

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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published.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

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<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>	Dr Norma Barry	
<b>Organisation</b>	<p>UK Environmental Law Association</p> <p>The UK Environmental Law Association aims to make the law work for a better environment and to improve understanding and awareness of environmental law. UKELA's members are involved in the practice, study or formulation of Environmental Law in the UK and the European Union. The organisation attracts both lawyers and non-lawyers and has a broad membership from the private and public sectors.</p> <p>UKELA prepares advice to UK Governments with the help of its specialist working parties, covering a range of environmental law topics. This response has been prepared by the Wales Working Party in consultation with the UKELA's Planning and Sustainable Development Working Party.</p> <p>UKELA welcomes the, primarily evidence based, proposals to introduce a revised planning system that that is transparent, flexible, focused on continual improvement, appropriate for facilitating development that meets the needs of the people of Wales, and encourages collaboration. However, UKELA is keen to ensure that any legislative proposals do not diminish environmental protection measures. In this respect, although there is reference at the beginning of the consultation paper to the linkages with sustainable development and the other related bills, such as that for Future Generations and the Environment, it would have been appreciated if more information could have been provided in the paper on how the planning system will help deliver national outcomes under the Future Generations Bill and support implementation of the Environment Bill proposals.</p>	
<b>Address</b>	8 Heol Wilf Wooller Pontcanna Cardiff CF11 9JL	
<b>E-mail address</b>	norma.barry@btinternet.com	
<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 checked="" type="checkbox"/>

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	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"/>

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### 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>In view of the fall in income from planning application fees and other financial pressures there appears to be a sound rationale for centralising work aimed at developing the performance of the planning function. However, at this stage it is difficult to provide substantive comments on the likely effectiveness of this initiative in improving the performance of LPAs and stakeholders without detail of how the service will be structured and managed to improve effectiveness, and achieve cultural and organisational change.</p> <p>The document says little about how the desired cultural shifts are to be achieved and measured. Every effort should be made to ensure that the Service does not add to bureaucracy and contributes to the efficiency and cost effectiveness of the planning system. Consideration will need to be given to potential conflict between a service aimed at standardisation and local planners seeking autonomy in their decision making.</p> <p>Whilst it is agreed that up to date LDPs will be fundamental to a sound and effective planning system, they are not likely to facilitate the required cultural change, which needs to be more clearly defined. There are concerns that there may be potential for prejudice in relation to the deciding of applications following engagement with the service.</p> <p>It will be important to have balanced representation on the Planning Advisory and Improvement Service's Advisory Board from key stakeholders representing economic, environmental and social interests.</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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Although the paper fails to explain what is meant by "existing support arrangements for the built environment sector", it would probably be sensible to review Welsh Government support that is currently available alongside the proposal to set up a Planning Advisory and Improvement Service (PAIS). It would be helpful if the further consultation on the establishment of the PAIS could detail the outcomes of this review and demonstrate how quality outcomes will be achieved as well as providing clarity about what is meant by built environment sector.</p> <p>Apart from the built environment, support needs to be given to the proposals for natural resource management under the Environment Bill and the sustainable</p>			

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**development principles that will relate to the Future Generations Bill. The natural environment and green infrastructure can be regarded as equally important to the future development of Wales as the built environment.**

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

Comments:

**The development and application of competency frameworks will be fundamental to achieving the necessary cultural change, but it will be essential to ensure that appropriate training programmes are developed and aligned to these competencies. There does not appear to be any proposals to assess the effectiveness and soundness of the competencies of those involved in planning decisions. This will inevitably need to be undertaken.**

**It will be important to include competencies relating to the natural environment and the wider sustainability agenda.**

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**Active Stewardship**

<b>Q4</b>	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>There appears to be a sound case for establishing a National Development Framework to support the preparation and development on LDPs; provide the context for national policy objectives; and a tool for the delivery of natural resources planning objectives.</b></p> <p><b>However, there are concerns about the abandonment of the notion of spatial planning as the concept is considered vital to developing an approach, which clearly integrates economic, social and environmental concerns. Further consideration needs to be given to planning for future generations and embedding sustainable development in the framework in order to demonstrate clear linkages with the proposed provisions for the Future Generations Bill.</b></p>			

<b>Q5</b>	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. This is supported. It is suggested that Natural Resources Wales should be involved in the process.</b></p>			

<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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>In principle the proposal is supported as this should provide for improved efficiency and help ensure consistency in local planning. However, much will depend on the extent and detail of the policies. It would, therefore, be helpful to know how these DM policies are to be developed and how they will ensure that environmental protection is managed effectively at a local level, whilst avoiding excessive central control.</b></p>			

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<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:</p> <p><b>This is generally welcomed and supported as it should provide flexibility and a coherent approach to addressing development at different levels of government. However, the identification of important, local environmentally designated sites at LDP and not at NDF level may pose some risks.</b></p> <p><b>A notable omission is information on the policy for exercise of "call in" powers, which will need to be consistent throughout all aspects of the hierarchy. It is particularly important to provide further clarity as to how the new category of "major development" will fit in with the "call in" procedure as the definition contained in the consultation paper is similar to that included in the current Welsh Government "call in" policy.</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:</p> <p><b>The thresholds for DNS, with the exception of energy developments, are the same as those included on the Planning Act 2008 so it sensible to retain these thresholds.</b></p> <p><b>It is not clear why the lower threshold for energy projects has been set at 25 MW. Further consideration needs to be given to the level at which an energy project should be decided at national rather than local level based on experiences to date.</b></p> <p><b>DNS are primarily infrastructure projects and would not necessarily cover all those "called in" in the past or those that go to appeal which is stated as justification in para. 4.40. No reference is made to green infrastructure projects or such as areas of national importance, which provide significant environmental opportunities. Landscape improvements could also be classed as of national significance in some cases.</b></p>			

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<b>Q9</b>	Do you agree with the proposed categories and thresholds for Major Developments set out in Annex B?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:			

<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:			
<p>The case for mandatory pre-application process for DNS projects does not appear to be well made other than on the basis that previously many such projects would either have been “called in” for decision or gone to appeal. It is not particularly clear whether this would benefit the developer, Welsh Ministers or both.</p> <p>However, UKELA is generally supportive of the proposal, subject to statutory consultees being properly resourced in order to respond within specified time frames.</p> <p>Consideration should also be given as to how the public will be given an opportunity to comment at pre-application stage. An early opportunity for members of the public to comment on development proposals is considered vital in order for this process to be effective.</p>			

<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:			
<p><b>Yes.</b> Consideration should be given to the revenues being passed on to LPAs and statutory consultees to support performance improvement. Furthermore, care should be taken to ensure that the charges are not set at a level that might discourage developers.</p>			

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<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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>Yes, the Planning Inspectorate is probably the most appropriate body, but the case in support of this proposal is not made and no other possible options are explored.</b></p> <p><b>It would be helpful to know how the Inspectorate will work with the proposed PAIS.</b></p> <p><b>It is of concern that there is no discussion in the paper as to why the key recommendation of the Barker Report to establish an Independent Commission to decide such applications has been rejected.</b></p>			

<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 type="checkbox"/>
<p>Comments:</p> <p><b>As this is a new process it is not easy to assess whether or not this would give rise to any problems. There may be exceptional circumstances in which additional rounds could well be justified.</b></p>			

<b>Q14</b>	Do you agree with the proposals for handling connected consents?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>It is important to streamline the proposals for development consent and include as many different types of consent as possible.</b></p> <p><b>Although the proposal is accepted, there is insufficient detail as to how the appointed person will grant consents outside his/her own sphere of competence.</b></p> <p><b>Consideration should be given to requiring the developer to submit connected applications, rather than provide the option.</b></p>			

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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"/>
<p>Comments:</p> <p><b>Yes, this is a tried and tested system. However, the suggestion that decisions on the handling of applications are to rest entirely with Welsh Ministers and that there will be a presumption to use written representations rather than oral hearings is worrying as it appears to remove the right of developers and local planning authorities to a public inquiry on "called in" applications and will not necessarily give developers or local people the right to be heard orally.</b></p> <p><b>Planning inquiries are important mechanisms for gathering information and addressing conflicting issues openly. In respect of important projects, the case does not appear to have been adequately made for dealing with these through written representations.</b></p> <p><b>The Barker report noted that public inquiries themselves did not necessarily delay decision making. The report indicated that the time taken by Government to consider and make decisions was primarily responsible for the delays. In this respect, the proposals should include a statutory timetable for decision making in order to ensure there are no undue hold ups in the process.</b></p> <p><b>In short, more consideration needs to be given to the way DNS applications should be dealt with to ensure that all those affected are given ample opportunity to put forward their views for consideration and that a full and fair examination takes place.</b></p>			

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"/>
<p>Comments:</p> <p><b>Whilst the division of responsibilities between Welsh Ministers and the LPA at post determination stage appears acceptable, there needs to be clarity about the role of Welsh Ministers in facilitating Section 106 agreements and ensuring they are legally enforceable, particularly as the legal responsibility appears to rest with the LPA. Consideration should be given to developing a template for Section 106 agreements. Furthermore, care needs to be taken that any enforcement action accords with the requirements of Human Rights legislation</b></p>			

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<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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>Yes, on the grounds of efficiency and transparency. However, the stage at which the Statement of Common Ground becomes the final document and the process for involving third parties needs to be clarified.</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 type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>Whilst there is some merit in the Planning Inspectorate deciding the method of handling an appeal, there are concerns about the power being vested in one person and the apparent absence of an opportunity for redress.</b></p> <p><b>There is no mention of the criteria for deciding how an appeal should be handled and this appears to remove the rights of appellants without taking account of their views.</b></p> <p><b>It would be useful to know if the appellant would have the opportunity to withdraw and resubmit an appeal, if he or she were discontent with the chosen process of handling the case.</b></p>			

<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 type="checkbox"/>
<p>Comments:</p> <p><b>The rationale for this proposal is understood but it could be reasonable in some cases for some minor changes of modifications to be made following the submission of an appeal, provided these do not materially affect the proposals.</b></p>			

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<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: <b>There need to be clear criteria for award of costs with the aim of ensuring that the costs do not act as a barrier to needed development.</b>			

<b>Q21</b>	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 are benefits in introducing fees for appeals, but these need to be balanced with any dis-benefits which are not detailed in the paper.</b>			

<b>Q22</b>	Do you agree that a Commercial Appeals Service (CAS) should be introduced?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Yes, subject to full, independent evaluation of the pilot scheme</b>			

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### Improving Collaboration

<b>Q23</b>	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>Since the consultation paper was published, the report of the Williams Commission on Public Service Governance and Delivery in Wales has been issued. In such circumstances, the creation of joint planning boards in advance of decisions on the report's recommendations could be controversial amongst local authorities and their constituents.</p> <p>It is, nevertheless, acknowledged that in view of the limited size of some authorities and the current difficult financial climate, the case for the merger of LPAs could to be justified. However, there are issues around availability of expertise and resources. Furthermore, there is a danger that local issues may not be given full weight if decision are made at a wider geographic level.</p> <p>This proposal also has implications for statutory advisers which will need to be taken into account.</p>			

<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>Comments:</p> <p>The debate as to whether National Park Authorities should continue to be planning authorities is finely balanced. There are risks that taking away the planning functions from NPAs could lead to loss of the specific qualities of National Parks that make them special areas of tranquillity. However, there is a growing body of opinion about NPAs not valuing social and economic developments that could improve the lives of those living within their areas. On the other hand particular types of economic and social development could impact on the unique features of National Parks.</p> <p>A sound evidence base should support any proposal to remove the planning function from National Park Authorities.</p>			

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

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Comments:  
**There is an assumption here that the decision to introduce strategic development plans has been made.**

**The lack of clarity on the criteria for areas to be covered by Strategic Development Plans and how they will relate to decisions to be taken on the findings of the Williams Commission is of serious concern. In addition, if a strong and comprehensive National Development Framework is to be introduced for a relatively small country such as Wales, there does not appear to be a case for establishing Strategic Planning Boards for particular areas. Instead, further collaboration of LPAs could be encouraged in line with current Government policy as it could be argued that all local authorities are dependent to some extent on developments outside their geographical boundaries.**

**The reference to SDPs possibly being informed by NRW Natural Resource Policy and area based approach for natural resource management is confusing as this has not yet been decided and the suggestion is that these will be river basin catchment areas. This proposal does not appear to link to the three areas suggested for SDPs.**

<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 type="checkbox"/>

Comments:  
**Again this presupposes that the decision to have SDPs has been made.**

**The justification for inclusion of these key issues does not seem to have been adequately made. For example, although there is merit in having a strategic allocation of land for housing in an SDP, the case for inclusion of housing provision is not particularly evident.**

**There needs to be reassurance that about the competence of Planning Inspectors to assess the potential availability of public and private financial investment, and the financial robustness of the plan (para.5.35)]**

**Finally, the absence of linkages with Marine Policy Planning and the absence of reference to integrated natural resource management and ecosystem services is of concern.**

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<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"/>
<p>Comments:</p> <p><b>If it is decided to go ahead with the development of SDPs, whilst there is sense in involving economic, social and environmental stakeholders in their development, the representatives should be given a clear brief to ensure that the plan delivers sustainable outcomes in line with the Future Generations Bill.</b></p> <p><b>There is no mention in the paper as to how these stakeholders will be identified or selected. It is vitally important that the individuals appointed have the right skills and experience to perform the roles effectively.</b></p> <p><b>The partnership will possibly need guidance on indicators and appropriate monitoring systems.</b></p> <p><b>Consideration will need to be given to ensuring that any social and environmental sector representatives have the capacity to contribute effectively to the process.</b></p>			

<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 type="checkbox"/>
<p>Comments:</p> <p><b>It is not yet evident that there is a need for strategic development plans which could introduce an unnecessary layer of bureaucracy to the planning system. It would be helpful to have further clarity on the relationship between the NDF, the SDP and the LDP.</b></p> <p><b>Before a view can be formed on this point, more detail is needed. Matters to be considered by the SDP will not necessarily include all relevant local planning issues.</b></p>			

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### Improving Local Delivery

Q29	Do you agree with the essential elements of a good planning service identified in Annex A?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>The assumption has been made that a Performance Framework is necessary in order to raise standards within LPAs. Such mechanisms may not necessarily lead to improvements, particularly if the emphasis is on numerical targets. It is important to focus on positive outcomes and qualitative standards as well as quantitative measures.</b></p> <p><b>UKELA would like some assurance that environmental issues are included as quality outputs.</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>Yes, subject to development of a meaningful, outcome focused performance framework.</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> <p><b>Yes, but the definition of and/or the criteria for deciding whether an authority is classed as poor performing authority needs to be clear together with the necessary process. The circumstances in which such an option is to be exercised by Welsh Ministers needs to be evident.</b></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"/>

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Comments:

**Yes, provided there is clear criteria for deciding when LPAs should be directed to work jointly and they are given ample opportunity to enter into joint arrangements voluntarily.**

Q33	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>Yes. This appears reasonable.</b>			

Q34	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"/>
Comments: <b>It is disappointing that there is so little discussion on community engagement in the paper, particularly as not all areas of Wales are covered by town and community councils, and a number of them could face resourcing issues. It is understood that these councils are not particularly strong in terms of community engagement.</b>  <b>More detail is needed on how place plans can be embedded in the local planning process. It would be helpful to have justification for the proposal to give Place Plans status in supplementary guidance.</b>			

Q35	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"/>

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Comments:  
**The current law clearly states that there is a presumption that a development that is in line with the development plan should be given planning permission. It is also clear that the local planning authority may depart from this if material considerations indicate otherwise. To introduce a new rule that planning applications which are compliant with the plan should not be considered in this way would be a significant departure from the tradition of planning law in Wales, which has always adopted a discretionary approach. UKELA is of the view that further in-depth consideration should be given to this proposal before a decision is made as to whether to introduce this new process.**

<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 type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Such an appeal should be a last resort as there is a danger that a developer may rush to an appeal in an attempt to avoid carrying out detailed assessments in relation to environmental protection. It will be important to ensure on submission all applications provide full information on the environmental impacts of a project.</b>			

<b>Q37</b>	Should the requirement for mandatory design and access statements be removed?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>It is not particularly evident as to why these statements should be removed. It needs to be clear how resources will be used to secure alternative ways of achieving the objectives of these statements.</b>			

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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"/>
<p>Comments:</p> <p><b>No, not at this stage. Before a decision can be made it will be necessary to analyse the evidence base from further work and consider alternative advertising proposals, apart from the LA website. UKELA would not support this proposal until a sufficiently robust system of publication has been developed to enable local people to be aware of significant, and sometimes controversial, developments in their areas. There is also a view that the content and presentation of these advertisements could be improved to aid the reader.</b></p>			

Q39	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>Any national guidance on the types of planning applications to be handled by local planning officers should detail the type of application rather than aim for a percentage number.</b></p> <p><b>There may be circumstances in which a local variation should apply, so consideration should be given to providing some flexibility.</b></p>			

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"/>
<p>Comments:</p> <p><b>Whilst this appears sensible, however, will there be need for guidance on what can be classed as "not substantially different"?</b></p>			

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Q41	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>The use of provisions under Commons Registration Act 1965 and the Commons Act 2006 are, to a degree, impacting and frustrating development proposals as they have been used recently in an attempt to block development which has already received planning permission or is subject to the application process. However, the loss of green space in communities is a matter of concern.</b>			

Q42	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>Yes, provided adequate resources are available.</b>			

Q43	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:			

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 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