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Cefnogir gan  
**Lywodraeth Cymru**  
Supported by  
**Welsh Government**

# **Towards a Welsh Planning Act: Ensuring the Planning System Delivers**

An Independent Review

**Date of issue:** 11 November 2011

**Responses by:** 3 February 2012

## Overview

This Call for Evidence invites views on how to deliver the planning system in the future. Directed by an Independent Advisory Group the review seeks views on:

- The key policy objectives that the planning system should deliver;
- How to deliver the planning system most effectively, and how to measure it;
- The current delivery mechanisms and institutional arrangements; and
- Any other evidence or examples considered relevant.

## How to respond

The closing date for replies is **3 February 2012**. You can reply in any of the following ways:

E-mail: Please complete the Call for Evidence response form and send it to: [plancallforevidence@wales.gsi.gov.uk](mailto:plancallforevidence@wales.gsi.gov.uk) [Please include "Towards a Welsh Planning Act" in the subject line.]

Post: Please complete the Call for Evidence response form and send it to the address provided under the "Contact details" section.

## Further information and related documents

**Large print, Braille and alternative language versions of this document are available on request.**

Further related information can be found here:

Programme for Government  
[wales.gov.uk/about/programmeforgovernment](http://wales.gov.uk/about/programmeforgovernment)

The Welsh Government's legislative programme 2011-2016  
[www.assemblywales.org/bus-assembly-publications-research.htm](http://www.assemblywales.org/bus-assembly-publications-research.htm)

Study to Examine the Planning Application Process in Wales  
[wales.gov.uk/topics/planning/planningresearch/planningappprocess](http://wales.gov.uk/topics/planning/planningresearch/planningappprocess)

Local, Regional, National: What services are best delivered where? A report to Carl Sargeant AM Minister for Social Justice and Local Government  
[wales.gov.uk/topics/localgovernment/publications/Inrdelivery](http://wales.gov.uk/topics/localgovernment/publications/Inrdelivery)

Equipping the planning sector with skills to manage deliverability and viability. Roger Tym & Partners Planners and Development Economists  
[www.tymconsult.com/casestudy\\_viability-and-deliverability\\_62.php](http://www.tymconsult.com/casestudy_viability-and-deliverability_62.php)

Planning for Sustainable Economic Renewal (2011); Roger Tym & Partners with Asbri Planning  
[wales.gov.uk/topics/planningresearch/publishedresearch/suseconrenewal/](http://wales.gov.uk/topics/planningresearch/publishedresearch/suseconrenewal/)

Local Development Plans Wales  
[wales.gov.uk/topics/planning/policy/developplans/LDPWales](http://wales.gov.uk/topics/planning/policy/developplans/LDPWales)

Planning Policy Wales (Edition 4, March 2011)  
[wales.gov.uk/topics/planning/policy/ppw](http://wales.gov.uk/topics/planning/policy/ppw)

## Contact details

### For further information:

Planning Policy Branch  
Planning Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ  
**e-mail: [welshplanningreview@wales.gsi.gov.uk](mailto:welshplanningreview@wales.gsi.gov.uk)**

## Data protection

### How the views and information you give us will be used

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. 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.

# Towards a Welsh Planning Act: Ensuring the Planning System Delivers - An Independent Review

## Call for Evidence

### What Evidence? Who needs to give it?

In October 2011 the Minister for Environment and Sustainable Development established an Independent Advisory Group<sup>1</sup> to “consider options on how to *deliver* the planning system in the future”. This work will lead to a report, which will form part of the evidence base for a Welsh Planning Bill.

The First Minister indicated that the Planning Bill should reconsider roles and responsibilities<sup>2</sup>, which includes the Welsh Government, local authorities, statutory consultees like The Environment Agency, town and community councils and the Planning Inspectorate. It will build on the initial consideration of these roles in the Simpson Review<sup>3</sup>.

Currently the main ways of delivering planning services in Wales at *national* level is by publication of Welsh planning policy and ensuring its implementation through scrutiny of local policy and plans, calling in planning applications and adjudicating on planning appeals. Local authorities and national park authorities deliver national and local planning policy as Local Planning Authorities (LPAs) by preparing and adopting development plans and by making decisions on planning applications. (There is no statutory regional level of plan making or decisions in Wales.)

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<sup>1</sup> Terms of reference for and membership of the Group: [www.wales.gsi.gov.uk/planningreview](http://www.wales.gsi.gov.uk/planningreview)

<sup>2</sup> Report of statement of Welsh Government Legislative Programme, para 3.2

<sup>3</sup> Local, Regional, National: What services are best delivered where?  
<http://wales.gov.uk/topics/localgovernment/publications/lnrdelivery/>

The Group will NOT be considering the content of Planning Policy Wales nor will it be covering permissions that are not land use related, such as entertainment licences or health and safety certificates. It will be searching for EVIDENCE to support responses about how to *improve planning delivery* in preparation for a Welsh Planning Act.

Members of the Group may be available to answer questions about the review or attend discussions by invitation. The Group may also contact some individuals or groups to ask them to elaborate in person on the evidence and opinions submitted. The Group hope to organise roundtable debates to discuss and clarify differing views. It will also be seeking the views of experts in the field and looking beyond Welsh boundaries.

### What to submit, and by when

The Group is seeking answers specifically to the questions in the Call for Evidence document. You need not address all questions and there is an opportunity to add comments at the end. Evidence to support a response is essential and should be attached as an annex rather than in the answer itself. If the total of any response extends beyond 6 pages the Group asks that you provide a summary of no more than 1 page.

Submissions should be sent by email to [plancallforevidence@wales.gsi.gov.uk](mailto:plancallforevidence@wales.gsi.gov.uk) by 3<sup>rd</sup> February 2012

Please direct any enquiries to: [welshplanningreview@wales.gsi.gov.uk](mailto:welshplanningreview@wales.gsi.gov.uk)

# Towards a Welsh Planning Act: Ensuring the Planning System Delivers - An Independent Review

## Call for Evidence

*Please provide evidence to substantiate your ideas and/or examples to illustrate your suggestions in response to any of the questions below in a clearly labelled appendix which must include your name and the question(s) to which they relate. Links to other sources of information are welcomed. If the total length of your additional comments or any appendix exceeds 6 pages please provide a summary of no more than 1 page.*

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## SECTION A: KEY POLICY OBJECTIVES

**Planning Policy Wales (PPW) sets out the planning policies of the Assembly Government. Under the title ‘What the planning system is for’<sup>4</sup> it says:**

*The planning system regulates the development and use of land in the public interest. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. A well-functioning planning system is fundamental for sustainable development.*

PPW goes on to say:

*The planning system must provide for an adequate and continuous supply of land, available and suitable for development to meet society’s needs... [it] should be efficient, effective and simple in operation.*

PPW thus indicates clearly that the purpose of the planning system is the delivery of land for development to meet society’s needs in a controlled manner that meets a number of policy objectives. Key amongst these is the delivery of *sustainable development* as influenced and constrained by EU legislation, some UK legislation

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<sup>4</sup> Planning Policy Wales (2011); Section 1.2; pp.10 <http://wales.gov.uk/topics/planning/policy/ppw/>

and the Government of Wales Act 2006. Sustainable development is defined in PPW as follows<sup>5</sup>:

*4.1.2 Sustainable development in Wales means enhancing the **economic, social and environmental** well-being of people and communities, achieving a better quality of life for our own and future generations in ways which:*

- *promote social justice and equality of opportunity; and*
- *enhance the natural and cultural environment and respect its limits – using only our fair share of the earth’s resources and sustaining our cultural legacy.*

This definition is followed in PPW by the elaboration of sustainable development principles (Section 4.3) and 19 key policy objectives (Section 4.4).

**These questions ask if these policy objectives are still relevant and understandable:**

## **SECTION A, QUESTIONS 1 - 5:**

**1a Do you agree that the primary purpose of the planning system in Wales is the delivery of land for sustainable development?**

**YES / NO**

**1b If you answered NO to 1a please give your reasoning.**

**2a If you answered YES to 1a, does PPW in paragraph 4.1.2 above define sustainable development sufficiently for the purposes of legislation?**

**YES / NO**

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<sup>5</sup> Planning Policy Wales (2011); <http://wales.gov.uk/docs/desh/publications/110228ppwchapter4en.pdf>

**2b** If you answered NO to 2a, please explain your reasoning. If possible, provide a suitable alternative.

**3** Does the current national/local structure enable decisions on the social, environmental and economic aspects of sustainable development to be taken at the appropriate level for

(a) development plans? YES / NO

(b) planning applications? YES / NO

**4** If you answered NO to 3a and/or 3b, please explain your reasoning.

**5** **ADDITIONAL COMMENTS:** Please include below any further observations on the **KEY PLANNING POLICY OBJECTIVES** that should be delivered by the planning system and/or are set out in PPW, paragraph 4.4 .

## **SECTION B: CRITERIA FOR EFFECTIVE DELIVERY**

The First Minister has indicated that the planning system should deliver in a “transparent and accessible” fashion.<sup>6</sup> Historically, emphasis has been placed on timeliness and democratic accountability in deciding planning applications. It has been suggested that the degree of certainty of decisions is also an indicator of effectiveness. The Simpson Review, “Local, Regional, National: What services are best delivered where?” also sets out some criteria for good governance.<sup>7</sup>

There may be a variety of ways of measuring agreed definitions of effectiveness. For example, in terms of timeliness, PPW indicates that 80% of planning decisions should be made within 8 weeks.<sup>8</sup> The time taken to adopt development plans has also been identified.

**These questions ask how we should define and measure effectiveness and improvements in the delivery of planning services.**

### **SECTION B, QUESTIONS 6 - 10:**

- 6 Using the criteria of ‘transparency’, ‘accessibility’ (how easy to understand or obtain information), ‘timeliness’ and ‘democratic accountability’, please score the DELIVERY OF PLANNING on a scale of 1 (LOW) to 10 (HIGH) for:**
- (a) Development plans**
  - (b) Planning applications / development management.**
- 7 Please provide evidence (in appendix or below) to substantiate your scores in 6a) and 6(b) above.**
- 8 What criteria would you use to describe the effective delivery of planning decisions and development plans?**

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<sup>6</sup> Report of plenary on the Statement of Welsh Government legislative programme, para 3.2.

<sup>7</sup> <http://wales.gov.uk/topics/localgovernment/publications/lnrdelivery/>; pp46-51

<sup>8</sup> Planning Policy Wales (2011); Paragraphs 1.3.7 and 1.3.8

- 9** Please describe how the criteria suggested in Question 8 could be measured and how information about them could be collected.
- 10** **ADDITIONAL COMMENTS:** Please include below any further observations about the **CRITERIA** for assessing **EFFECTIVE** delivery of the planning system.

## **SECTION C ROLES AND RESPONSIBILITIES IN PLANNING DELIVERY**

The current division of roles and responsibilities in the planning system has been largely in place since 1947. There are now many more demands being placed on planning, such as EU environmental legislation, the concept of sustainable development and the Human Rights Act.

Welsh Ministers set out national planning policy and guidance, make some planning decisions, and scrutinise development plans with the power to direct changes or take over plan preparation. Welsh Government now has power to make national planning legislation.

The Planning Inspectorate currently covers both England and Wales, with a separate division for Wales, and deals at national level with planning appeals and with major infrastructure applications,<sup>9</sup> and also carries out development plan examinations.

Local planning authorities deliver development plans and planning decisions through various mechanisms, such as Committees and delegation to officers.

Sometimes there are calls for less national involvement in planning and for decisions to be taken closer to local communities; on other occasions local councils seek more national guidance.

Some have sought a regional tier of decision making for development plans or large planning proposals and others requested more power for community councils. The Simpson Review<sup>10</sup> and the recent Roger Tym study on “Planning for Sustainable Economic Renewal”<sup>11</sup> consider that there is some merit in regional collaboration for some planning services.

**The following questions seek views on whether the right service is provided at the right level.**

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<sup>9</sup> From April 2012.

<sup>10</sup> Local, Regional, National: What services are best delivered where?  
<http://wales.gov.uk/topics/localgovernment/publications/lnrdelivery/>

<sup>11</sup> Planning for Sustainable Economic Renewal (2011); Roger Tym & Partners with Asbri Planning;  
<http://wales.gov.uk/topics/planning/planningresearch/publishedresearch/suseconrenewal/>

**SECTION C, QUESTIONS 11 - 20:**

- 11a Is the current allocation of roles and responsibilities the best for delivering sustainable development in Wales?**
- YES / NO**
- 11b Please give evidence for your answer to 11a above.**
- 12 Do they provide the most effective delivery through the planning system of:**
- (a) Development plans YES / NO**
- (b) Planning application decisions? YES / NO**
- 13 What realignment of roles or additional levels of responsibility, if any, could improve delivery? Please provide evidence to support your views.**
- 14 What changes do you consider could be made to local planning authority organisation/management structures, or to decision making responsibilities (for example delegation to planning officers in place of Committee when determining planning applications), which would improve delivery?**
- 15a Does the current combined Planning Inspectorate for England and Wales deliver appeal decisions and plan examinations effectively? YES / NO**
- 15b If you have answered YES to 15a, do you consider that there is some wider role it could play in delivery through the planning system?**

- 15c** If you have answered NO to 15b, have you any suggestions on how it could be improved – please provide evidence.
- 16a** Do you consider that the level of policy development and intervention by the Welsh Government is appropriate for effective delivery?
- YES / NO**
- 16b** Please explain and give evidence for your answer to 16a.
- 17** What changes to the role of statutory consultees (if any) could improve delivery? (*Your view should be confined to the role of consultee as a part of the planning system and not to the role of individual organisations as that is outside the remit of this Review.*)
- 18** What aspects of the planning service and/or planning legislation could be reconsidered or more appropriately delivered by other agencies so as to simplify and focus planning's role on delivering sustainable development?
- 19** Please identify what would be required to deliver any of the changes you suggest to roles and responsibilities.
- 20** **ADDITIONAL COMMENTS:** Please include below any further observations about **ROLES AND RESPONSIBILITIES** in delivering an effective planning system.

## **SECTION D: QUICK WINS AND SIMPLE IMPROVEMENTS**

**21 Do you have any examples of barriers to effective delivery, examples of good practice or suggestions to improve delivery through the planning system that could be implemented quickly without legislation or organisational changes?**

**22 Please list below any people or organisations which you consider have relevant information that would assist the Independent Advisory Group in its investigation.**

**23 FURTHER ADDITIONAL COMMENTS**

**If you have any further comments not covered by your responses above, please make additional observations here.**