

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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published.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>	Stefan Cartwright (Secretary)	
<b>Organisation</b>	One Planet Council	
<b>Address</b>	One Planet Council, Helyg Fach, Lon Helyg, Llechryd, Cardigan, Ceredigion, SA43 2NE	
<b>E-mail address</b>	info@oneplanetcouncil.org.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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 checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation reference: WG20088

## Supporting Culture Change

Q1	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>We note that expertise varies considerably between LPAs in the area of understanding of the principles of and application of sustainable land management, in particular low impact and permaculture methods. Evidence suggests that these are intrinsically more sustainable than traditional agricultural practices when applied to labour-intensive small-holding type management as practiced by, amongst others, One Planet Developments. We note that no LPA has taken up the offer of training in this area to assist them with processing One Planet Development planning applications. Reading the Inspectors' reports refusing planning permission it is obvious to us that they lack the expertise required to understand the techniques being proposed by applicants. Planning applications also stall because of lack of expertise, leading to severe delays. The guidance document for TAN6 provides for Competent Authorities to be decided upon to evaluate planning applications and management plans. We propose that the PAIS work with the One Planet Council to determine a 'pool' of such persons who could be called upon to fulfil this function, and a fund to support their work.</b></p> <p><b>The One Planet Council is an independent voluntary body, which exists to enable and promote One Planet Development (OPD). We note that OPD provides a way for people to live with genuinely sustainable social, economic and ecological benefits. It is a policy of the Welsh Assembly Government's One Wales: One Planet Sustainable Development Scheme.</b></p> <p><b>We emphasise that OPD supports affordable housing, self-employment and greater productivity on agricultural land. Land is regenerated, boosting biodiversity and bio-capacity. Locally-grown food and produce is made available to local communities. Different styles of low impact dwelling and building methods are applied.</b></p> <p><b>OPD is quantified by ecological footprinting, which shows how much of the Earth's resources people are consuming. When developments reduce their own ecological footprints this helps their country reduce its overall footprint.</b></p> <p><b>The One Planet Council supports those who are making the transition to this more sustainable way of life by providing guidance and tools. We aim to work together to further these principles with all those with an interest in planning: Local Planning Authorities, the proposed PAIS, regional planning bodies, WAG policy makers and administrators, landowners, and those already living on and planning to live on OPD sites.</b></p>			

Consultation reference: WG20088

<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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>Yes, because there is no agreed definition of Zero Carbon Homes especially one that takes into account the life cycle impact of the homes. We also urge that compliance with Part L of the Building Regulations is properly monitored and enforced, otherwise it is meaningless.</b></p>			

<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>These should include advice on how best to approach One Planet Development (OPD) applications given that they require a unique skill set for competent assessment.</b></p> <p><b>There also needs to a system, which audits LPA'a performance confidentially and independently so that corruption and favouritism, where it exists according to substantial anecdotal evidence, is eradicated. In particular, no person responsible for planning decisions should be permitted to be a member of a masonic lodge, as the secrecy with which lodges operate is incompatible with democratic processes.</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>Potentially. But it must be counterbalanced by local accountability and consultation. We believe that the effect of the overall footprint of Wales should be a factor in the evaluation of all planning applications, since otherwise how can Wales know that it is on track to reduce its footprint to a sustainable level by 2050? Given the adoption of the Welsh Government’s Sustainable Development Scheme, ‘One Wales: One Planet’, there is a need to reduce the ecological footprints of all transport, building and land use practices. This principle already applies to OPDs. The policy would benefit from an integrated understanding and approach at all levels of government, and if Wales is serious about aspiring to One Wales One Planet it should apply to all types of development otherwise some are being treated unfairly and disproportionately with respect to others. The NDF would be in a prime position to fulfil this overarching role with support fro the One Planet Council.</b></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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>Yes, for it is too often considered separately. This results in, for example, opencast coal mines being given preferential treatment on agricultural land. The One Planet Council believes that it is entirely wrong that one set of criteria be applied to One Planet Developments on agricultural land, namely to reduce the ecological footprint to 1.88 global hectares per person, but not to another type of development such as mining and minerals extraction. We believe that the effect on the overall ecological footprint of Wales should be a factor in the evaluation of all planning applications. If this were so, then applications for fossil fuel extraction would have to have the global warming impact of the fuel extracted during their lifetime taken into account when evaluating the planning proposal; in such a way the development of renewable energy capacity in Wales would be strongly favoured.</b></p>			

Q6	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 checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG20088

Comments:  
**Yes, and these should include the requirement to apply an Ecological Footprint Assessment tool to all proposed developments (as for OPDs), to evaluate, reduce and monitor the environmental and social impact of developments, and to record and administer progress across Wales as a whole towards achieving its One Wales One Planet policy aspiration. This will help also to introduce the greater clarity and consistency that the document says is needed.**

<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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>Potentially. With the proviso that the same set of criteria are used: reducing Wales' ecological footprint, and that for DNS's there is local benefit as compensation for a given development, or greater weight be given to community-supported schemes, such as renewable energy. We note for example the ludicrous number of years and planning hoops that Awel Amen Tawe has had to go through to get a community wind farm approved, and it is still not approved.</b></p>			

<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>Comments:  <b>With the proviso in Q7</b></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>Comments:  <b>Under these categories, OPD's would come under the category of Major</b></p>			

Consultation reference: WG20088

**Development, and we consider this to be inappropriate - particularly in the case of single unit OPD applications.**

<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:			

<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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <b>Some proposals for Developments of National Significance may come from the voluntary sector, for example a large ecovillage development, in which case additional fees will certainly be an additional encumbrance and a deterrent inappropriate for such a social enterprise.</b>			

<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 checked="" type="checkbox"/>
Comments: <b>To adopt this approach will not leave room for an independent (appeal) review.</b>			

<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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <b>Every opportunity to improve applications for Developments of National Significance should be encouraged and supported.</b>			

Consultation reference: WG20088

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

Q15	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:			

Q16	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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Q17	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 checked="" type="checkbox"/>
Comments: <b>The planning process should equate to an intelligent dialogue between LPA and applicants resulting in improved development proposals. The case history of low-impact development (LID) applications in Wales consistently points to a very poor dialogue, with applicants consistently dissatisfied with the manner in which LPA's have handled their applications. In many cases applications are appealed</b>			



Consultation reference: WG20088

**on grounds of non-determination, and in these instances requiring a statement of case before the LPA has set out their reasons for refusal puts applicants at a distinct disadvantage. We consider that statements of common ground have hitherto been completely redundant for LID's in Wales.**

<b>Q18</b>	Do you agree that the Planning Inspectorate should decide how to handle the examination of an appeal?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <b>We are concerned that OPD applications, due to their complexity and diversity of subject matter, need to be handled by hearing rather than written representations.</b>			

<b>Q19</b>	Do you agree no changes should be made to the content of an application post appeal submission?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <b>See response to Q17.</b>			

<b>Q20</b>	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:			

Consultation reference: WG20088

Q21	Should fees be introduced to cover the costs of the Welsh Ministers resulting from an appeal?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p><b>OPD applications offer an innovative and important contribution towards sustainability. They are invariably made by voluntary organisations or people with limited access to financial resources. The expense of compiling an OPD application in terms of time and finance is considerable, particularly when compared to more conventional applications. OPD applications are consistently refused by LPA's because they are innovative and unfamiliar. To add further costs to such applications would create a further deterrent to an already arduous, lengthy and costly planning process.</b></p>			

Q22	Do you agree that a Commercial Appeals Service (CAS) should be introduced?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>We believe that because OPD applications involve a broad diversity of disciplines, there would be great benefit in all OPD applications being outsourced to bodies that are trained and equipt to deal with such complex developments, both at application and appeal stages.</b></p>			

Consultation reference: WG20088

## Improving Collaboration

Q23	Do you agree that local planning authorities should be merged to create larger units?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Currently the levels of training and understanding within LPA's are inadequate to competently process OPD applications. If OPD applications continue to be assessed 'in-house', this move could be beneficial if the larger units were able to train planning officers and elected councillors in OPD.</p> <p>We hope that this would introduce greater consistency and remove the undue weight sometimes given by LPAs to particularly influential lobbyists at local level. In fact we wonder whether there is not a case for all OPD applications to be handled by a single body regardless of where they are located in Wales. This is because we believe that many OPD applications are subject to delays, misunderstandings, hiatus and refusal simply because processing them takes up a disproportionate amount of time for an LPA in respect of the total number of planning applications they must process. Centralising this would mean that there is a consistent approach, it would take the pressure off LPAs, and mean that applicants would have confidence that competent individuals were evaluating their applications. The One Planet Council offers to work with the WAG to this end.</p>			

Q24	Do you think that a national park authority should continue to have responsibility for planning in their area?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>			

Q25	Do you agree that strategic development plans should only be prepared in the identified areas?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Transport is an area where environmental impact is greater in rural locations and deserves to be the subject of special strategic consideration. For example where the rest of the UK has a publicly funded network of electric vehicle charging points being installed, Wales does not. Yet given that alternatives (public transport, cycling, walking) are not available to rural dwellers, promoting electric vehicles charged by renewable electricity is the only sustainable alternative. This is true for one planet developments as for all other types of development.</p>			

Consultation reference: WG20088

**We also feel that the three areas chosen already receive plenty of attention for planning developments. We do concede that the WAG must concentrate resources on reducing environmental impacts in areas where it makes the most difference; but unless ecological footprint calculation is applied consistently everywhere, how will it know this is the case?**

<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>Transport must be included. For example, developments can have unwanted side effects in increasing transport requirements and impacts. Examples are the need to situate housing near to jobs and schools and hospitals. Closure of schools in rural areas results in huge increases of transport-related greenhouse gas and particulates emissions and reduced levels of fitness in children who would otherwise walk or cycle to school.</b>			

<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>The One Planet Council offers to contribute in this area</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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

Consultation reference: WG20088

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>The proposed framework will serve to reinforce the status quo and do nothing to encourage moves towards innovative sustainable solutions.</b></p> <p><b>If the elements were to include an incentive to at least support innovative sustainable development and at best to support the movement towards a one-planet nation, then there would be some prospect of movement towards sustainability.</b></p> <p><b>We're not sure if there is a requirement for LPAs to be competent in processing OPD applications. This needs to be ensured.</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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>We would support annual performance reports that reflect innovative sustainable development/ the move towards a one-planet nation.</b></p>			

Q31	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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>			

Q32	Do you agree that Welsh Ministers should be able to direct preparation of a joint Local Development Plan?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG20088

Comments:

<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

<b>Q36</b>	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"/>

Consultation reference: WG20088

Comments:

Q37	Should the requirement for mandatory design and access statements be removed?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <b>The various elements of Design and Access statements are invariably contained in OPD Management Plans.</b>			

Q38	Should the requirement to advertise planning applications for certain developments in a local newspaper be removed?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <b>They should be required to put alerts out on Social Media platforms also.</b>			

Q39	Should there be any local variation within a national scheme of delegation for decision making on applications?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			

Q40	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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			



Consultation reference: WG20088

<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"/>
<p>Comments:</p> <p><b>Furthermore, we note that TAN6, says: "One Planet Developments may take a number of forms. They can either be single homes, co-operative communities or larger settlements. They may be located within or adjacent to existing settlements, or be situated in the open countryside." So far, only land-based OPDs have been submitted to LPAs. We would like to work with the WAG and PAIS to develop understanding of what an OPD (such as a community, larger settlement, or adapted existing settlement) would be like if located within or adjacent to an existing settlement, as we believe this is truly a way for Wales to help provide larger scale affordable housing that also contributes to reducing its overall ecological footprint in line with the policy aims of One Planet One Wales.</b></p>			

<b>Q42</b>	Do you agree that the proposals will reduce delay in the planning enforcement system?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>The proposals may reduce delay in the planning enforcement system, but they will also lead to a poorer planning system. OPD applications are viewed as a radical and cutting-edge response to the global climate/ resource crisis. They are consistently misunderstood by LPA's. They often result in appeals and sometimes (in the case of retrospective applications) result in enforcement action. OPD applications, in part due to their complexity as well as their unusual position within the planning system, are also frequently misunderstood by Planning Inspectors. To reduce the opportunity for innovative sustainable development to prove itself within the planning framework will result in less innovative sustainable development.</b></p> <p><b>It must be recognised that the very emergence of the OPD policy was heavily influenced by retrospective cases such as Tony Wrench's roundhouse, which, under the new proposals, would not have been allowed to be left standing.</b></p>			

Consultation reference: WG20088

**The cutting edge of any social progression, whether it is voting, disability discrimination, or sustainable development invariably involves an element of resistance to the current socio-bureaucratic status quo.  
We do not support the proposals on the grounds that they reduce the opportunity for innovative sustainable developments to prove themselves within the planning framework.**

<b>Q43</b>	Do you agree with the introduction of temporary stop notices to the planning enforcement system in Wales?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: See response to Q42			

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