

INFORMATION ITEM

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

**WELSH GOVERNMENT CONSULTATION -
THE USE OF CONDITIONS FOR DEVELOPMENT
MANAGEMENT**

1. PURPOSE OF REPORT

1.1 The report seeks to inform Members of a consultation document released by Welsh Government, on which comments are invited by the end of April 2014.

2. BACKGROUND

2.1 Detailed guidance on the use of planning conditions in relation to development proposals has been in existence for Planning Authorities in Wales since 1985, in the form of Welsh Office Circular 1/85. This was updated in 1995 with the issue of Welsh Office Circular 35/95, which remains the current basis of advice for the County Council, and for Planning Inspectors handling appeals against refusals of planning permission and conditions imposed on permissions.

2.2 Welsh Government has now acknowledged that the advice in Circular 35/95 is nearly 18 years old, and contains references to legislation which has been revised or replaced. The planning application process and the use of planning conditions has been subject to review by an Independent Advisory Group, as a consequence it is proposed to replace Circular 35/95.

2.3 The consultation document from Welsh Government indicates that the intention is 'to provide contemporary guidance with regard to the effective implementation of planning conditions, as well as provide an updated list of model conditions to promote best practice in the use of conditions in Wales'.

3. THE CONSULTATION DOCUMENTS

3.1 The information relevant to the item is -

- The Consultation Document (8 pages)
- Annex 1 - Draft Circular - The Use of Conditions in Development Management (72 pages)
- Consultation Response form (7 pages)

3.2 The Consultation Document is appended to this introduction sheet, so Members can appreciate Welsh Government thinking behind the proposals to replace Circular 35/95. Attention is drawn to the aims of the Circular, as set out in Section 1.10, which includes the

desire to standardise decision notices in Wales, encourage proportionate and flexible use of conditions, consideration of the monitoring and enforcement implications of a condition, and to provide a list of contemporary model planning conditions.

3.3 All the documents can be accessed online on the Welsh Government's consultation pages at:

www.wales.gov.uk/consultations/planning/review-of-planning-conditions-circular/?lang=en

3.4 Comments to Welsh Government are invited by April 25th, 2014.

4. RECOMMENDATION

4.1 Members are encouraged to read the documents and to feed any comments via e-mail to planning@denbighshire.gov.uk so a suitable combined response can be prepared by the above deadline. If any Members would wish to meet with Officers to discuss the consultation documents and the approach to the Council's comments, this would be welcomed.

GRAHAM H. BOASE

HEAD OF PLANNING AND PUBLIC PROTECTION