



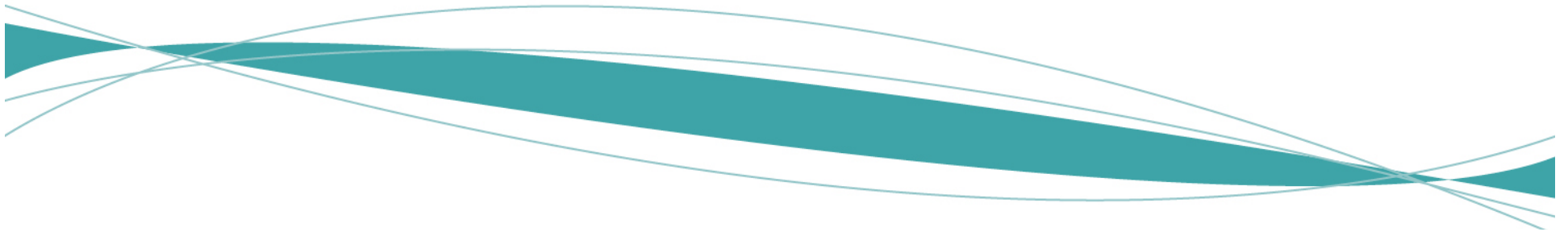
Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Planning in Wales and the Planning Bill

Outline

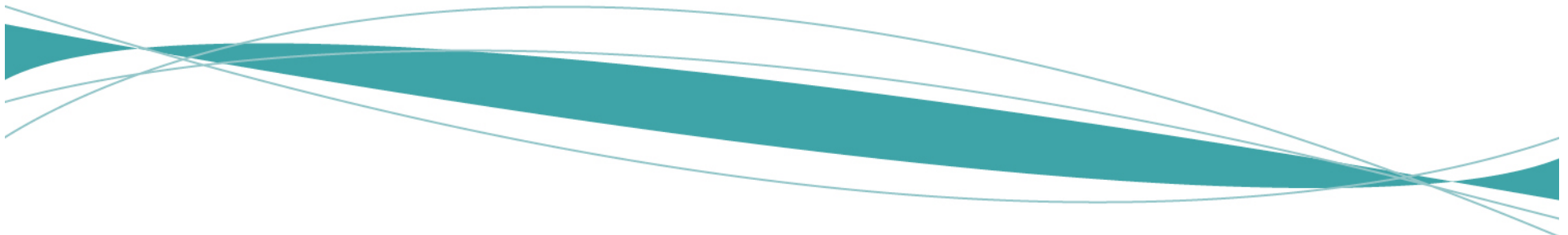
- Planning (Wales) Bill: Key proposals and programme
- Culture change
- Secondary legislation and guidance
- Planning (Wales) Bill 2
- Conclusions



The main proposals

The Bill is set out in 8 Parts and 7 Schedules

- Development Planning
- Applications for Welsh Ministers
- Development Management
- Enforcement and Appeals
- Town and Village Greens

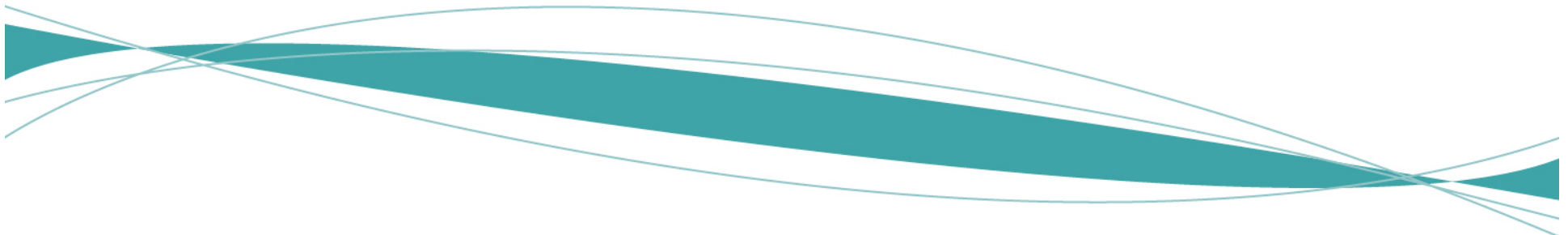


Development Planning

Part 2 – Development Planning

This part is about retaining, refining and improving the development plans system.

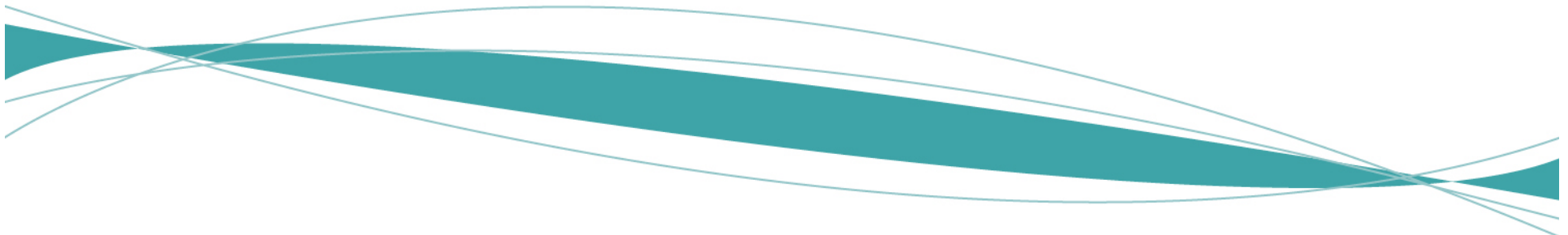
- Re-focussing the Wales Spatial Plan into the National Development Framework;
- Addressing cross boundary strategic planning issues through the establishment of Strategic Development Plans; and
- Ensuring LDPs are prepared and kept up to date.



Development Planning

National Development Framework

- Concentrates on development and land use issues of national significance.
- Prepared and reviewed every 5 years by the Welsh Ministers, evidence based and accompanied by a SA/SEA/HRA.
- Consultation with public and stakeholders.
- Scrutiny by the National Assembly for Wales.
- Provide direction and certainty.
- Starting point for decisions on DNS.
- LDPs and SDPs must be in conformity with NDF.

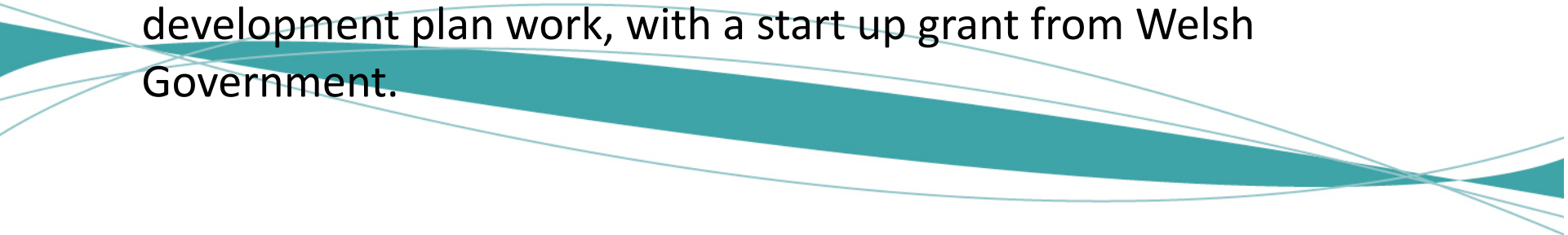


Development Planning

Strategic Development Plans

- Provide greater clarity and increased collaborative working.
- Focuses on areas where change is of a strategic nature .
- Complements work undertaken on City Regions.
- The boundary of the plan area will be:
 - determined locally; and
 - approval by the Welsh Ministers.

Governance

- Corporate Body status.
 - Two thirds elected members and one third social, economic and environmental partners.
 - Panel will be funded by constituent LPAs – redistribution of existing development plan work, with a start up grant from Welsh Government.
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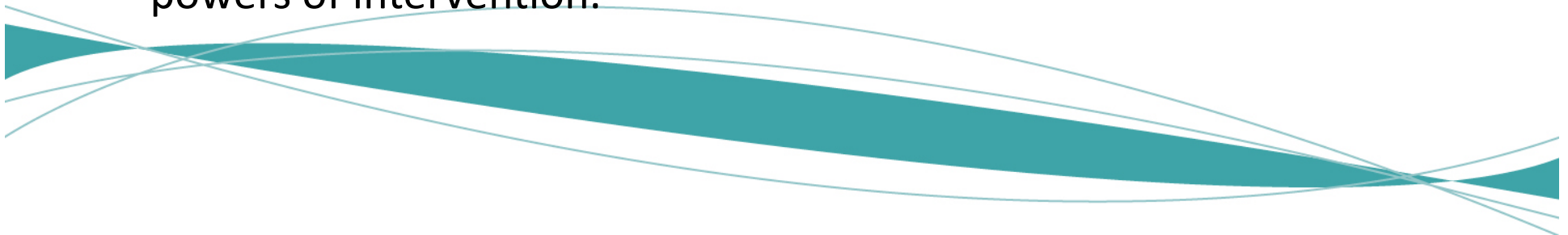
Development Planning

Period for which Local Development Plan has effect

- Out of date plans are less responsive to their circumstances.
- Weaker connection to evidence base.
- Beyond plan period ceases to be a development plan.
- Ensuring plans are kept up to date, providing certainty.

Withdrawal of Local Development Plans

- Prevent LDPs from being withdrawn for non planning reasons.
- LPAs required to notify the Welsh Ministers of intention to withdraw.
- The Welsh Ministers have 6 weeks to decide whether to use their powers of intervention.



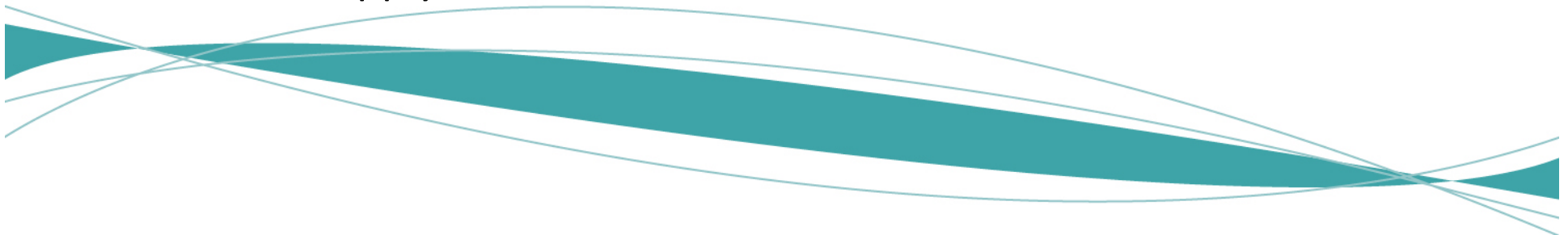
Development Planning

Joint Local Development Plans

- Improvements in collaborative working.
- Strong functional links.
- Efficiency savings and sharing of skills and resources.
- Cannot be produced through a revision of an individual LDP.

Joint Planning Boards

- Existing legislation allows merging of LPA Development Management services.
- Provisions allow all planning functions to be merged including LDP production.
- Does not apply to National Park Authorities.



Applications for Welsh Ministers

Part 4 – Applications to Welsh Ministers

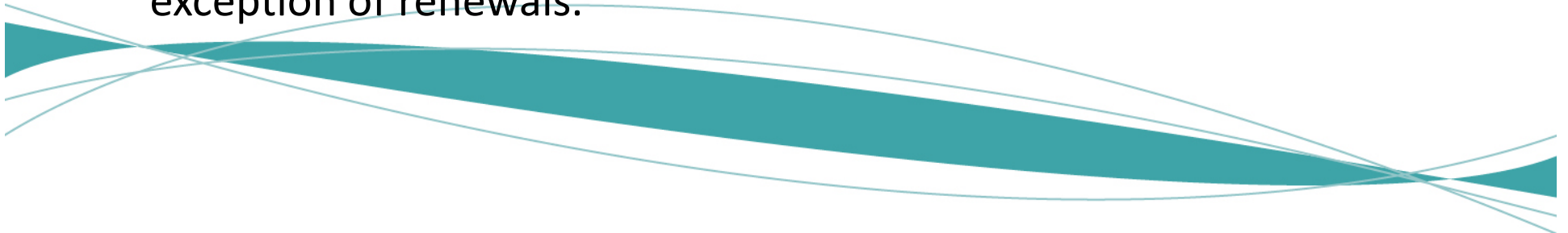
- This part allows for the Welsh Ministers to take an active stewardship role in the delivery of planning services where necessary:
 - reducing duplication;
 - increasing consistency; and
 - improving performance.
- The Welsh Ministers or an appointed person to make planning decisions in certain circumstances such as:
 - Developments of National Significance; and
 - where a LPA is consistently poorly performing.



Applications for Welsh Ministers

Developments of National Significance (DNS)

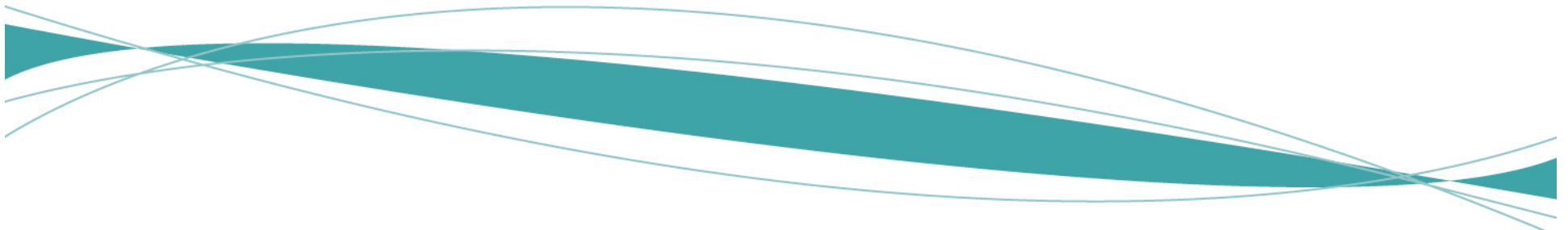
- Category and creating a process of applications for DNS
- DNS projects can be identified through:
 - thresholds set out in secondary legislation; and
 - National Development Framework
- The Welsh Ministers will be responsible for processing and deciding planning applications and secondary consents (some of which, non-planning) for this category of development.
- DNS will be subject to pre-application notification and consultation
- Post-determination procedures to be handled by LPAs, with the exception of renewals.



Applications for Welsh Ministers

Option to make a planning application direct to the Welsh Ministers

- If a LPA is designated as poorly performing applicants will have the option to apply for planning permission directly to the Welsh Ministers.
- May include connected applications.
- The designation of a failing LPA will be revoked by the Welsh Ministers when they are satisfied that significant measures have been taken by the authority to improve its performance.



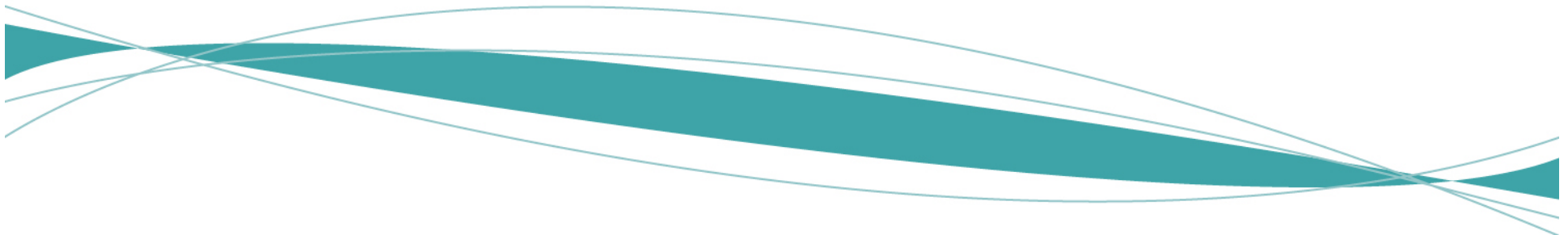
Development Management

Parts 3 – Pre-Application Procedure

- This part places a legal duty on LPAs and the Welsh Ministers to provide a pre-application service, this is about helping to make the planning process:
 - speed up the decision making process; and
 - improve the quality of development in Wales.

Part 5 – Development Management

- This part makes provisions to make the planning applications process to:
 - increase consistency, fairness and transparency; and
 - reducing complexity.



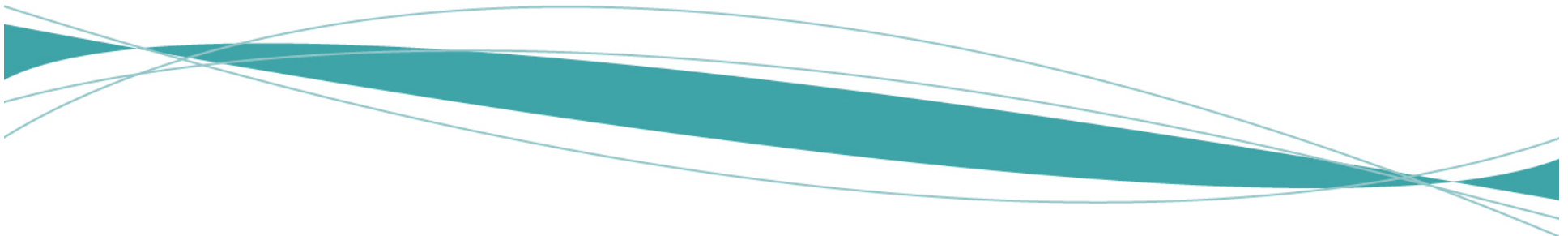
Development Management

Pre-Application Community Consultation

- Requirement for pre-application engagement on certain types of applications, likely to be DNS and major developments.
- Pre-application consultation report will be required.
- A development order will set out the required processes.

Pre-Application Services

- Consistent approach to provision of pre-application services by LPA and the Welsh Ministers.
- Regulations will set out the circumstances for the provision of pre-application and the related processes.



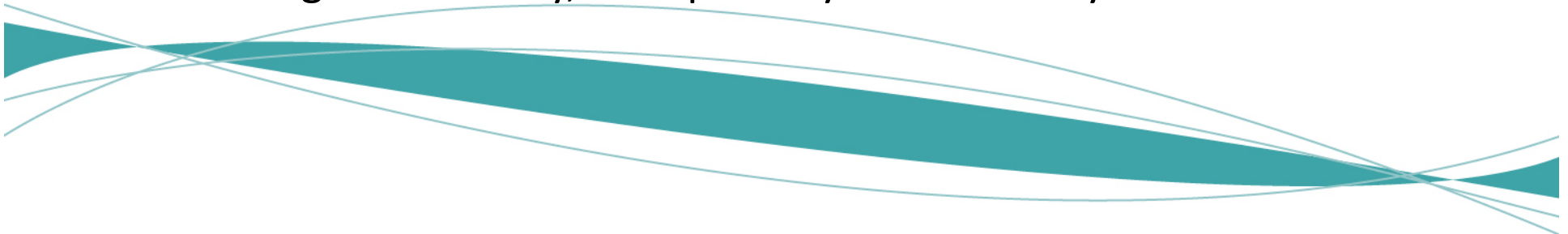
Development Management

Planning Committees

- Objective - greater consistency and efficiency across Wales.
 - A national scheme of delegation.
 - Prescribing a size for planning committees.

Decision Notices and Notification of Development

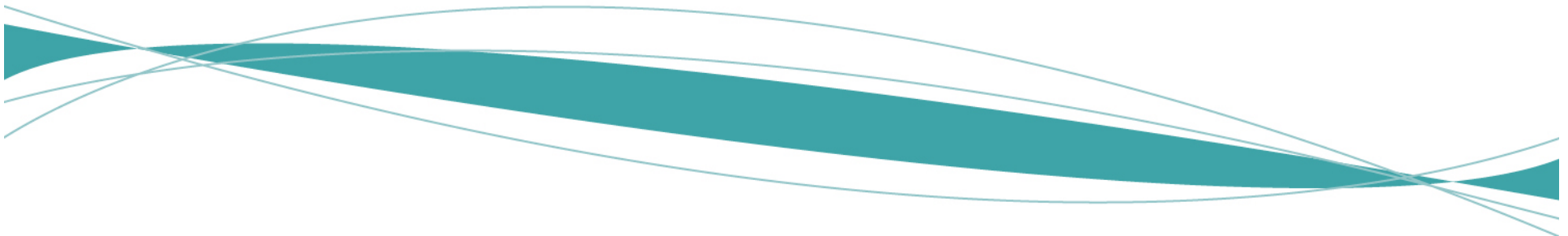
- Developer must:
 - notify the LPA the date on which development is to begin;
 - details of the planning permission being implemented;
 - display a notice on site for the duration of the development.
- Provide greater clarity, transparency and certainty for all.



Development Management

Statutory Consultees

- provide substantive responses to consultation requests within a set period.
- provide performance reports on their compliance with these requirements.
- reduce delays in the determination process.
- ensure considered views are taken into account in the determination of a proposed development.



Enforcement and Appeals

Part 6 – Enforcement, Appeals Etc.

- This part will enhance the transparency, speed and fairness of the appeal system Wales.

Enforcement

- The proposed changes to the enforcement system intended to securing prompt effective action and providing greater clarity in the processes. The provisions will:
 - eradicate consecutive appeals;
 - give LPAs more control of retrospective applications; and
 - transfer the determination of appeals against untidy land notices to the Welsh Ministers.



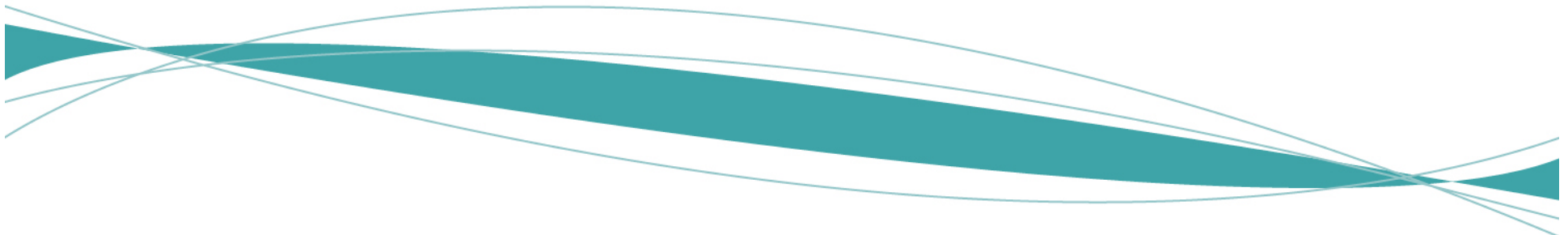
Enforcement and Appeals

Appeals

- Providing greater certainty in the appeal process, increasing transparency, reducing timescales for determination and increasing efficiency.

Validation appeals

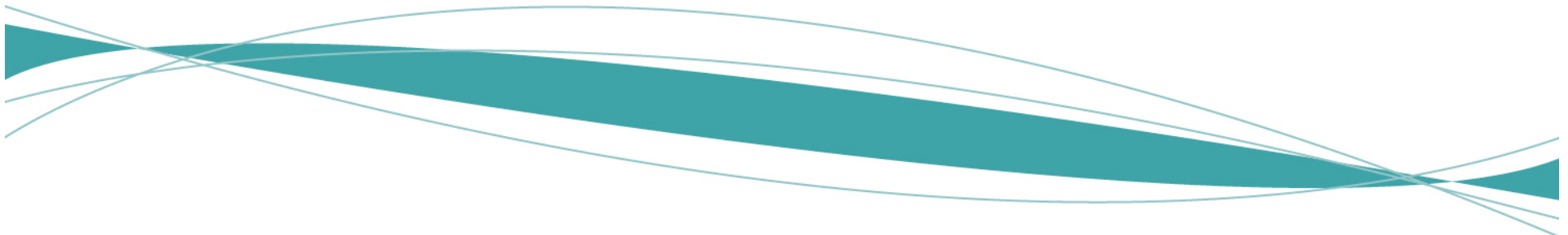
- LPA will be required to justify non-validation of applications.
- Right of appeal against a LPA not validating a planning application.



Town and Village Greens

Part 7 – Town & Village Greens

- Objective to prevent Town and Village Greens being used as a way of circumventing the planning process and stifling development.
- Places limitations on applications for town and village greens where land has been or is going through the statutory planning process.



General Provisions and Schedules

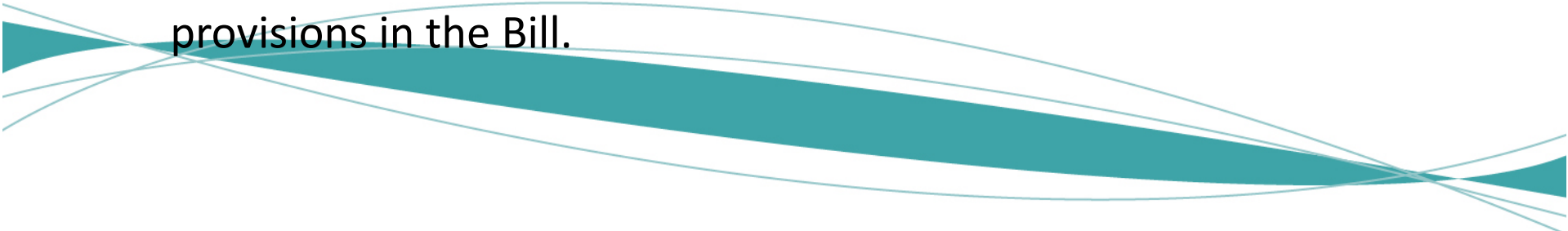
Part 8 – General Provisions

This part contains general provisions including:

- subordinate legislation;
- interpretation;
- commencement; and
- short title of the Bill.

Schedules 1 to 7

These set out:

- details of governance arrangements for Strategic Planning Panels; functions in relation to applicants for Developments of National Significance; and
 - consequential amendments to other Acts as a result of the provisions in the Bill.
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Planning (Wales) Bill Programme

National Assembly for Wales the Assembly's legislative process:

Stage 1 (6 October – 10 February 2015): consideration and voting on the general principles of the Bill.

Stage 2 (11 February – 31 March): detailed consideration of each clause of the Bill by the Environment and Sustainability Committee. Amendments can be tabled and will be voted on by the committee.

Stage 3 (1 April – 5 May): further detailed consideration of each clause of the Bill, by the whole Assembly. Amendments can be tabled and voted on by the whole Assembly.

Stage 4 (May): a short debate and a vote by the whole Assembly on whether to approve the final text of the Bill.

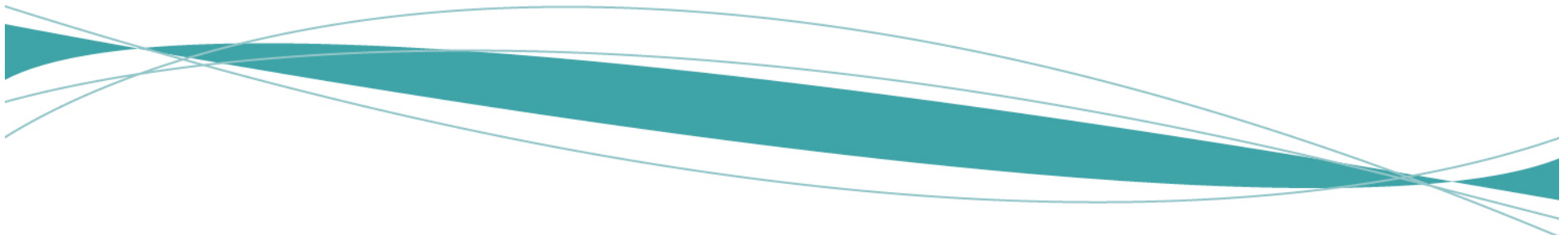
*dates are approximate

Continued



Planning (Wales) Bill Programme Continued

- Four week period of intimation.
- Royal Assent in summer 2015.
- 2015 onwards – implementing secondary legislation and guidance.

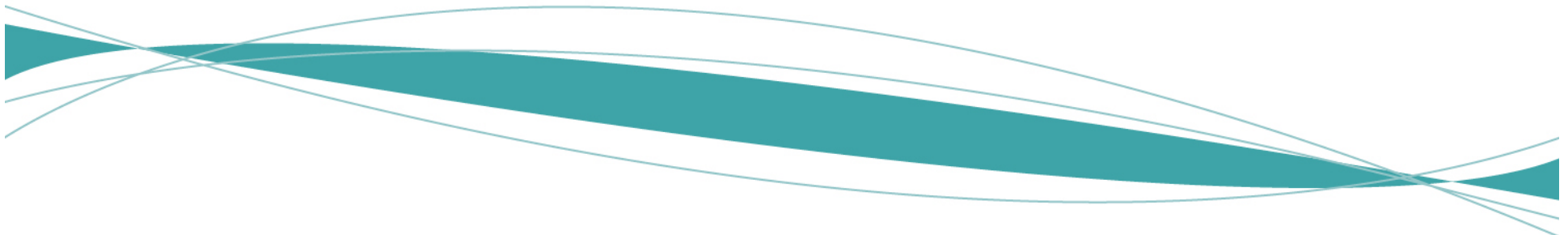


Stage 2 Amendments to the Bill

The Minister for Natural Resources has tabled a number of Government amendments to the Bill, including on the following proposals:

- Strategic Planning Panels – removal of voting rights and nominated list for non elected members;
- Town and Village Greens – reducing the number of “trigger” events excluding the right to make a T&VG application; and
- Development Planning – Making assessment of the Welsh language mandatory for Sustainability Appraisal of development plans.
- Design and Access Statements – Retaining the requirement for D&ASs in primary legislation.

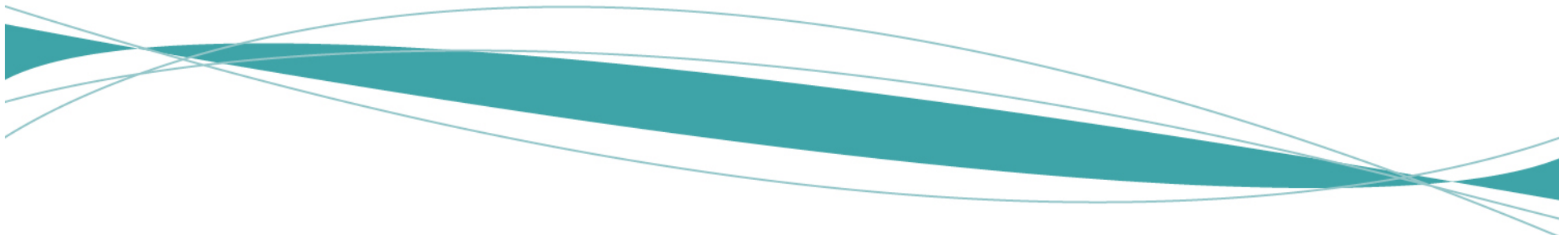
A number of non-government amendments have also been tabled to the Bill. Further details on the amendments tabled can be found on the National Assembly for Wales website.



Culture Change

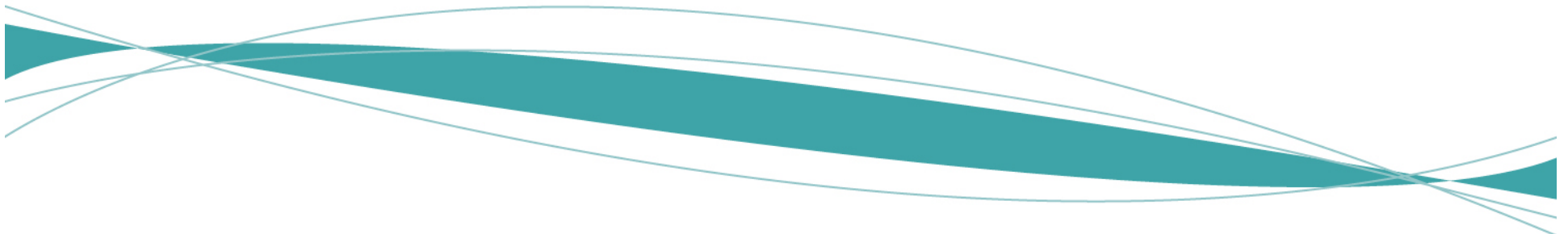
How to engender a positive, proactive approach:

- Establish a national planning advisory and improvement service hosted by the Welsh Government.
- Develop a competency framework for planners and councillors.



Secondary Legislation and Guidance

- 65 powers - subordinate legislation.
- Ongoing consultation and engagement on the detail.
- Programme of consultation and implementation of the proposals scheduled to run to 2017
- Statements of Policy Intent, setting out the current policy approach for the subordinate legislation for the Planning (Wales) Bill.



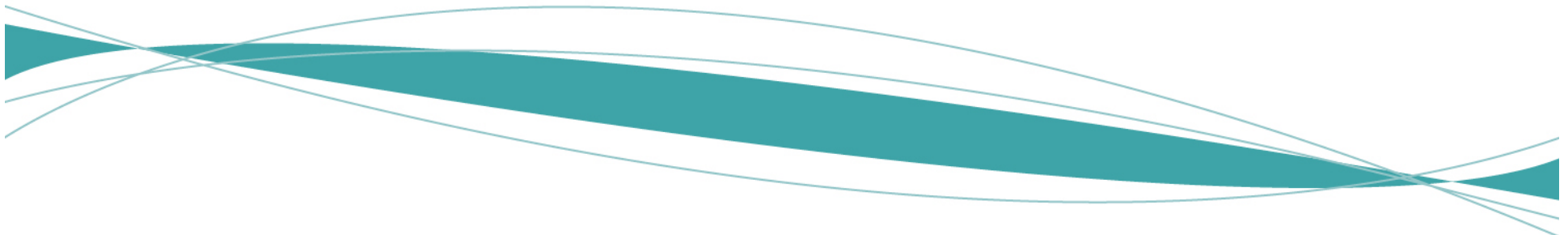
Consultations

There have been a number of recent consultations on our wider proposals to reform the planning system, including:

- Frontloading the development management system (closed 16 January 2015);
- Planning Committees, delegation and joint planning boards (closed 16 January 2015); and
- Design in the planning process (closed 16 January 2015).

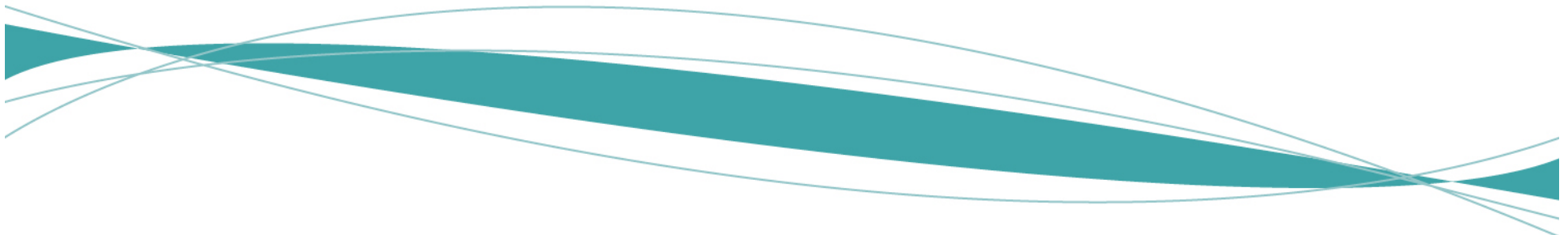
The majority of these proposals will be taken forward through secondary legislation. Further information can be found on the planning consultations section of the Welsh Government website:

<http://wales.gov.uk/consultations/planning>



More to come.... P(W)B 2

- Law Commission's Twelfth Programme of Law Reform:
 - July to October 2013 - Consultation to draw up the programme of reform.
 - October 2013 - Bid submitted by the Welsh Government
 - Over 250 proposals for law reform projects received from 180 consultees.
 - July 2014 – Formal confirmation - publication of the programme.
- Focus on reforming Development Management (Part 3 of the TCPA 1990).
- First Wales only project.

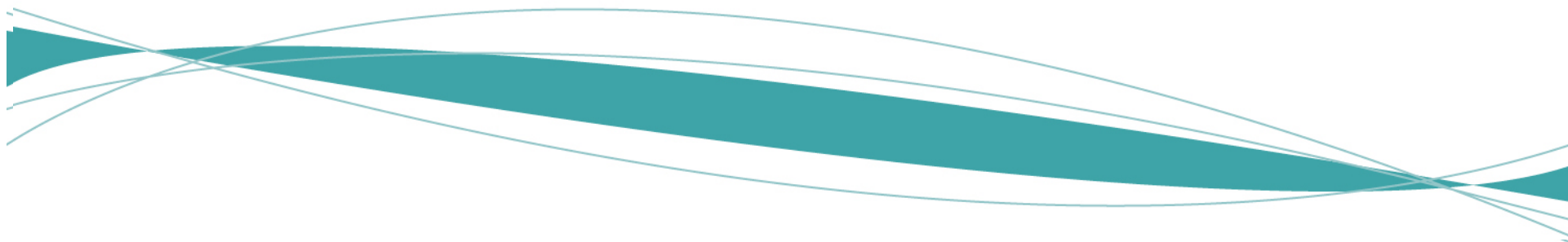


More to come.... P(W)B 2

- Three year project that started in July 2014
- Project Timetable:

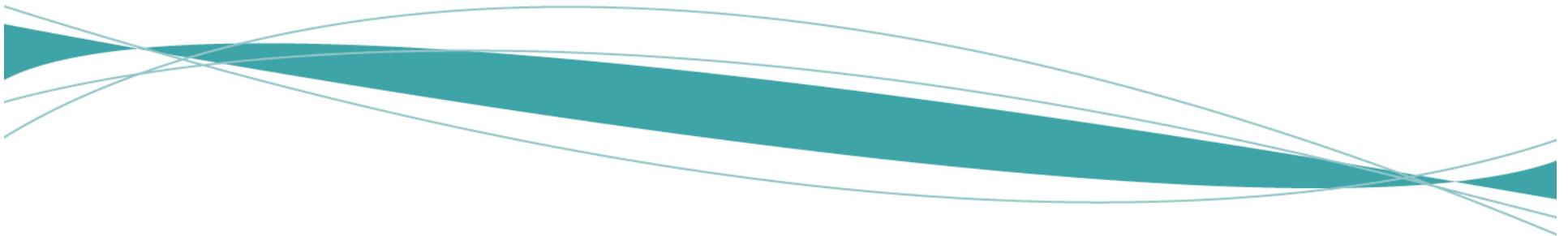
Research, pre-consultation engagement, drafting of consultation	July 2014 to July 2015
Consultation period	August 2015 to November 2015
Analysis of responses, policy development	December 2015 to July 2016
Drafting of report and draft bill	August 2016 to May 2017
Approval and Publication of report and draft bill	June 2017 to July 2017

- The outcome of the project will lead to consolidation of planning legislation in Wales.



Other planning issues

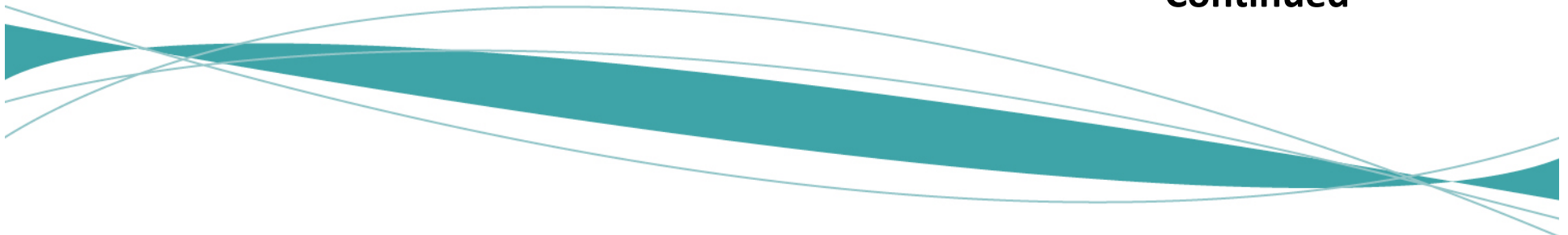
- **Planning refinement exercise** - Local Development Plan Process Review (consultation closed 2 January 2015).
- **Technical Advice Note 4** - Retail



Conclusions

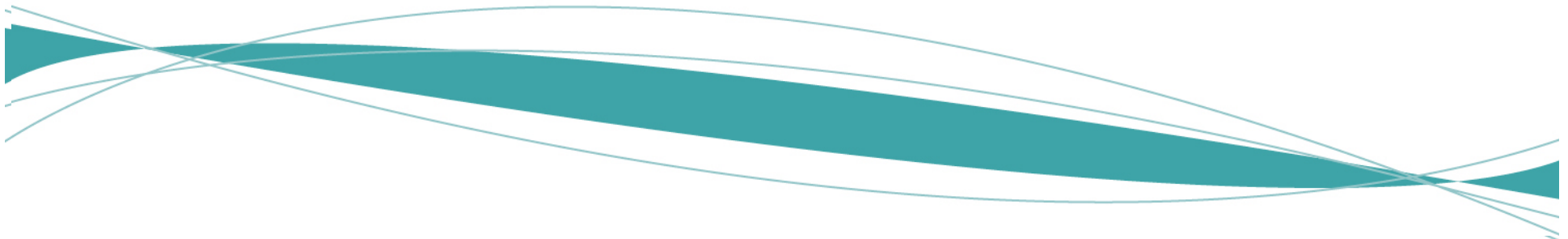
- Ambitious, comprehensive reform package using all tools available.
- No silver bullet; need to work our way through legislative and other processes to reform system.
- Can't legislate for culture change; but it is key to success.
- Need to build on what we have – no appetite for a completely new regime.

Continued



Conclusions continued

- All Players need to improve their game:
 - Applicants;
 - LPAs;
 - Statutory consultees; and
 - Welsh Government
- Welsh Government committed to securing reforms in partnership with stakeholders and across all sectors.



Keep up to date

- Visit the National Assembly for Wales' website for further details of the progress of the Bill and guidance on the legislation process
www.assemblywales.org/en/bus-home/bus-legislation/bus-legislation-progress-bills/Pages/bus-legislation-progress-bills.aspx
- To learn more about Planning in Wales, please visit www.wales.gov.uk/planning
- You can also keep up to date by following us on Twitter:
[@WalesGovernment](https://twitter.com/WalesGovernment); [#planningbillwales](https://twitter.com/planningbillwales) [#bilcynllunio](https://twitter.com/bilcynllunio); [#positiveplanning](https://twitter.com/positiveplanning) [#cynlluniocadarnhaol](https://twitter.com/cynlluniocadarnhaol);
- Or email the team – planningbill@wales.gsi.gov.uk

