

**National Assembly for Wales**  
Sustainability Committee

Inquiry into Planning in Wales

January 2011



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**National Assembly for Wales**  
Sustainability Committee

Inquiry into Planning in Wales

January 2011



## **Sustainability Committee**

The Sustainability Committee was established by the National Assembly for Wales to consider and report on issues affecting Climate Change, Energy, Rural Affairs and Agriculture, Environment and Planning.

### **Powers**

The Committee was established on 26 June 2007 as one of the Assembly's scrutiny committees. Its powers are set out in the National Assembly for Wales' Standing Orders, particularly SO 12. These are available at [www.assemblywales.org](http://www.assemblywales.org)

### **Committee membership**

<b><i>Committee Member</i></b>	<b><i>Party</i></b>	<b><i>Constituency or Region</i></b>
Kirsty Williams	Welsh Liberal Democrats	Brecon and Radnorshire
Lorraine Barrett	Labour	Cardiff South and Penarth
Joyce Watson	Labour	Mid and West Wales
Irene James	Labour	Islwyn
Leanne Wood	Plaid Cymru	South Wales Central
Angela Burns	Welsh Conservative Party	Carmarthen West and South Pembrokeshire
Karen Sinclair	Labour	Clwyd South
Rhodri Glyn Thomas	Plaid Cymru	Carmarthen East and Dinefwr
Brynle Williams	Welsh Conservative Party	North Wales

The following Member(s) were / was also a member of the Committee during this inquiry:

Michael German	Welsh Liberal Democrats	South Wales East
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## **Chair's Foreword**

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There are few policy areas that have as wide-ranging an impact as planning. From sustainable development, economic regeneration and energy policy to transport, biodiversity, housing and healthy living, planning policy plays a central role in how Government policies are delivered on the ground.

It was for that reason that the Sustainability Committee decided in April 2010 to conduct this broad-ranging inquiry into planning policy in Wales. In doing so, we deliberately decided not to look at the planning application system itself, as we felt this had already been well covered by the review conducted by GVA Grimley on behalf of the Welsh Government. Instead, the Committee decided to focus on the development of planning policy at the national and local level and how successfully these contribute to the delivery of key Welsh Government objectives.

The Committee was heartened to find that there is much that works well in current planning policy but, as ever, it is the Committee's role to highlight those areas where changes need to be made and to make recommendations to the Welsh Government to that effect.

The report contains thirty recommendations, all of which we believe would improve the way the planning system operates in Wales, and would assist the Welsh Government in delivering its policy objectives.

Among the key recommendations the Committee has made is that there should be a Planning Act or Measure for Wales that would consolidate current legislation and put in place a system which recognises the distinctive needs of Wales. The Committee believes that the English and Welsh systems have by now diverged to such a point as to make distinctive Welsh legislation in this field a necessity.

A recurring theme in the evidence received by the Committee was the difficulty faced by planners in reconciling the different priorities of sustainability: social, economic and environmental, and the different policies which they need to consider. Committee Members are acutely aware of the constant tension that exists between achieving

sustainability objectives and economic development when it comes to planning decisions.

It is the Committee's view that Planning Policy Wales should include a clearer statement of priorities and how conflicts between them should be resolved. We also believe that a presumption made in favour of 'sustainable development', which is clearly defined, should form a guiding principle for national and local planning policy, in line with the Welsh Government's duty under the Government of Wales Act 2006.

During the course of the inquiry, the Committee became increasingly aware of the pressures faced by local planning officers in delivering on the ever increasing demands put on them. These demands include the requirement for greater and greater levels of technical expertise. The Committee is extremely keen therefore that the Welsh Government encourages the sharing and developing of expertise on planning, and we have made detailed recommendations to that effect.

We look forward to the Welsh Government's response to our report. I hope very much that the Government will recognise that our conclusions are based on a wealth of expert evidence that has been presented to us, and act positively on the recommendations we have made

As ever, the Committee is extremely grateful to all those who have contributed to the inquiry, particularly those organisations and individuals who provided written and oral evidence. Without them, the Committee could not carry out its work. The Committee is also grateful to Roisin Willmott of the RTPI and Neil Harris of Cardiff University, who acted as special advisors to the Committee for this inquiry and whose expertise the Committee found invaluable.



Kirsty Williams  
Chair, Sustainability Committee

## The Committee's Recommendations

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The Committee's recommendations to the Welsh Government are listed below, in the order that they appear in this report. Please refer to the relevant pages of the report to see the supporting evidence and conclusions:

**Recommendation 1.** We recommend that if there is a successful outcome to the referendum and a move to Part 4 of the Government of Wales Act 2006, the Welsh Government should bring forward an Assembly Act to consolidate existing land use planning legislation and make it distinct to meet the needs of Wales.

If the outcome of the referendum does not lead to an introduction of Part 4, then the Welsh Government should use the opportunity presented by the Localism Bill to seek the widest possible legislative competence necessary to develop a distinctive land use planning system that can meet the needs of Wales. **(Page 23)**

**Recommendation 2.** We recommend that the Welsh Government should carefully review any further proposals to deliver strategic objectives through the mechanism of the land-use planning system to ensure that it is the most appropriate vehicle for delivering those objectives and that it has clear delivery mechanisms related to them.

**(Page 23)**

**Recommendation 3.** We recommend that the Welsh Government should review the respective roles of the planning and the Building Control systems, once responsibility for the Building Regulations are devolved at the beginning of 2012. **(Page 23)**

**Recommendation 4.** We recommend that following a review of current approaches, the Welsh Government should issue clear guidance on the adoption of a 'development management' approach to delivering land use planning. This guidance should identify the range of functions and activities that complement the determination of planning applications and appeals in delivering sustainable development. **(Page 24)**

**Recommendation 5.** We recommend that the Welsh Government should commission further research to establish the extent of and issues arising from determination of planning applications contrary to officer-recommendation. **(Page 25)**

**Recommendation 6.** We recommend that the Welsh Government should update the guidance on planning and the Welsh Language as a matter of priority. **(Page 27)**

**Recommendation 7.** We recommend that the Welsh Government should:

- amend chapter 1 of Planning Policy Wales to provide a clearer statement of its strategic priorities and to clarify how conflicting objectives should be resolved where they occur in the planning system;
  - ensure that the proposed new policy statement on economic development is explicit about how all national planning policies are expected to contribute to the delivery of the Economic Renewal Programme.
- (Page 29)**

**Recommendation 8.** We recommend that the Welsh Government should:

- consider the introduction in planning policy of a presumption in favour of sustainable development;
  - provide specific evidence of the contribution that the planning process is making to sustainable development in the annual report on delivering the Sustainable Development Scheme that the Welsh Ministers are required to lay before the Assembly.
- (Page 30)**

**Recommendation 9.** We recommend that the Welsh Government should produce new guidance to local planning authorities on how to refine the boundaries of the Strategic Search Areas in their Local Development Plans to ensure greater consistency. **(Page 31)**

**Recommendation 10.** We recommend that the Welsh Government should revise the chapters in Planning Policy Wales to ensure that the national development control policies are expressed in full as policies that can be clearly cross-referenced in Local Development Plans and Supplementary Planning Guidance. **(Page 31)**

**Recommendation 11.** We recommend that the Welsh Government should introduce an impact test to assess any future proposals for new national planning policies and consult widely on the results of the test before any new policies are introduced. The impact test should include an assessment of the potential impact of any proposed new policies on rural as well as urban areas. The test should also include a monitoring mechanism to measure the outcome of the policy once it is implemented. **(Page 32)**

**Recommendation 12.** We recommend that twice a year the Welsh Government should publish an updated timetable for the future introduction, review and updating of aspects of national planning policy and the associated Technical Advice Notes. This should include details of when both the draft and final versions are expected to be published and should explain the reasons for any deferral in issuing policy and guidance. **(Page 33)**

**Recommendation 13.** We recommend that the Welsh Government should review the role and function of the Wales Spatial Plan focusing specifically on how it relates to the development plan framework and its relevance to the determination of planning applications and appeals. **(Page 35)**

**Recommendation 14.** We recommend that the Welsh Government should explore mechanisms for strengthening regional and collaborative working arrangements and to enhance the weight that may be given to the products and outputs of regional and collaborative work. **(Page 35)**

**Recommendation 15.** We recommend that the Welsh Government should embed the Wales Strategic Infrastructure Plan within the Wales Spatial Plan to avoid duplication and to ensure that it is fully taken into account in the preparation and examination of Local Development Plans. **(Page 35)**

**Recommendation 16.** We recommend that the Welsh Government should carefully monitor and every six months publish a schedule of the progress of local planning authorities in preparing Local Development Plans in accordance with approved Delivery Agreements. If necessary it should be prepared to use its powers under the Planning

and Compulsory Purchase Act 2004 to take action against local planning authorities that fail to meet their Local Development Plan Delivery Agreements. (Page 37)

**Recommendation 17.** We recommend that the Welsh Government should encourage good practice in the preparation of Local Development Plans to be shared between local planning authorities, building on the experience of those plans which have progressed through the system. This should include encouraging the use of common wording of policies between different Local Development Plans in cases where these policies are meant to achieve the same objective and are for similar types of area. (Page 37)

**Recommendation 18.** We recommend that the Welsh Government should:

- commission an external evaluation of the success or otherwise of the community engagement approaches that have been used to date in Local Development Plan Community Involvement Schemes;
  - based on the results of this evaluation, provide clear guidance and training to local authority planning staff on how to engage the public in the early stages of Local Development Plan policy development including how to prepare accessible planning documents.
- (Page 38)

**Recommendation 19.** We recommend that the Welsh Government should revise the guidance in Planning Policy Wales to enable local planning authorities to develop Supplementary Planning Guidance in support of identified national development control policies. (Page 40)

**Recommendation 20.** We recommend that the Welsh Government should review its guidance on the form and content of Local Development Plan Annual Monitoring reports to ensure it takes account of the experience to date in the preparation of plans. (Page 40)

**Recommendation 21.** We recommend that the Welsh Government should explore how policies in an emerging Local Development Plan that are clearly linked to national planning policy could be given more weight as material considerations in planning application decisions and appeals, prior to the examination and formal adoption of the whole plan. (Page 41)

**Recommendation 22.** We recommend that the Welsh Government should consider amending the Local Development Plan Regulations to introduce a full consultation draft stage into the preparation process of Local Development Plans. **(Page 41)**

**Recommendation 23.** We recommend that the Welsh Government should ensure that the recommendations of the Essex Review into establishing a robust evidence base on housing need are fully implemented. **(Page 43)**

**Recommendation 24.** We recommend that the Welsh Government should publish the results of the evaluation of the business community's engagement in planning policy development and subsequently consider the introduction of formal consultee or advisory status for business organisations as part of the Local Development Plan process. **(Page 47)**

**Recommendation 25.** We recommend that the Welsh Government should:

- continue to urge the UK Government to devolve responsibility for energy consents of over 50 Megawatts to the Welsh Ministers;
- seek amendments to the Planning Act 2008 so that decisions on large-scale energy projects in Wales are made in line with Welsh planning policy;
- in the event that responsibility for energy consents over 50 Megawatts is devolved to Welsh Ministers, and on gaining the necessary competence, introduce legislation that will enable the Welsh Ministers to establish a parallel system to that proposed for England with the Major Infrastructure Planning Unit within the Planning Inspectorate considering both nationally significant infrastructure energy projects in Wales as well as their associated development, but making its recommendations on these projects to Welsh Ministers.

**(Page 51)**

**Recommendation 26.** We recommend that in the absence of devolved responsibility for large-scale energy consents, the Welsh Government should continue to lobby the UK Government to ensure that the final energy National Policy Statements include clear statements about the amount of weight to be given to Welsh planning

statements about the amount of weight to be given to Welsh planning policy by the Infrastructure Planning Commission and its successor (the Major Infrastructure Planning Unit within the Planning Inspectorate). (Page 52)

**Recommendation 27.** We recommend that the Welsh Government should write to local planning authorities to explain the extent to which and how the final National Policy Statements should be taken into account in their Local Development Plans. (Page 52)

**Recommendation 28.** We recommend that the Welsh Government should provide additional funding to Planning Aid Wales to support community engagement in planning for major energy infrastructure projects. (Page 52)

**Recommendation 29.** We recommend that the Welsh Government should encourage the sharing and development of expertise on planning policy and proposals for development. There are a number of ways in which we suggest this is done:

- continue to provide funding to enable local planning authorities to access technical support for renewable energy and waste schemes and make similar funding available for other types of development where specialist expertise is needed;
- encourage joint working and collaboration between local planning authorities both in the development of local planning policies and in dealing with major and / or specialist technical development proposals;
- set up expert advisory teams on technical and specialist aspects of planning policy that can deliver support services to local planning authorities;
- continue to provide training to local planning authority officers as new national planning policy is introduced but also making this training available to local authority Members and other stakeholders, including those in the private sector;
- provide training to local planning authority officers on the assessment of development viability specifically for affordable housing but also for other types of development.

(Page 55)

**Recommendation 30.** We recommend that the Welsh Government should consider providing a compulsory national training programme for local planning authority Members sitting on planning committees with the aim of ensuring that they are equipped to make informed decisions. The training would cover the national policy framework, development plan preparation, assessment of development viability and the planning application process. **(Page 56)**

## 1. Introduction

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“We need a quicker, more responsive process that is more flexible to changing economic and social factors, because, as we have seen over the past few years, changes are really dramatic and the system cannot cope with that. It needs more teeth.”<sup>1</sup>

Welsh Local Government Association

1. In April 2010 we announced that we were going to conduct an extensive inquiry into the operation of the planning system in Wales. We were aware of the excellent work completed by the planning consultants GVA Grimley<sup>2</sup> on behalf of the Welsh Government looking at improvements to the planning application system and the Minister’s response to their report<sup>3</sup> and did not want to duplicate this. We therefore decided to concentrate on the development of planning policy at both the national and local level and to examine the effectiveness of these policies in helping to deliver key Welsh Government priorities on the ground.
2. We had also collected some evidence about the role of the planning system in delivering reductions in carbon emissions during our inquiry into Carbon Reduction in Wales. The role of the planning system has also emerged as an issue in our recent inquiry into the 2010 biodiversity targets.
3. We took oral evidence for this inquiry in seven meetings between 9 June 2010 and 14 October 2010. A written consultation exercise was also carried out between April 2010 and June 2010.
4. We took evidence from a wide range of witnesses including:
  - the Minister for Environment, Sustainability and Housing;
  - representatives of local planning authorities, including the Welsh Local Government Association, the Planning Officers Society Wales and individual planning authorities;

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<sup>1</sup> RoP, Para 224, Sustainability Committee, 9 June 2010

<sup>2</sup> Welsh Assembly Government, [Study to Examine the Planning Application Process in Wales](#), A Report to the Welsh Assembly Government by GVA Grimley, June 2010

<sup>3</sup> Welsh Assembly Government, [Response to the recommendations made in: Study to Examine the Planning Application Process in Wales](#), June 2010

- Planning Aid Wales;
- Planning Inspectorate Wales;
- Infrastructure Planning Commission;
- organisations representing the three sectors that we particularly concentrated on (business, affordable housing, renewable energy);
- GVA Grimley planning consultants;
- statutory bodies and consultees including the Environment Agency Wales and Countryside Council for Wales;
- and Water companies.

5. We are very grateful to all our witnesses for contributing to this inquiry.

### **Terms of Reference**

6. In April 2010 we agreed the following terms of reference:

- to look at how successful national and local land use planning policies are in delivering key Welsh Government policy objectives e.g. climate change, affordable housing and economic development/renewal.

7. As the inquiry progressed we particularly concentrated on answering the following questions:

- how effective are national and local planning policies in helping to deliver key Welsh Government priorities?
- do land-use planning policies at both a national and local level adequately reflect the key Welsh Government priorities?
- do planning policies help to deliver priorities such as affordable housing, economic regeneration and more energy from renewable sources?
- are they effective in reconciling potential conflicts between different policies in areas such as renewable energy, landscape quality, housing provision, economic development and sustainable development?
- do they help to ensure that decisions on planning applications contribute to key Welsh Government priorities?

- is the system for preparing and updating these planning policies flexible and responsive enough to cope with new and changing priorities?
- are there examples of good practice in other countries and regions that we can learn from?
- what changes can we recommend to the Welsh Government to improve the current system?

## **Legislative Background**

8. The Welsh Ministers have significant executive powers in the area of planning. The principal legislation that relates to planning in Wales is contained in three Acts of the UK Parliament (the *Town and Country Planning Act 1990*, the *Planning and Compulsory Purchase Act 2004* and the *Planning Act 2008*).

9. The only areas where the National Assembly for Wales currently has competence to pass Measures in relation to planning is to enable Welsh Ministers/the Assembly to change the overall structure of LDPs; their overarching preparation requirements and the monitoring and intervention powers allied to them. They also enable Welsh Ministers/the Assembly to define or otherwise alter the status of the Wales Spatial Plan. At present they do not enable Welsh Ministers/the Assembly to make major changes to the plan-led planning application system. The Localism Bill introduced by the UK Government in December 2010 will, if it becomes law, provide further legislative competence to the Assembly that would enable it to pass Measures in relation to various aspects of development management in Wales, although the precise extent of the proposed new competence is unclear at present. Following a successful outcome of a referendum and a move to part 4 of the *Government of Wales Act 2006*, the Assembly would then have competence to pass Acts in the general area of Town and Country Planning.

## **How the Planning System Operates in Wales**

10. The purpose of the land-use planning system is to set the framework and regulate the development and use of land in the public interest, taking full account of economic, social and environmental issues. It should contribute to all the strategies and priorities of the

Welsh Government which relate to the use and sustainable development of land.

11. The *Town and Country Planning Act 1990* (as amended) is the primary planning legislation. This requires the 25 local planning authorities in Wales (the 22 Unitary Authorities and the 3 National Park Authorities) to **prepare a development plan** for their area (previously Unitary Development Plans, now Local Development Plans – see paragraphs 21 and 22 below) to ensure consistent decisions on planning applications and appeals. In making **decisions on planning applications**, regard is to be had to the development plan for that area. The decision made must be in accordance with the plan, unless “**material considerations**” indicate otherwise. This is the basis of the ‘plan-led’ system and places significant importance and emphasis on development plans.

12. In principle, any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration is material in any given case and the weight that should be given to it will depend on the circumstances. It is ultimately for the Courts to decide on whether an issue is capable of being a material planning consideration.

13. Planning Policy Wales gives some guidance on what could be material considerations:

Material considerations could include current circumstances, policies in an emerging UDP,<sup>4</sup> and planning policies of the Assembly Government and the UK Government. All applications should be considered in relation to up to date policies.

Factors to be taken into account in making planning decisions (material considerations) must be genuine planning matters, that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability.

14. The **Wales Spatial Plan** is meant to provide “a spatial expression of the Assembly Government’s policies. It will address issues of restraint and development on a broad scale and provide a context for

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<sup>4</sup> Unitary Development Plan. The UDP system is now being replaced over time by the LDP (Local Development Plan) system

major decisions and the allocation of resources.” The first version was produced in 2004 and was then updated in 2008. Whilst it is a statutory document, it does not form part of the formal development plan for Wales, although local planning authorities must have regard to the Spatial Plan when developing their development plans. The relationship to the Wales Spatial Plan is also considered in the examination of Local Development Plans by The Planning Inspectorate.

15. **Planning Policy Wales** (PPW) originally published in 2002 sets the context for planning in Wales, under which local planning authorities prepare their statutory development plans. It is the principal and authoritative source of national planning policy. Planning Policy Wales:

- sets out the context for planning in Wales;
- outlines the main policy objectives and principles;
- collects the existing guidance relating to the planning system and its main procedures; and
- outlines policies on all the key land-use topics, including transport, housing, retailing and town centres, supporting the economy and environmental risks.

16. PPW was updated in 2010 to consolidate national policy previously contained in Ministerial Planning Policy Statements (MIPPS) produced since 2002 into a single document.

17. **Technical Advice Notes** (TANs) contain detailed guidance on specific areas of national policy (eg: TAN 8: Renewable Energy). Some TANs have been updated whilst others date back over ten years or more. The Welsh Government also produces other forms of guidance for local planning authorities such as Circular Letters and guidance on specific areas of policy such as “Delivering affordable housing using Section 106 agreements”.

18. The *Planning Act 2008* introduced a new system of development consent for nationally significant infrastructure projects. The **Infrastructure Planning Commission** was set up in early 2010 and has begun to start examining applications for development consent, including for those nationally significant infrastructure projects in Wales where responsibility is not devolved to the Welsh Government (mostly large energy projects).

19. **National Policy Statements** (NPS) prepared by the UK Government are intended to set the framework for decisions by the Commission. Draft policy statements on energy were consulted on by the previous UK Government at the start of 2010 but have not yet been finalised. A revised set of draft NPS on energy was published in October 2010, with a further consultation period that ends in January 2011. Until the NPS are finalised, the Secretary of State still takes the final decision.

20. The UK Government's **Localism Bill** introduced in December 2010 will, if it becomes law, abolish the Infrastructure Planning Commission as well as introducing a number of other changes to the planning system in England. We are aware that the Minister for Environment, Sustainability and Housing has previously written to the relevant UK Ministers to argue that the Bill also provides an opportunity for the UK Government to devolve responsibility for large-scale energy consents.<sup>5</sup> At present however the Bill does not provide for this.

21. The *Planning and Compulsory Purchase Act 2004* introduced a statutory requirement for each local planning authority to produce a **Local Development Plan** (LDP). The LDP sets out proposals and policies for the future use of local land, and is the main local planning document in Wales. This replaced the previous system of Unitary Development Plans (UDPs). The LDP covers a period of ten to fifteen years and should reflect national planning policy in Wales. LDPs are expected to be shorter than UDPs, have greater involvement from the community and be completed in less time. The LDP system is also very different to the UDP system in that it is 'front-loaded' so that most of the work in developing evidence and consulting the community is at an early stage before the draft plan is produced. The policies in an emerging draft LDP do not simply gain more weight as the plan progresses towards adoption. This is because the plan as a whole is assessed by the Planning Inspectorate at the end of the process to see if it is "sound".

22. The majority of the local planning authorities in Wales have now either completed or ceased work on their UDPs and are at differing stages in the process of developing their LDPs. At the end of our inquiry, only two local planning authorities had so far formally adopted

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<sup>5</sup> Welsh Assembly Government Press Release: [Welsh Minister seeks talks on greater energy planning powers with UK Government](#), 13 July 2010

a LDP. Annex A shows the current status of development plan preparation for each of the 25 local planning authorities in Wales, as at December 2010.

23. Local planning authorities can produce their own **Supplementary Planning Guidance** (SPG) to support or elaborate on the policies and allocations in the Development Plan. SPG does not form a part of the development plan but must be consistent with it. It may take the form of site specific guidance such as master plans or design guides, or thematic such as detailed car parking standards. SPG may be taken into account as a material consideration but must be prepared through a proper process of consultation if it is to be given any weight.

24. The Welsh Government announced a **review of the planning application process** in December 2008. It subsequently appointed planning consultants GVA Grimley to conduct the research study that informed the review. The final report<sup>6</sup> and the Minister's response were both published and debated in Plenary in June 2010.<sup>7</sup> This study looked at the Planning Application process, with a particular emphasis on the impact of planning on economic development. However it did not examine in any detail the relationship between this and the progress being made by local planning authorities in producing their LDPs, or the relationship between national and local planning policy.

## **Key Issues**

25. As a result of our inquiry and the evidence that we collected we are now able to provide a set of conclusions and evidence-based recommendations to the Welsh Government. A summary of our recommendations is given on pages 7 to 13.

26. The key issues that we have identified are set out in the following chapters.

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<sup>6</sup> Welsh Assembly Government, [Study to Examine the Planning Application Process in Wales](#), A Report to the Welsh Assembly Government by GVA Grimley, June 2010

<sup>7</sup> Welsh Assembly Government, [Response to the recommendations made in: Study to Examine the Planning Application Process in Wales](#), June 2010

## **2. How the Current Planning System is Working in Wales**

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27. Our inquiry collected a wide range of evidence from those who operate the planning system, those who are bringing forward proposals for various types of development and those who are affected by the policies adopted and the decisions made. We heard widespread support for the principles of a plan-led system that if working correctly, should result in land use decisions being made that are consistent with up to date national and local planning policies. However as the inquiry progressed we were struck by the fact that the fundamental principles of the planning system still operating in Wales were originally designed for an immediate post-war Britain. Since that time what is essentially a system about managing the use of land has been asked to deliver an ever increasing range of diverse policy objectives. A local authority planning officer told us:

“It was set up 63 years ago, in 1947, to do two things. It is a land-use planning system. That is what it is. It is not to prevent childhood obesity and all the other things [...] and it is struggling to deliver affordable housing, as you well know, because it was not set up to do that.

“It was set up, first, to prevent the coalescence of settlements and, secondly, to ensure that this country would have a suitable food supply in times of war in the future. That was it. It is basically the Town and Country Planning Act 1947, and everything else that has been bolted on to it makes it extremely complicated, essentially.”<sup>8</sup>

28. We have a great deal of sympathy for the planning officers working for the 25 local planning authorities in Wales who have been expected to cope with the ever increasing demands that the planning system is being expected to deliver. Some of this is being driven by the Welsh Government’s national policy objectives and requires advanced levels of technical expertise and knowledge of a growing number of new subject areas such as renewable energy technologies and sustainable building techniques. Another local planning authority officer told us:

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<sup>8</sup> RoP, Para 143-144, Sustainability Committee, 14 October 2010

"In the vast majority of cases, we do not have the technical expertise to consider all the landscape issues, biodiversity issues, noise impact issues, or the highways issues, although it is down to the local authority to juggle those issues and to gain an understanding of them."<sup>9</sup>

29. We also learnt that although responsibility for the land use planning system is mostly devolved to the Welsh Ministers, it is still based largely on primary Town and Country Planning legislation for England and Wales (see paragraphs 8 to 9 above). Because of this, over time as the distinctive needs of a planning system for Wales have developed, it has become increasingly complex for users, local politicians and planning officers themselves to understand the requirements of the Welsh planning system. When asked about the increasing divergence between the planning systems in England and Wales the Welsh Local Government Association told us:

"So, as to where we are with the systems, the two systems are becoming increasingly divergent, and some of the announcements that have been made over the last couple of weeks have further signalled that divergence. That divergence between the systems sometimes makes things quite difficult, because they are both guided or controlled by the same primary legislation. That will be tricky going forward."<sup>10</sup>

30. Whilst there was widespread support for the current plan-led system, we believe that there is now a need for a new Planning Act for Wales. This would still provide the framework of a planning system that is based around a plan-led approach, but would consolidate the existing planning legislation and recognise the distinctive needs of a system for Wales.

**Recommendation 1    We recommend that if there is a successful outcome to the referendum and a move to Part 4 of the Government of Wales Act 2006, the Welsh Government should bring forward an Assembly Act to consolidate existing land use planning legislation and make it distinct to meet the needs of Wales.**

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<sup>9</sup> RoP, Para 199, Sustainability Committee, 14 October 2010

<sup>10</sup> RoP, Para 134-136, Sustainability Committee, 9 June 2010

**If the outcome of the referendum does not lead to an introduction of Part 4, then the Welsh Government should use the opportunity presented by the Localism Bill to seek the widest possible legislative competence necessary to develop a distinctive land use planning system that can meet the needs of Wales.**

31. As described above, the evidence told us that the planning system in Wales is being asked to deliver an increasing range of policies and priorities, not all of which are within the direct control of a system designed to regulate the use and development of land. We agree with the call from some of our witnesses for a review of what the planning system is now being asked to deliver.

**Recommendation 2** **We recommend that the Welsh Government should carefully review any further proposals to deliver strategic objectives through the mechanism of the land-use planning system to ensure that it is the most appropriate vehicle for delivering those objectives and that it has clear delivery mechanisms related to them.**

32. We also consider that the relationship between planning and building control should be examined, once the Building Regulations are devolved to the Welsh Ministers. The Royal Society of Architects in Wales urged us:

“to take a broad view of the process of development. In the UK, this currently comprises two key stages—planning and building regulations. With the devolution of building regulations to Wales next year, there is a significant opportunity to consider how these may work in tandem to enable the delivery of economic, environmental and social sustainability.”<sup>11</sup>

**Recommendation 3** **We recommend that the Welsh Government should review the respective roles of the planning and the Building Control systems, once responsibility for the Building Regulations are devolved at the beginning of 2012.**

33. Some witnesses told us that a cultural change amongst planners was needed to one of managing and encouraging the right forms of

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<sup>11</sup> RoP, Para 112, Sustainability Committee, 14 July 2010

development rather than an emphasis on controlling development. Planning consultants GVA Grimley explained this to us as follows:

“It has to go to the proper training of planners. More importantly, it has to go to the language and culture within which planning operates at the moment. It is changing; it has always been one of control and negativity, where the bar is set incredibly and disproportionately high. We need to change that emphasis to managing and encouraging the right forms of development rather than discouraging the wrong forms. That is very subjective, because that is what planning is.”<sup>12</sup>

34. In its response to the GVA Grimley review, the Welsh Government has agreed to review current development management policy, and to issue new ‘best practice’ guidance in 2011. We believe that such guidance would be useful but it needs to go further than just identifying ‘best practice’ and should clearly identify the need for a cultural shift towards a development management approach, with an emphasis on sustainable development.

**Recommendation 4** **We recommend that following a review of current approaches, the Welsh Government should issue clear guidance on the adoption of a ‘development management’ approach to delivering land use planning. This guidance should identify the range of functions and activities that complement the determination of planning applications and appeals in delivering sustainable development.**

35. In this inquiry we did not consider the planning application part of the planning system in any detail as this has been examined recently in the work done by GVA Grimley. However a general issue that kept emerging from the evidence was that local Members are not always taking decisions on planning applications in accordance with the development plan or based on material planning considerations, but sometimes for political reasons. These decisions may be overturned on an appeal. According to the Royal Institution of Chartered Surveyors:

“It is very important that particularly members understand the importance of the policies that are set within that plan, and the

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<sup>12</sup> RoP, Para 164, Sustainability Committee, 30 June 2010

need for them to make decisions consistent with those policies. At the moment, as many of us know from experience, that is not always the case, partly because of pressure that may be exerted on members in their capacity as elected representatives [...].”<sup>13</sup>

36. On this point the Minister told us in her evidence:

“I think that there is still some way to go in terms of the dialogue with elected members, and it is a regular issue in my dialogue with elected members that planning decisions need to be taken according to planning policy, not according to political objectives. If they are not, members can end up giving some fairly substantial costs to their local authority by ignoring the advice of the planning officials in this context. Where those levels of advice have been appropriately taken, we see the planning application and policy process work in much greater harmony.”<sup>14</sup>

**Recommendation 5 We recommend that the Welsh Government should commission further research to establish the extent of and issues arising from determination of planning applications contrary to officer-recommendation.**

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<sup>13</sup> RoP, Para 21, Sustainability Committee, 30 June 2010

<sup>14</sup> RoP, Para 99, Sustainability Committee, 23 September 2010

### **3. National Planning Policies**

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37. The evidence submitted to the inquiry told us that there was general support for the Welsh Government's overall approach to national planning policies. This includes support for the policies contained in Planning Policy Wales and the guidance issued in the Technical Advice Notes (TANs) series.

38. For example, the CBI told us "Overall, 'Planning Policy Wales', particularly the latest version, is quite a good document given the thrust and direction that it takes."<sup>15</sup> The Wales and West Housing Association said "The national policies are clear".<sup>16</sup> The Environment Agency Wales said:

"Our view is that the strategies have set out the direction and the targets and the outcomes that the Assembly Government wants to achieve, and the LDPs then provide the opportunity to bring these together."<sup>17</sup>

39. We agree with the views voiced in support of Planning Policy Wales and in general the way in which national planning policies are worded. It is clear to us that some national planning policies have been influenced by the commitments of the Welsh Government as expressed in the *One Wales* document.

40. We also support the changes that have recently been made to the process of issuing new guidance so that Planning Policy Wales is now a single document that contains all the latest national planning policy. However we were told that some of the TANs are in urgent need of updating. In particular, as the Welsh Local Government Association pointed out to us, the TAN on the Welsh Language has not been updated since 2000.

41. Given that a review and reissue of the TAN 20 guidance on planning and the Welsh Language is a commitment in the One Wales agreement, we consider that this should work be done as soon as possible.

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<sup>15</sup> RoP, Para 130, Sustainability Committee, 30 June 2010

<sup>16</sup> RoP, Para 7, Sustainability Committee, 14 July 2010

<sup>17</sup> RoP, Para 108, Sustainability Committee, 23 September 2010

**Recommendation 6 We recommend that the Welsh Government should update the guidance on planning and the Welsh Language as a matter of priority.**

42. We heard the view expressed that in some cases the guidance in the TANs was ‘urban based’ and not always applicable to rural areas, particularly relating to the provision of affordable housing. Local planning authority officers told us:

“Coming back to the guidance that we get, part of it seems to be quite urban based, which may work in an urban environment but it simply does not translate to a rural area [...]”<sup>18</sup>

43. Whilst there was general support for national planning policies, we heard a range of different views on the scope for interpretation of those policies. Some witnesses argued that the priorities in national planning policy are clear. The Planning Inspectorate told us:

“I think that the Assembly Government has been very good at indicating when it has developed its current framework, particularly for things like affordable housing, sustainable development and zero-carbon housing, that it does consider these to be principal primary policy objectives. As far as we are concerned in the Inspectorate, and as far as the inspectors are concerned as they go about their tasks, there are no questions or complaints about how much priority should be given to the relevant policies. From our point of view, the policy priorities are set very clearly.”<sup>19</sup>

44. Planning Aid Wales also thought that “there is a valid policy framework in place that is, in theory, capable of delivering what it is intended to do.”<sup>20</sup>

45. However not all witnesses reported the same degree of clarity in their reading of national planning policies. We learnt that it is not clear to many users how competing national planning policies should be resolved and which priorities prevail in cases of conflict. For example a local planning authority officer told us:

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<sup>18</sup> RoP, Para 195, Sustainability Committee, 14 October 2010

<sup>19</sup> RoP, Para 7, Sustainability Committee, 14 October 2010

<sup>20</sup> RoP, Para 23, Sustainability Committee, 9 June 2010

“[...] there is no higher-level steer from the Assembly Government on what is in the ascendancy at any given moment. Often, we are left with myriad competing and conflicting interests to deal with [...]”<sup>21</sup>

46. This is particularly the case in determining the balance to be achieved between economic, social and environmental considerations. The CBI told us:

“We should have a clearer statement of the role of economic development as a consideration in planning matters. At the moment, there are three pillars of sustainable development: economic, social and environmental. I do not think that there is any balance in the way that those three pillars are taken into account in planning decisions.”<sup>22</sup>

47. There was some suggestion that environmental considerations were being given extra weight because of the legal requirements to carry out environmental and habitat assessments. A local planning authority officer said:

“Personally, I think that there is a lot of pressure on us to deal with environmental and ecology matters. I think that that is reflected in the fact that there are other appraisal mechanisms, not just the sustainability appraisal, that include the environment and we now also have to deal with strategic environmental assessments and habitat regulations assessments, which may throw up another assessment, the appropriate assessment. That all seems to be weighted towards making sure that we do not harm the environment.”<sup>23</sup>

48. There is a particular issue for the National Parks in determining the weight to be given to their ‘special purpose’ in relation to national planning policies.

49. We are convinced of the need for some clarity on the relative priority to be given to national planning policies and in particular how the proposed new policy statement on economic development will fit into the hierarchy of existing policy. In our view this statement needs to explain how all planning policies relate to the delivery of the Welsh

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<sup>21</sup> RoP, Para 123, Sustainability Committee, 14 October 2010

<sup>22</sup> RoP, Para 23, Sustainability Committee, 30 June 2010

<sup>23</sup> RoP, Para 119, Sustainability Committee, 14 October 2010

Government's economic renewal programme and not just take the form of an update of the policies in Chapter 7 of Planning Policy Wales. We are aware that the Welsh Government has commissioned research to evaluate existing planning policies for economic development against its economic development policies and to scope future planning policy requirements against the emerging Economic Renewal Programme.

**Recommendation 7    We recommend that the Welsh Government should:**

- amend chapter 1 of Planning Policy Wales to provide a clearer statement of its strategic priorities and to clarify how conflicting objectives should be resolved where they occur in the planning system.**
- ensure that the proposed new policy statement on economic development is explicit about how all national planning policies are expected to contribute to the delivery of the Economic Renewal Programme.**

50. We are also convinced by the calls for the introduction of some kind of a 'presumption' in favour of certain types of development to help achieve the right balance between policy objectives. This was suggested to us by a local planning authority officer:

"[...] there is some merit in at least thinking more about a return to some form of presumption in favour of development that supports community regeneration or that supports community wellbeing—something of that order—to give us an overarching guiding principle to force us into the right balance. There is really nothing to force us to get that balance at the moment."<sup>24</sup>

51. Our previous inquiry into Carbon Reduction in Wales concluded that sustainability should be at the heart of the planning process, with specific carbon reduction planning policies integrated into those for sustainable communities.

52. In our view a presumption in favour of development would provide an overarching 'guiding principle' for national and local

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<sup>24</sup> RoP, Para 178, Sustainability Committee, 14 October 2010

planning policy. However we believe that this should take the form of a presumption in favour of ‘sustainable development’, which is clearly defined. We also think it is important that the contribution that the planning system is making to the delivery of sustainable development in Wales is regularly monitored and reported on at least once a year.

**Recommendation 8     We recommend that the Welsh Government should:**

- **consider the introduction in planning policy of a presumption in favour of sustainable development.**
- **provide specific evidence of the contribution that the planning process is making to sustainable development in the annual report on delivering the Sustainable Development Scheme that the Welsh Ministers are required to lay before the Assembly.**

53. National planning policies usually don’t include specific spatial policies. There are, however, some documents in the Technical Advice Notes series that do contain spatial information. The key examples are in relation to wind energy renewables and flood risk. We were told that the spatial dimension of this guidance is helpful, although there have been reported difficulties in refining boundaries and spatial information at local level. In particular there seem to be problems with the refinement of boundaries of the Strategic Search Areas by local planning authorities, and in some cases we heard that the methodology used has been flawed. This is a case where we believe further guidance from the Welsh Government would be helpful.

Renewables UK told us:

“One issue that has proved difficult and has confused things a little, particularly with regard to TAN 8, is the annex D refinement. Many local authorities were quite slow at doing the refinement work, but the authorities that were quick off the mark and invested the time, effort and resources in that have since had to withdraw, because their methodologies were questioned at appeal. That is really unfortunate, because the authorities that embraced it, moved forward with it, and have

been proactive subsequently felt that it was all a bit of a waste of time and effort.”<sup>25</sup>

**Recommendation 9 We recommend that the Welsh Government should produce new guidance to local planning authorities on how to refine the boundaries of the Strategic Search Areas in their Local Development Plans to ensure greater consistency.**

54. Planning Policy Wales provides guidance for specific topics on how national planning policies should be applied in LDPs. This includes identification of national development control policies which should not need to be repeated in local policy. We learnt from the evidence submitted to the inquiry that these are useful, although the policies do not have the same status as those in a development plan. The policies are also not expressed in the same concise form as development plan policies. Wales Environment Link stated in their written submission to our inquiry that this creates a ‘policy vacuum’:

“[...] planners have to rely on national policy which in a case of biodiversity resources for example, consists of Planning Policy Wales and TAN 5. The main problem with this is that Planning Policy Wales and TAN 5 are not set out in the form of development plan policies, with clear criteria by which development proposals can be judged, being instead in the form of a generic and often somewhat open-ended narrative. This creates a high degree of uncertainty amongst plan-formulators and users of the plan, be they development control officers in local planning authorities, developers or communities seeking to protect such resources, as to the definitive intent of such statements. Their generalised wording can therefore lead to all manner of interpretation and challenge.”<sup>26</sup>

**Recommendation 10 We recommend that the Welsh Government should revise the chapters in Planning Policy Wales to ensure that the national development control policies are expressed in full as policies that can be clearly cross-referenced in Local Development Plans and Supplementary Planning Guidance.**

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<sup>25</sup> RoP, Para 111, Sustainability Committee, 23 June 2010

<sup>26</sup> Wales Environment Link, [Response to the National Assembly for Wales Sustainability Committee, Inquiry into Planning in Wales](#), June 2010

55. It is clear to us that national planning policies are usually developed in consultation with a wide range of users. In addition, we are aware that the Welsh Government underpins its policy development with a research programme. However we were told of a need for mechanisms that could be used to test national planning policies more effectively. The Campaign for Rural Wales told us in their written evidence:

“We believe it inequitable and inappropriate that such double standards should exist whereby local planning policy is subject to detailed and rigorous scrutiny through [the] open and accountable process of the Public Inquiry [...] whilst crucial Assembly policy is not subject to the same independent proofing and evaluation.”<sup>27</sup>

56. We consider that new national planning policies should be subjected to greater scrutiny and assessment before being finalised. We asked the Minister about a proposed impact test for new policy developments and she confirmed that although this was being considered it would not be introduced by the current administration.

**Recommendation 11** **We recommend that the Welsh Government should introduce an impact test to assess any future proposals for new national planning policies and consult widely on the results of the test before any new policies are introduced. The impact test should include an assessment of the potential impact of any proposed new policies on rural as well as urban areas. The test should also include a monitoring mechanism to measure the outcome of the policy once it is implemented.**

57. Some users of Planning Policy Wales and the Technical Advice Notes are concerned that where policies have been consulted upon in draft form, there is sometimes a delay in the issue of the final version of policies. The Minister told us that this delay can be attributed to a number of factors, including developments in European policies. This has in some cases created a degree of uncertainty for users of policies. We consider that there is scope for better communicating a timetable for national planning policy development to users.

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<sup>27</sup> Campaign for the Protection of Rural Wales, [Sustainability Committee's Inquiry into "Planning in Wales", Submission by the Campaign for the Protection of Rural Wales](#), June 2010

**Recommendation 12** We recommend that twice a year the Welsh Government should publish an updated timetable for the future introduction, review and updating of aspects of national planning policy and the associated Technical Advice Notes. This should include details of when both the draft and final versions are expected to be published and should explain the reasons for any deferral in issuing policy and guidance.

## 4. The Wales Spatial Plan

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58. The *Planning and Compulsory Purchase Act 2004* requires the Welsh Government to prepare a Wales Spatial Plan that must also be approved by the Assembly. Local planning authorities must have regard to the Wales Spatial Plan in preparing their LDPs. We understand that this is reinforced as one of the tests of soundness in examining LDPs submitted for examination.

59. Almost all the evidence that we received told us that there is a lack of clarity in the role and purpose of the Wales Spatial Plan in relation to the planning system in Wales. The Home Builders' Federation said:

“I find it difficult to pin down exactly what the Wales Spatial Plan does. On the one hand, it is a visionary document for Wales that has many laudable aspirations. On the other hand, it is supposed to be a document that is specifically referenced within the LDP system.”<sup>28</sup>

60. The CBI said “we do not see the spatial plan as having teeth at the moment”.<sup>29</sup> Some have called for clarification of the relationship between the Wales Spatial Plan and national and local planning policies. We were told of the potential value of the Wales Spatial Plan in addressing a range of strategic, cross-boundary issues. It was also suggested that it could have a role in strengthening collaboration between local planning authorities. The Welsh Local Government Association told us:

“The spatial plan could have provided that strategic guidance that could have linked land use, economic, and transportation planning in a single document, and given that guidance to the regions and the nation. However, it did not do that, and so we still have a regional transport plan and an economic plan, and these things are not linked. Therefore, that central strategy is not there.”<sup>30</sup>

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<sup>28</sup> RoP, Para 156, Sustainability Committee, 14 July 2010

<sup>29</sup> RoP, Para 66, Sustainability Committee, 30 June 2010

<sup>30</sup> RoP, Para 123, Sustainability Committee, 9 June 2010

61. The Welsh Local Government Association also called for a spatial plan core group, reporting to the Minister with responsibility for land use planning, which should be “tasked with controlling and bringing together land use and the economic and transport plans to give the whole plan a single direction.”<sup>31</sup>

62. We believe that the Wales Spatial Plan has great potential to support an effective planning system, but this potential is clearly not being realised at the present time. Improvements need to be made, including some more formal mechanisms for taking the work of the regional groups forward.

**Recommendation 13** **We recommend that the Welsh Government should review the role and function of the Wales Spatial Plan focusing specifically on how it relates to the development plan framework and its relevance to the determination of planning applications and appeals.**

**Recommendation 14** **We recommend that the Welsh Government should explore mechanisms for strengthening regional and collaborative working arrangements and to enhance the weight that may be given to the products and outputs of regional and collaborative work.**

63. During the period of this inquiry the Welsh Government announced its intention to develop a Wales Strategic Infrastructure Plan and explore the use of its powers under the *Planning Act 2008* to do so.<sup>32</sup> It is not clear to us how any future Wales Strategic Infrastructure Plan will relate to the Wales Spatial Plan, or indeed to Planning Policy Wales or to LDPs. In our view it would be far more sensible if the new infrastructure plan were to form part of a revised Wales Spatial Plan.

**Recommendation 15** **We recommend that the Welsh Government should embed the Wales Strategic Infrastructure Plan within the Wales Spatial Plan to avoid duplication and to ensure that it is fully taken into account in the preparation and examination of Local Development Plans.**

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<sup>31</sup> RoP, Para 150, Sustainability Committee, 9 June 2010

<sup>32</sup> Welsh Assembly Government, *Economic Renewal: a new direction*, July 2010

## 5. Local Planning Policies

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64. The evidence submitted to our inquiry confirmed that LDPs are regarded as a key mechanism for bringing together an integration of policy requirements at the local level. The process which the LDP has to go through to adoption is required to be robust and evidence-based because it has an important role in determining development in an area. We have concluded from our inquiry that in general terms the existing mechanisms for developing a LDP do ensure that Welsh Government policy is reflected in these plans.

65. However, we also discovered that this does mean that developing a LDP is a slow process. It can take at least four years from start to finish. Many witnesses felt that this pace causes a disconnection between local and national policy. The Welsh Local Government Association told us:

“One issue that faces all local authorities in the LDP process is that new policies come out during that four-year period. You cannot really do it in less than four years—and it could be a bit longer. Given how the system works, we have to take all responses into account and we have to have included them to ensure that the plan is sound. Under the older systems, we could simply have acknowledged that, by the time the plan was adopted, a part of it was already out of date because national policy had moved on, and you simply looked at the national policy instead of that part of your local plan. You then reviewed your local plan in that area very quickly. The LDP procedure does not allow you to do that.”<sup>33</sup>

66. This situation is exacerbated where local planning authorities are not meeting their Delivery Agreements. We heard that the Welsh Government does not take any particular action when this happens other than agreeing a new deadline. The CBI told us:

“The problem that I have experienced with LDPs is that their delivery agreements are not being met. Quite how you overcome that, I do not know, but it has caused problems in terms of preparing clients for how they would market a site or get development underway. It needs to be looked at, and

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<sup>33</sup> RoP, Para 174, Sustainability Committee, 9 June 2010

perhaps it comes back to the carrots and sticks that I was talking about earlier. How does the Assembly ensure that local authorities meet their delivery agreements. It is an agreement that they prepare, to their timetable, but then they fail to follow it.”<sup>34</sup>

**Recommendation 16 We recommend that the Welsh Government should carefully monitor and every six months publish a schedule of the progress of local planning authorities in preparing Local Development Plans in accordance with approved Delivery Agreements. If necessary it should be prepared to use its powers under the Planning and Compulsory Purchase Act 2004 to take action against local planning authorities that fail to meet their Local Development Plan Delivery Agreements.**

67. We also discovered that the level of resources and expertise available to develop the LDPs varies considerably between local planning authorities. One of the reasons for this is that each authority has reached a different stage. Some authorities are close to the adoption stage whilst others are just starting out.

68. We were told that national planning policy can be expressed widely across the local planning authorities in Wales. In some cases this was felt to cause problems in understanding policies. However others felt it was important to enable this variation to reflect differences in Wales i.e. rural, urban and Valleys areas would have different needs. One suggestion put to us was that national policy is set at a minimum level, so that local planning authorities can go further if they have the evidence to support this. We agreed with the idea that it would be helpful if policies aimed at achieving the same thing in different plans in similar types of area (for example affordable housing policies for rural areas) could use the same wording.

**Recommendation 17 We recommend that the Welsh Government should encourage good practice in the preparation of Local Development Plans to be shared between local planning authorities, building on the experience of those plans which have progressed through the system. This should include encouraging**

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<sup>34</sup> RoP, Para 91, Sustainability Committee, 30 June 2010

**the use of common wording of policies between different Local Development Plans in cases where these policies are meant to achieve the same objective and are for similar types of area.**

69. We welcome the fact that the LDP system requires community and developer engagement to be conducted in the early stages of the Plan's development. Our inquiry found that this was regarded as a positive development as it enables the risks and opportunities to be addressed that cannot be easily dealt with at detailed stages of the plan preparation.

70. However, we heard that this early 'policy development' stage is not detailed enough to enable the public to understand the implications and to comment on this. Planning Aid Wales told us that part of their role was to make people aware that "if they do not think strategically, they will get dumped on locally."<sup>35</sup>

71. We believe that there is a need for clearer guidance from the Welsh Government on how to engage the public at the policy development stage. This was also regarded as an issue for others commenting on sites and infrastructure requirements. We also heard that there was a problem getting developers to understand policy. The small scale developers, in particular, did not engage with local planning authorities at the policy development stage.

**Recommendation 18    We recommend that the Welsh Government should:**

- commission an external evaluation of the success or otherwise of the community engagement approaches that have been used to date in Local Development Plan Community Involvement Schemes.**
- based on the results of this evaluation, provide clear guidance and training to local authority planning staff on how to engage the public in the early stages of Local Development Plan policy development including how to prepare accessible planning documents.**

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<sup>35</sup> RoP, Para 62, Sustainability Committee, 9 June 2010

72. We agree that it is essential that LDP policies are supported by robust evidence. Some witnesses suggested to us that there was a problem in the evidence base, particularly with reference to flooding and biodiversity. The Wales Environment Link told us in their written evidence:

“There is little evidence that LDP formulators are including biodiversity evidence for example beyond statutorily designated sites and legally protected species in their Evidence Base.”<sup>36</sup>

73. A concern about how biodiversity issues are dealt with by the planning system has also emerged as a key issue from our most recent inquiry into the delivery of the 2010 biodiversity targets.

74. Some witnesses told us that the use of Supplementary Planning Guidance (SPG) was being misused by local planning authorities to introduce local policies without sufficient scrutiny. NFU Cymru stated in their written submission:

“NFU Cymru would wish the Welsh Assembly Government to monitor very carefully and evaluate any use of supplementary guidance by local planning authorities to ensure that they are being used for an appropriate purpose and not as a backdoor method of imposing restrictive policies on legitimate development, especially in rural areas.”<sup>37</sup>

75. The Welsh Local Government Association told us:

“If regulations can be altered so that we can use SPGs in a more creative way in the future, so that we do not have to tie them back to the old adopted plans, but can tie them to national policies or national guidance instead, or expressions of a national policy, that may be a way forward.”<sup>38</sup>

76. We support this call for a more creative use of SPG to promote new national planning policy in cases where there is no recently approved development plan. We also agreed with the suggestion that it is good practice to prepare SPG alongside the draft LDP policies so

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<sup>36</sup> Wales Environment Link, [Response to the National Assembly for Wales Sustainability Committee, Inquiry into Planning in Wales](#), June 2010

<sup>37</sup> NFU Cymru Consultation, [National Assembly for Wales Sustainability Committee Inquiry into Planning in Wales](#), June 2010

<sup>38</sup> RoP, Para 215, Sustainability Committee, 9 June 2010

that it is clear how the policy would be implemented. However we recognise that doing this has resource implications for local planning authorities.

**Recommendation 19 We recommend that the Welsh Government should revise the guidance in Planning Policy Wales to enable local planning authorities to develop Supplementary Planning Guidance in support of identified national development control policies.**

77. We recognise the fact that the LDP process is still relatively new in Wales. Now that LDPs are starting to be adopted, we expect that this should increase the learning and understanding amongst other local planning authorities and developers and we would anticipate that plans coming through the system would start to speed up. We consider that some of the guidance for the process would now benefit from being updated to take account of this experience.

**Recommendation 20 We recommend that the Welsh Government should review its guidance on the form and content of Local Development Plan Annual Monitoring reports to ensure it takes account of the experience to date in the preparation of plans.**

78. The local planning authorities told us that they are concerned that a policy vacuum can be created because of the lack of weight given to the draft LDP's policies until it has been considered by an Inspector to be 'sound'. The Welsh Local Government Association told us:

"A further key issue [...] is the lack of status given to the local development plan until it is approved after public examination. We have proposed developments, which are large and economically important, which do not comply with our adopted LDP. However, we have no weight in the new process as of yet. This creates a vacuum and could potentially discourage good development from coming forward. Indeed, where housing land is restricted across Wales, it may allow for poor development to happen."<sup>39</sup>

79. We also heard that this can encourage developers to bring forward proposals for development that are not in line with draft LDP policies to try and get them approved before the plan is adopted.

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<sup>39</sup> RoP, Para 113, Sustainability Committee, 9 June 2010

When we asked witnesses to state the one key change that they would like to see made, a local planning authority officer told us:

"I would pick on soundness and the fact that plans do not gain significant material weight until the inspector's report is issued. Effectively, an authority could, under the old system, once the plan went on deposit, place some reliance on the new policies that it was proposing. In the new system, if you are proposing tighter policies, more effective policies, to reflect new national approaches or a new emphasis, you are basically giving the industry two years' notice of what the policies might be in two years' time. If they do not like it, they have two years to get all their land through the system under the existing policies that you have acknowledged are not fit for where you want to go in the future."<sup>40</sup>

80. We think that these are important issues, particularly for those parts of Wales where there is no recently adopted development plan of any kind and no prospect of one in the near future. For example it will be another four years before Cardiff has an adopted LDP which we believe is a major concern given that Cardiff's UDP has been in place since 1996 and is becoming increasingly out of step with current national planning policy.

**Recommendation 21** **We recommend that the Welsh Government should explore how policies in an emerging Local Development Plan that are clearly linked to national planning policy could be given more weight as material considerations in planning application decisions and appeals, prior to the examination and formal adoption of the whole plan.**

**Recommendation 22** **We recommend that the Welsh Government should consider amending the Local Development Plan Regulations to introduce a full consultation draft stage into the preparation process of Local Development Plans.**

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<sup>40</sup> RoP, Para 180, Sustainability Committee, 14 October 2010

## **6. Affordable Housing**

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81. We looked at national and local planning policies for the delivery of affordable housing as one example of the delivery of a key Welsh Government policy objective through the planning system. The evidence that we heard was mostly in support of the national planning policies and their broad approach.

82. However, we also heard about varying interpretations of national policy at the local level, especially in the delivery of different forms of affordable housing. In particular, we were told of the need to clarify what position the issue of affordable housing occupies within a hierarchy of priorities. Affordable housing has to be assessed against other competing priorities at a local level. The Mid-Wales Housing Association told us “There is a hierarchy of priorities for planning in the local authority, and where affordable or council housing sits is questionable.”<sup>41</sup>

83. This difficulty is exacerbated in some areas by a dated development plan framework. We consider that these concerns should be addressed at least in part if the Welsh Government implements our recommendations on national and local planning policy in the preceding sections (specifically recommendations 7, 8, 11, 16, 17, 19, 21 and 22)

84. The evidence on housing has also identified a need for enhanced training and skills, focusing in particular on assessing the viability of policies and proposed developments. As the Home Builders Federation put it to us:

“[...] I think that the policy needs to be linked to viability, and regardless of whether the policy is used to deliver social rented units, intermediate rented units or shared equity units, we should really be looking at need in each local authority. Viability is a key issue. Regardless of the percentage in your policy, if the development does not come forward, you will not deliver any affordable housing. If you have a policy set at 30 per cent affordable housing, and that has an impact on

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<sup>41</sup> RoP, Para 25, Sustainability Committee, 14 July 2010

development viability, 30 per cent of nothing is nothing, so you will not get any products, whether rented or shared equity.”<sup>42</sup>

85. However we also heard from the Home Builders Federation that affordable housing planning policies are “the only national policy on a planning obligation that has clauses—and quite robust ones—with in it that require that we take account of development viability.”<sup>43</sup>

86. We agree that the delivery of housing – both affordable housing and other forms of housing – is dependent on a good understanding of the viability of schemes. We believe that policies in development plans on affordable housing provision also need to be based on a proper understanding of development viability. This assessment of viability also needs to reflect recent changes in the economic context. We welcome the Welsh Government’s decision to re-issue its guidance on delivering affordable housing through the planning system in an updated form in 2009<sup>44</sup>, to take account of the economic downturn. Skills and training issues are addressed in paragraphs 110 to 119 below. We have made a specific recommendation about the provision of training to planning officers and local Members on the assessment of the viability of policies and proposals for development, specifically for affordable housing but also for other types of development.

87. The evidence we heard on housing also drew attention to the need to ensure the full implementation of the recommendations of the Essex Review on affordable housing in Wales,<sup>45</sup> including the development of a national evidence base on housing.

**Recommendation 23 We recommend that the Welsh Government should ensure that the recommendations of the Essex Review into establishing a robust evidence base on housing need are fully implemented.**

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<sup>42</sup> RoP, Para 133, Sustainability Committee, 14 July 2010

<sup>43</sup> RoP, Para 137, Sustainability Committee, 14 July 2010

<sup>44</sup> Welsh Assembly Government, [Delivering affordable housing using Section 106 agreements: A Guidance Update](#), October 2009

<sup>45</sup> Welsh Assembly Government, [Essex Review on affordable housing in Wales](#), June 2008

## **7. Renewable Energy**

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88. We also looked at national and local planning policies for the delivery of renewable energy as another example of the delivery of a key Welsh Government policy objective through the planning system. The evidence we received suggested that national planning policy was felt to be sufficient in the field of renewable energy. Renewable UK told us that:

“Windfarm development is an essential part of the renewable energy mix, and WAG has given a strong steer and provided a strong impetus in trying to push it forward.”<sup>46</sup>

89. There was an inference that overall the Welsh Government’s approach was not as strong as in Scotland, but this was probably due to funding incentives outside the planning system.

90. We heard that TAN8: Renewable Energy was considered to be a constructive policy and was supported by developers, local planning authorities and environmental groups. However there was some criticism over the local refinement exercises of the Strategic Search Areas (SSAs) by local planning authorities, particularly of the methodologies used. This issue is explored in more detail in the section on national planning policy above and we have made a specific recommendation about the need for more guidance (see paragraph 53 and **recommendation 9**).

91. We were told by Renewable UK that there is an issue for a renewable energy promoter distinguishing between projects under 50 Megawatts (MW) and over 50MW, as they are determined through different mechanisms; projects over 50MW are classified as Nationally Significant Infrastructure Projects and are not devolved to Wales:

“The fact that there are two processes working together can be difficult. It is not about whether decisions are taken in Wales or not; it is more about the fact that there are two different approaches, with different timescales and requirements. It is confusing and surely, if something is considered to be

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<sup>46</sup> RoP, Para 122, Sustainability Committee, 23 June 2010

nationally significant, it should all be packaged together and dealt with as a whole."<sup>47</sup>

92. We have made some specific recommendations about the responsibilities for energy consents in the section on Nationally Significant Infrastructure Projects (see paragraphs 100 to 109 and **recommendations 25 to 28**).

93. We learnt that a number other issues are causing particular problems for projects determined in Wales including the transportation of equipment to the renewable energy sites, as they are mainly located in remote rural areas and the pressure caused by the cumulative impact of several renewable energy schemes in a particular area.

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<sup>47</sup> RoP, Para 164, Sustainability Committee, 23 June 2010

## **8. Economic Development and Renewal**

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94. The key third policy area we looked at as an example of the delivery of a key Welsh Government policy objective through the planning system was economic development and renewal. This was timely as during the course of the inquiry the Welsh Government announced its Economic Renewal Programme.<sup>48</sup>

95. Although there was some support for the policies expressed in Planning Policy Wales that relate to economic development, we heard that there is now a need to reconsider these policies in the light of the change in economic circumstances and the Welsh Government's Economic Renewal Programme. This issue had been highlighted by the excellent work carried out by GVA Grimley looking at the operation of the planning application system.

96. Some witnesses told us that insufficient weight was being given to economic and social priorities in comparison with environmental priorities. We understand that the Welsh Government has now commissioned research to inform a policy statement on economic development that will be issued in 2011. However it is unclear to us whether or not this will provide clarity to users of planning policy about the weighting of different or conflicting policies, including those for economic development. We have made a number of recommendations about the weighting of planning policies; the need for a presumption in favour of sustainable development and the role of the proposed policy statement on economic development in the section on national planning policy above (see paragraphs 37 to 52 and **recommendations 7 to 8**).

97. A key issue for witnesses that presented to us was the difficulty experienced in the local interpretation and implementation of national planning policies. Concern was also expressed at the delays in the preparation of LDPs and the impact of this on development locally. This was particularly the case in being able to provide for infrastructure to support economic development, and to signal clearly and early to developers the requirements of the local planning authority (for example in planning obligations or the requirements of the community infrastructure levy). Again we have made some specific recommendations to address some of these issues in the section on

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<sup>48</sup> Welsh Assembly Government, *Economic Renewal: a new direction*, July 2010

local planning policy above (see paragraphs 64 to 80 and **recommendations 16 to 22**).

98. Another specific concern that was raised with us was the lack of statutory consultation arrangements with businesses on planning policy. In response to the GVA Grimley report the Welsh Government has already stated “we will evaluate the business community’s engagement in planning policy development at national and local level and identify areas for improvement”.<sup>49</sup>

**Recommendation 24 We recommend that the Welsh Government should publish the results of the evaluation of the business community’s engagement in planning policy development and subsequently consider the introduction of formal consultee or advisory status for business organisations as part of the Local Development Plan process.**

99. As with affordable housing we were told of the importance of local planning authorities being able to assess the viability of both the requirements of planning policies and of individual development proposals. We believe that this is an issue that can best be addressed through training for both planning professionals and elected Members. Skills and training issues are addressed in paragraphs 110 to 119 below. We have made a specific recommendation (recommendation 30) about the provision of training to planning officers and local Members on the assessment of the viability of policies and proposals for development.

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<sup>49</sup> Welsh Assembly Government, [\*Response to the recommendations made in: Study to Examine the Planning Application Process in Wales\*](#), June 2010

## **9. Nationally Significant Infrastructure Projects**

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100. From the evidence we received, the principal issue raised with us about Nationally Significant Infrastructure Projects (NSIPs) was the two separate decision making systems for energy projects in Wales due to the devolution settlement. In England, ‘associated development’ is determined along with the NSIP. However in Wales elements of the project which fall under Town and Country Planning Legislation are devolved and are therefore determined by the local planning authority.

101. These different elements of the project are frequently integral to each other e.g. a transmission station for a large energy generation project. This causes a lack of certainty for promoters of projects and witnesses told us that they wished to see the ‘associated development’ bundled with the energy project itself. Scottish and Southern Energy told us:

“We are saying that, if you are to retain the situation where the approach to developments of over 50 MW exists and it has to go through the IPC or an equivalent process, it makes sense to try to get everything through in one package, so that you get associated developments through at the same time.”<sup>50</sup>

102. The current arrangements make it potentially possible for a local planning authority or the Welsh Government to refuse the associated development for a NSIP if it was considered to be not in line with national and local planning policies. The Infrastructure Planning Commission confirmed that this was possible:

“[...] you could have a scenario where the IPC had given consent for the major project, for example, and issues remained outstanding in respect of the associated development, which could mean that the project could not go ahead. It would then be for the promoter to go through the normal appellant procedure. I suppose that, in that sense, it is undertaken through the normal appellant procedure, which takes it back to the Assembly and its processes.”<sup>51</sup>

When we first examined the draft energy NPSs in February 2010, the Minister suggested to us that it would be possible for a project that

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<sup>50</sup> RoP, Para 50, Sustainability Committee, 23 June 2010

<sup>51</sup> RoP, Para 84, Sustainability Committee, 7 October 2010

had been agreed by the IPC to be ‘blocked’ in Wales using the devolved competence for approving associated developments, if the project was seen to be contrary to Welsh planning policy:

“[...] if, for example, you ended up in a situation whereby the IPC agreed something that—at both the local authority level and at the Welsh Government level—was seen to be inappropriate or wrong for Wales, or against Welsh policy in areas over which Wales was exercising its competence, clearly Wales could exercise its competence in the way you described. However, it would have to exercise it properly, because any decision would be subject to judicial review.”<sup>52</sup>

103. In our view and in line with the Welsh Government’s long-standing position, we believe that responsibility for energy consents of over 50 Megawatts should be devolved to the Welsh Ministers. In order to ensure that a single regime is responsible for all elements of these projects we also suggest that parallel arrangements to those proposed for England should be set up in the event that responsibility for energy consents of over 50 Megawatts is devolved to Welsh Ministers. This could be achieved either by an Assembly Act in the event of a successful referendum and a move to Part 4 of the Government of Wales Act 2006, or in the alternative by utilising the Measure making powers included in the Localism Bill. In the event that the proposed powers are not sufficient to allow this to take place, then the Welsh Government should seek the necessary amendments to the Bill. The Major Infrastructure Planning Unit to be established as part of the Planning Inspectorate should be required to consider large-scale energy projects, as well as any associated development in Wales, but in alignment with Welsh planning policy rather than the National Policy Statements. The final decision on such projects should then be made by the Welsh Ministers, rather than the UK Ministers.

104. We are disappointed that the opportunity presented by the Localism Bill to make changes to the devolution settlement in this area has not been taken. We would urge the Welsh Government to continue to lobby for these changes to be introduced as amendments to the Bill as it proceeds through Parliament.

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<sup>52</sup> RoP, Para 116, Sustainability Committee, 11 January 2010

**Recommendation 25 We recommend that the Welsh Government should:**

- continue to urge the UK Government to devolve responsibility for energy consents of over 50 Megawatts to the Welsh Ministers.**
- seek amendments to the Planning Act 2008 so that decisions on large-scale energy projects in Wales are made in line with Welsh planning policy.**
- in the event that responsibility for energy consents over 50 Megawatts is devolved to Welsh Ministers, and on gaining the necessary competence, introduce legislation that will enable the Welsh Ministers to establish a parallel system to that proposed for England with the Major Infrastructure Planning Unit within the Planning Inspectorate considering both nationally significant infrastructure energy projects in Wales as well as their associated development, but making its recommendations on these projects to Welsh Ministers.**

105. Decisions on energy NSIPs will use the appropriate National Policy Statement (NPS) when they are finally approved by the UK Government. Whilst these state that Welsh policy should be given regard in making a decision on a NSIP, from the evidence we collected in this inquiry and also from our earlier work looking at the draft NPSs, there is a grey area about how much weight should be given to Welsh policy. It is apparent that this could cause problems in determining applications.

106. The IPC told us that based on the original draft energy NPSs:

“[...] it would be helpful to have explicit recognition of some aspects of the Assembly Government’s policy, and I think that the Assembly Government has been arguing for this.”<sup>53</sup>

107. Also commenting on the original draft energy NPSs Scottish Southern Energy said:

“We are waiting to know what will happen with that and for it to be ratified by the new Government. The key issue for us is that, as far as possible, we want to see that national policy statement fitting in with all of the different tiers of

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<sup>53</sup> RoP, Para 16, Sustainability Committee, 7 October 2010

Government. That is something where we need to see a degree of consistency so that it fits in with the spatial plan and your renewable energy plans, so that they all sit comfortably together, pointing in the same direction. The problem occurs when they start to contradict each other, and that is when it becomes really complicated for planners to make decisions.”<sup>54</sup>

108. We were disappointed to see that the revised energy draft NPSs issued by the UK Government in October have not been amended to clarify the precise relationship between UK and Welsh planning policy.<sup>55</sup>

**Recommendation 26** **We recommend that in the absence of devolved responsibility for large-scale energy consents, the Welsh Government should continue to lobby the UK Government to ensure that the final energy National Policy Statements include clear statements about the amount of weight to be given to Welsh planning policy by the Infrastructure Planning Commission and its successor (the Major Infrastructure Planning Unit within the Planning Inspectorate).**

109. We also discovered that the relationship between the NPSs and local planning policy is unclear. In England a letter has been sent to the local planning authorities to clarify this point but this has not happened in Wales.<sup>56</sup> It would be helpful if the Welsh Government were to clarify how the NPSs are supposed to be taken into account by local planning authorities in their LDPs.

**Recommendation 27** **We recommend that the Welsh Government should write to local planning authorities to explain the extent to which and how the final National Policy Statements should be taken into account in their Local Development Plans.**

110. We discovered that it was difficult to get support for major infrastructure in an area where there was no direct benefit for the local communities where the disruption is being caused. Resources to support community engagement in Wales have been lower than that

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<sup>54</sup> RoP, Para 70, Sustainability Committee, 23 June 2010

<sup>55</sup> Department of Energy and Climate Change, [Consultation on the revised draft National Policy Statements on Energy Infrastructure](#), October 2010

<sup>56</sup> Department for Communities and Local Government, [Letter to Chief Planning Officers: National Policy Statements](#), 9 November 2009

available in England, although recent announcements about the future funding of Planning Aid in England may well alter this. We were provided with evidence of an example in Wales where a lack of funding had meant that a community engagement exercise had not been able to take place due to a lack of resources.<sup>57</sup>

111. In addition local planning authorities receive no fee for their increased workload in engaging with NSIP applications which is a cause for concern, particularly for those authorities where potentially a large number of renewable energy projects are likely to come forward.

**Recommendation 28** **We recommend that the Welsh Government should provide additional funding to Planning Aid Wales to support community engagement in planning for major energy infrastructure projects.**

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<sup>57</sup> Sustainability Committee Paper SC(3)-22-10 paper 7, [Infrastructure Planning Commission, Note for the Sustainability Committee re: IPC experience of using of Planning Aid Wales](#), 11 November 2010

## 10. Skills, Resources and Training

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112. A recurrent theme in the evidence we received was the lack of resources in local planning authorities and to some extent in the Planning Division of the Welsh Government. This was about the numbers of officers dealing with the policy and application workload but also their skills and knowledge in an increasingly technical field. A lack of knowledge of and confidence in new renewable energy technologies by local planning authorities was also an issue that emerged strongly from our previous inquiry into Carbon Reduction in Wales. We heard that planning consultants and developers were also being affected by the increasingly technical nature of planning.

113. Renewables UK told us “I do not think that there is anything fundamentally wrong with the planning system—there just needs to be more resources so that planning officers can pull in additional expertise if necessary.”<sup>58</sup>

114. Planning consultants GVA Grimley told us that the different status of the planning function was as important as the level of resources. In some authorities the Chief Planning Officer is a ‘second-tier’ officer, whilst in others the head of planning is only a ‘fourth-tier’ officer.

“I think that the important thing is not resource but the profile of the local planning authority. [...] As long as the role has the right profile within the local authority, planning will get the time and respect it ought to, relative to the demands of resources on that authority. So, it should be a tier 2 officer as a minimum requirement. That will then percolate through with regard to the resources that can be reasonably expected from financially challenged authorities.”<sup>59</sup>

115. The potential role for the planning function to take the lead on the carbon reduction agenda within local authorities in Wales was a clear message from our inquiry into Carbon Reduction in Wales.

116. We think it is vital that the Welsh Government emphasises to local authorities the long term importance of LDPs in achieving corporate local policies and encourage local authorities to provide

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<sup>58</sup> RoP, Para 125, Sustainability Committee, 23 June 2010

<sup>59</sup> RoP, Para 220, Sustainability Committee, 30 June 2010

sufficient corporate attention, including political leadership, to the development plan process, even at a time of financial constraint.

117. We wish to see continuation of the Welsh Government's grant to allow local planning authorities to access technical support for dealing with renewable energy and waste schemes, but consider this should be extended to other areas where technical expertise is lacking. We also welcome the examples of the sharing of expertise between local planning authorities, which has been taking place in some areas and would wish to encourage this further. As Severn Trent Water said: "It would be impossible for a local planner to have a full grasp of the full complexity of every single thing that is happening."<sup>60</sup>

118. We also support the Welsh Government's approach to rolling out training to local planning authorities as part of the process of introducing new national policy. The Minister told us that "since 2005, we have provided 1,000 days of training to local authorities to make sure that they take account of national planning policies."<sup>61</sup>

119. However we heard that there was a need for more resources for the training of both local planning authority officers and local Members. The CBI stated "In many cases, there is inadequate experience shown by Members. They definitely need more support to understand the development process and the economic implications involved."<sup>62</sup> The Environment Agency highlighted a need for improved guidance and training on new initiatives in their written submission.

120. We consider that the development and sharing of expertise is a vital issue if the planning system is to operate effectively. This is particularly important at a time of financial constraint. For ease of reference we have grouped together our recommendations about expertise, training and collaboration. We expect the Welsh Government to respond to each of the specific suggestions that are listed below in Recommendation 29.

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<sup>60</sup> RoP, Para 208, Sustainability Committee, 23 September 2010

<sup>61</sup> RoP, Para 12, Sustainability Committee, 23 September 2010

<sup>62</sup> RoP, Para 37, Sustainability Committee, 30 June 2010

**Recommendation 29** We recommend that the Welsh Government should encourage the sharing and development of expertise on planning policy and proposals for development. There are a number of ways in which we suggest this is done:

- continue to provide funding to enable local planning authorities to access technical support for renewable energy and waste schemes and make similar funding available for other types of development where specialist expertise is needed;
- encourage joint working and collaboration between local planning authorities both in the development of local planning policies and in dealing with major and / or specialist technical development proposals.
- set up expert advisory teams on technical and specialist aspects of planning policy that can deliver support services to local planning authorities;
- continue to provide training to local planning authority officers as new national planning policy is introduced but also making this training available to local authority Members and other stakeholders, including those in the private sector;
- provide training to local planning authority officers on the assessment of development viability specifically for affordable housing but also for other types of development.

121. As described earlier in the section about how the planning system is currently working, there is a general concern about local elected Members are not always taking decisions on planning applications in accordance with planning policy, but sometimes for political reasons (see paragraphs 35 to 36). In **recommendation 5** we have called for further research into the extent of planning applications being determined contrary to officer-recommendations and the issues that may arise as a result. In addition to the proposals set out in **recommendation 29**, we believe that there is a need for a compulsory national training programme for local planning authority Members to ensure that they have the knowledge to make informed decisions.

**Recommendation 30** We recommend that the Welsh Government should consider providing a compulsory national training programme for local planning authority Members sitting on planning committees with the aim of ensuring that they are equipped to make informed decisions. The training would cover the national policy framework, development plan preparation, assessment of development viability and the planning application process.

## **Annex A: LDP Progress Summary – as at December 2010**

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**Blaenau Gwent:** Blaenau Gwent will be consulting on its Deposit Plan in April 2011; and anticipate having an adopted plan by March / April 2013.

**Brecon Beacons:** Consultation on the Deposit LDP has recently closed (29 December 2010). Adoption is expected in October 2012. (The Park's UDP was approved for development Control purposes in 2007).

**Bridgend:** Bridgend has produced and consulted on its LDP Pre-Draft Proposals and is currently strengthening its evidence base in preparation for the Deposit LDP, which is anticipated to be published in spring 2011.

**Caerphilly:** The Caerphilly LDP was adopted on the 26 November 2010.

**Cardiff:** Following the withdrawal of the Cardiff LDP from the examination in April 2010 due to significant concerns raised by the Inspectors examining the Plan, the Council has started work on a new LDP and is due to consult on a draft Delivery Agreement in the near future.

**Carmarthenshire:** Following consultation on the Preferred Strategy and the consideration of responses, it was recently approved by Council and work is currently progressing on the production of the Deposit Plan scheduled for April 2011.

**Ceredigion:** The Council placed the LDP on Deposit on the 22<sup>nd</sup> December. Consultation runs for 8 weeks, taking into account the Christmas break, ending on midday on the 17<sup>th</sup> February. The plan will be submitted for examination later in 2011 with a view to adopt in 2012.

**Conwy:** The Conwy LDP went on deposit in April 2009. Re-deposit following a review of strategy is programmed for November 2010 and consultation will commence in January 2011. An adopted plan is expected in March / April 2012.

**Denbighshire:** Following public consultation, the Site Allocation Representation Stage took place in May and June 2010. Examination is anticipated in spring 2011 and adoption of the LDP in the autumn of 2011.

<b>Flintshire:</b> Flintshire will be advertising further modifications to the UDP in January 2011, with a view to potential adoption later in the year.
<b>Gwynedd:</b> Discussions are currently taking place with Anglesey County Council to explore the possibility of preparing a Joint LDP.
<b>Merthyr Tydfil:</b> Following submission of the LDP in August 2009, Hearings commenced in November 2009; they were suspended in February; the Post Suspension Hearings were held on 5 and 6 October 2010, and the Inspector has since advised that it is necessary for the Council to further consider certain matters in response to issues raised during the Hearings.
<b>Monmouthshire:</b> The Preferred Strategy was out for consultation in 2009. An informal consultation on proposed rural housing allocations took place in July 2010. Consultation on the Deposit Plan is intended for Spring 2011.
<b>Neath Port Talbot:</b> The initial consultation on Issues is largely completed; the second Candidate Sites and Sustainability Appraisal Scoping document consultation was carried out in 2010. The Pre-deposit Plan date is to be agreed; adoption of the plan is currently estimated to be spring 2013.
<b>Newport:</b> The Preferred Strategy was consulted on between January and March 2010. It is hoped to place the plan on deposit in June 2011, with adoption estimated for mid 2013.
<b>Pembrokeshire:</b> Following a revision to its Delivery Agreement in December 2010, Pembrokeshire County Council consulted on its Deposit LDP between January and March 2011. LDP adoption is anticipated for early 2013.
<b>Pembrokeshire Coast:</b> The Pembrokeshire Coast NPA LDP was adopted on the 29 September 2010.
<b>Powys:</b> The process for preparing a Powys LDP has begun and it is anticipated that a Delivery Agreement will be in place by the end of 2010 with the aim of adopting the Powys LDP at the end of 2014.
<b>Rhondda Cynon Taf:</b> The LDP Hearings have now completed and the Authority is awaiting its Inspector's letter, adoption is anticipated for early 2011.
<b>Snowdonia:</b> The Eryri LDP Hearings completed in December 2010. It is hoped that the Plan will be adopted in early 2011.
<b>Swansea:</b> Preparation of the Swansea LDP formally commenced in August 2010. In advance of this a Delivery Agreement has been

approved, baseline data is being collected and assessments have been commissioned to inform the evidence base for the Plan. The current timetable estimates an adopted plan by December 2014.

**Torfaen:** Due to the need to obtain further information to inform the Local Development Plan (LDP) process in relation to the future development of Cwmbran Town Centre, the Deposit LDP will now be reported to Full Council during the early part of 2011. If the Council give agreement in early 2011, the Deposit LDP will be consulted on in mid-2011.

**Vale of Glamorgan:** The Vale of Glamorgan Council is preparing a new LDP to cover 2011 to 2026. The pre-deposit public consultation took place in January and February 2008 and the LDP strategy was approved by Cabinet in February 2010. It is anticipated that the Deposit LDP will be published for public consultation in late Spring 2011.

**Wrexham:** Wrexham's LDP was on deposit from June to July 2010, with alternative sites due to be placed on deposit in January 2011, with submission to the Assembly Government in summer 2011 and Hearings in winter 2011/12.

**Ynys Môn:** The timetable in the revised Delivery agreement, signed off by the Assembly in January 2009, will not be met due to the need for the LDP to take into account the implications of major new developments focusing on renewable energy production - nuclear and wind and tidal power in the Irish Sea. Discussions are taking place between Ynys Mon and Gwynedd to prepare a joint LDP. (The Council resolved to stop work on its UDP and prepare a LDP. Parts of the UDP can be retained as interim guidance for taking development control decisions while work on the new LDP advances.)

## **Witnesses**

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The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-scrutiny-committees/bus-committees-third-sc-home/bus-committees-third-sc-agendas.htm>

*9 June 2010*

Elwyn Thomas	Planning Aid Wales
Cllr Bob Wellington	Torfaen County Borough Council
Duncan Smith	Planning And Public Protection Service, Torfaen County Borough Council
Sean Hannaby	Cardiff Council
Eifion Bowen	Carmarthenshire County Council
Craig Mitchell	Welsh Local Government Association

*23 June 2010*

Eluned Morgan	Scottish and Southern
Tanya Davies	Renewables UK

*30 June 2010*

David Rosser and Leighton Jenkins	Confederation of British Industry
Christine Hirst and Phil John	The Royal Institution of Chartered Surveyors
Tim Gent	GVA Grimley

*14 July 2010*

Nikki Cole and Shane Perkins	Community Housing Cymru
Keith Edwards and Victoria Hiscocks	Institute of Housing Cymru
Richard Price	Home Builders Federation
Andrew DG Sutton and Dafydd Tomos	Royal Society of Architects Wales

*23 September 2010*

Jane Davidson	Minister for Environment, Sustainability and Housing Welsh Assembly Government
Neil Hemmington and Mark Newey	Environment Agency Wales
Ceri Davies and Anthony Wilkes	Countryside Council for Wales
Morgan Parry and Keith Davies	Welsh Water
Mike Davis and Ian Wyatt	Severn Trent

*7 October 2010*

Pauleen Lane, Emrys Parry, Mark Wilson and Owain George	Infrastructure Planning Commission
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*14 October*

John Davies	Planning Inspectorate Wales
Christopher Morgan and Tracey Nettleton	Brecon Beacons National Park
Peter Morris and Alan Southerby	Powys County Council
Cath Ranson	Pembrokeshire County Council

## List of Written Evidence

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The following people and organisations provided written evidence to the Committee. All written evidence can be viewed in full at

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-scrutiny-committees/bus-committees-third-sc-home/bus-committees-third-sc-agendas.htm>

<i>Organisation</i>	<i>Reference</i>
Pembrokeshire County Council	SC(3)-22-10 : Paper 6
Infrastructure Planning Commission	SC(3)-22-10 : Paper 7
Planning Inspectorate	SC(3)-20-10 : Paper 1
Local Authorities	SC(3)-20-10 : Paper 2
Brecon Beacons National Park	SC(3)-20-10 : Paper 3
Infrastructure Planning Commission	SC(3)-19-10 : Paper 1
Minister for Environment, Sustainability and Housing	SC(3)-18-10 : Paper 1
Environment Agency Wales	SC(3)-18-10 : Paper 2
Countryside Council for Wales	SC(3)-18-10 : Paper 3
Welsh Water	SC(3)-18-10 : Paper 4
Severn Trent	SC(3)-18-10 : Paper 5
Planning Aid Wales	SC(3)-18-10 : Paper 6
Evidence from Community Housing Cymru	SC(3)-17-10 : Paper 1
Chartered Institute of Housing (CIH) Cymru	SC(3)-17-10 : Paper 2
Home Builders Federation	SC(3)-17-10 : Paper 3
Royal Institution of Chartered Surveyors	SC(3)-15-10 : Paper 1
Confederation of British Industries Wales	SC(3)-15-10 : Paper 2
GVA Grimley Ltd	SC(3)-15-10 : Paper 3
Scottish and Southern	SC(3)-14-10 : Paper 1
Renewable UK	SC(3)-14-10 : Paper 2
Planning Aid Wales	SC(3)-13-10 : Paper 1
Welsh Local Government Association	SC(3)-13-10 : Paper 2

Welsh Association of National Park Authorities	01-SC-PI
Permission Homes West Wales	02-SC-PI
Dwr Cymru Welsh Water	03-SC-PI
Design Commission for Wales	04-SC-PI
National Farmers Union Cymru	05-SC-PI
Renewable Energy Partnerships Ltd - Evidence	06-SC-PI
Renewable Energy Partnerships Ltd - Journal	06-SC-PI
Renewable Energy Partnerships Ltd - The Planning Bill	06-SC-PI
National Grid	07-SC-PI
Environment Agency Wales	08-SC-PI
Campaign for the Protection of Rural Wales	09-SC-PI
Rhondda Cynon Taf County Borough Council	10-SC-PI
Liz Mills	11-SC-PI
Wales Environment Link	12-SC-PI
RSPB	13-SC-PI
Infrastructure Planning Commission	14-SC-PI
Federation of Small Businesses	15-SC-PI
Federation of Small Businesses Annex A	15-SC-PI
Royal Town Planning Institute	16-SC-PI