NPAs are performing well across the planning spectrum.

Commission on Public Service Governance and Delivery

The Commission on Public Service Governance and Delivery found that in light of the evidence "it is hard...to conclude that NPAs are under-performing" (para F.20), expressed doubts that others would have the capacity or expertise to assume management of National Parks and concluded that transferring NPA functions to local authorities would have adverse consequences for the value of the National Park brand and the promotion of the Parks as tourist destinations. The economic value of the National Park brand is recognised in the Valuing Wales' National Parks Report (ARUP, 2013) , with an estimated 12 million visitors per annum spending £1bn on goods and services. In a national survey in 2009 Snowdonia National Park was identified as the most recognised National Park in the UK. There is a risk that this distinctive brand profile would be lost within a larger authority.

Putting customers at the heart of service delivery

There is a great deal of evidence on the high standards of customer-facing

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service delivery in National Parks e.g. in 2012 Snowdonia NPA received a Customer Service Excellence Standard certificate from the Cabinet Office for achieving an exceptional standard in providing customer service, with particular commendation for listening and understanding the needs of users before investing to improve its service provision. This award was retained in 2013. Snowdonia NPA has been highly commended by the WLGA in its Excellence Wales Awards for its response to climate change.

NPAs undertake regular surveys of users as part of service monitoring and improvement. In the Brecon Beacons planning customers' overall satisfaction ratings with the service received have increased from 76% in 2010-11, to 88% in 2011-12 to 91% in 2012-13. In Snowdonia, overall satisfaction with the planning service was rated 93% by planning applicants in 2012-13, with satisfaction rates for advice received by planning officers at 97%. In the Pembrokeshire Coast, the overall satisfaction with the service in 2012/13 was 85%. Each NPA has a planning service improvement plan which is regularly monitored and updated.

Each NPA has annual meetings with planning agents and/or update newsletters to discuss concerns and topical issues. In 2013 100% of planning agents attending the annual liaison meeting in Snowdonia gave positive feedback on a number of aspects of the NPA's planning performance, with one stating "...you should be commended for arranging these regular meetings. I would like to see this being replicated by local authorities". In the meeting agents openly expressed a preference for Snowdonia NPA to retain independence from its constituent authorities - there were no calls for the planning function of Snowdonia NPA to be merged with the constituent LPAs.

Evidence on good governance of NPAs

NPAs are recognised as exemplars of good governance in local government which provides a stable context for the delivery of their planning services e.g. all three NPAs have achieved the charter for member development and the Brecon Beacons NPA is one of only two authorities in Wales to have achieved the advanced charter for member development. The Brecon Beacons NPA was one of the first authorities in Wales to begin webcasting its main committee meetings as part of its commitment to transparency. All three NPAs have held the Investors in People Standard for a number of years.

Pembrokeshire Coast NPA's separate code of conduct for planning committee members was cited by the Independent Advisory Group in June 2012 in its report Towards a Welsh Planning Act: Ensuring the Planning System Delivers and informed the Group's recommendation for a national code of conduct for planning committee members.

NPAs employ a range of techniques to involve people in decisions on planning service delivery and performance e.g. the Brecon Beacons NPA has worked with Planning Aid Wales to engage communities in the Local Development Plan process (this has been promoted by Planning Aid Wales as best practice on community engagement). This work was also cited by the Independent Advisory Group in 2012 as best practice and informed the Group's recommendations (para 3.47 and para 4.149 of its report).

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Experience of other models of planning delivery in National Parks

National Parks in the UK operate the same planning model, in which NPAs are responsible for both forward planning and development management functions, delivering a consistent policy framework for the National Park and a single decision-making interface for customers. This model has evolved over many years, with changes incorporated to reflect the centrality of sustainable development and the changing needs of the public. Two recently designated National Parks (the Cairngorms and the South Downs) operate a modified version of this model, with responsibility for development management shared with constituent local authorities. Due to their relative youth, there has been no formal evaluation of these models. In the Cairngorms anecdotal evidence suggests that the added complexity has significant disadvantages for customers and is more expensive and bureaucratic to operate. The South Downs model also has added complexity and hidden costs and, while it was adopted to fit the unique planning circumstances of the South Downs National Park, it is not in itself wholly transferrable to other National Parks.

Conclusion

In order to justify removal of the planning functions from NPAs, convincing evidence would need to be provided that this would deliver:

- (a) better value for money
- (b) a more integrated, consistent, accessible and efficient service for customers

No evidence has been provided that this would be the case. The Welsh Government's decision on the responsibility for planning in National Parks should be based on the evidence that has been provided, which is that NPAs are high performing planning authorities on both plan-making and development management and that their focus on National Park purposes would suffer significant detriment were they to lose their planning responsibilities. NPAs have a good track-record in operating a responsive planning service, with user surveys showing high levels of satisfaction.

The benefits of NPAs being local planning authorities have been outlined above. If the Welsh Government is serious about protecting the special qualities of National Parks, which it commits to in the consultation paper, then it should continue to give NPAs responsibility for planning within their area..

Q25	Do you agree that strategic development plans should only be prepared in the identified areas?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes The Strategic Development Plans will need to be carefully handled to ensure			

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that existing and emerging LDPs do not require radical changes leading to delay and complexity in the system.

There is a role for strategic development plans throughout Wales. The National Development Framework if carrying out a similar role to the Wales Spatial Plan could help with defining these areas.

Addressing issues such as housing projections, waste planning, minerals planning etc. at a more strategic level would be helpful and resonates in a helpful way with recognizing the role of National Parks within a wider geographical area. There appears to be some movement towards having more safeguards in place for achieving the right outcomes for these national designations in the WG proposals for Strategic Development Plans, for example, the formation of the Panel at 5.31 refers to including various partners as well as elected representatives. The role and make up of Joint Planning Boards do not, as currently proposed, appear to provide such safeguards.

Q26	Do you agree that the scope of Strategic Development Plans should be limited to the key issues identified in paragraph 5.29?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No the strategic developments plans should always give themselves sufficient flexibility to widen their key issues if necessary and relevant at the time.			

Q27	Do you agree that a partnership between local planning authorities and social, economic and environmental stakeholders should oversee preparation of Strategic Development Plans?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: There is a role for strategic development plans throughout Wales. The National Development Framework if carrying out a similar role to the Wales Spatial Plan could help with defining these areas. Addressing issues such as housing projections, waste planning, minerals planning			

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etc. at a more strategic level would be helpful and resonates in a helpful way with recognizing the role of National Parks within a wider geographical area.

There appears to be some movement towards having more safeguards in place for achieving the right outcomes for these national designations in the WG proposals for Strategic Development Plans, for example, the formation of the Panel at 5.31 refers to including various partners as well as elected representatives. The role and make up of Joint Planning Boards do not, as currently proposed, appear to provide such safeguards.

Q28	Do you agree that a light touch Local Development Plan should be prepared in areas where there is a Strategic Development Plan?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Light touch implies limited consideration. It needs to give consideration to those issues not addressed in the SDP and not duplicate - it may not be very light at all and may cover complex issues.</p>			

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Improving Local Delivery

Q29	Do you agree with the essential elements of a good planning service identified in Annex A?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>No - the WG should appreciate that to have a new planning bill (which requires many changes) and moving towards a more efficient and effective service will take some time for some lpas to implement. Some of us are already there, but others not.</p> <p>Imposing a 80% target at the beginning will not be achievable by some authorities in the short term and are certainly not SMART targets. It would be more realistic to set a gradation of % from a known base levels, up to 80% to be achieved say over a 3 year timescale.</p> <p>Changing cultures will take time - imposing unrealistic and unachievable targets will increase the divide; not lessen it, and will certainly not bring about any enthusiasm to embrace change.</p> <p>Quality - 'Have costs been avoided at appeal?' Is not a useful indicator and not a reflection of quality. Better to measure 'Of total number of cost-requests by appellant against LPA how many have been awarded (as a percentage of the total request for awards)'. </p> <p>Focussing efficiency on speed alone is not necessarily demonstrative of effectiveness. For example it would be more efficient spending 10 weeks on an application to achieve an amendment that enables an approval, than refusing an application in 8 weeks and then a resubmission is required. We recognise that the applicant's time as well as the determining authority needs to be taken into account. Therefore 'average times' for determination would be a better approach that allow for flexibility in the system.</p> <p>Quality indicators should also include the quality of the development approved - it is essential that the planning system delivers good quality development for those that will use it and spend a proportionate amount of time in achieving this important aim.</p>			

Q30	Do you agree that each local planning authority should produce and publish an annual performance report to agreed standards?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>No the information as now can be collected and shown on the WG website - a further APR is unnecessary for the customer, time consuming to collect data and not providing consistency of approach. The elements as set out in Annex A</p>			

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should be sufficient, rather than have another set of data and targets and service improvement to address. Local Planning authorities should work to achieving set targets which are defined by WG in agreement with POSW. The collection of individual data is not useful from a benchmarking point of view.

Q31	Do you agree that where a local planning authority is designated as poorly performing there should be an option to submit planning applications for major development only to Welsh Ministers?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- This could be confusing for the applicant, the public and statutory undertakers. It would be more appropriate that the WG puts in place measures within the poorly performing authority to improve. All sorts of system implications, duplication of information and work and an opportunity for serious error and mistakes would ensue if WG took over the submission of certain types of applications.

It is considered that it would be better for WG to provide targets for improvement rather than directly taking over the planning service. Most authorities deal with a relatively small number of major applications and as such this is not necessarily targeting problem areas. It is not clear if there is evidence that the "poorly performing" authorities referred to is based on major applications only.

Q32	Do you agree that Welsh Ministers should be able to direct preparation of a joint Local Development Plan?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

This seems to duplicate the role of the SDP. If a SDP is not required it is considered that the LDP should remain for its own area and not be combined.

Please also see responses to Q25 and Q27. Superficially this may seem a sensible way forward but there can be issues arising particularly where one of the planning authorities is a National Park Authority. This Authority has done both types of Plan and would comment as follows:

- There have been financial savings as a result of PCNPA developing its own Plan.
- The process took significantly less time than when doing a Joint Plan.

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- The single plan product presents to the reader a clearer reflection of National Park policy and National Park Authority ethos, culture and values. The joint plan product suffered in terms of quality. Policies can often become poorly constructed and unclear to the user when trying to set out different approaches inside and outside the National Park.
- There is a need to create better links with the National Park Management Plans. Doing the Authority's own plan meant there were opportunities to jointly progress the testing of a vision for the Park, its aims and objectives through public consultation. National guidance asks that we develop better synergies with Management Plan preparation.
- The process can also suffer. Differences inevitably emerge over what are considered to be appropriate levels of consultation, the degree of reporting to Members required, approaches in relation to our Welsh Language Scheme duties and standard of work to be achieved.
- The legislative framework does not set out clear guidelines to deal with disagreements. Once it has been formally agreed to prepare a Joint Plan any policy disagreements cannot be aired at Inquiry unless the parties formally withdraw from Joint Plan preparation.
- The new legislation requires formal agreement between the two Authorities to prepare a joint plan prior to starting work on Plan preparation. This would mean committing before an agreement on a joint strategy can be guaranteed. That strategy development will be heavily influenced through engagement with stakeholders, interested communities etc.

If a Wales wide coverage of Strategic Development Plans was available as an option then this would appear to be a better way forward alongside partnership working. From this Authority's experience the LDP process was better geared to partnership working and building consensus from the beginning with our neighbouring authorities. Officer liaison, stakeholder groups continued in a similar way sharing research findings and consulting on policy drafting etc. These findings are reflected in 'The Delivery of Planning Service in Statutory Designated Landscapes in Wales' report referred to paragraph 5.18 of the Planning Bill.

Q33	Do you agree that Local Development Plans should plan for at least 15 years ahead and have a set end date beyond which they cease to be the development plan?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			
There seems no reason for this providing that the LDP is regularly monitored and			

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reviewed. If it is not, powers for intervention from WG to direct a timetable for review would seem more appropriate.

Q34	Do you agree that local planning authorities should work with town and community councils to produce place plans which can be adopted as supplementary planning guidance?	Yes	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Yes in theory. However, this could introduce a resource heavy role for LPAs and an expectation from communities that their ideas will be followed through.</p> <p>At present there is sometimes a lack of planning knowledge and awareness within Community Councils that would need to be addressed for this to work to progress and to ensure that these plans are not providing a platform for NIMBY approaches to planning.</p> <p>This is an integral part of the culture change that this Bill seeks to make and emphasises that the culture change is not just for planning professionals to embrace.</p>			

Q35	Do you agree that where a development proposal accords with an allocation in an adopted development plan a new planning application process should be introduced, to ensure that only matters of detail such as design and layout are considered?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Not convinced this lessens the possibility of the principle being examined again and merely adds another confusing type of application to be considered. Officer reports to committee should make it quite clear what is up for consideration and explain the background to the proposal. With training and a clear appeal process the cases where members refuse allocated sites on principle should lessen. Keep the application form simple. Also there may be the time where the principle does need to be considered again when for example, highway or infrastructure matters have changes since the allocation of the site.</p> <p>Option 2 of the consultation would be preferred. This will enable all matters to be fully considered without revisiting the original principle and enable full consultation with third parties who (despite the proposed culture change) are unlikely to have understood the details of a development plan allocation. In addition the role of statutory consultees would be vital in Option 1 with a full commitment to the development whenever it takes place in the plan period.</p>			

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Changes to flood maps, highway requirements, etc could have significant effects on the acceptability of a plan allocation. Option 2 will allow any changes to be fully considered.

If Option 1 is adopted it is essential that this is phased (as existing allocations would not have necessarily had the scrutiny that this option would require) and that the allocation has sufficient detail within it for third parties to understand the future implications and make comment in detail at plan stage.

Q36	Do you support the proposal to allow a right of appeal against a local planning authority not registering a planning application?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes. We have examples where we have validated applications with limited information, advised the agents that the information is insufficient on which to approve an application and have used the 'lack of information' as a reason for refusal. This is clearly backed up with information from statutory consultees too. The agent then has the right to appeal the refusal.			

Q37	Should the requirement for mandatory design and access statements be removed?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes The DAS had become far too complex a document with evidence of agents merely 'cutting and pasting' from one development to another with little consideration of site specifics.			
Planners should be trained and have sufficient grasp of these issues to influence these matters at the pre-application stage and beyond.			

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Q38	Should the requirement to advertise planning applications for certain developments in a local newspaper be removed?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes as long at the local newspapers carry details of how to access information on planning applications including lpa website, office hours, weekly lists of applications received and refused, committee paper availability, community council links etc.</p> <p>The costs of advertising have far exceeded the benefits that this type of advertising achieves.</p>			

Q39	Should there be any local variation within a national scheme of delegation for decision making on applications?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes delegation is a sign of respect and trust between the working of professional officers and members - to impose a scheme of delegation will go against this.</p> <p>Also there will be local differences including the types and scale of applications that are coming forward. Members should have the opportunity to amend the delegation scheme in light of changing circumstances. Aiming for 75% delegated is probably a good balance for members, the general public, interested parties and the applicant.</p> <p>It is considered that the NPAs should continue to have a proportion of non elected members on their committees that reflect the wider role of NPs in protecting their special qualities.</p> <p>A national scheme of delegation also suggests a consistency of type and nature of application across Wales. Local differences will mean that local issues may have a higher importance in some areas than others and therefore a higher priority with a committee input will be required on issues in some areas rather than others. The scheme should have sufficient flexibility to take account of these local variations.</p>			

Q40	Do you agree that a minor material change should be restricted to "one whose scale and nature results in a development which is not substantially different from that which has been approved"?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Comments:
No -It is not necessarily the scale and nature which will be a minor material change but the impact that this change can make can be significant to a neighbour for example.

This is open to interpretation and will introduce confusion. Each person's interpretation of 'material' will differ - ie the impact on an immediate neighbour could be deemed to be material by that neighbour as they have to live with the development, but not by the neighbour two doors away. It is essential that material amendments are defined in some way, or that all of these are required to be sought through Section 73 applications, perhaps with a simpler, quicker decision route.

Q41	Do you agree that the proposals strike a balance between the need to preserve land used as Town and Village Greens and providing greater certainty for developers?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Q42	Do you agree that the proposals will reduce delay in the planning enforcement system?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Q43	Do you agree with the introduction of temporary stop notices to the planning enforcement system in Wales?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes clearly this is a measure which is needed to support the enforcement			

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process.

I do not want my name/or address published with my response (please tick)

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How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation response form and send it to: planconsultations-d@wales.gsi.gov.uk (Please include 'Positive Planning – WG20088' in the subject line).
Post
Please complete the consultation form and send it to: Planning Bill Team Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3NQ
Additional information
If you have any queries on this consultation, please email: planconsultations-d@wales.gsi.gov.uk or telephone: 0300 0603300 or 08450103300