

RTPI Cymru Perspectives on the Planning Bill

This note considers the latest issues relating to the Planning Bill from a Wales' perspective. It does not cover those aspects of the Bill which relate to England only. These views add to the position of the RTPI in respect to the Bill overall, which can be found at <http://www.rtpi.org.uk/item/1348/23/5/3>.

These views have been updated to take account of the announcements made by the Assembly Government Minister, Jane Davidson, on 17th July 2008, following the Planning Bill's completion of its passage through the House of Commons.

The Infrastructure Planning Commission

Under the proposals contained in the Bill, the Infrastructure Planning Commission (IPC) would make decisions in Wales only in areas which are not devolved to the Welsh Assembly Government (see below).

- On-shore generating stations over 50 megawatts
- Off-shore generating station over 100 megawatts
- Electric lines above ground (either wholly in Wales, or partly in Wales and partly in England)
- Underground gas storage of gas if it is starting to use natural porous strata in Wales, developed by gas transporters.
- Cross-country pipelines which either start or end in England or Wales.

The Secretary of State already has the power to award consent to these projects in Wales, as they fall outside the devolution settlement.

RTPI Cymru welcomes the amendment that ancillary consents which are currently devolved, that would have been determined by the IPC under the proposals in the Bill, will now be determined within Wales and not by the IPC. This will help ensure that there are not two systems operating in Wales in determining these consents. This had been a particular concern of RTPI Cymru.

The Assembly Government has also secured amendments to the Bill to ensure that wherever practicable, at least one member of the decision-making panel / Council will be nominated by Welsh Ministers.

National Policy Statements

Within the proposals, it is likely that National Policy Statements (NPS) will be given greater weight in determining NSIPs by the IPC than development plans. NPS will only refer to Wales on non-devolved matters. The Bill does not specify the status of Welsh policy in their development e.g. Planning Policy Wales, Wales Spatial Plan etc. There is therefore a risk that Welsh national planning policy and local policy could be overruled in particular policy areas and thus undermine policy. The Minister has been assured by UK Ministers that there will be appropriate consultation with the Welsh Assembly Government during their development.

RTPI Cymru will monitor this consultation and wherever possible submit its own responses to proposals for NPSs.

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is now to be brought forward on an England and Wales basis. RTPI Cymru welcomes the involvement of Welsh practitioners in the DCLG working groups (currently Newport City Council and Redrow Homes). RTPI Cymru will welcome the opportunity to consider the proposals in advance of the draft regulations.

Town and Country Planning Measure Powers

RTPI Cymru welcomes the announcement that the Bill now includes proposals for Measure powers for the development and use of land in Wales. This will provide the Assembly Government more flexibility in creating opportunities to amend legislation in Wales in the future to meet specific needs in Wales.

Development Control System

The original Bill included a number of proposals for amending the development control system in England only. The Bill has been amended to enable the Assembly Government to implement these provisions if it so wishes to in the future. The Assembly Government will consult on any proposals it wishes to bring forward. RTPI Cymru welcomes the added tools open to the planning system in Wales, and will provide specific comments on each proposal as they come forward.

21st July 2008