

**Report To: Planning Committee**

**Date of Meeting: January 22<sup>nd</sup> 2014**

**Lead Member / Officer: Angela Loftus (Planning & Public Protection Policy Manager)**

**Report Author: Bryn Bowker (Planning & Public Protection Policy Officer)**

**Title: Draft Planning (Wales) Bill and Positive Planning consultation.**

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**1. What is the report about?**

1.1. To make Members aware of the Welsh Government's consultation on a Draft Planning Bill and supplementary document entitled 'Positive Planning'. The consultation closes on February 26<sup>th</sup> 2014. The documents can be viewed via the Welsh Government website or can be forwarded on request.

**2. What is the reason for making this report?**

2.1. To outline what officers consider will be the main implications of changes proposed to the planning system by Welsh Government.

**3. What are the Recommendations?**

3.2. That Members acknowledge the content of the report and outline any comments that they would like to include in the Council's response to the Draft Planning Bill and Positive Planning consultation.

**4. Report details.**

4.1. The Draft Planning Bill and Positive Planning consultation document was first published by the Welsh Government on December 4<sup>th</sup> following a number of independent reviews of the planning system. In broad terms, the consultation paper seeks to modernise the planning system and identifies a need for a culture change, which involves a change in attitude away from regulating development towards encouraging and supporting appropriate development that supports national, local and community objectives.

4.2. The proposals are grouped into the following four themes: supporting culture change, active stewardship, improving collaboration, and improving local delivery. For ease of reference, the key changes proposed to the planning system are outlined below under each respective theme:

4.3. ***Supporting culture change*** by:

- Forming a national Planning Advisory and Improvement Service that would identify and disseminate good practice; assist in sharing expertise & resources across planning authorities; identify, promote and target training requirements for officers and members; provide targeted specialist advice & mentoring, and publicise, disseminate & educate about Welsh Government planning initiatives.
- Developing a competency framework that would set two complementary frameworks for planning practitioners and elected representatives that would set out the skills, knowledge and behaviours considered necessary to ensure that planning becomes a positive enabling activity.

4.4. Under the ***active stewardship*** theme it is proposed to:

- Publish a National Development Framework which will replace the Wales Spatial Plan. The National Development Framework would identify key locations across Wales which could accommodate change and infrastructure investment, set the framework for Strategic Development Plans (explained further below) and Local Development Plans, maximise benefits from funding streams, and set the context for Welsh Ministers to make decisions on Developments of National Significance (explained further below).
- Establish a new category of development for the largest infrastructure planning applications (developments of national significance) with these types of applications being determined by the Welsh Ministers or any person (s) appointed by them. Welsh Government will also lead on mandatory pre-application advice for developments of national significance, and local planning authorities would have a duty to provide a pre-application response on request. When the formal planning application is submitted, the local planning authority would have to compile a Local Impact Report for Welsh Ministers.
- Changes to the planning application appeal process to require appellants to submit their full statement of case when an appeal is made; introduce a draft Statement of Common Ground for appeals conducted by hearing or inquiry; removing the right to appeal before an Inspector; provide Inspectors with the power to determine how the appeal is handled, and enable award of costs to be sought for appeals dealt with by written representations.

4.5. Under the ***improving collaboration*** theme it is proposed to:

- Update the legal framework to enable Welsh Ministers to establish joint planning boards that would incorporate local planning authorities for two or more areas. The consultation documents notes that this joint planning board would perform LPA functions such as the preparation of a LDP and the collection of the Community Infrastructure Levy.
- Establish a system of Strategic Development Plans for three areas in Wales which are: Cardiff, Swansea, and the A55 Corridor. These three areas have been identified on the basis that they are areas where there are matters greater than local significance. For these areas, the Strategic Development Plan will cover strategic issues such as housing, employment, transport, gypsy and traveller provision, and minerals and waste. The consultation document explains that when there is an area with no Strategic Development Plan

coverage, a much more slimmer in content LDP (produced in conformity with the relevant Strategic Development Plan, the National Development Framework, and Planning Policy Wales) will be required.

4.6. To ***improve local delivery*** it is proposed to:

- Define what constitutes a good local planning service, and establish the need for local planning authorities to produce an Annual Performance Report that would quantitatively and qualitatively assess service delivery against a common performance framework.
- Refine the Local Development Plan system and promote collaboration between local planning authorities and town and community councils to produce Place Plans that would ensure development reflects local distinctiveness and would also identify priorities for community investment for the Community Investment Levy. These Place Plans would be adopted as Supplementary Planning Guidance.
- Frontload the planning application process by introducing a legal duty for local planning authorities to provide a pre application service when requested. Two charging options are proposed in the paper which includes either issuing an outright charge for all pre-application requests, or only charging for pre-application services if the initial request leads to a planning application.
- The Reform Bill also seeks to make changes to planning committees across Wales by producing a national scheme of delegation, and by outlining the relevant procedure for committee which includes stipulating the minimum and maximum number of committee members (a minimum of 11 members and a maximum of 21)
- Other changes proposed under the *local delivery* theme include; a review of application fees; removing the requirement to submit a design and access statement with a planning application; introducing temporary enforcement stop notices to the planning enforcement process; making decision notices 'living documents' with the onus on the developer to notify authority when development has commenced; prohibiting applications to register land as a town and village green when that land has entered the planning system; removing the debate of whether a use is acceptable in principle for LDP allocated sites at the planning application stage (either by introducing a new type of planning consent, or by ensuring such proposals are determined under delegated powers); introducing a statutory duty on consultees to provide substantive and timely responses to consultation requests, and providing the option for applicants to submit planning applications directly to Welsh Ministers when the determining local planning authority are consistently performing poorly against a range of indicators.

5. **How does the decision contribute to the Corporate Priorities?**

- 5.1. At this stage the documents produced by Welsh Government are for consultation only, however the changes proposed by Welsh Government to the Welsh planning system, if implemented, could contribute to the following Corporate Priorities:
- *Developing the Local Economy* by making the determination of planning application more efficient and timely, and stimulate economic growth by allocating Strategic Development Areas across the country.
  - *Clean and tidy streets* by enhancing the planning enforcement process.
  - *Modernising the council to deliver efficiencies and improve services for our customers* by making the determination of planning application more efficient and timely, and by simplifying the planning appeal and LDP process.

**6. What will it cost and how will it affect other services?**

- 6.1. The 'Positive Planning' consultation document (Chapter 7 page 91) outlines the potential financial benefits for Welsh Government, local planning authorities, and developers. An internal officers' workshop has been arranged to ensure that all affected services are able to inform the Council's response to the consultation.

**7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.**

- 7.1. This report relates to consultation documents produced by Welsh Government, and therefore it is considered that an EqIA is not required.

**8. What consultations have been carried out with Scrutiny and others?**

- 8.1. An internal officers' workshop has been arranged to ensure that all affected services are able to inform the Council's response to the consultation.

**9. Chief Finance Officer Statement**

- 9.1. Submitting a response to the consultation on behalf of the Council would not incur any costs. In the long term, financial implications could occur for the Council should the proposed changes to the Planning System be implemented by Welsh Government. As noted earlier in the report, the Positive Planning consultation document outlines the main financial implications for local planning authorities.

**10. What risks are there and is there anything we can do to reduce them?**

- 10.1. There is a risk that by not responding the opportunity for the Council to influence changes proposed by Welsh Government would be lost.

**11. Power to make the Decision**

N/A.