

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](mailto: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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published.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

<b>Positive Planning - A consultation on proposals to reform the planning system in Wales</b>		
<b>Date of consultation period: 04/12/2013 – 26/02/2014</b>		
<b>Name</b>	Greg Pycroft	
<b>Organisation</b>	National Parks Wales on behalf of the 3 National Parks in Wales - Brecon Beacons, Pembrokeshire Coast and Snowdonia	
<b>Address</b>	126 Bute Street Cardiff CF105LE	
<b>E-mail address</b>	greg.pycroft@nationalparkswales.gov.uk	
<b>Type</b> <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 checked="" 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"/>

Consultation reference: WG20088

### Supporting Culture Change

<b>Q1</b>	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><b>In principle a centralised role for setting standards, training requirements, standardising processes that are common to all and co-ordinating specialisms is a positive move. However, it must also be recognised that each LPA has its own local issues and requirements that may not be best served by a centralised advisory group. Local specialist knowledge should not be diluted by the role of the PAIS.</b></p> <p><b>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. It could also usefully provide assistance in relation to forward planning issues. Disseminating best practice, coordinating the funding of research on behalf of authorities for example.</b></p> <p><b>There has to be buy-in from the LPAs and driven entirely from the Welsh Government. It also needs to engage the commitment from RTPI members, elected members and POSW to name a few. Furthermore, it will need to work closely with the RTPI to ensure complimentary training and advice. The PAIS must be financed centrally and not rely on resources from already stretched LPAs.</b></p> <p><b>Alternatively, the PAIS should act independently of government and therefore its governance and accountability will need further scrutiny and consultation. If this is a service that is to be for LPAs only it should be hosted by the WLGA. If it is to be targeted at the planning profession in its entirety, then it could be hosted by RTPI Cymru. How could this be a genuinely independent organisation if it is hosted by WG?</b></p> <p><b>This should be targeted at the planning profession in its entirety. Planning consultants and statutory consultees should be as much a part of the culture change in the profession as LPAs. However, in a time of scarce resources the logic of targeting it at LPAs to start with, and possibly extending its remit to other organisations as time goes on, is understandable.</b></p>			

<b>Q2</b>	Do you agree that existing Welsh Government support arrangements for the built environment sector in Wales should be reviewed?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>It is unclear what this question refers to. Is it the Design Commission?</b></p> <p><b>What is meant by a review?</b></p>			

Consultation reference: WG20088

Although the DCfW is a useful organisation that can provide a useful service, more resources should be put towards the continuous professional development of planners on design issues in general. This could be achieved through a re-constituted DCfW. At present, LPAs only benefit from the service of the DCfW when a strategically important development is proposed or for training purposes on an ad hoc basis. However greater focus should be placed on providing a more consistent foundation for developing knowledge and skills in the planning profession. Design knowledge and skills are generally inconsistent between officers in LPAs. It is also considered that agents would also benefit from an enhanced knowledge of this topic.

<b>Q3</b>	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 type="checkbox"/>
<p>Comments:</p> <p><b>No objection in principle but would have to be part of a culture, Local Government and electoral process change. Some form of compulsory training, competency assessment and monitoring of skills is however considered necessary.</b></p> <p><b>The preparation of frameworks by a Government for another body to follow will not necessarily bring about the changes in culture that are required. Working sensitively with existing bodies will likely produce a similar outcome for less cost and encourage more 'buy-in'.</b></p> <p><b>It is noted that the success of the planning reforms will depend on the skills and experience of all participants (including the public) in the planning system.</b></p> <p><b>There is an assessment of professional competence/experience when becoming an RTPi member and a professional qualification is required to obtain membership. There is also requirement for Professional Development training by individuals, partly funded by local authorities. There should be no duplication of professional processes that already exist and which verify professional competence.</b></p>			

Consultation reference: WG20088

### 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><b>Please clarify the role of the National Development Framework. Will it provide spatial expression for the UK government’s National Planning Statements? If it 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.</b></p> <p>However, a strategic approach to planning is welcomed and 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 political aspirations and views.</p> <p>It will also enable a more strategic approach to plan making to be delivered. It must, however, 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>There is potential for conflict with existing LDPs. The period of change while the NDF emerges and the existing LDPs are reviewed will need to be managed with a clear steer from the Welsh Government.</p> <p>There should be a defined timetable for preparing the NDF. If the NDF forms part of the ‘development plan’ there is a risk that this could be reviewed on a regular basis and at short notice - which potentially creates conflict with development plans which have been prepared and adopted in accordance with the preceding NDF. Also, in order to increase transparency and credibility would it not be better for this document to go through a strategic ‘examination’ process?</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 checked="" type="checkbox"/>
<p>Comments:</p> <p><b>It is considered that this is not necessarily needed in a single document. Whether it is one or two documents, it/they need/s to be kept as simple and readable as possible and the two elements need to cross refer.</b></p> <p><b>Minerals planning tends to be a technically based and it may be that the two will not marry particularly effectively to be an easily understood and useable document.</b></p>			

Consultation reference: WG20088

--

<b>Q6</b>	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"/>

**Comments:**  
**The planning issues affecting individual local planning authorities may be very specific and different. Wales should not allow it's unique diversity and distinctiveness to be lost in the aim to provide consistency. There is also the question of application and implementation of policy - one that has been perceived to have been 'handed down from on high' will possibly be reluctantly implemented. National Parks are a prime example where a general policy would not fit.**

**It is also 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.**

<b>Q7</b>	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 a 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 applications needs further thought refinement 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.**

**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 to both the local authority and the developer to ensure that it works in an appropriate manner.**

**How does the 'Major Development Test' (para. 5.5.6 of Planning Policy Wales) relate to this?**

Consultation reference: WG20088

<b>Q8</b>	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"/>
<p><b>Comments:</b>                  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.</p> <p>However, as above, how does the 'Major Development Test' (para. 5.5.6 of Planning Policy Wales) relate to this?</p> <p>Generating stations of 25MW and over seems a low threshold for DNS (could be as small as 9 turbine wind farms). We can't see how such schemes can reasonably be justified as being of 'national significance'.</p>			

<b>Q9</b>	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"/>
<p><b>Comments:</b>                  A one size fits all may not provide for a workable solution particularly in National Parks as they are protected landscapes in rural rather than urban areas. For example, a development of over 5 dwellings (rather than 10) could be considered as major in protected landscapes. As referred to under Q7 and Q8 above, How does the 'Major Development Test' (para. 5.5.6 of Planning Policy Wales) relate to this?</p> <p>It is also 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 isn't sought, this would trigger a 16 week determination.</p> <p>Alternatively decision making time frames should be based on averages (see response to Q29).</p>			

Consultation reference: WG20088

--

<b>Q10</b>	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:  
**Although it has to be appreciated that these developments are often 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 confuses and discourages participants early on in the process.**

<b>Q11</b>	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:  
**Pre-application submissions for DNS are clearly likely to require a significant amount of Officer input. A proportion of the fee should go to the Local Authorities commensurate with advice given.**

<b>Q12</b>	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 type="checkbox"/>	<input type="checkbox"/>

Comments:  
**If a fee is charged a proportion should go to the LPA to pay for their involvement. The Inspectorate should separate out the planning application processing arm from appeals to avoid potential conflicts of interest that may arise within the organisation.**

**Please refer also to the answer to Q7 above.**

<b>Q13</b>	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:



Consultation reference: WG20088

**It is considered that one round of amendments would be reasonable. More than one round could result in the process becoming incredibly timeconsuming, costly and complex for participants to understand and participate in.**

**Moreover, it is considered that the scope of the amendment should be clearly defined and limited. This should not be an opportunity to radically alter a submission, more an opportunity to refine it.**

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

<b>Q15</b>	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: <b>No comments</b>			

<b>Q16</b>	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: <b>It is considered that the discharging of conditions should be the responsibility of the determining authority. The experience of the NSIPs is that the consent is often tantamount to an outline permission and the conditions provide the "reserved matters" detail. The level of detail to be discharged under conditions on projects of this scale involves a considerable amount of work for LPAs with limited resources and in the absence of fees for this type of work, less budgets for such resources.</b>			
<b>It is also less easy for LPAs to deal with conditions that have been imposed by an external determining body than its own officers and issues of interpretation of meaning in conditions could be difficult. It is strongly suggested that either the Welsh Ministers take responsibility for the post determination stage or that a fee is payable to the LPA to cover the cost of this work.</b>			

Consultation reference: WG20088

--

<b>Q17</b>	Do you agree that the statement of case and draft statement of common ground should be produced when submitting an appeal?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>'Yes' for the statement of case, but 'No' for the statement of common ground.</b></p> <p><b>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 and/or should be reached in certain areas. Time would be wasted in agreeing the areas of non-agreement rather than time spent drawing up an agreed document for submission as a 'joint effort'.</b></p> <p><b>It is considered that guidance should be provided on the content of a Statement of Common Ground to avoid time delays in providing these where appellants have little knowledge of the system.</b></p>			

<b>Q18</b>	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"/>
<p>Comments:</p> <p><b>It has been the case that some appeals have resulted in unnecessary delays and costs where appellants have insisted on appearing before an Inspector where this has not been necessary. It is reasonable to suggest that a more pro-active role by PINS is likely to reduce such instances, thereby increasing efficiency and reducing costs for all parties.</b></p>			

<b>Q19</b>	Do you agree no changes should be made to the content	Yes	No
------------	---	-----	----

Consultation reference: WG20088

of an application post appeal submission?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>It is entirely reasonable that the applicant should not be allowed to amend the proposal at this very late stage. This should also include the submission of unilateral undertakings.</b></p> <p><b>As referred to in Q18 above, the unpredictability that would result from allowing appellants to change the content of an appeal post submission would potentially result in an additional consultation requirement and, consequently, additional costs and a less efficient process.</b></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"/>
<p>Comments:</p>			

Q21	Should fees be introduced to cover the costs of the Welsh Ministers resulting from an appeal?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>There is support for the introduction of fees as an option to cover the costs of Welsh Ministers. An option here could be the potential to refund fees to the appellant on successful appeals.</b></p> <p><b>However, there is concern that this would be fraught with issues concerning the ‘rights’ of appeal and the ability for engagement in full with a process. Could it go so far as being required to support a structure for payment similar to the ‘legal aid’ framework? Better to increase the costs of the initial submission of a planning application which could cover a proportion of the costs of a potential appeal.</b></p>			

Consultation reference: WG20088

Q22	Do you agree that a Commercial Appeals Service (CAS) should be introduced?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>There is support for the CAS. The figures suggest that the HAS has proven to be efficient with all appeals being determined within 8 weeks. Provided the CAS system will relate to small scale commercial applications only, the BBNPA are of the view that this is likely to broaden the efficiency of PINS over a wider range of proposals.</b></p> <p><b>There are, however, concerns that this would enhance the efficiency or effectiveness of the system but would merely add another layer of complexity. The fewer types of appeal, the simpler and more easily understandable a system is. Having said that, PCNPA acknowledge that the householder trial has worked really well.</b></p>			

Consultation reference: WG20088

## Improving Collaboration

<b>Q23</b>	Do you agree that local planning authorities should be merged to create larger units?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

Comments:

**The Commission on Public Service Governance and Delivery has recommended a reduction in the number of local authorities in Wales, which, if accepted, would result in the creation of a number of larger planning units. This would have implications for the planning system in the local authority areas affected. While we recognise the need to review current arrangements, it is the view of National Parks Wales that National Park Authorities (NPAs) should remain independent and should not be part of any merged units thereby retaining the unique characteristics of each of the 3 National Park areas.**

**Free-standing, independent National Park Authorities were created by the government as it found that local government management was not delivering National Park purposes effectively. The planning system plays a pivotal role in the delivery of National Park purposes. Removing or watering down NPA planning powers would undermine the effective delivery of the purposes.**

**This principle of park-wide planning has stood the test of time and, within the context set by independent NPAs, has resulted in a coherent approach to land use planning, recreation, land and visitor management functions.**

**The relatively small scale nature of NPAs has several distinct advantages for planning service delivery. NPAs are close to the people and able to establish and maintain strong local connections.**

**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.**

**The importance of independence**

**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 .**

**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.**

**The review concluded that:**

**“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**

Consultation reference: WG20088

**authorities with complete freedom to manage finance, personnel and property resources and to organise their own administrative procedures, including the commissioning of professional services.”**

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.

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” .

NPAs were established in Wales in 1996, following the 1995 Environment Act. Since then, they have operated independently from local government, while maintaining strong collaborative links.

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 the production of one local plan covering the entire Park.

This principle of park-wide planning has stood the test of time and, within the 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 whilst retaining the unique characteristics of each of the National Park areas.

#### **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 (the LUC evaluation). This recognised:

Consultation reference: WG20088

**“...the importance of statutory designated landscapes having their own clear identity, separate from that of the constituent local authority(s). This enables consistency in the delivery of planning functions across the statutory landscape”.**

**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.**

**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:**

Consultation reference: WG20088

- **Reduced potential for bureaucracy and enhanced delivery capability and service quality**
- **Greater accessibility and responsiveness of decision makers**
- **A close interface with farmers, landowners, local businesses and the general public**
- **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” .

### **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.

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

- **Pembrokeshire Coast NPA shares a minerals planning applications officer 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 a joint affordable housing enabler, close working on housing delivery, highways, and tourism and economic development.**
- **Brecon Beacons NPA has a service level agreement with Carmarthenshire**



Consultation reference: WG20088

for the delivery of minerals planning and legal services; undertakes some of Powys County Council's planning function on their behalf in the vicinity of the National Park; and has worked with Monmouthshire County Council and Merthyr Tydfil County Borough Council in relation to buildings conservation advice. 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 and Ynys Môn and Conwy and Denbighshire County Council Local Service Boards, Gwynedd Housing Partnership, Green Economy for the Conwy County Borough Council Local Service Board and the North Wales Economic Forum.

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 Welsh Language issues, CIL viability and has jointly commissioned with Gwynedd a study on Landscape Sensitivity. Brecon Beacons NPA has a Service Level Agreement with Carmarthenshire County Council to provide the Solicitor function to the Authority.

#### 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. Furthermore, four of the nine constituent Authorities within the Brecon Beacons (Neath Port Talbot, Powys, Monmouthshire and Carmarthenshire (the latter 3 being the largest authorities in the National Park area)) do not have adopted LDPs to date.

Consultation reference: WG20088

**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 the unique 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.**

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.

**Conclusion**

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.

<b>Q24</b>	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><b>Comments:</b>                  Yes. 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. There are many examples of effective collaboration between NPAs and their constituent local authorities and between the three NPAs themselves. NPAs accept that there is scope for greater collaboration.</p> <p>There are several benefits of NPAs operating as the LPA not least the ability to</p>			

Consultation reference: WG20088

**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. Without an NPA planning function there would be an inconsistent approach to the management of development. The resulting lack of coherence between management and development planning would undermine the delivery of National Park purposes.**

**An independent evaluation by LUC found that overall the planning system is working well in National Parks. All three Welsh NPAs have made excellent progress on local development plans and perform well on development management. NPAs are recognised as exemplars of good governance in local government, which provides a stable context for the delivery of their planning services. There are high standards of customer-facing service delivery in National Parks, underpinned by a commitment to transparency and openness.**

**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.**

#### **Evidence on effective collaboration**

**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 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.**

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

Consultation reference: WG20088

(the LUC evaluation). Para 3.15 of the evaluation reported that all NPAs have entered into formal arrangements to share resources / expertise on several planning related issues, including:

- Pembrokeshire Coast NPA shares a minerals planning applications officer 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 a joint affordable housing enabler, close working on 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; undertakes some of Powys County Council's planning function on their behalf in the vicinity of the National Park; and has worked with Monmouthshire County Council and Merthyr Tydfil County Borough Council in relation to buildings conservation advice. 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 and Ynys Môn and Conwy and Denbighshire County Council Local Service Boards, 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:

...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:

Consultation reference: WG20088

**“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 NPAs’ operation of the planning function has successfully underpinned and supported this economic activity.

It is therefore evident that National Park status and NPAs’ role as planning authorities is 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 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

Consultation reference: WG20088

**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 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. There is no evidence to support allegations that the NPAs are not performing well.**

**Without an 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 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**

Consultation reference: WG20088

**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.**

#### **Value of the National Park brand**

**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.**

**Two communities within Snowdonia (represented by Llanberis Community Council and Ffestiniog Town Council) have made a formal request to be included within the National Park because of the benefits that they perceive this would bring for their communities and the competitive advantage provided by the National Park brand.**

#### **Putting customers at the heart of service delivery**

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

Consultation reference: WG20088

**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 the first authority in Wales to webcast all of its 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).**



Consultation reference: WG20088

### 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. NPAs are doing a good job, which was recognised by the Commission on Public Service Governance and Delivery. The planning system in National Parks is clearly not broken, so why fix it?

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"/>

Consultation reference: WG20088

Comments:  
**The SDPs will need to be carefully handled to ensure 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 regional strategic level would be beneficial 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.

The defining of strategic development plan area along the A55 corridor will be difficult as the road crosses through five authority areas. A more logical area is a Flintshire/Wrexham corridor along the border. If LPA are enlarged there will be less need for SDP's and an LPA is unlikely to participate in such a plan if only a relatively small area of their authority is affected. The decision on the exact geography should be determined (or at least heavily influenced) locally i.e. therefore by LPAs not by Welsh Government. Where there is disagreement, the WG could be arbitrator.

<b>Q26</b>	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: <b>The strategic developments plans should always give themselves sufficient flexibility to widen the key issues it needs to address if necessary and relevant at the time. The list is, however, a starting point.</b>			

Consultation reference: WG20088

<b>Q27</b>	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: <b>See response to Q25 above.</b>			

<b>Q28</b>	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 checked="" type="checkbox"/>
Comments: <b>Whilst the notion of the proposal is not disputed, a 'light touch' implies limited consideration. The LDP would be required to give consideration to those issues not addressed in the SDP and not to duplicate those issues that are. It is reasonable to suggest that LDPs in areas covered by SDPs may not be very light at all and may cover complex issues. Furthermore, an LPA would wish to retain full LDP control if only a small area of the authority is in the SDP area.</b>			

Consultation reference: WG20088

### 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><b>Focusing efficiency on speed alone is not necessarily demonstrative of efficiency. 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. Average times for determination would be a better approach that allow for flexibility in the system.</b></p> <p><b>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 be affected by it and spend the proportionate amount of time in achieving that aim.</b></p> <p><b>To have a new Planning Bill (which requires many changes) and moving towards a more efficient and effective service will take some time for LPAs to implement. Imposing a 80% target at the beginning is unlikely to be achievable by some LPAs in the short term and are not considered to be 'SMART' targets. It is considered that it would be more realistic to set a gradation of % up to a maximum of 80% to be achieved over a 3 year timescale. It is reasonable to expect that changing cultures will take time. Accordingly, imposing unrealistic targets from the outset is unhelpful.</b></p> <p><b>In terms of the 'Quality' indicators, for example, 'Have costs been avoided at appeal?' This is not a helpful or measurable indicator of quality. An alternative indicator could be 'The percentage of costs awarded against the LPA from the total costs requested by the appellant'.</b></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><b>There is support on the basis that some customers would welcome this and it would only be produced once a year.</b></p> <p><b>However, there is concern that this could result in a degree of duplication as the information can be collected and shown on the WG website. A further annual performance report is unnecessary for the customer, time consuming to collect</b></p>			

Consultation reference: WG20088

**data and does not provide consistency of approach. The elements as set out in Annex A should be sufficient, rather than having a further set of data, targets and service improvement to address.**

<b>Q31</b>	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"/>
<p>Comments:</p> <p><b>It is considered that it would be more appropriate for WG to provide targets for improvement rather than directly taking over the planning service. Most LPAs 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" LPAs referred to is based on major applications only.</b></p>			

<b>Q32</b>	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"/>
<p>Comments:</p> <p><b>Please see response to Q25 and Q27 above.</b></p> <p><b>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. PCNPA has done both types of Plan and would comment as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>There has been financial savings as a result of PCNPA developing its own Plan.</b></li> <li>• <b>The process took significantly less time than when doing a Joint Plan.</b></li> <li>• <b>The single plan product presents to the reader a clearer reflection of National Park policy. 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.</b></li> <li>• <b>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.</b></li> <li>• <b>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.</b></li> <li>• <b>The new legislation requires formal agreement between the two</b></li> </ul>			

Consultation reference: WG20088

**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, however, 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 PCNPAs experience the LDP process was better geared to partnership working and building consensus from the beginning with 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 Consultation Document.

A joint plan has the potential for a dominant partner and the resulting plan being less applicable to the less dominant Authority. In order to get agreement, the plan would have to be generalised and diluted which would make implementation difficult.

<b>Q33</b>	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"/>
<p>Comments:</p> <p>There seems to be little merit in this proposal provided that the LDP is regularly monitored and reviewed. If it is not, powers for intervention from WG to direct a timetable for review would seem more appropriate.</p> <p>It will be difficult to time the ending of the old plan with the start of a new plan and a small overlap of time would be beneficial especially if policies are relevant and land allocations remain undeveloped in the old plan.</p>			

<b>Q34</b>	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 type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG20088

Comments:

Village Plans/Parish Plans/Village Design Statements were set out in the 2000 Rural White Paper. The Paper set out that Village Plans should set out a vision of what is important and how new development can best be fitted in, the design and quality standards it should meet, how to preserve valued local features and to map out the facilities which the community needs to safeguard for the future. They should identify key facilities and services, set out the problems that need to be tackled and demonstrate how distinctive character and features can be preserved.

Land use issues addressed by the Village Plan can be adopted by the authority as Supplementary Planning Guidance to the Development Plan

Village Plans are local, action-based plans which address a range of problems and opportunities affecting rural communities,

There is support for the village Plan system as an ideal vehicle for furthering the level of community engagement and involvement in plan preparation.

Realising that one policy doesn't fit all - the LDP is intended to set out the general principles of acceptable development, with the Village Plan being used to define the detail. This is considered essential if we are to continue to ensure that community needs are met in planning decisions.

The following areas where we want to work with communities have been identified

- Local housing need including assessment of housing affordability
- Village Design Statement
- Landscape characterisation - including assessment of special qualities
- Ecological and Carbon foot printing
- Development briefs for allocated sites
- Community Infrastructure needs

However Preparing a Village Plan should give anyone the opportunity to discuss issues affecting the community and to draw together an action plan for the community addressing those issues. The flexibility of the village plan system will enable other key issues for the community to be addressed as required by the community. These may not be related to the LDP.

This is an opportunity to implement strategies at a local level working in partnership with local communities.

Better application of policies in the LDP

- Better understanding and application of Landscape Character issues for area
- Better understanding and application of local Design issues for an area
- Development Briefs for allocated sites

However, there is a concern that they may raise expectations of communities as to just how much influence they can have on the planning policies of an area.

Consultation reference: WG20088

**They are likely to be resource heavy and there may be an expectation from communities that their ideas will be followed through. There is a lack of planning knowledge, understanding and awareness within Community Councils that would have to be addressed for this to work appropriately. There is potential for these plans to be a forum for the 'NIMBY' approach to planning. This would need to be an integral part of the culture change that the Planning Bill seeks to make and emphasises that the culture change is not just for planning professionals to embrace.**

<b>Q35</b>	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 type="checkbox"/>

Comments:

**It might be confusing to members of the public and further disenfranchise them from the planning process.**

**It would be beneficial to have appropriate training and a clear appeal process, to ensure that the number of allocated sites refused on principle should lessen. Also there may be the time where the principle does need to be considered again when for example, highway or infrastructure matters have changed since the allocation of the site.**

**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. 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. There is a concern, however, in terms of implications for local democracy.**

**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 LDP stage.**



Consultation reference: WG20088

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"/>
<p>Comments:</p> <p><b>It is reasonable to expect a LPA to make it clear that information requested at the validation stage is really necessary and relevant to the application in instances where we/they are refusing to validate. The appeal against non-determination route is considered to be too slow for issues of validation and a quicker process administered by PINS would be preferable. However, if this is to be introduced, LPAs ought to be able to adopt their own validation requirements.</b></p> <p><b>PCNPA has examples where they 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 by information by statutory consultees too. The agent then has the right to appeal the refusal.</b></p>			

Q37	Should the requirement for mandatory design and access statements be removed?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>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 are trained and have sufficient grasp of these issues to influence these matters at the pre-application stage.</b></p> <p><b>Notwithstanding this, the DAS can be useful to the applicant also to explain a proposal. What should replace them? A DAS for certain types of development only would be an option.</b></p>			

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"/>

Consultation reference: WG20088

Comments:  
**It is considered that the costs of advertising have far exceeded the benefits that this type of advertising achieves. However, there would be some merit in requiring the local newspapers to carry details of how to access information on planning applications including LPA websites, office hours, weekly lists of applications received and refused, committee paper availability, community council links etc.**

<b>Q39</b>	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><b>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. 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. It is suggested that aiming for 75%-90% delegated is probably a good balance for members, the general public, interested parties and the applicant.</b></p> <p><b>It is considered that the NPAs should continue to have a proportion of non elected members on their committees that reflect the wider National role of NPs in protecting their special qualities.</b></p> <p><b>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.</b></p>			

<b>Q40</b>	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"/>
<p>Comments:</p> <p><b>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.</b></p> <p><b>This is open to interpretation and will introduce confusion. Each person's interpretation of materiality will differ. For example, the impact on an</b></p>			

Consultation reference: WG20088

**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, perhaps with a simpler, quicker decision route.**

<b>Q41</b>	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: <b>No comments</b>			

<b>Q42</b>	Do you agree that the proposals will reduce delay in the planning enforcement system?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Not only would the proposals under 6.143 reduce the delay in the planning enforcement system, but they would represent a more favourable framework for the LPA in enforcing against unauthorised development. Providing LPAs with powers to require the submission of retrospective applications (where development can be controlled by conditions) as well as the ability to decline to determine applications that are subject to an enforcement notice is particularly welcomed.</b>			

<b>Q43</b>	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: <b>As above, this is clearly a measure which is required to support the enforcement process.</b>			

Consultation reference: WG20088

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

Consultation reference: WG20088

## **How to Respond**

**Please submit your comments in any of the following ways:**

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

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](mailto: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

<b>Positive Planning - A consultation on proposals to reform the planning system in Wales</b>		
<b>Date of consultation period: 04/12/2013 – 26/02/2014</b>		
<b>Name</b>	Greg Pycroft	
<b>Organisation</b>	National Parks Wales on behalf of the 3 National Parks in Wales - Brecon Beacons, Pembrokeshire Coast and Snowdonia	
<b>Address</b>	126 Bute Street Cardiff CF105LE	
<b>E-mail address</b>	greg.pycroft@nationalparkswales.gov.uk	
<b>Type</b> <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 checked="" 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"/>

Consultation reference: WG20088

### Supporting Culture Change

<b>Q1</b>	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><b>In principle a centralised role for setting standards, training requirements, standardising processes that are common to all and co-ordinating specialisms is a positive move. However, it must also be recognised that each LPA has its own local issues and requirements that may not be best served by a centralised advisory group. Local specialist knowledge should not be diluted by the role of the PAIS.</b></p> <p><b>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. It could also usefully provide assistance in relation to forward planning issues. Disseminating best practice, coordinating the funding of research on behalf of authorities for example.</b></p> <p><b>There has to be buy-in from the LPAs and driven entirely from the Welsh Government. It also needs to engage the commitment from RTPI members, elected members and POSW to name a few. Furthermore, it will need to work closely with the RTPI to ensure complimentary training and advice. The PAIS must be financed centrally and not rely on resources from already stretched LPAs.</b></p> <p><b>Alternatively, the PAIS should act independently of government and therefore its governance and accountability will need further scrutiny and consultation. If this is a service that is to be for LPAs only it should be hosted by the WLGA. If it is to be targeted at the planning profession in its entirety, then it could be hosted by RTPI Cymru. How could this be a genuinely independent organisation if it is hosted by WG?</b></p> <p><b>This should be targeted at the planning profession in its entirety. Planning consultants and statutory consultees should be as much a part of the culture change in the profession as LPAs. However, in a time of scarce resources the logic of targeting it at LPAs to start with, and possibly extending its remit to other organisations as time goes on, is understandable.</b></p>			

<b>Q2</b>	Do you agree that existing Welsh Government support arrangements for the built environment sector in Wales should be reviewed?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>It is unclear what this question refers to. Is it the Design Commission?</b></p> <p><b>What is meant by a review?</b></p>			



Consultation reference: WG20088

Although the DCfW is a useful organisation that can provide a useful service, more resources should be put towards the continuous professional development of planners on design issues in general. This could be achieved through a re-constituted DCfW. At present, LPAs only benefit from the service of the DCfW when a strategically important development is proposed or for training purposes on an ad hoc basis. However greater focus should be placed on providing a more consistent foundation for developing knowledge and skills in the planning profession. Design knowledge and skills are generally inconsistent between officers in LPAs. It is also considered that agents would also benefit from an enhanced knowledge of this topic.

<b>Q3</b>	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 type="checkbox"/>
<p>Comments:</p> <p><b>No objection in principle but would have to be part of a culture, Local Government and electoral process change. Some form of compulsory training, competency assessment and monitoring of skills is however considered necessary.</b></p> <p><b>The preparation of frameworks by a Government for another body to follow will not necessarily bring about the changes in culture that are required. Working sensitively with existing bodies will likely produce a similar outcome for less cost and encourage more 'buy-in'.</b></p> <p><b>It is noted that the success of the planning reforms will depend on the skills and experience of all participants (including the public) in the planning system.</b></p> <p><b>There is an assessment of professional competence/experience when becoming an RTPI member and a professional qualification is required to obtain membership. There is also requirement for Professional Development training by individuals, partly funded by local authorities. There should be no duplication of professional processes that already exist and which verify professional competence.</b></p>			

Consultation reference: WG20088

### 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><b>Please clarify the role of the National Development Framework. Will it provide spatial expression for the UK government’s National Planning Statements? If it 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.</b></p> <p>However, a strategic approach to planning is welcomed and 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 political aspirations and views.</p> <p>It will also enable a more strategic approach to plan making to be delivered. It must, however, 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>There is potential for conflict with existing LDPs. The period of change while the NDF emerges and the existing LDPs are reviewed will need to be managed with a clear steer from the Welsh Government.</p> <p>There should be a defined timetable for preparing the NDF. If the NDF forms part of the ‘development plan’ there is a risk that this could be reviewed on a regular basis and at short notice - which potentially creates conflict with development plans which have been prepared and adopted in accordance with the preceding NDF. Also, in order to increase transparency and credibility would it not be better for this document to go through a strategic ‘examination’ process?</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 checked="" type="checkbox"/>
<p>Comments:</p> <p><b>It is considered that this is not necessarily needed in a single document. Whether it is one or two documents, it/they need/s to be kept as simple and readable as possible and the two elements need to cross refer.</b></p> <p><b>Minerals planning tends to be a technically based and it may be that the two will not marry particularly effectively to be an easily understood and useable document.</b></p>			

Consultation reference: WG20088

<b>Q6</b>	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"/>

**Comments:**  
**The planning issues affecting individual local planning authorities may be very specific and different. Wales should not allow it's unique diversity and distinctiveness to be lost in the aim to provide consistency. There is also the question of application and implementation of policy - one that has been perceived to have been 'handed down from on high' will possibly be reluctantly implemented. National Parks are a prime example where a general policy would not fit.**

**It is also 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.**

<b>Q7</b>	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 a 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 applications needs further thought refinement 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.**

**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 to both the local authority and the developer to ensure that it works in an appropriate manner.**

**How does the 'Major Development Test' (para. 5.5.6 of Planning Policy Wales) relate to this?**

Consultation reference: WG20088

<b>Q8</b>	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"/>
<p><b>Comments:</b>                  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.</p> <p>However, as above, how does the 'Major Development Test' (para. 5.5.6 of Planning Policy Wales) relate to this?</p> <p>Generating stations of 25MW and over seems a low threshold for DNS (could be as small as 9 turbine wind farms). We can't see how such schemes can reasonably be justified as being of 'national significance'.</p>			

<b>Q9</b>	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"/>
<p><b>Comments:</b>                  A one size fits all may not provide for a workable solution particularly in National Parks as they are protected landscapes in rural rather than urban areas. For example, a development of over 5 dwellings (rather than 10) could be considered as major in protected landscapes. As referred to under Q7 and Q8 above, How does the 'Major Development Test' (para. 5.5.6 of Planning Policy Wales) relate to this?</p> <p>It is also 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 isn't sought, this would trigger a 16 week determination.</p> <p>Alternatively decision making time frames should be based on averages (see response to Q29).</p>			

Consultation reference: WG20088

--

<b>Q10</b>	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:  
**Although it has to be appreciated that these developments are often 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 confuses and discourages participants early on in the process.**

<b>Q11</b>	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:  
**Pre-application submissions for DNS are clearly likely to require a significant amount of Officer input. A proportion of the fee should go to the Local Authorities commensurate with advice given.**

<b>Q12</b>	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 type="checkbox"/>	<input type="checkbox"/>

Comments:  
**If a fee is charged a proportion should go to the LPA to pay for their involvement. The Inspectorate should separate out the planning application processing arm from appeals to avoid potential conflicts of interest that may arise within the organisation.**

**Please refer also to the answer to Q7 above.**

<b>Q13</b>	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:

Consultation reference: WG20088

**It is considered that one round of amendments would be reasonable. More than one round could result in the process becoming incredibly timeconsuming, costly and complex for participants to understand and participate in.**

**Moreover, it is considered that the scope of the amendment should be clearly defined and limited. This should not be an opportunity to radically alter a submission, more an opportunity to refine it.**

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

<b>Q15</b>	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: <b>No comments</b>			

<b>Q16</b>	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: <b>It is considered that the discharging of conditions should be the responsibility of the determining authority. The experience of the NSIPs is that the consent is often tantamount to an outline permission and the conditions provide the "reserved matters" detail. The level of detail to be discharged under conditions on projects of this scale involves a considerable amount of work for LPAs with limited resources and in the absence of fees for this type of work, less budgets for such resources.</b>			
<b>It is also less easy for LPAs to deal with conditions that have been imposed by an external determining body than its own officers and issues of interpretation of meaning in conditions could be difficult. It is strongly suggested that either the Welsh Ministers take responsibility for the post determination stage or that a fee is payable to the LPA to cover the cost of this work.</b>			

Consultation reference: WG20088

--

<b>Q17</b>	Do you agree that the statement of case and draft statement of common ground should be produced when submitting an appeal?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>'Yes' for the statement of case, but 'No' for the statement of common ground.</b></p> <p><b>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 and/or should be reached in certain areas. Time would be wasted in agreeing the areas of non-agreement rather than time spent drawing up an agreed document for submission as a 'joint effort'.</b></p> <p><b>It is considered that guidance should be provided on the content of a Statement of Common Ground to avoid time delays in providing these where appellants have little knowledge of the system.</b></p>			

<b>Q18</b>	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"/>
<p>Comments:</p> <p><b>It has been the case that some appeals have resulted in unnecessary delays and costs where appellants have insisted on appearing before an Inspector where this has not been necessary. It is reasonable to suggest that a more pro-active role by PINS is likely to reduce such instances, thereby increasing efficiency and reducing costs for all parties.</b></p>			

<b>Q19</b>	Do you agree no changes should be made to the content	Yes	No
------------	---	-----	----

Consultation reference: WG20088

of an application post appeal submission?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <b>It is entirely reasonable that the applicant should not be allowed to amend the proposal at this very late stage. This should also include the submission of unilateral undertakings.</b>  <b>As referred to in Q18 above, the unpredictability that would result from allowing appellants to change the content of an appeal post submission would potentially result in an additional consultation requirement and, consequently, additional costs and a less efficient process.</b>		

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:			

Q21	Should fees be introduced to cover the costs of the Welsh Ministers resulting from an appeal?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments:  <b>There is support for the introduction of fees as an option to cover the costs of Welsh Ministers. An option here could be the potential to refund fees to the appellant on successful appeals.</b>  <b>However, there is concern that this would be fraught with issues concerning the ‘rights’ of appeal and the ability for engagement in full with a process. Could it go so far as being required to support a structure for payment similar to the ‘legal aid’ framework? Better to increase the costs of the initial submission of a planning application which could cover a proportion of the costs of a potential appeal.</b>			



Consultation reference: WG20088

Q22	Do you agree that a Commercial Appeals Service (CAS) should be introduced?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>There is support for the CAS. The figures suggest that the HAS has proven to be efficient with all appeals being determined within 8 weeks. Provided the CAS system will relate to small scale commercial applications only, the BBNPA are of the view that this is likely to broaden the efficiency of PINS over a wider range of proposals.</b></p> <p><b>There are, however, concerns that this would enhance the efficiency or effectiveness of the system but would merely add another layer of complexity. The fewer types of appeal, the simpler and more easily understandable a system is. Having said that, PCNPA acknowledge that the householder trial has worked really well.</b></p>			

Consultation reference: WG20088

## Improving Collaboration

<b>Q23</b>	Do you agree that local planning authorities should be merged to create larger units?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>The Commission on Public Service Governance and Delivery has recommended a reduction in the number of local authorities in Wales, which, if accepted, would result in the creation of a number of larger planning units. This would have implications for the planning system in the local authority areas affected. While we recognise the need to review current arrangements, it is the view of National Parks Wales that National Park Authorities (NPAs) should remain independent and should not be part of any merged units thereby retaining the unique characteristics of each of the 3 National Park areas.</b></p> <p><b>Free-standing, independent National Park Authorities were created by the government as it found that local government management was not delivering National Park purposes effectively. The planning system plays a pivotal role in the delivery of National Park purposes. Removing or watering down NPA planning powers would undermine the effective delivery of the purposes.</b></p> <p><b>This principle of park-wide planning has stood the test of time and, within the context set by independent NPAs, has resulted in a coherent approach to land use planning, recreation, land and visitor management functions.</b></p> <p><b>The relatively small scale nature of NPAs has several distinct advantages for planning service delivery. NPAs are close to the people and able to establish and maintain strong local connections.</b></p> <p><b>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.</b></p> <p><b>The importance of independence</b></p> <p><b>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 .</b></p> <p><b>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.</b></p> <p><b>The review concluded that:</b></p> <p><b>“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</b></p>			

Consultation reference: WG20088

**authorities with complete freedom to manage finance, personnel and property resources and to organise their own administrative procedures, including the commissioning of professional services.”**

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.

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” .

NPAs were established in Wales in 1996, following the 1995 Environment Act. Since then, they have operated independently from local government, while maintaining strong collaborative links.

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 the production of one local plan covering the entire Park.

This principle of park-wide planning has stood the test of time and, within the 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 whilst retaining the unique characteristics of each of the National Park areas.

#### **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 (the LUC evaluation). This recognised:

Consultation reference: WG20088

**“...the importance of statutory designated landscapes having their own clear identity, separate from that of the constituent local authority(s). This enables consistency in the delivery of planning functions across the statutory landscape”.**

**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.**

**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:**

Consultation reference: WG20088

- **Reduced potential for bureaucracy and enhanced delivery capability and service quality**
- **Greater accessibility and responsiveness of decision makers**
- **A close interface with farmers, landowners, local businesses and the general public**
- **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” .

### **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.

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

- **Pembrokeshire Coast NPA shares a minerals planning applications officer 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 a joint affordable housing enabler, close working on housing delivery, highways, and tourism and economic development.**
- **Brecon Beacons NPA has a service level agreement with Carmarthenshire**

Consultation reference: WG20088

for the delivery of minerals planning and legal services; undertakes some of Powys County Council's planning function on their behalf in the vicinity of the National Park; and has worked with Monmouthshire County Council and Merthyr Tydfil County Borough Council in relation to buildings conservation advice. 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 and Ynys Môn and Conwy and Denbighshire County Council Local Service Boards, Gwynedd Housing Partnership, Green Economy for the Conwy County Borough Council Local Service Board and the North Wales Economic Forum.

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 Welsh Language issues, CIL viability and has jointly commissioned with Gwynedd a study on Landscape Sensitivity. Brecon Beacons NPA has a Service Level Agreement with Carmarthenshire County Council to provide the Solicitor function to the Authority.

#### 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. Furthermore, four of the nine constituent Authorities within the Brecon Beacons (Neath Port Talbot, Powys, Monmouthshire and Carmarthenshire (the latter 3 being the largest authorities in the National Park area)) do not have adopted LDPs to date.

Consultation reference: WG20088

**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 the unique 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.**

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.

**Conclusion**

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.

<b>Q24</b>	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><b>Comments:</b>                  Yes. 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. There are many examples of effective collaboration between NPAs and their constituent local authorities and between the three NPAs themselves. NPAs accept that there is scope for greater collaboration.</p> <p>There are several benefits of NPAs operating as the LPA not least the ability to</p>			

Consultation reference: WG20088

**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. Without an NPA planning function there would be an inconsistent approach to the management of development. The resulting lack of coherence between management and development planning would undermine the delivery of National Park purposes.**

**An independent evaluation by LUC found that overall the planning system is working well in National Parks. All three Welsh NPAs have made excellent progress on local development plans and perform well on development management. NPAs are recognised as exemplars of good governance in local government, which provides a stable context for the delivery of their planning services. There are high standards of customer-facing service delivery in National Parks, underpinned by a commitment to transparency and openness.**

**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.**

#### **Evidence on effective collaboration**

**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 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.**

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



Consultation reference: WG20088

(the LUC evaluation). Para 3.15 of the evaluation reported that all NPAs have entered into formal arrangements to share resources / expertise on several planning related issues, including:

- Pembrokeshire Coast NPA shares a minerals planning applications officer 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 a joint affordable housing enabler, close working on 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; undertakes some of Powys County Council's planning function on their behalf in the vicinity of the National Park; and has worked with Monmouthshire County Council and Merthyr Tydfil County Borough Council in relation to buildings conservation advice. 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 and Ynys Môn and Conwy and Denbighshire County Council Local Service Boards, 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:

...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:

Consultation reference: WG20088

**“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 NPAs’ operation of the planning function has successfully underpinned and supported this economic activity.

It is therefore evident that National Park status and NPAs’ role as planning authorities is 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 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

Consultation reference: WG20088

**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 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. There is no evidence to support allegations that the NPAs are not performing well.**

**Without an 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 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**

Consultation reference: WG20088

**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.**

#### **Value of the National Park brand**

**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.**

**Two communities within Snowdonia (represented by Llanberis Community Council and Ffestiniog Town Council) have made a formal request to be included within the National Park because of the benefits that they perceive this would bring for their communities and the competitive advantage provided by the National Park brand.**

#### **Putting customers at the heart of service delivery**

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

Consultation reference: WG20088

**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 the first authority in Wales to webcast all of its 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).**

Consultation reference: WG20088

**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. NPAs are doing a good job, which was recognised by the Commission on Public Service Governance and Delivery. The planning system in National Parks is clearly not broken, so why fix it?

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.

<b>Q25</b>	Do you agree that strategic development plans should only be prepared in the identified areas?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG20088

Comments:  
**The SDPs will need to be carefully handled to ensure 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 regional strategic level would be beneficial 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.

The defining of strategic development plan area along the A55 corridor will be difficult as the road crosses through five authority areas. A more logical area is a Flintshire/Wrexham corridor along the border. If LPA are enlarged there will be less need for SDP's and an LPA is unlikely to participate in such a plan if only a relatively small area of their authority is affected. The decision on the exact geography should be determined (or at least heavily influenced) locally i.e. therefore by LPAs not by Welsh Government. Where there is disagreement, the WG could be arbitrator.

<b>Q26</b>	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: <b>The strategic developments plans should always give themselves sufficient flexibility to widen the key issues it needs to address if necessary and relevant at the time. The list is, however, a starting point.</b>			

Consultation reference: WG20088

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: <b>See response to Q25 above.</b>			

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 checked="" type="checkbox"/>
Comments: <b>Whilst the notion of the proposal is not disputed, a 'light touch' implies limited consideration. The LDP would be required to give consideration to those issues not addressed in the SDP and not to duplicate those issues that are. It is reasonable to suggest that LDPs in areas covered by SDPs may not be very light at all and may cover complex issues. Furthermore, an LPA would wish to retain full LDP control if only a small area of the authority is in the SDP area.</b>			



Consultation reference: WG20088

### 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><b>Focusing efficiency on speed alone is not necessarily demonstrative of efficiency. 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. Average times for determination would be a better approach that allow for flexibility in the system.</b></p> <p><b>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 be affected by it and spend the proportionate amount of time in achieving that aim.</b></p> <p><b>To have a new Planning Bill (which requires many changes) and moving towards a more efficient and effective service will take some time for LPAs to implement. Imposing a 80% target at the beginning is unlikely to be achievable by some LPAs in the short term and are not considered to be 'SMART' targets. It is considered that it would be more realistic to set a gradation of % up to a maximum of 80% to be achieved over a 3 year timescale. It is reasonable to expect that changing cultures will take time. Accordingly, imposing unrealistic targets from the outset is unhelpful.</b></p> <p><b>In terms of the 'Quality' indicators, for example, 'Have costs been avoided at appeal?' This is not a helpful or measurable indicator of quality. An alternative indicator could be 'The percentage of costs awarded against the LPA from the total costs requested by the appellant'.</b></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><b>There is support on the basis that some customers would welcome this and it would only be produced once a year.</b></p> <p><b>However, there is concern that this could result in a degree of duplication as the information can be collected and shown on the WG website. A further annual performance report is unnecessary for the customer, time consuming to collect</b></p>			

Consultation reference: WG20088

**data and does not provide consistency of approach. The elements as set out in Annex A should be sufficient, rather than having a further set of data, targets and service improvement to address.**

<b>Q31</b>	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"/>
<p>Comments:</p> <p><b>It is considered that it would be more appropriate for WG to provide targets for improvement rather than directly taking over the planning service. Most LPAs 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" LPAs referred to is based on major applications only.</b></p>			

<b>Q32</b>	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"/>
<p>Comments:</p> <p><b>Please see response to Q25 and Q27 above.</b></p> <p><b>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. PCNPA has done both types of Plan and would comment as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>There has been financial savings as a result of PCNPA developing its own Plan.</b></li> <li>• <b>The process took significantly less time than when doing a Joint Plan.</b></li> <li>• <b>The single plan product presents to the reader a clearer reflection of National Park policy. 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.</b></li> <li>• <b>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.</b></li> <li>• <b>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.</b></li> <li>• <b>The new legislation requires formal agreement between the two</b></li> </ul>			

Consultation reference: WG20088

**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, however, 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 PCNPAs experience the LDP process was better geared to partnership working and building consensus from the beginning with 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 Consultation Document.**

**A joint plan has the potential for a dominant partner and the resulting plan being less applicable to the less dominant Authority. In order to get agreement, the plan would have to be generalised and diluted which would make implementation difficult.**

<b>Q33</b>	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"/>
<p><b>Comments:</b>                  There seems to be little merit in this proposal provided that the LDP is regularly monitored and reviewed. If it is not, powers for intervention from WG to direct a timetable for review would seem more appropriate.</p> <p>It will be difficult to time the ending of the old plan with the start of a new plan and a small overlap of time would be beneficial especially if policies are relevant and land allocations remain undeveloped in the old plan.</p>			

<b>Q34</b>	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 type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG20088

Comments:

Village Plans/Parish Plans/Village Design Statements were set out in the 2000 Rural White Paper. The Paper set out that Village Plans should set out a vision of what is important and how new development can best be fitted in, the design and quality standards it should meet, how to preserve valued local features and to map out the facilities which the community needs to safeguard for the future. They should identify key facilities and services, set out the problems that need to be tackled and demonstrate how distinctive character and features can be preserved.

Land use issues addressed by the Village Plan can be adopted by the authority as Supplementary Planning Guidance to the Development Plan

Village Plans are local, action-based plans which address a range of problems and opportunities affecting rural communities,

There is support for the village Plan system as an ideal vehicle for furthering the level of community engagement and involvement in plan preparation.

Realising that one policy doesn't fit all - the LDP is intended to set out the general principles of acceptable development, with the Village Plan being used to define the detail. This is considered essential if we are to continue to ensure that community needs are met in planning decisions.

The following areas where we want to work with communities have been identified

- Local housing need including assessment of housing affordability
- Village Design Statement
- Landscape characterisation - including assessment of special qualities
- Ecological and Carbon foot printing
- Development briefs for allocated sites
- Community Infrastructure needs

However Preparing a Village Plan should give anyone the opportunity to discuss issues affecting the community and to draw together an action plan for the community addressing those issues. The flexibility of the village plan system will enable other key issues for the community to be addressed as required by the community. These may not be related to the LDP.

This is an opportunity to implement strategies at a local level working in partnership with local communities.

Better application of policies in the LDP

- Better understanding and application of Landscape Character issues for area
- Better understanding and application of local Design issues for an area
- Development Briefs for allocated sites

However, there is a concern that they may raise expectations of communities as to just how much influence they can have on the planning policies of an area.

Consultation reference: WG20088

**They are likely to be resource heavy and there may be an expectation from communities that their ideas will be followed through. There is a lack of planning knowledge, understanding and awareness within Community Councils that would have to be addressed for this to work appropriately. There is potential for these plans to be a forum for the 'NIMBY' approach to planning. This would need to be an integral part of the culture change that the Planning Bill seeks to make and emphasises that the culture change is not just for planning professionals to embrace.**

<b>Q35</b>	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 type="checkbox"/>

Comments:

**It might be confusing to members of the public and further disenfranchise them from the planning process.**

**It would be beneficial to have appropriate training and a clear appeal process, to ensure that the number of allocated sites refused on principle should lessen. Also there may be the time where the principle does need to be considered again when for example, highway or infrastructure matters have changed since the allocation of the site.**

**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. 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. There is a concern, however, in terms of implications for local democracy.**

**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 LDP stage.**

Consultation reference: WG20088

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"/>
<p>Comments:</p> <p><b>It is reasonable to expect a LPA to make it clear that information requested at the validation stage is really necessary and relevant to the application in instances where we/they are refusing to validate. The appeal against non-determination route is considered to be too slow for issues of validation and a quicker process administered by PINS would be preferable. However, if this is to be introduced, LPAs ought to be able to adopt their own validation requirements.</b></p> <p><b>PCNPA has examples where they 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 by information by statutory consultees too. The agent then has the right to appeal the refusal.</b></p>			

Q37	Should the requirement for mandatory design and access statements be removed?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>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 are trained and have sufficient grasp of these issues to influence these matters at the pre-application stage.</b></p> <p><b>Notwithstanding this, the DAS can be useful to the applicant also to explain a proposal. What should replace them? A DAS for certain types of development only would be an option.</b></p>			

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"/>

Consultation reference: WG20088

Comments:  
**It is considered that the costs of advertising have far exceeded the benefits that this type of advertising achieves. However, there would be some merit in requiring the local newspapers to carry details of how to access information on planning applications including LPA websites, office hours, weekly lists of applications received and refused, committee paper availability, community council links etc.**

<b>Q39</b>	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><b>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. 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. It is suggested that aiming for 75%-90% delegated is probably a good balance for members, the general public, interested parties and the applicant.</b></p> <p><b>It is considered that the NPAs should continue to have a proportion of non elected members on their committees that reflect the wider National role of NPs in protecting their special qualities.</b></p> <p><b>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.</b></p>			

<b>Q40</b>	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"/>
<p>Comments:</p> <p><b>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.</b></p> <p><b>This is open to interpretation and will introduce confusion. Each person's interpretation of materiality will differ. For example, the impact on an</b></p>			

Consultation reference: WG20088

**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, perhaps with a simpler, quicker decision route.**

<b>Q41</b>	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: <b>No comments</b>			

<b>Q42</b>	Do you agree that the proposals will reduce delay in the planning enforcement system?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Not only would the proposals under 6.143 reduce the delay in the planning enforcement system, but they would represent a more favourable framework for the LPA in enforcing against unauthorised development. Providing LPAs with powers to require the submission of retrospective applications (where development can be controlled by conditions) as well as the ability to decline to determine applications that are subject to an enforcement notice is particularly welcomed.</b>			

<b>Q43</b>	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: <b>As above, this is clearly a measure which is required to support the enforcement process.</b>			



Consultation reference: WG20088

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

Consultation reference: WG20088

## **How to Respond**

**Please submit your comments in any of the following ways:**

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

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](mailto: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

<b>Positive Planning - A consultation on proposals to reform the planning system in Wales</b>		
<b>Date of consultation period: 04/12/2013 – 26/02/2014</b>		
<b>Name</b>	Greg Pycroft	
<b>Organisation</b>	National Parks Wales on behalf of the 3 National Parks in Wales - Brecon Beacons, Pembrokeshire Coast and Snowdonia	
<b>Address</b>	126 Bute Street Cardiff CF105LE	
<b>E-mail address</b>	greg.pycroft@nationalparkswales.gov.uk	
<b>Type</b> <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 checked="" 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"/>

Consultation reference: WG20088

### Supporting Culture Change

<b>Q1</b>	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><b>In principle a centralised role for setting standards, training requirements, standardising processes that are common to all and co-ordinating specialisms is a positive move. However, it must also be recognised that each LPA has its own local issues and requirements that may not be best served by a centralised advisory group. Local specialist knowledge should not be diluted by the role of the PAIS.</b></p> <p><b>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. It could also usefully provide assistance in relation to forward planning issues. Disseminating best practice, coordinating the funding of research on behalf of authorities for example.</b></p> <p><b>There has to be buy-in from the LPAs and driven entirely from the Welsh Government. It also needs to engage the commitment from RTPI members, elected members and POSW to name a few. Furthermore, it will need to work closely with the RTPI to ensure complimentary training and advice. The PAIS must be financed centrally and not rely on resources from already stretched LPAs.</b></p> <p><b>Alternatively, the PAIS should act independently of government and therefore its governance and accountability will need further scrutiny and consultation. If this is a service that is to be for LPAs only it should be hosted by the WLGA. If it is to be targeted at the planning profession in its entirety, then it could be hosted by RTPI Cymru. How could this be a genuinely independent organisation if it is hosted by WG?</b></p> <p><b>This should be targeted at the planning profession in its entirety. Planning consultants and statutory consultees should be as much a part of the culture change in the profession as LPAs. However, in a time of scarce resources the logic of targeting it at LPAs to start with, and possibly extending its remit to other organisations as time goes on, is understandable.</b></p>			

<b>Q2</b>	Do you agree that existing Welsh Government support arrangements for the built environment sector in Wales should be reviewed?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>It is unclear what this question refers to. Is it the Design Commission?</b></p> <p><b>What is meant by a review?</b></p>			

Consultation reference: WG20088

Although the DCfW is a useful organisation that can provide a useful service, more resources should be put towards the continuous professional development of planners on design issues in general. This could be achieved through a re-constituted DCfW. At present, LPAs only benefit from the service of the DCfW when a strategically important development is proposed or for training purposes on an ad hoc basis. However greater focus should be placed on providing a more consistent foundation for developing knowledge and skills in the planning profession. Design knowledge and skills are generally inconsistent between officers in LPAs. It is also considered that agents would also benefit from an enhanced knowledge of this topic.

<b>Q3</b>	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 type="checkbox"/>
<p>Comments:</p> <p><b>No objection in principle but would have to be part of a culture, Local Government and electoral process change. Some form of compulsory training, competency assessment and monitoring of skills is however considered necessary.</b></p> <p><b>The preparation of frameworks by a Government for another body to follow will not necessarily bring about the changes in culture that are required. Working sensitively with existing bodies will likely produce a similar outcome for less cost and encourage more 'buy-in'.</b></p> <p><b>It is noted that the success of the planning reforms will depend on the skills and experience of all participants (including the public) in the planning system.</b></p> <p><b>There is an assessment of professional competence/experience when becoming an RTPI member and a professional qualification is required to obtain membership. There is also requirement for Professional Development training by individuals, partly funded by local authorities. There should be no duplication of professional processes that already exist and which verify professional competence.</b></p>			

Consultation reference: WG20088

### 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><b>Please clarify the role of the National Development Framework. Will it provide spatial expression for the UK government’s National Planning Statements? If it 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.</b></p> <p>However, a strategic approach to planning is welcomed and 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 political aspirations and views.</p> <p>It will also enable a more strategic approach to plan making to be delivered. It must, however, 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>There is potential for conflict with existing LDPs. The period of change while the NDF emerges and the existing LDPs are reviewed will need to be managed with a clear steer from the Welsh Government.</p> <p>There should be a defined timetable for preparing the NDF. If the NDF forms part of the ‘development plan’ there is a risk that this could be reviewed on a regular basis and at short notice - which potentially creates conflict with development plans which have been prepared and adopted in accordance with the preceding NDF. Also, in order to increase transparency and credibility would it not be better for this document to go through a strategic ‘examination’ process?</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 checked="" type="checkbox"/>
<p>Comments:</p> <p><b>It is considered that this is not necessarily needed in a single document. Whether it is one or two documents, it/they need/s to be kept as simple and readable as possible and the two elements need to cross refer.</b></p> <p><b>Minerals planning tends to be a technically based and it may be that the two will not marry particularly effectively to be an easily understood and useable document.</b></p>			

Consultation reference: WG20088

<b>Q6</b>	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"/>

**Comments:**  
**The planning issues affecting individual local planning authorities may be very specific and different. Wales should not allow it's unique diversity and distinctiveness to be lost in the aim to provide consistency. There is also the question of application and implementation of policy - one that has been perceived to have been 'handed down from on high' will possibly be reluctantly implemented. National Parks are a prime example where a general policy would not fit.**

**It is also 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.**

<b>Q7</b>	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 a 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 applications needs further thought refinement 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.**

**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 to both the local authority and the developer to ensure that it works in an appropriate manner.**

**How does the 'Major Development Test' (para. 5.5.6 of Planning Policy Wales) relate to this?**



Consultation reference: WG20088

<b>Q8</b>	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"/>
<p><b>Comments:</b>                  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.</p> <p>However, as above, how does the 'Major Development Test' (para. 5.5.6 of Planning Policy Wales) relate to this?</p> <p>Generating stations of 25MW and over seems a low threshold for DNS (could be as small as 9 turbine wind farms). We can't see how such schemes can reasonably be justified as being of 'national significance'.</p>			

<b>Q9</b>	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"/>
<p><b>Comments:</b>                  A one size fits all may not provide for a workable solution particularly in National Parks as they are protected landscapes in rural rather than urban areas. For example, a development of over 5 dwellings (rather than 10) could be considered as major in protected landscapes. As referred to under Q7 and Q8 above, How does the 'Major Development Test' (para. 5.5.6 of Planning Policy Wales) relate to this?</p> <p>It is also 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 isn't sought, this would trigger a 16 week determination.</p> <p>Alternatively decision making time frames should be based on averages (see response to Q29).</p>			

Consultation reference: WG20088

--

<b>Q10</b>	Do you agree Developments of National Significance applications should be subject to mandatory pre-application notification, and consultation?	Yes	No
		☒	☐

Comments:  
**Although it has to be appreciated that these developments are often 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 confuses and discourages participants early on in the process.**

<b>Q11</b>	Do you agree that a fee should be charged for pre-application advice for prospective Developments of National Significance applications?	Yes	No
		☒	☐

Comments:  
**Pre-application submissions for DNS are clearly likely to require a significant amount of Officer input. A proportion of the fee should go to the Local Authorities commensurate with advice given.**

<b>Q12</b>	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
		☐	☐

Comments:  
**If a fee is charged a proportion should go to the LPA to pay for their involvement. The Inspectorate should separate out the planning application processing arm from appeals to avoid potential conflicts of interest that may arise within the organisation.**

**Please refer also to the answer to Q7 above.**

<b>Q13</b>	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
		☒	☐

Comments:

Consultation reference: WG20088

**It is considered that one round of amendments would be reasonable. More than one round could result in the process becoming incredibly timeconsuming, costly and complex for participants to understand and participate in.**

**Moreover, it is considered that the scope of the amendment should be clearly defined and limited. This should not be an opportunity to radically alter a submission, more an opportunity to refine it.**

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

<b>Q15</b>	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: <b>No comments</b>			

<b>Q16</b>	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: <b>It is considered that the discharging of conditions should be the responsibility of the determining authority. The experience of the NSIPs is that the consent is often tantamount to an outline permission and the conditions provide the "reserved matters" detail. The level of detail to be discharged under conditions on projects of this scale involves a considerable amount of work for LPAs with limited resources and in the absence of fees for this type of work, less budgets for such resources.</b>			
<b>It is also less easy for LPAs to deal with conditions that have been imposed by an external determining body than its own officers and issues of interpretation of meaning in conditions could be difficult. It is strongly suggested that either the Welsh Ministers take responsibility for the post determination stage or that a fee is payable to the LPA to cover the cost of this work.</b>			

Consultation reference: WG20088

--

<b>Q17</b>	Do you agree that the statement of case and draft statement of common ground should be produced when submitting an appeal?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>'Yes' for the statement of case, but 'No' for the statement of common ground.</b></p> <p><b>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 and/or should be reached in certain areas. Time would be wasted in agreeing the areas of non-agreement rather than time spent drawing up an agreed document for submission as a 'joint effort'.</b></p> <p><b>It is considered that guidance should be provided on the content of a Statement of Common Ground to avoid time delays in providing these where appellants have little knowledge of the system.</b></p>			

<b>Q18</b>	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"/>
<p>Comments:</p> <p><b>It has been the case that some appeals have resulted in unnecessary delays and costs where appellants have insisted on appearing before an Inspector where this has not been necessary. It is reasonable to suggest that a more pro-active role by PINS is likely to reduce such instances, thereby increasing efficiency and reducing costs for all parties.</b></p>			

<b>Q19</b>	Do you agree no changes should be made to the content	Yes	No
------------	---	-----	----

Consultation reference: WG20088

of an application post appeal submission?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>It is entirely reasonable that the applicant should not be allowed to amend the proposal at this very late stage. This should also include the submission of unilateral undertakings.</b></p> <p><b>As referred to in Q18 above, the unpredictability that would result from allowing appellants to change the content of an appeal post submission would potentially result in an additional consultation requirement and, consequently, additional costs and a less efficient process.</b></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"/>
<p>Comments:</p>			

Q21	Should fees be introduced to cover the costs of the Welsh Ministers resulting from an appeal?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>There is support for the introduction of fees as an option to cover the costs of Welsh Ministers. An option here could be the potential to refund fees to the appellant on successful appeals.</b></p> <p><b>However, there is concern that this would be fraught with issues concerning the ‘rights’ of appeal and the ability for engagement in full with a process. Could it go so far as being required to support a structure for payment similar to the ‘legal aid’ framework? Better to increase the costs of the initial submission of a planning application which could cover a proportion of the costs of a potential appeal.</b></p>			

Consultation reference: WG20088

Q22	Do you agree that a Commercial Appeals Service (CAS) should be introduced?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b>			
<p><b>There is support for the CAS. The figures suggest that the HAS has proven to be efficient with all appeals being determined within 8 weeks. Provided the CAS system will relate to small scale commercial applications only, the BBNPA are of the view that this is likely to broaden the efficiency of PINS over a wider range of proposals.</b></p> <p><b>There are, however, concerns that this would enhance the efficiency or effectiveness of the system but would merely add another layer of complexity. The fewer types of appeal, the simpler and more easily understandable a system is. Having said that, PCNPA acknowledge that the householder trial has worked really well.</b></p>			

Consultation reference: WG20088

## Improving Collaboration

<b>Q23</b>	Do you agree that local planning authorities should be merged to create larger units?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>The Commission on Public Service Governance and Delivery has recommended a reduction in the number of local authorities in Wales, which, if accepted, would result in the creation of a number of larger planning units. This would have implications for the planning system in the local authority areas affected. While we recognise the need to review current arrangements, it is the view of National Parks Wales that National Park Authorities (NPAs) should remain independent and should not be part of any merged units thereby retaining the unique characteristics of each of the 3 National Park areas.</b></p> <p><b>Free-standing, independent National Park Authorities were created by the government as it found that local government management was not delivering National Park purposes effectively. The planning system plays a pivotal role in the delivery of National Park purposes. Removing or watering down NPA planning powers would undermine the effective delivery of the purposes.</b></p> <p><b>This principle of park-wide planning has stood the test of time and, within the context set by independent NPAs, has resulted in a coherent approach to land use planning, recreation, land and visitor management functions.</b></p> <p><b>The relatively small scale nature of NPAs has several distinct advantages for planning service delivery. NPAs are close to the people and able to establish and maintain strong local connections.</b></p> <p><b>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.</b></p> <p><b>The importance of independence</b></p> <p><b>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 .</b></p> <p><b>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.</b></p> <p><b>The review concluded that:</b></p> <p><b>“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</b></p>			

Consultation reference: WG20088

**authorities with complete freedom to manage finance, personnel and property resources and to organise their own administrative procedures, including the commissioning of professional services.”**

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.

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” .

NPAs were established in Wales in 1996, following the 1995 Environment Act. Since then, they have operated independently from local government, while maintaining strong collaborative links.

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 the production of one local plan covering the entire Park.

This principle of park-wide planning has stood the test of time and, within the 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 whilst retaining the unique characteristics of each of the National Park areas.

#### **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 (the LUC evaluation). This recognised:



Consultation reference: WG20088

**“...the importance of statutory designated landscapes having their own clear identity, separate from that of the constituent local authority(s). This enables consistency in the delivery of planning functions across the statutory landscape”.**

**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.**

**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:**

Consultation reference: WG20088

- **Reduced potential for bureaucracy and enhanced delivery capability and service quality**
- **Greater accessibility and responsiveness of decision makers**
- **A close interface with farmers, landowners, local businesses and the general public**
- **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” .

### **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.

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

- **Pembrokeshire Coast NPA shares a minerals planning applications officer 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 a joint affordable housing enabler, close working on housing delivery, highways, and tourism and economic development.**
- **Brecon Beacons NPA has a service level agreement with Carmarthenshire**

Consultation reference: WG20088

for the delivery of minerals planning and legal services; undertakes some of Powys County Council's planning function on their behalf in the vicinity of the National Park; and has worked with Monmouthshire County Council and Merthyr Tydfil County Borough Council in relation to buildings conservation advice. 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 and Ynys Môn and Conwy and Denbighshire County Council Local Service Boards, Gwynedd Housing Partnership, Green Economy for the Conwy County Borough Council Local Service Board and the North Wales Economic Forum.

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 Welsh Language issues, CIL viability and has jointly commissioned with Gwynedd a study on Landscape Sensitivity. Brecon Beacons NPA has a Service Level Agreement with Carmarthenshire County Council to provide the Solicitor function to the Authority.

#### 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. Furthermore, four of the nine constituent Authorities within the Brecon Beacons (Neath Port Talbot, Powys, Monmouthshire and Carmarthenshire (the latter 3 being the largest authorities in the National Park area)) do not have adopted LDPs to date.

Consultation reference: WG20088

**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 the unique 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.**

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.

**Conclusion**

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.

<b>Q24</b>	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><b>Comments:</b>                  Yes. 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. There are many examples of effective collaboration between NPAs and their constituent local authorities and between the three NPAs themselves. NPAs accept that there is scope for greater collaboration.</p> <p>There are several benefits of NPAs operating as the LPA not least the ability to</p>			

Consultation reference: WG20088

**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. Without an NPA planning function there would be an inconsistent approach to the management of development. The resulting lack of coherence between management and development planning would undermine the delivery of National Park purposes.**

**An independent evaluation by LUC found that overall the planning system is working well in National Parks. All three Welsh NPAs have made excellent progress on local development plans and perform well on development management. NPAs are recognised as exemplars of good governance in local government, which provides a stable context for the delivery of their planning services. There are high standards of customer-facing service delivery in National Parks, underpinned by a commitment to transparency and openness.**

**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.**

#### **Evidence on effective collaboration**

**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 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.**

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

Consultation reference: WG20088

(the LUC evaluation). Para 3.15 of the evaluation reported that all NPAs have entered into formal arrangements to share resources / expertise on several planning related issues, including:

- Pembrokeshire Coast NPA shares a minerals planning applications officer 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 a joint affordable housing enabler, close working on 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; undertakes some of Powys County Council's planning function on their behalf in the vicinity of the National Park; and has worked with Monmouthshire County Council and Merthyr Tydfil County Borough Council in relation to buildings conservation advice. 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 and Ynys Môn and Conwy and Denbighshire County Council Local Service Boards, 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:

...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:

Consultation reference: WG20088

**“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 NPAs’ operation of the planning function has successfully underpinned and supported this economic activity.

It is therefore evident that National Park status and NPAs’ role as planning authorities is 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 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

Consultation reference: WG20088

**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 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. There is no evidence to support allegations that the NPAs are not performing well.**

**Without an 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 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**



Consultation reference: WG20088

**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.**

#### **Value of the National Park brand**

**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.**

**Two communities within Snowdonia (represented by Llanberis Community Council and Ffestiniog Town Council) have made a formal request to be included within the National Park because of the benefits that they perceive this would bring for their communities and the competitive advantage provided by the National Park brand.**

#### **Putting customers at the heart of service delivery**

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

Consultation reference: WG20088

**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 the first authority in Wales to webcast all of its 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).**

Consultation reference: WG20088

**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. NPAs are doing a good job, which was recognised by the Commission on Public Service Governance and Delivery. The planning system in National Parks is clearly not broken, so why fix it?

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"/>

Consultation reference: WG20088

Comments:  
**The SDPs will need to be carefully handled to ensure 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 regional strategic level would be beneficial 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.**

**The defining of strategic development plan area along the A55 corridor will be difficult as the road crosses through five authority areas. A more logical area is a Flintshire/Wrexham corridor along the border. If LPA are enlarged there will be less need for SDP's and an LPA is unlikely to participate in such a plan if only a relatively small area of their authority is affected. The decision on the exact geography should be determined (or at least heavily influenced) locally i.e. therefore by LPAs not by Welsh Government. Where there is disagreement, the WG could be arbitrator.**

<b>Q26</b>	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: <b>The strategic developments plans should always give themselves sufficient flexibility to widen the key issues it needs to address if necessary and relevant at the time. The list is, however, a starting point.</b>			

Consultation reference: WG20088

<b>Q27</b>	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: <b>See response to Q25 above.</b>			

<b>Q28</b>	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 checked="" type="checkbox"/>
Comments: <b>Whilst the notion of the proposal is not disputed, a 'light touch' implies limited consideration. The LDP would be required to give consideration to those issues not addressed in the SDP and not to duplicate those issues that are. It is reasonable to suggest that LDPs in areas covered by SDPs may not be very light at all and may cover complex issues. Furthermore, an LPA would wish to retain full LDP control if only a small area of the authority is in the SDP area.</b>			

Consultation reference: WG20088

### 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><b>Focusing efficiency on speed alone is not necessarily demonstrative of efficiency. 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. Average times for determination would be a better approach that allow for flexibility in the system.</b></p> <p><b>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 be affected by it and spend the proportionate amount of time in achieving that aim.</b></p> <p><b>To have a new Planning Bill (which requires many changes) and moving towards a more efficient and effective service will take some time for LPAs to implement. Imposing a 80% target at the beginning is unlikely to be achievable by some LPAs in the short term and are not considered to be 'SMART' targets. It is considered that it would be more realistic to set a gradation of % up to a maximum of 80% to be achieved over a 3 year timescale. It is reasonable to expect that changing cultures will take time. Accordingly, imposing unrealistic targets from the outset is unhelpful.</b></p> <p><b>In terms of the 'Quality' indicators, for example, 'Have costs been avoided at appeal?' This is not a helpful or measurable indicator of quality. An alternative indicator could be 'The percentage of costs awarded against the LPA from the total costs requested by the appellant'.</b></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><b>There is support on the basis that some customers would welcome this and it would only be produced once a year.</b></p> <p><b>However, there is concern that this could result in a degree of duplication as the information can be collected and shown on the WG website. A further annual performance report is unnecessary for the customer, time consuming to collect</b></p>			

Consultation reference: WG20088

**data and does not provide consistency of approach. The elements as set out in Annex A should be sufficient, rather than having a further set of data, targets and service improvement to address.**

<b>Q31</b>	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"/>
<p>Comments:</p> <p><b>It is considered that it would be more appropriate for WG to provide targets for improvement rather than directly taking over the planning service. Most LPAs 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" LPAs referred to is based on major applications only.</b></p>			

<b>Q32</b>	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"/>
<p>Comments:</p> <p><b>Please see response to Q25 and Q27 above.</b></p> <p><b>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. PCNPA has done both types of Plan and would comment as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>There has been financial savings as a result of PCNPA developing its own Plan.</b></li> <li>• <b>The process took significantly less time than when doing a Joint Plan.</b></li> <li>• <b>The single plan product presents to the reader a clearer reflection of National Park policy. 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.</b></li> <li>• <b>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.</b></li> <li>• <b>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.</b></li> <li>• <b>The new legislation requires formal agreement between the two</b></li> </ul>			

Consultation reference: WG20088

**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, however, 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 PCNPAs experience the LDP process was better geared to partnership working and building consensus from the beginning with 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 Consultation Document.**

**A joint plan has the potential for a dominant partner and the resulting plan being less applicable to the less dominant Authority. In order to get agreement, the plan would have to be generalised and diluted which would make implementation difficult.**

<b>Q33</b>	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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments: There seems to be little merit in this proposal provided that the LDP is regularly monitored and reviewed. If it is not, powers for intervention from WG to direct a timetable for review would seem more appropriate.  It will be difficult to time the ending of the old plan with the start of a new plan and a small overlap of time would be beneficial especially if policies are relevant and land allocations remain undeveloped in the old plan.			

<b>Q34</b>	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 <input type="checkbox"/>	No <input type="checkbox"/>
------------	---	---------------------------------	--------------------------------



Consultation reference: WG20088

Comments:

Village Plans/Parish Plans/Village Design Statements were set out in the 2000 Rural White Paper. The Paper set out that Village Plans should set out a vision of what is important and how new development can best be fitted in, the design and quality standards it should meet, how to preserve valued local features and to map out the facilities which the community needs to safeguard for the future. They should identify key facilities and services, set out the problems that need to be tackled and demonstrate how distinctive character and features can be preserved.

Land use issues addressed by the Village Plan can be adopted by the authority as Supplementary Planning Guidance to the Development Plan

Village Plans are local, action-based plans which address a range of problems and opportunities affecting rural communities,

There is support for the village Plan system as an ideal vehicle for furthering the level of community engagement and involvement in plan preparation.

Realising that one policy doesn't fit all - the LDP is intended to set out the general principles of acceptable development, with the Village Plan being used to define the detail. This is considered essential if we are to continue to ensure that community needs are met in planning decisions.

The following areas where we want to work with communities have been identified

- Local housing need including assessment of housing affordability
- Village Design Statement
- Landscape characterisation - including assessment of special qualities
- Ecological and Carbon foot printing
- Development briefs for allocated sites
- Community Infrastructure needs

However Preparing a Village Plan should give anyone the opportunity to discuss issues affecting the community and to draw together an action plan for the community addressing those issues. The flexibility of the village plan system will enable other key issues for the community to be addressed as required by the community. These may not be related to the LDP.

This is an opportunity to implement strategies at a local level working in partnership with local communities.

Better application of policies in the LDP

- Better understanding and application of Landscape Character issues for area
- Better understanding and application of local Design issues for an area
- Development Briefs for allocated sites

However, there is a concern that they may raise expectations of communities as to just how much influence they can have on the planning policies of an area.

Consultation reference: WG20088

**They are likely to be resource heavy and there may be an expectation from communities that their ideas will be followed through. There is a lack of planning knowledge, understanding and awareness within Community Councils that would have to be addressed for this to work appropriately. There is potential for these plans to be a forum for the 'NIMBY' approach to planning. This would need to be an integral part of the culture change that the Planning Bill seeks to make and emphasises that the culture change is not just for planning professionals to embrace.**

<b>Q35</b>	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 type="checkbox"/>

Comments:

**It might be confusing to members of the public and further disenfranchise them from the planning process.**

**It would be beneficial to have appropriate training and a clear appeal process, to ensure that the number of allocated sites refused on principle should lessen. Also there may be the time where the principle does need to be considered again when for example, highway or infrastructure matters have changed since the allocation of the site.**

**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. 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. There is a concern, however, in terms of implications for local democracy.**

**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 LDP stage.**

Consultation reference: WG20088

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"/>
<p>Comments:</p> <p><b>It is reasonable to expect a LPA to make it clear that information requested at the validation stage is really necessary and relevant to the application in instances where we/they are refusing to validate. The appeal against non-determination route is considered to be too slow for issues of validation and a quicker process administered by PINS would be preferable. However, if this is to be introduced, LPAs ought to be able to adopt their own validation requirements.</b></p> <p><b>PCNPA has examples where they 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 by information by statutory consultees too. The agent then has the right to appeal the refusal.</b></p>			

Q37	Should the requirement for mandatory design and access statements be removed?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>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 are trained and have sufficient grasp of these issues to influence these matters at the pre-application stage.</b></p> <p><b>Notwithstanding this, the DAS can be useful to the applicant also to explain a proposal. What should replace them? A DAS for certain types of development only would be an option.</b></p>			

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"/>

Consultation reference: WG20088

Comments:  
**It is considered that the costs of advertising have far exceeded the benefits that this type of advertising achieves. However, there would be some merit in requiring the local newspapers to carry details of how to access information on planning applications including LPA websites, office hours, weekly lists of applications received and refused, committee paper availability, community council links etc.**

<b>Q39</b>	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><b>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. 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. It is suggested that aiming for 75%-90% delegated is probably a good balance for members, the general public, interested parties and the applicant.</b></p> <p><b>It is considered that the NPAs should continue to have a proportion of non elected members on their committees that reflect the wider National role of NPs in protecting their special qualities.</b></p> <p><b>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.</b></p>			

<b>Q40</b>	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"/>
<p>Comments:</p> <p><b>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.</b></p> <p><b>This is open to interpretation and will introduce confusion. Each person's interpretation of materiality will differ. For example, the impact on an</b></p>			

Consultation reference: WG20088

**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, perhaps with a simpler, quicker decision route.**

<b>Q41</b>	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: <b>No comments</b>			

<b>Q42</b>	Do you agree that the proposals will reduce delay in the planning enforcement system?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Not only would the proposals under 6.143 reduce the delay in the planning enforcement system, but they would represent a more favourable framework for the LPA in enforcing against unauthorised development. Providing LPAs with powers to require the submission of retrospective applications (where development can be controlled by conditions) as well as the ability to decline to determine applications that are subject to an enforcement notice is particularly welcomed.</b>			

<b>Q43</b>	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: <b>As above, this is clearly a measure which is required to support the enforcement process.</b>			

Consultation reference: WG20088

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

Consultation reference: WG20088

## **How to Respond**

**Please submit your comments in any of the following ways:**

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