

Consultation Response Form

Review of Directions Requiring Planning Applications to be Referred to the Welsh Ministers

We want your views on our proposals for changes to the existing system of directions that require local planning authorities to refer certain planning applications to the Welsh Ministers before making a decision, if they are minded to approve the application.

Please submit your comments by 13th June 2011.

If you have any queries on this consultation, please email:

planconsultations-b@wales.gsi.gov.uk or telephone Sarah Feist on 029 2082 3956 or Jan Dominguez on 029 2082 5014.

Data Protection

Any response you send us will be seen in full by Welsh Assembly Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Assembly Government staff to help them plan future consultations.

The Welsh Assembly 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 tick the box below. 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 Assembly 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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published.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.

Review of Directions Requiring Planning Applications to be Referred to the Welsh Ministers		
17 March 2011 - 13 June 2011		
Name	Roisin Willmott	
Organisation	RTPI Cymru	
Address	PO Box 2465 Cardiff CF23 0DS	
E-mail address	roisin.willmott@rtpi.org.uk	
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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"/>

Q1	Do you agree with the principle of consolidating the existing direction requirements into one requirement ('Notification Development') as set out in Section 1, paragraph 1.11?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>RTPI Cymru supports consolidation, as it affords the opportunity for improving clarity and simplifying the requirements, particularly in the case of mixed development where more than one of the existing directions might apply, and thereby increasing speed of use and the consistency of the approach.</p>			

Q2	Do you have any comments on the 3 forms of development identified under 'Notification Development' in Section 1, paragraph 1.11? i.e: i) Flood Risk Area Development; ii) Departure Development; iii) Aggregates Extraction.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>In principle, we are content with the general categories but have some comments on the detailed proposals - see the response to the following questions.</p>			

Q3	Do you agree that the proposed new Call in Request Form (Annex 3) will assist the submission of call in requests? If not, please specify your reason(s) and the changes you would wish to see.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
The form should ensure that individuals or organisations focus on the relevant issues when considering and submitting a request. Hopefully the quality of requests might improve, although whether this would have any impact on numbers of requests remains to be seen. On a point of detail, it is observed that more than one of the criteria may apply in any particular case and the form should allow for this.

Q4	Do you agree that the Shopping Direction should be cancelled?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
The absence of any call-ins over the last five years suggest that this direction on its own serves no useful purpose; It is felt that the need for referral of this type of development is best assessed against the Development Plan for each local planning authority area and the significance of any departure - see specific comments in response to Q8.

Q5	Do you consider that a threshold should be introduced to the Aggregates notification requirement set out in Section 2.1 (F)? If so, please specify your reason(s) and the criteria you would wish to see.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
Some consideration should be given to excepting from the notification requirements development which is in accordance with the Development Plan with possibly a threshold where the Welsh Government feel they should be notified;

Q6	Do you agree that no changes are made to the directions outlined in Section 2.2? If not, please specify your reason(s) and the changes you would wish to see.	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
These are not believed to raise any particular issues but Notifications under Section C appear to be unnecessarily bureaucratic. Is it necessary for Grade II buildings to be referred to Ministers.

	Do you consider that the development categories / thresholds suggested under 'Flood Risk Area Development' in Section 3, paragraph 3.2 a) are appropriate? i.e: i) emergency services / highly vulnerable development within C2; ii) where residential development is proposed for 10 or more units; iii) where the Environment Agency Wales has objected. If not, please specify your reason(s) and provide alternative criteria.	Yes	No
Q7		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>While the guidance refers to the Development Advice Maps (DAMs), the EAW also have a dataset to be used for the the same purposes. It is believed that the EAW data is based upon dynamic data which is constantly reviewed and modelled, whereas the DAMs are static and have inaccuracies which have been highlighted by the more accurate EAW data. The differences between the two have caused problems in the past in terms. The important issue is for the EAW to provide clear and timely advice to LPAs based on the most up-to-date and accurate information.</p> <p>To help interpretation and consistency of use, the different connections between the three subclauses should be clarified - are i) and ii) to be read together and iii) separately, but then could not all three apply in some cases? Absorbing ii) into i) might provide more clarity with reference to residential development.</p>			

	Do you consider that the development categories / thresholds suggested under 'Departure Development' in Section 3, paragraph 3.2 b) are appropriate? i.e: i) where residential development for more than 150 residential units or more than 6 hectares of land is proposed; ii) where the winning / working of minerals is proposed; iii) where waste development is proposed; iv) where renewable energy development is proposed. If not, please specify your reason(s) and provide alternative criteria.	Yes	No
Q8		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>There is a question as to whether a single threshold of 150 dwellings is appropriate to the whole of Wales. For significant areas of Wales away from the more densely populated areas, development generally is at a much smaller scale, with very few housing developments reaching this size. In rural parts of Wales, development of 50 or more dwellings is likely to have as much if not more potential impact on the wider area than a development of 150 dwellings in a large urban area.</p> <p>Whatever the dwelling units threshold, the equivalent site area should be</p>			

derived from a density which supports efficient use of land - an average density figure of 30 dwellings per hectare might be more appropriate than the 25 proposed.

In response to a previous consultation, RTPI Cymru suggested that the use of Directions should be extended to cover other types of applications about which there has been public concern, particularly proposals to develop open space and land use for sport and recreation. We also think the specific list of departure categories perhaps should also include out of town shopping and business parks as well as the open space encroachment, all over a certain size threshold.

Q9	Do you consider that the 21 day period specified in relation to the restriction on the grant of planning permission specified in Section 3, paragraph 3.3 b) ii) is appropriate? If not, please specify an alternative time period.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It will also be increasingly possible for the Welsh Government to access application details directly online as LPAs place more information on their websites.			

Q10	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It is suggested that the expected/desired outcomes should be specified so that the success of the changes can be monitored and reviewed.			
<p>Departure development starts with a premise that the proposal does not accord with the development plan, which in itself is problematic and may be a factor in the apparent 'variation' around Wales in the way the existing directions are applied. With more strategic policies in LDPs, it could be quite difficult to find a policy that is breached. It is suggested that some more specific guidance should be given about what generally constitutes development that departs from the development plan to improve consistency in use.</p>			
<p>The consultation document mentions at para 1.10 that the Welsh Government are minded to introduce a new requirement to identify applications that have been either approved or refused contrary to officer recommendation although no question is posed about this. This is a long standing thorny issue, we think it is a matter that needs to be monitored so that action can then be instigated quickly if the resulting statistics demonstrate that a problem exists or is developing. The knowledge that such matters are being monitored may help to focus the minds of decision makers and reduce erratic and unsupportable decisions.</p>			
<p>It is not very clear why a general enabling power for out of accord development, which seems to contradict the philosophy behind departures, is needed.</p>			

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I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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How to Respond

Please submit your comments by 13 June 2011, in any of the following ways:

E-mail
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include 'Review of Directions Requiring Planning Applications to be Referred to the Welsh Ministers – WAG10-11529' in the subject line]
Post
Please complete the consultation form and send it to: Review of Directions Requiring Planning Applications to be Referred to the Welsh Ministers Planning Improvement Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please Email: planconsultations-b@wales.gsi.gov.uk Telephone: Sarah Feist on 029 2082 3956 or Jan Dominguez on 029 2082 5014