

**PLANNING COMMITTEE  
MEETING - 25th April 2001  
Agenda Item: 2**

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED  
DEVELOPMENT PROCEDURE) ORDER 1995 - TO DATE  
PLANNING AND COMPENSATION ACT 1991  
TOWN AND COUNTRY PLANNING ADVERT REGULATIONS 1994  
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)  
ACT 1990  
APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

These are reports and recommendations by Officers for consideration and resolution by the County Planning Authority.

All the applications in respect of the proposals specified in this report will be available for inspection by the Members of the Committee prior to and during the meeting at which the said applications will be considered.

The Background Papers relating to each application, including forms, plans, relevant correspondence, Development Plan and guidance documents are available for public inspection during normal office hours

[COPIES AVAILABLE FROM HEAD OF PLANNING SERVICES](#)

## A REPORT BY THE HEAD OF PLANNING SERVICES

### DATE OF SITE VISITS

#### 1. PURPOSE OF REPORT

- 1.1 To advise Members of the likely date of any Site Visits requested by the Planning Committee.

#### 2. DATE OF THE SITE VISITS

- 2.1 In consultation with Legal and Administration, it has been decided that the **Monday 30th April 2001** is most suitable. This date has been provisionally booked.
- 2.2 You are advised, therefore that any site visits arranged today will take place **On Monday 30th April 2001 (times to be advised).**

#### 3. MEMBERSHIP OF THE SITE VISIT PANEL

- 3.1 This will depend on Political Balance and will include the Chair and Vice Chair of the Committee and the relevant Local Member(s)

#### 4. RECOMMENDATION

- 4.1 That Members agree to the Site Visits being held on Monday 30th April 2001

## A REPORT BY THE HEAD OF PLANNING SERVICES

# National Assembly for Wales - Draft Planning Policy Wales

## INTRODUCTION

The purpose of this report is to seek a Council response to the National Assembly for Wales' (NAW) Consultation Draft Planning Guidance (Wales ) -Planning Policy (PGWPP). This document was published in late February by NAW and responses are invited before 27th April.

Planning Services has already advised Members and other services in the Council of the consultation document and how to view it. Planning Services has also sought to coordinate responses from other sections, including Highways & Transportation, to enable a joint response to be made.

This report is in 2 parts:

- ◆ a main report setting out the main changes, issues, conclusions and recommendations
- ◆ an Appendix which sets out detailed comments and suggested changes

## BACKGROUND

The Consultation Draft is part of the NAW's agenda to:

- ◆ modernise and improve public services
- ◆ update and improve planning guidance in Wales in terms of responding to new Government guidance and changing circumstances, including sustainable development, climate change and flood risk etc.
- ◆ provide a Welsh Dimension.

National planning guidance in Wales is currently provided by way of the following documents:

- ◆ two (2) PPGs - (i) Planning Policy First Revision 1999 (the subject of this revision) (ii) UDPs 1996
- ◆ Minerals Planning Guidance Dec 2000
- ◆ Nineteen (19) Technical Advice Notes TANs - most of which were published in 1996 covering various topics (housing , tourism etc. ).

This compares with the system in England where there are 24 PPG's covering broadly the same topics which are supplemented by several DETR Research and Best Practice papers. The main issue is the extent to which the Welsh approach provides the requisite up to date guidance in dealing with key developments in Wales over the next 5 years or so.

## CONTENTS AND PRINCIPAL CHANGES

### Structure

The Document extends to 100 pages. The new or additional text has been highlighted **bold** but the deleted text has not been identified as ~~strikethrough~~. It is therefore difficult to provide a summary of changes and to provide list of all points in a manageable report.

The document sets out 22 topic sections broadly following topics in the current PPGW. However, there are 3 important sections which attempt to 'set the scene':

- ◆ General Principles - sets out revised principles and strategic issues (previously copied and sent to all Members)
- ◆ Operating Principles- relating to the way LPAs deal with development plans and planning applications
- ◆ Generic Policies- setting out general policies covering such matters as design, noise (similar to the GEN policies in the UDP)

The **General Principles** are useful and helpful, but unfortunately the other two sections are not fully worked through. The **Operating policies** set out procedural matters to be followed in considering proposals. These do not comprise policy matters and are best set out in a Circular. Circulars still operate and appear better vehicle for matters covered here. The relationship between Circulars, PPGs and TANs is unclear and needs rectifying. The **Generic Policies** are useful but require:

- ◆ an introduction and definition in terms of scope, role, weight and value
- ◆ a closer examination of the relationship between (a) interests of interest of acknowledged importance (such as landscape, agricultural land nature conservation) and (ii) material planning considerations (such as noise traffic etc.)
- ◆ additional planning considerations such as (i) impact on the character and amenity of an area, and (ii) privacy and tranquillity and other matters subject of Human Rights legislation.

## ASSESSMENT

It is generally considered that the revised guidance is not focused enough on land use planning policy. Instead it reads like a promotional document including too much detail on various other policies and strategies.

### (i) Sustainable Development

- ◆ the document reaffirms the commitment to and the importance of this overarching principle but does not provide sufficient practical steps and measures to deliver sustainable development

### (ii) Relationship between Planning Policy Wales/TANs

- ◆ The individual sections in Welsh PPGs are too short and condensed - provide little practical guidance compared with the corresponding individual English PPG
- ◆ TANS generally fail to provide the necessary detailed policy advice and are not in effect 'technical'. This results in overlap and confusion between Planning Policy Wales and the TAN's. Furthermore, guidance can quickly become out of date, which makes it difficult to keep the all embracing document up to date without undertaking a wholesale revision.
- ◆ difficult to understand / assess balance between PPGs and TANs especially as there is now a Draft TAN on Waste which is important enough and long enough to be a PPG in its own right
- ◆ unclear whether this Draft PPG covers minerals- although a separate PPG on Minerals is expected
- ◆ based on the above certain topics have separate PPGS but others do not
- ◆ needs a rethink to provide a simple and manageable set of guidance which can be updated easily, perhaps similar guidance to English and Scottish models

**(iii) Welsh Dimension**

- ◆ nothing in revised PPG to provide a real Welsh dimension to the guidance

**(iv) Regional Dimension**

- ◆ collaborative working has taken place across Wales on a variety of issues and projects although it has not delivered satisfactory Regional Planning Guidance
- ◆ needs structures to prepare, approve, deliver and enforce Regional Planning Guidance
- ◆ main regional issues being avoided and/or hedged such as housing requirement and provision, renewable energy (including on and off shore wind), waste, minerals, transport, landscape and the A55 Corridor

**(v) Housing**

- ◆ no real guidance is provided on urban capacity
- ◆ no brownfield site target to meet housing need or explanation as to why no target set (in England target is 60%) or even advice as to the setting of regional or local targets
- ◆ higher densities - no guidance as what and why higher densities are (in) appropriate
- ◆ little guidance on how to make the best use of existing stock of buildings - renewal, re-use, change of use and conversion

**(vi) Green Belts/Barriers**

- ◆ PPG only seriously covers Green Belts
- ◆ Green Belts are considered to be inappropriate in most parts of Wales whereas green barriers are almost universally accepted and used throughout Wales
- ◆ no guidance is given at all on Green Barriers including their role, status, objectives and operation which is a serious omission and will create problems for those UDP's incorporating green barriers

**(vii) Tourism**

- ◆ given its importance throughout Wales there is only one short paragraph on tourism which is totally inadequate
- ◆ the document needs to address this - especially as tourism is a key form of rural/farm diversification

**(viii) Role of Local 'Planning Authority' or Local Authority**

- ◆ throughout the document there is continuous reference to what LAs should be doing, especially on matters currently vested in other services and departments. These include highways, countryside, housing, public protection and economic development
- ◆ there should be clarity in the document separating out land use planning matters from other matters and who should do what and when
- ◆ in addition it could be construed that if UDPs have to have regard to other strategies and plans such as Local Transport Plans, Biodiversity Action Plans, LA21 Strategy, Community (Safety) Strategies etc. - this may (i) hold up UDP adoption whilst these other plans are approved (ii) force LA to put such plans through a formal public consultation and formal objection process which does not occur at present

**(ix) DCC UDP**

- ◆ there is much new in document which is already included in DCC UDP. These include-
- ◆ MDA - major extensions to urban areas - sustainable and using existing capacity
- ◆ MDA- mixed development - to increase prospect of minimising travel to work
- ◆ small infilling in small groups of houses in the countryside

- ◆ Make best use of previously developed land.

**(x) Supplementary Planning Guidance ( SPG)**

- ◆ several references in Draft PPG to merits of preparing SPGs on certain matters
- ◆ DCC UDP has anticipated this and prepared SPGs - both topic and site based SPG
- ◆ however there is nothing in Draft PPG to say what weight is to be attached to SPG

**(xi) National Interest**

- ◆ several references in PPG to the “national interest”- e.g. whether the proposal can be judged as being in the national interest but it is unclear whether this means Wales, England & Wales or UK.
- ◆ there is also reference to UK population and household forecasts rather than forecasts for Wales

**(xii) Other Documents**

- ◆ reference is made to many other documents which are not yet available and no date is given for their availability. The most notable of these include the following-
- ◆ National Spatial Planning Framework
- ◆ National Economic Development Strategy
- ◆ Transport Framework

**(xiii) Environmental or Sustainability Appraisal**

- ◆ at different points in the PPG reference is made to both “Environmental Appraisal” and “Sustainability Appraisal “
- ◆ it is unclear whether the current statutory requirement to undertake an environmental appraisal of the policies and proposals in the UDP is to be replaced by or in addition to a sustainability appraisal. Furthermore, it is unclear whether this applies to planning applications
- ◆ there is no definition /explanation of or guidance as to how to undertake a sustainability appraisal
- ◆ there appears to have been no environmental or sustainability appraisal undertaken by NAW of the Draft PPG

**(xiv) The Planning System**

- ◆ references are made to several approaches which appear to conflict and at least require explanation and clarification. These are as follows.
- ◆ para 4.1.4 states - “*applications for development should be allowed unless they are consistent with the principles of sustainable development*”. However, para 4.2.1 restates Section 54A of the Planning Act - “ *... the determination of ( a planning application ) shall be made in accordance with the plan , unless material considerations indicate otherwise*”
- ◆ para 3.1.7 states “*if there is a serious risk of damage to the environment the Assembly will be prepared to take precautionary action , and on the basis of the precautionary principle , to limit environmental damage even where no scientific knowledge is not conclusive*”. However, the current PPGW states in para 3.1.4 that “*applications for development should be allowed , unless the proposed development would cause demonstrable harm to interests of acknowledged importance.*” This phrase is now proposed to be deleted.
- ◆ LPAs may be in some difficulty in dealing with planning applications as to how to relate the above - especially as English PPG 1 states in para 40 that “*Those deciding such planning applications and appeals should always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance*”.

## **CONCLUSIONS**

- ◆ whilst the PPG has moved forward on sustainable development and taken on board many new initiatives there is still considered to be a lack of real guidance on such important issues.
- ◆ there is still considered to be an imbalance between the relative roles of PPG/TANS/SPG and Circulars
- ◆ officers are of the opinion that for the Welsh planning guidance to provide useful and responsive guidance a reappraisal of the format and content of both Planning Policy Wales and the supporting TAN's should be undertaken
- ◆ consideration should be given to introducing more of a genuine Welsh Dimension to the guidance

## **RECOMMENDATIONS**

- ◆ that the principal points raised above along with the detailed matters raised in the attached Appendix forms the basis for the Council's response
- ◆ that responses received from other departments and services be passed onto NAW

## Section 3 GENERAL PRINCIPLES

### Sustainable Development

- ◆ para 3.1.3 - must be made clear that Planning System (PS) is only one of many services and agencies that can and must contribute to Sustainable Development
- ◆ para 3.1.4 - amend to read “.... local authorities’ development plans *and planning applications....*’
- ◆ para 3.1.5 - add (i) “ *high quality design and development* “ as a new bullet point (ii) amend eighth bullet point to read ‘.... property in urban *and rural* areas’ and (iii) add at the end of the 14th bullet point ‘.... *and discourage out of town developments*’ to the list of objectives
- ◆ para 3.1.6 - could add HSOP, Recreational and Countryside Strategies to the list of relevant other plans and strategies
- ◆ para 3.1.7 - amend opening sentence to read “.... damage to the environment *and the health and safety of communities*”
- ◆ para 3.1.7 - the 2nd bullet point is unclear and appears to be in conflict with the precautionary principle

### Sustainable Use of Land

- ◆ para 3.3 - this section is out of place and should be placed before para 3.2
- ◆ para 3.3.1 - reference to ‘valuable habitats’ should state on what basis they are valuable - ecological /scientific or simply “green” locally valued open spaces
- ◆ para 3.3.2 - should state that the WDA also have powers to acquire land and that many public agencies should work together to secure a coherent proactive approach to renewal
- ◆ para 3.3.2- NAW do not set a target figure for the contribution that brownfield sites i.e. “previously developed” land should contribute to housing needs. NAW should explain and justify why no target has been set either nationally or regionally . In England there is a target of 60%. If a national target is unable to be set due to the diverse physical, environmental and economic character across Wales then the document could provide guidance on the setting of such targets either at regional or local levels
- ◆ page 8 - In terms of the definition of “previously developed “ land there should be (i) a definition of “agriculture “ explaining whether horticulture is included or excluded, (ii) reference to “defence buildings” should be deleted and replaced with “ substantial buildings set in large grounds” and (iii) reference to school playing fields being surrounded by playing fields

### Spatial Planning

- ◆ para 3.4.2 - 3rd bullet point - (a) concentrating economic activity on major road corridors like M4/A55 is not sustainable as it encourages long distance commuting/travel by car, and it leads to linear development in the open countryside - (b) other areas, towns and villages than those listed are in need of regeneration especially rural towns such as those in Denbighshire - (c) in terms of the location of development addressed in the 7th bullet point mention could be made of the possible contribution of new settlements in bringing about sustainable development on major transport corridors - (d) an additional bullet point could be added at end - “ *to improve north-South links especially public transport* “



## Climate Change and Planning

- ◆ para 3.6.2- climate change is already happening and so the measures identified need to be addressed now - terminology needs changing to “should “ not “would” and the last sentence amended to read ‘The planning system ~~will have~~ has a role to play....’. Mention should also be made of the role of other agencies in ensuring an integrated approach.
- ◆ para 3.6.3 - on climate change- guidance does not set out the practical measures and tools that can assist in addressing climate change and flood risk- especially where land at risk is “brownfield “ . These could include - hydrological surveys, building on stilts, locating low intensity “bad neighbour” commercial development only in flood risk areas , measures such as afforestation, more hedgerows, less intensive farming , reduce overgrazing and more weirs /dams to minimise and control surface water run-off at source in the catchment areas

## Section 4 THE PLANNING SYSTEM

- ◆ paras 4.1.1 - 4.1.6 - The revised guidance states ‘Applications for development should be allowed *unless they are inconsistent with the principles of sustainable development*’. This appears to conflict with the advice in para 4.2.1 that the development plan is the primary consideration i.e. s54A. In dealing with development proposals the guidance is unclear and inconsistencies are emerging as to what weight is to be attached to various advice and guidance such as the development plan, sustainable development, the precautionary principle and material considerations. Furthermore, para 3.1.4 in current PPG has been deleted which refers to “demonstrable harm to interests of acknowledged importance “. This needs clarifying and explaining to avoid any doubt.

### The Development Plan

- ◆ para 4.2.1 - no guidance is given on “regular monitoring” in terms of how and when should it be done
- ◆ para 4.2.1 - reference should be made to Supplementary Planning Guidance, its weight, role and relationship with a UDP

### Collaborative Working

- ◆ Para 4.4.1 - Far more guidance is required on the issue of regional planning and other types of collaborative planning arrangements particularly in view of the problems experienced in the last few years in bringing about a much needed middle tier of planning guidance / policy.

### Sustainability Appraisals

- ◆ para 4.6.1 - what is “sustainability appraisal” and how does it differ from and relate to “environmental appraisal “- does one replace the statutory requirement of the other. This section is confusing and NAW needs to provide clarification and guidance. It is unclear as to whether ‘sustainability appraisal’ should be applied to planning applications.

### The Welsh Language

- ◆ para 4.8.1- Welsh Language- (i) 3rd line- add ‘...Welsh Language is **an important or integral** part ....’ (ii) in addition to how policies relate to needs of WL it is also important to have regard to how the policies and proposals generally of the UDP impact on Welsh Language (iii) improved guidance is needed in the following areas - (a) when, where and how Welsh Language is part of social fabric i.e. criteria, viability, vitality, strengths and weaknesses (b) what scale, type and location of development will impact positively and negatively on the Welsh Language (c) who assesses the Welsh Language as part of the social fabric - LPA or some other body (d) a realisation of and explanation that planning and development is only one element that can influence the Welsh Language (e) need to separate out short term and long term effects i.e. a development may assist in the long term e.g. small villages where housing development has

had a short term impact on language but in the long term may assist in supporting the language and retention of community facilities.

## **Section 5 THE OPERATING PRINCIPLES**

### **Call In, Departures & Retail Proposals**

- ◆ para 5.1 - it is unclear why only Retail Proposals are referred to as the section could usefully refer to other proposals such as tourism/leisure, employment waste and minerals
- ◆ para 5.1.1 - it is unclear whether the 4th bullet point refers only to national statutory designations or other local non-statutory designations. In the 6th bullet point advice could be given as what is “novel”
- ◆ para 5.1.2 - (i) the third sentence is unclear and needs rewriting to make clear it is LA own applications made by themselves and that these are not necessarily made by the local *planning* authority but other departments within local authorities (ii) it is unclear what the position is about minor and major departures - especially if the Development Plan is out of date ?
- ◆ para 5.1.3 - refers to retail proposals of 10, 000 sq. m being called in but para 5.2.1 later refers to appeals for retail proposals of 9,000 sq. m being recovered. The difference needs explaining

### **Recovery of Planning Appeals**

- ◆ para 5.2.1- needs an explanation as to why and when NAW will recover appeals from the Inspectorate.
- ◆ Para 5.2.1 - the first bullet point refers to the recovery of appeals for residential developments of more than 150 houses or more than 6 ha of land. The justification for these figures should be provided, particularly as they differ from comparable figures in England. It is also surprising that the Assembly provides specific guidance on recovering such appeals yet does provide guidance on the call in of such applications in the first instance as is the case in England.

### **Completion Notices**

- ◆ para 5.3.1 - the guidance could usefully refer to the use of completion notices on developments where lack of progress has resulted in untidy land and buildings where vandalism and other problems impact upon residential or other amenity

### **Renewal of Planning Permission**

- ◆ para 5.4.1 - renewal - why cannot other uses like housing and employment be subject of the sequential test

### **Planning Conditions**

- ◆ para 5.5.4 - if this paragraph is referring to the commonly used “Grampian” condition then it should use that term

### **Permitted Development Rights**

- ◆ para 5.7.4 - reference should be made to Article 4 directions being commonly used in Conservation Areas

### **Phasing**

- ◆ para 5.9.1 - (i) social infrastructure is a very wide ranging topic and the document must explain how it differs from ‘other services’. This can cause problems as objectors will seek proposals

to be refused based on the most flimsy of reasons e.g. waiting time in doctors surgeries etc. (ii) the guidance should specify what is the mechanism for withholding consent until infrastructure available (iii) the guidance is unclear as to the support and mechanisms to withhold consent on a greenfield site pending the development of a brownfield site. PPG3 England is clearer on this point.

### **Enforcing Planning Control**

- ◆ Para 5.10.2 - the guidance could usefully mention the need for pro-active enforcement and the monitoring of developments and planning conditions

### **Service Standards**

- ◆ Para 5.12.1 - Service Standards - these should apply universally and NAW and its quangos should also be seen to meet performance targets etc. - especially the production of (i) household forecasts (ii) Sustainable Development Scheme (iii) Transport Framework (iv) National Spatial Planning Framework (v) publication of up to date PPG/TAN. The guidance appears to concentrate on the 'process' rather than the 'product' in terms of the quality of both the decision and the development. The third bullet point refers to public 'consultation' but not 'participation'.

### **Participation and Access to Information**

- ◆ Para 5.13.1 - Further guidance is required as to the meaning of the term 'office culture' in terms of operational practices as such a term could be misinterpreted and open to abuse

## **Section 6 GENERIC POLICIES**

- ◆ The document may need to set out clearer strategic tests for development proposals similar to those set out in the Retail/Town Centre section. Proposals should be judged against - UDP Strategy, policies, need, sequential test, impact etc.

### **Design**

- ◆ para 6.1.1 good design will also increase value of property and improve long term maintenance/repair
- ◆ Para 6.1.2 - In the first sentence add 'planning and' before 'development' so as to reinforce the concept that all persons should promote good design.
- ◆ 6.1.5 - the guidance should specify if there is a need to submit a design statement in all cases, even minor developments and what happens if one is not submitted on request from LPA?

### **Crime Prevention**

- ◆ 6.2.1 - the guidance should clarify responsibility for preparing a community safety document and the relationship to the UDP
- ◆ 6.2.2 - the last sentence should read as follows '... produce "safe environments ~~of~~ through good design"

### **Access for All**

- ◆ 6.3.3 - the attainment of 'access for all' through negotiation or the imposition of a planning condition may not be strong enough - needs to be strengthened as to whether this represents a basis for refusal

- ◆ paras 6.2 - 6.5 should explain whether the guidance applies to both Development Plan and Development Control

## **Lighting**

- ◆ para 6.5.1 could explain the situations where lighting may be an issue such as illuminated adverts, public and amenity lighting, security and the lighting of important buildings. The guidance could also explain the role for development plan policies in addressing lighting issues. The last sentence should refer particularly to the impact of lighting on residential amenity.

## **Section 7 CONSERVATION OF THE NATURAL HERITAGE**

### **Natural Heritage**

- ◆ para 7.1.2 - it is unclear how sustainable development and other environmental concerns relates to the statement '*A key role of the planning system is ensure that society's land requirements are met in ways which do not impose unnecessary constraints on development*'.
- ◆ para 7.1.3 - the guidance whereby landscape and nature conservation "must" be addressed strategically through collaboration appears to be much more strongly worded than the general advice earlier in the document and advice on other aspects elsewhere. Has natural heritage greater weight?
- ◆ para 7.1.4 - the guidance should be amended to acknowledge that the Countryside Council for Wales (CCW) also has a statutory role in Development Plans?
- ◆ para 7.1.4 - who prepares Habitat and Species Action Plans, are they subject to public consultation and formal challenge, and what weight is to be attached to them ?

### **Biodiversity**

- ◆ para 7.2.5 - Too much detail / advice on BAP's which is not necessary in this document. Are LBAPs an Local Authority or Local Planning Authority requirement? Most of the time there is insufficient hard information on biodiversity to make an informed decision as CCW and other wildlife groups do not undertake regular, accurate and up to date habitat/species surveys and monitoring

### **Agricultural Land**

- ◆ para 7.4 - In terms of agricultural land there has been no fundamental review of protection of agricultural land - especially with the agricultural industry being in endemic crises - and the value of protecting land needs reviewing. No mention of whether the size, type, viability, and proximity of the farm units is a material consideration

### **Natural Heritage - Landscape & Nature Conservation**

- ◆ para 7.5 - this section needs clarifying and separating out statutory from non-statutory landscape and nature conservation designations.
- ◆ Para 7.5.2 - As worded the scope for development in statutory landscape and nature conservation areas is too strong. The guidance should adopt a much more cautions stance.
- ◆ Para 7.5.3 - A brief mention should be made of the hierarchy of designations whereby non-statutory / local designations lie between statutory designations and the countryside generally.
- ◆ para 7.5.4 - needs explanation as to the role and value of Environmentally Sensitive Areas

- ◆ MAP re Natural heritage NCD - Local nature Reserves should be deleted as they are not strategic matters
- ◆ MAP re Landscape - needs to be consistent with NCD map as to whether proposed designations are included i.e. proposed extension to Clwydian Range AONB and the proposed Berwyn AONB

### **Statutory Landscape Designations**

- ◆ para 7.6.4 - (i) guidance is needed as to what is 'major' development (scale and type?). The inclusion of the phrase 'proposals which are more national than local in character' does not offer useful assistance. Does 'major' include minerals development? If not this should be stated. (ii) guidance is needed to what are "national" considerations and whether this is in relation to the UK or Wales. It is noted that Minerals Planning Policy Wales refers to need in terms of the UK.
- ◆ para 7.6.5 - it is unclear whether the sensitive areas referred to are landscape or nature conservation based

### **Non-Statutory Designations**

- ◆ Para 7.8 - it is unclear whether this section is concerned with non statutory landscape or nature conservation designations. Paragraph 7.8.2 appears to be concerned with nature conservation so is para 7.8.1 concerned with landscape?
- ◆ para 7.8.2 - it is an impossible task to ask LPA/UDP to state what features of local nature conservation designations require extra protection and why. This is a job for CCW and others and the information should be available in a separate document
- ◆ Para 7.8.2 - With regard to the last sentence it is hard to imagine why non-statutory nature conservation sites will often need socio-economic activities to ensure their sustainability. The value of many sites is best maintained by being left well alone although others may require management measures. However, management measures are rather different than 'activities' which may be interpreted as 'development'.
- ◆ Para 7.8.3 - Scant explanation of and guidance on Landmap is given, particularly when it is being promoted as an all-Wales initiative. Can it be assumed that if this study is used to inform local landscape designation that it should also be used to reassess the boundaries / areas of National Parks and AONB's as none of these designations are based on a Wales-wide formal landscape assessment. It is difficult to see what can be gained by publishing the whole LANDMAP assessment as Supplementary Planning Guidance. It is suggested that as LANDMAP can be used to inform local landscape designations that areas identified should be progressed through the development plan system. This will then allow formal consultation and ultimately resolution at Inquiry. Perhaps aspects of the LANDMAP exercise could feed into SPG's on design guidance, development guidelines etc.

### **Protection of Species**

- ◆ para 7.9.3 - it should be made clear that it is CCW who requests and arranges for the developer / applicant to undertake and pay for these surveys
- ◆ para 7.9.3 - it is unclear as to whether a site where there is a protected species present which is allocated would be a departure - and so not the subject of the tests set out

### **Development Plans & Conservation of the Environment**

- ◆ para 7.10.3 - (i) the 2nd bullet point could also specify the need for and impact of the development and the availability of alternative sites. Does third bullet point mean 'visual amenity'? (ii) the last 4 bullet points are unclear and are covered elsewhere (iii) Bullet point 4 – The safeguarding of landscape features – it is assumed landscape features refer to cloddiau,

hedges etc. In this respect should the term 'major importance' be used as it would make their protection much more difficult. It would be difficult to quantify what 'major' is especially as it is the network and pattern of these features that contribute to landscape character and biodiversity. Additional guidance is required. Perhaps the term amenity could be replaced by landscape character? Bullet point 5 – Does the open space referred to mean in both urban and rural areas, and is it intended to apply to open space of recreational value?

- ◆ Para 7.10.3 Guidance states that Part 2 of UDP's should provide for the protection of many things including agricultural land, native woodland, species, landscape features as well as international. National and local sites. The final sentence of this paragraph states that areas to which conservation policies apply should clearly be shown on the Proposals Map. This requires clarification as impracticable to show all areas of native woodland, high quality agricultural land, etc. Environmental designations should be shown only where practicable?

## **Section 8 CONSERVATION OF THE HISTORIC ENVIRONMENT**

### **Historic Environment**

- ◆ para 8.1.3 - the guidance refers to trying to find a re-use for a LB without "...compromising the special architectural and historic interest...". Further advice is needed as to what level of compromise does the Assembly consider acceptable.

### **Listed Buildings**

- ◆ para 8.1 - Useful mention could be made of the importance of maintaining listed buildings in good repair and the possibility of grants being made available, particularly the ability of local authorities to offer grants for the repair of listed buildings. Few local authorities offer such grants and few are aware that legislation allows them to do so.

### **Conservation Areas**

- ◆ para 8.3.2 - UDP policies cannot possibly clearly identify the character etc. of all its conservation areas and the features etc. to be conserved. This is an impossible task and the whole of para 8.3.2 should be rewritten to provide more realistic guidance.
- ◆ para 8.3.6 - Clarification should be provided over whether conservation area consent is required for 'substantial' demolition

## **Section 9 URBAN AREAS**

- ◆ this whole section offers nothing useful by way of guidance and should be deleted or rewritten
- ◆ it does not make sense in terms of the unclear distinction between towns, cities and urban areas on the one hand and rural settlements and villages on the other hand, or in terms of what it is trying to achieve
- ◆ Para 9.1.1 - as written the guidance would appear to prevent development in rural settlements. There are few parts of Wales with truly 'urban' areas.
- ◆ Para 9.2.2 - what about the preference for brownfield over greenfield as part of urban regeneration and urban areas being the hub for (re)development

## **Section 10 GREEN BELTS**

- ◆ this is a major weakness in the Draft as there is nothing on need, role, value, weight and operation of Green Barriers.

- ◆ One of the most unique and widespread policy tools in Wales is Green Barriers/Wedges instead of Green Belts yet there is nothing at all on Green Barriers. Many LPA's particularly in NE Wales are undertaking strategic reviews of green barriers so that they are more selective, strategic and longer lasting than previously. The document offers no support for or guidance on such an approach. The Assembly's apparent strive to secure green belts throughout Wales illustrates the documents lack of appreciation of the dispersed pattern of small settlements across much of rural Wales where green belt designation is not considered appropriate.
- ◆ Para 10.2.2 The guidance fails to address whether minerals development would be 'inappropriate development' within a green belt or barrier'.
- ◆ Para 10.2.3 The meaning of the word 'substantial' needs to be defined - is it size, materials, construction?

## **Section 11 THE COAST**

- ◆ Para 11.1 - there is no reference to the designation of a coastal zone which appears to be at odds with the advice contained in Tan 14 Coastal Planning
- ◆ Para 11.2 - the range of "sectoral controls" needs explanation and justification

## **Section 12 TRANSPORT**

- ◆ this section should be titled Transport 'and Communication' to reflect role of telecommunications to reduce the need for travel
- ◆ most of this section is taken from PPG13 Eng and is important enough to warrant it being a separate PPG
- ◆ it appears to shift the approval process of road improvements onto the UDP. This requires a new working relationship and internal process within most County Councils where traditionally road improvements have been processed independently of the Development Plan process. This may have implications for the Assembly's program for the adoption of development plans
- ◆ many of the points made are promotional and should not be included in land use planning guidance
- ◆ many matters are purely those which the LA as Local Highway Authority need to undertake

### **Objectives**

- ◆ para 12.1.1 - the wording of the 3rd bullet point does not make sense when seen with the sentence prior to the bullet points
- ◆ Para 12.1.2 - The guidance is likely to be quickly superseded when the Assembly prepares its Transport Framework
- ◆ Para12.1.3 - in the 1st bullet point add after 'reducing the need to travel' the words 'especially by car'
- ◆ The document sets an idealistic tone yet many areas in Wales suffer from poor public transport where it is difficult to locate new development based on public transport or to secure improved public transport. It is a chicken and egg situation - which comes first?
- ◆ There is an onus on all large employers including NAW and Councils to prepare and implement Green Transport Plans to show how to reduce car travel - and this to be a material planning consideration

## **Accessibility & the Location of Development**

- ◆ Para 12.2.2 - this section could usefully mention the scope for new development to incorporate new measures to reduce car usage including improvements to public transport, private bus services, formal car sharing arrangements etc.
- ◆ Para 12.2.3 - the section should comment on the reference to the National Cycling Strategy objective of securing a doubling of cycling by 2002 and whether this is likely to be achieved. If not, then the Assembly should be providing firmer guidance and measures to achieve it.

## **Traffic Management & Parking**

- ◆ para 12.5.3 - planning authorities cannot directly influence on-street car parking.

## **Development Control and Transport**

- ◆ para 12.9.1 - in the 4th bullet point mention could be made as to the developer providing a minimum level of bus (public transport) service over a specified period as part of certain large planning consents
- ◆ para 12.9.2- further advice is needed as to what comprises a "transport assessment" - is this the usual Traffic Impact Assessment (TIA) or is it something else and who arranges and pays
- ◆ in the bibliography list the DOE/DOT Design Guide is dated 1992 and needs updating/re-drafting

## **Section 13 INFRASTRUCTURE**

- ◆ too little is provided re private statutory utilities and how DP/DC process should link in on-liaison, long term programs, allocations in UDPs, refusals in DC, developer contributions etc.

### **Telecommunications**

- ◆ section on telecommunications simply restates TAN 19 - so why include it? Care must be taken to ensure that this section does not become quickly outdated as a result of revised legislation.
- ◆ para 13.3.2 - why is the need for a telecommunications facility not a material planning consideration - surely it is? see para 13.3.9 1st bullet point
- ◆ para 13.3.3- (i) in terms of development plans allocating sites for telecommunications development, reference could also be made to identifying general areas. (ii) should the section contain guidance to prevent such as the A55 corridor (and others) being cluttered with masts and other equipment.

## **Section 14 HOUSING**

- ◆ PG Wales has adopted some parts of PPG 3 Housing (DETR). It is noted there are no targets / standards for recycling of land, density standards and parking provision as it is assumed the NAW feel this is for determination at a local level. It is suggested that closer monitoring of these areas by the NAW would give some indication of what is being achieved at an all Wales level, and by regions. This would allow comparison between Counties which would be useful for Counties of similar characteristics.
- ◆ para 14.1.1 states that it is NAW aim that '... Everyone in Wales should have the opportunity of a decent home...'. However, it is debatable whether this sentiment is echoed or secured in the subsequent guidance



- ◆ 14.1.3 - unclear what is meant by “settlement strategies “ whether this is a settlement hierarchy or urban capacity type approach etc.. More guidance is needed on what they are, what they are meant to achieve and how to prepare one.
- ◆ para 14.14 - (i) 1st bullet point- refers to “ UK Governments latest household projections” - but what about NAWs own projections which are still awaited (ii) 5th bullet point - what is “the capacity”- needs an explanation- social, physical, infrastructure, environmental, visual , political (iii) last line -which household projections and surely they must be a starting point - if not what else is ? (iv) also this is unclear as it may lead to unmet housing need across a region
- ◆ 14.1.5 - what is “managed release” and on what basis and method is this achieved? Guidance states allocations in the UDP should favour brownfield sites (as before) but it is also inevitable that additional greenfield sites will be allocated, however the paragraph is unclear to whether the actual development of allocations should be controlled to ensure brownfield sites are developed before greenfield sites. If a managed release of sites that have been allocated is intended then this should be made explicit and the mechanism as to how to do this should be fully explained. This could be especially important as housing allocations are to be shown for the full plan period not as in England for 5 year periods.

### **Housing Land Availability**

- ◆ 14.2.2- what about the role and better use of existing building/housing stock- including renewal, extensions, change of use and conversion
- ◆ 14.2.3- (i) explanation and workings of the “search sequence” is needed. Is this the sequential approach for housing sites and does it look at all sites in an area (ii) does not acknowledge role contribution from small sites, existing commitments and conversions to meeting housing need
- ◆ Para 14.2.4 – Third bullet point – perhaps it should be added that many of these infrastructure problems can be overcome by the use of S106 agreements and developer contributions. Furthermore, it is difficult for LPA’s to influence levels of health care provision. Would it be acceptable for a LPA to refuse planning permission on the basis that there was a long waiting list at the local hospital or there was a problem with GP provision?
- ◆ 14.2.4 - (i) again in allocating sites and determining proposals there could be several stages- as set out earlier and similar to the Retail/Town Centre section (a) UDP Strategy, need, alternative sites, impact (b) interests of acknowledged importance (c) other material planning considerations (ii) 3rd bullet point - explanation of and guidance re social infrastructure - a difficult subject- (iii) add another bullet point ‘well related to settlement/development pattern” to avoid sporadic housing development in the countryside especially as there will be pressure to develop sites in the countryside just because they are previously developed. (iv) Bullet point 5 could add landscape and nature conservation considerations to this.
- ◆ 14.2.5 NAW has not moved forward here - surely urban capacity studies should be taking place looking at buildings as well as land. Clarification is needed that the allocation of greenfield sites after full consideration of previously developed land is only part of the process. Guidance is crucially also needed to ensure that the actual release and development of land follows such principles.
- ◆ 14.2.8 - housing densities - NAW has missed an opportunity to provide up to date guidance on higher densities. It should clearly state what it considers to be high and what is low densities and in what circumstances is a lower density allowed. TAN could cover this if unsuitable for inclusion in PG W PP.
- ◆ 14.2.8- in mentioning “tandem“ development the guidance should also mention “backland“ development where there is a separate access. If this produces higher densities with good design and acceptable residential amenities is this acceptable ?

## **Housing in the Countryside**

- ◆ 14.3 requires a major overhaul - which has not happened. The agricultural industry is in decline with job losses and farms going bankrupt etc.. With such a background the basis for new dwellings based on farming needs is difficult to accept. There is also an existing stock of rural/farm buildings along with parallel applications to lift agricultural conditions on recently granted/completed farm dwellings.

## **Affordable Housing**

- ◆ 14.4.3 - The rural exceptions policy, designed to bring about affordable housing in rural areas has not really delivered in areas where it matters and is need of overhaul. It is often demand-led rather than need-led. It is far too complicated and has a long lead-in time where by the time the houses are built the original housing need has gone or dramatically altered. It also must be carefully monitored over time to ensure it continues to meet that need. The guidance should also delete reference to 'exception' sites being 'within' settlements as such housing development is more than likely going to be in accord with the development and not therefore an exception.

## **Section 15 ECONOMIC DEVELOPMENT**

### **Industrial & Commercial Development**

- ◆ para 15.1.1 - (i) add "healthy "economy (ii) why exclude large enterprises - have they no place in the future Welsh economy? and if not must a large proposal be refused?
- ◆ para 15.1.5- explanation should be given as to what more flexible working practices has to do with land use planning

### **Unitary Development Plans**

- ◆ para 15.2.4 - add "...in allocating land etc. .. and in determining applications ..LPAs should have regard to - (i) UDP Strategy, need etc. re employment land etc. (ii) Economic Development Strategy etc. (iii) other factors listed here - including impact on local highway and other infrastructure (iv) economic feasibility of sites
- ◆ para 15.2.5- local sites for local need - by scale and type for local area

### **Retailing & Town Centres**

- ◆ para 15.3.8 - retail need may require explanation - what constitutes quantitative and qualitative need
- ◆ para 15.3.9 - should make clear that the sequential test covers whole of a catchment area not parts of it
- ◆ para 15.3.11 - what is a major new retail development - size/type?
- ◆ 15.3.18 - no real guidance offered on what circumstances it is legitimate to refuse a proposal leading to loss of essential local facilities e.g. shop and pub.

### **Economic Development in Rural Areas**

- ◆ para 15.4.3 - the last sentence on page 91 re infilling in small rural settlements is retained from the current PPG but is primarily directed at residential not commercial infilling. Whilst the same principle applies does this need amending to provide clearer guidance re commercial infilling especially re scale, type (B1 / B2 uses) and location

- ◆ paras 15.4.4 onwards indicate that rural diversification cannot be restricted to adaptation of existing buildings and will involve new build which is accepted. Nevertheless the test remains that any conversion must demonstrate that it is unfeasible to use a rural building for employment purpose first before consideration can be given to residential use.
- ◆ However, in accepting this position the Draft PPG adds a further requirement in para 15.7.2 3rd bullet point that if the building is to be used for residential purposes it should meet an identified need for affordable housing for local need. Whilst it may meet a need for farm workers this would be unsustainable for affordable housing as many such households are without regular use of a car and would be isolated. However laudable and rational it is difficult to see this working in practice. Local Housing Associations are unlikely to get involved in this type of provision. In addition affordable housing cannot provide the capital for diversification
- ◆ it is difficult to understand with the (i) agricultural industry in crisis (ii) declining incomes and employment and (iii) numerous applications to lift agricultural occupancy conditions how NAW can continue to operate a policy which only allows agricultural /forestry workers to have new housing in the countryside. Surely either (i) this basis needs radically reviewing or (ii) new forms of employment based on new types of rural diversification should be allowed.
- ◆ para 15.4.4 - mid para- sentence starting “ While some employment ... in many areas “. The words underlined are too vague and open to interpretation. Does it mean in rural settlements or in the open countryside?

### **Development Plan’s and Economic Development in Rural Areas**

- ◆ para 15.5.2 ...(i) “ economic development policies ..” should read “ land use planning policies for economic development.” (ii) 1st bullet point should read “ .. to meet local economic development strategy, policies, needs for urban and rural regeneration.”
- ◆ para 15.5.4 - last sentence on p 93 - proposals for farm diversification be considered under the terms of UDP policy - not SPG. An SPG may useful detailed guidance but should not be the main determination.

### **Re-use of rural buildings**

- ◆ Para 15.7.2 with the introduction of affordable housing could make residential conversions less likely. It should be acknowledged that in some areas residential conversions of rural buildings can make an important contribution to meeting housing need thereby reducing pressure for the release of greenfield sites.

## **Section 17 TOURISM, SPORT & RECREATION**

### **Tourism**

- ◆ It is difficult to understand why an industry as important to Wales as tourism deserves only 2 short paragraphs. This needs rectifying and due emphasis paid to this important area
- ◆ There is no mention of (i) Wales Tourist Board (ii) green tourism (iii) decline of traditional seaside resorts and ways to adapt and respond in planning terms

### **Sport & Recreation**

- ◆ para 17.2.1.1 - the objectives set out for sport and recreation are not land use planning objectives and should be re-written as such
- ◆ para 17.2.2.1- no reference to clear link between Tourism, Sport and Recreation Strategies and policies

## Unitary Development Plans

- ◆ no reference to how new residential development should provide open space, whether directly on-site or indirectly (off-site directly or through commuted payments). Para 17.2.3.1 The paragraph should add that 'new residential development, in areas which have a deficiency of open space and recreation facilities, will not be allowed to proceed unless appropriate provision is made to address the shortfalls either on-site, off-site or through the use of commuted sums.'
- ◆ no mention of green spaces / buffers / corridors as 'lungs' in urban areas

## Section 18 ENERGY

- ◆ this is a very weak section - no mention of (i) regional guidance (no-go areas or areas of search and targets) (ii) energy conservation and reduction through planning policies, design and materials

## Section 19 WASTE

- ◆ para 19.3- 2nd line "Planning authorities.." should read " LOCAL AUTHORITIES.." This is not the function of LPAs. Similarly in para 19.4 2nd and 9th lines
- ◆ para 19.5 - a document as important as the regional waste plan should not be consigned to a TAN

## Section 20 FLOOD RISK & CLIMATE CHANGE

- ◆ para 20.2 - 4th sentence - the guidance attempts to identify types of development which may be inappropriate in areas at risk of flooding. Interestingly, the list of developments includes 'residential premises' but is unclear as to whether this means premises such as residential nursing homes or private and public dwelling houses. The guidance should also specify the range of considerations which will need to be taken into account including the nature of the development or land use, the intensity of the activity and level of human occupation and the degree of risk.
- ◆ para 20.4 - 4th line - amend to read "... to understand the **causes and** effects of flooding.."
- ◆ para 20.5 - the situation is more the lack of good information on flood risk to enable an informed judgement to be made. It is not that LPAs disregard the EAW advice. EAW advice is usually based on (i) principles (ii) lack of up to date and reliable information and survey/analysis.
- ◆ the guidance should stress the need to consider all possible mitigation measures as part of new development proposals.