



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Cynaliadwyedd
The Sustainability Committee**

**Dydd Mercher, 9 Mehefin 2010
Wednesday, 9 June 2010**

Cynnwys
Contents

- 4 Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions
- 4 Ymchwiliad i Bolisiâu Cynllunio: Cyflwyno'r Cefndir
Inquiry into Planning: Scene Setting
- 15 Ymchwiliad i Bolisiâu Cynllunio: Cyflwyno'r Cefndir
Inquiry into Planning: Scene Setting
- 32 Cynnig Trefniadol
Procedural Motion

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Angela Burns	Ceidwadwyr Cymreig Welsh Conservatives
Michael German	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)
Lynne Neagle	Llafur (yn dirprwyo ar ran Irene James) Labour (substitute for Irene James)
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales
Joyce Watson	Llafur Labour
Brynle Williams	Ceidwadwyr Cymreig Welsh Conservatives
Leanne Wood	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Eifion Bowen	Pennaeth Cynllunio, Cyngor Sir Gaerfyrddin Head of Planning, Carmarthenshire County Council
Sean Hannaby	Prif Swyddog Cynllunio Strategol a'r Amgylchedd, Cyngor Caerdydd Chief Strategic Planning and Environment Officer, Cardiff Council
Y Cynghorydd/Councillor Margaret Jones	Cyngor Caerdydd Cardiff Council
Duncan Smith	Prif Swyddog, Cynllunio a Gwasanaeth Diogelu'r Cyhoedd, Cyngor Bwrdeistref Sirol Torfaen Chief Officer, Planning and Public Protection Service, Torfaen County Borough Council
Elwyn Thomas	Cymorth Cynllunio Cymru Planning Aid Wales
Y Cynghorydd/Councillor Bob Wellington	Arweinydd Cyngor Bwrdeistref Sirol Torfaen a Llefarydd Cymdeithas Llywodraeth Leol Cymru ar Gynllunio Leader of Torfaen County Borough Council and Welsh Local Government Association Spokesperson on Planning
Dr Roisin Willmott	Cynghorydd Advisor

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Dr Virginia Hawkins	Clerc Clerk
Meriel Singleton	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 9 a.m.
The meeting began at 9 a.m.

**Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions**

[1] **Michael German:** Welcome to this meeting of the Sustainability Committee. I will make the usual housekeeping announcements. In the event of a fire alarm, please leave the room by the marked fire exits and follow the instructions of ushers and staff. There is no test forecast for today, so, if the alarm sounds, it will be real. Please switch off all electronic equipment as it interferes with the broadcasting equipment. We operate through the media of the English and Welsh languages. Headsets are provided. The simultaneous translation can be heard on channel 1, and channel 0 is for the amplification of the verbatim feed. Do not touch any of the buttons on the microphone equipment, as they are operated remotely. A red light will show you that your microphone is on. I have received apologies from Karen Sinclair, Lorraine Barrett and Irene James. Lynne Neagle is substituting for Irene James.

9.01 a.m.

**Ymchwiliad i Bolisiau Cynllunio: Cyflwyno'r Cefndir
Inquiry into Planning: Scene Setting**

[2] **Michael German:** We start taking our evidence today for our inquiry into planning in Wales. The intention is that this first session will set the scene, giving us a picture of what is happening across Wales. There is one fundamental question that we are seeking an answer to, namely how effective national and local planning policies are in helping to deliver key Welsh Government priorities. We have a statement and the terms of reference before us. I wish to welcome to the meeting Elwyn Thomas from Planning Aid Wales. Elwyn, do you wish to make an opening statement about this inquiry or move straight to questions?

[3] **Mr Thomas:** I have submitted a paper, which I presume you have read.

[4] **Michael German:** Yes, we have.

[5] **Mr Thomas:** In that case, I think that moving straight to questions would be appropriate.

[6] **Michael German:** As I just said, the overarching question that we are trying to answer in this very long inquiry into the planning system in Wales—

[7] **Rhodri Glyn Thomas:** I am sorry to intervene, but could we have an explanation of exactly what Planning Aid Wales is and what it does?

[8] **Michael German:** There you are. That is the first question for you. [*Laughter.*]

[9] **Mr Thomas:** Okay. Planning Aid Wales is an independent charity. It receives core funding from the Welsh Assembly Government and some funding from the Royal Town Planning Institute Cymru. Our mission, essentially, is to make the planning system fairer through better public participation in it and understanding of it. We produce a range of user-friendly and accessible information sources on the planning system. We run a helpline and, more importantly, we work strategically to try to modify the planning system through national planning policy consultations and through our relationship with the Assembly Government to make it more accessible and equitable. Put baldly, we see the planning system as it is at the moment as relatively inaccessible to large numbers of people in Wales. It is the only system of regulation that we know of for which there is a statutory requirement for members of the public to be consulted on a regular basis. There is also a requirement for members of the public to be actively involved in forward planning. Does that give you a picture of what we

do?

[10] **Rhodri Glyn Thomas:** That is helpful.

[11] **Michael German:** It is, and it also helped me because it answered half of my first question.

[12] **Rhodri Glyn Thomas:** Sorry, Mike. [*Laughter.*]

[13] **Michael German:** You have answered it well. We will come to the issue of intelligibility for the general public in a moment, but, to return to the overarching question that we are seeking to answer, in your view, are national and local planning policies effective in helping key Welsh Government priorities to be achieved? There are three policies that we are focusing on: renewable energy, affordable housing, and economic regeneration. However, you might wish to address the bigger picture first.

[14] **Mr Thomas:** Perhaps I can address those three specific policy areas. For effective delivery through the planning system of those policy frameworks, which are successfully established at national level, there needs to be effective community engagement. That is our view of the planning system. We see community involvement as good planning. Good, efficient planning enjoys public confidence, and we think that there is some way to go in all UK national systems to achieve that.

[15] **Michael German:** Can you outline for us what you mean by ‘some way to go’? What is wrong with what we are doing currently?

[16] **Mr Thomas:** The planning system has been in place in its current form for over 60 years. As it was originally put together, there was a core element of people who needed to be consulted as part of this process, because it has such significant effects on society. Because of the unique role planning has with regard to consulting people regularly, the culture of planning has been affected by that rather difficult role. The politics of planning has affected how it is done. We see the output looking up from a community level as extremely complicated and rather obscure, and consultation is not particularly effective.

[17] **Michael German:** You say that it is complicated, obscure and not effective, and you mentioned that very difficult concept for all of us around this table, but what do you mean by ‘political perspective’?

[18] **Mr Thomas:** There are checks and balances within the planning system. There is a local political component, and there is the national political component. Planners operating at the coalface in local planning authorities are encouraged to see their role as non-political, and yet their recommendations go to local councillors, who make the final decision. That is an essential check and balance, but in our view, it has only worked successfully when members of the public understand the bones of the system and understand that there is a political component to it. Planners are making technical decisions; politicians are making decisions that are influenced by their representation of local people in communities.

[19] **Michael German:** Do you wish to come in on that question, Brynle?

[20] **Brynle Williams:** Just briefly, if I may, Chair. I will refer to local issues in my own constituency. I am pleased to hear you say that the community should be involved in making the decisions. However, this is not actually happening, is it? I can quote half a dozen cases now where communities have supported planning applications, but the political aspect has not. This is having a major impact on young people living and working in rural communities. How can we give the power back to the local communities?

[21] **Mr Thomas:** This may be an over-complex response to your question, but I think that most public energy, including the energy that you are describing, is directed at the planning applications part of the planning process. The way that the system is configured means that it is difficult to do more than consult people on a set defined proposal. You cannot engage people; you cannot involve people in a set defined planning application. All that you can do is ask, 'What is your opinion?'. If you go back in the process, prior to the application going in, that is the point at which local communities can get involved in the selection of sites, shape of design, access and so on. That is the sharp end of the system; that is the part that most of the public knows about and engages in. The bit that interests us is the policy making. We can see real potential for genuine community involvement in policy making at an early strategic stage, and we think that, through doing that, people will generate an understanding of the overall shape of the process.

[22] **Michael German:** I remind Members that that is precisely the point that we are looking at in this inquiry, rather than the planning application process, which has been looked at separately by the Minister in her inquiry. Therefore, we are looking at that policy framework end.

[23] I will ask you again this fundamental question: do you think that national and local planning policies provide a clear framework for resolving potential conflicts between different policy perspectives?

[24] **Mr Thomas:** I might be able to provide a better answer to that question were I employed within a local planning authority. Our perspective is unique in the planning system. We sit between communities, local planning authorities and government. In terms of policy priorities and mediation between policies at local government level, the messages that we hear is that there is a lot that the planning system is expected to do; and there are questions as to whether there is the resource at the coalface to deliver. The real answer to your question is 'yes'. I think that there is a valid policy framework in place that is, in theory, capable of delivering what it is intended to do.

[25] **Michael German:** So, it is the process rather than the system.

[26] **Mr Thomas:** It is the process and the culture.

9.10 a.m.

[27] **Lynne Neagle:** You have already touched on this, but can you expand on the level of public understanding and involvement that there is in the system at present?

[28] **Mr Thomas:** Given that there are 3 million people in Wales, I would say that, across the board, it is minimal. The general experience at the sharp end of the system—and I know that this inquiry is not about that—is that the knowledge of policy in relation to planning application decisions is extremely obscure for most members of the public. The public is a very broad church; we spoke to people in different positions within planning authority areas, and the misconceptions about what the planning system can do and the way that it operates are astounding. That is primarily because people see only the front end of the system; they are not exposed to the back end of the system. If they were exposed to it and encouraged to engage with it and to increase their capacity to understand and be involved in the policy, then people generally rise to the challenge and understand the system much more clearly.

[29] **Lynne Neagle:** With respect to the national policy statements, what more do you feel should be done to engage with the public to promote greater understanding?

[30] **Mr Thomas:** Do you mean the national policy statements emanating from Whitehall or the technical advice notes?

[31] **Lynne Neagle:** The policy statements from us.

[32] **Mr Thomas:** I observed the consultation in England and in Wales on those policy statements, and in our independent judgment, that consultation was deficient, in the sense that it did not make any effort to genuinely involve members of the public. It was quite a high-level stakeholder consultation engagement and there was no broad intention to send out messages or to seek opinions from lower down, from the part of the community that will be affected by some of these proposals.

[33] **Lynne Neagle:** Were you talking about us or Whitehall there?

[34] **Mr Thomas:** Whitehall undertook the consultation; they are Whitehall consultation documents. There is not necessarily a good fit between the draft consultation documents and the national policy framework as it exists in the devolved administration. There are certain areas of overlap and friction.

[35] **Michael German:** That is a useful point that we may pick up later.

[36] **Angela Burns:** Good morning. I am sorry that I missed the early part of your evidence; I hope that I do not touch on an area that you may have already touched on.

[37] I want to talk about the Wales spatial plan. Do you think that it plays a good part in regional co-ordination?

[38] **Mr Thomas:** Yes, I do.

[39] **Angela Burns:** Do you think that the public understands the Wales spatial plan and how it can interact with it and how it can be taken forward?

[40] **Mr Thomas:** A small minority of the general public understands the principles and the actuality of the Wales spatial plan. The scale and the notions of strategy planning at that level are, for most people, completely remote concepts. In our view, there is no reason—and we have tested it—why people cannot be brought into the generation of national policy or the understanding of it. It just so happens that the culture of policy making at that level tends to be higher level stakeholders developing the policy, because they are proxies for communities.

[41] **Angela Burns:** Before we move on, I want to ask you a slightly broader question. I am quite impressed by how positive you are about the Wales spatial plan, because I think that it is an extremely good concept. However, most organisations that I have dealt with have stated that they never have any interaction with it and that it is not carried out in any useful or meaningful way, that it has not been pushed throughout the areas of Wales that it was intended to be pushed, that funding in particular does not follow it, and so on. So, it is thought of as a great idea, but is sidelined. However, you say, with regard to planning in particular, that it is having an enormous benefit.

[42] **Mr Thomas:** It has the potential to have an enormous benefit with regard to the actuality of the practice of planning. Spatial planning is a culture and it is a recently introduced concept in the Welsh framework. It takes time for people to understand the benefits and the necessity of having a spatial framework and to understand how it relates to the different levels of policy. So, in theory, it is very good, but it is probably a 10 to 15-year journey to embed it to ensure that all levels of policy are coherent and linked together. The reason I say that it is good is because not having a spatial plan is deficient in our view.

[43] **Lynne Neagle:** What are your views on national planning policy? For example, do you feel that it is consistent and up-to-date or is there too much or not enough information?

[44] **Mr Thomas:** My personal view is that it is a pretty robust suite of integrated policy that is fairly up-to-date in most cases. We could probably all identify gaps that it would be nice to fill, but the danger in doing that is that national policy becomes a huge weight of documentation that no-one can interpret. So, I really favour the slimline national policy. There is no reason why national policy cannot be fairly simply expressed; it does not have to be hugely detailed, but it has to give strategic steer and allow planning authorities to develop the national policy framework at a local level. So, I think that it is broadly adequate.

[45] **Michael German:** Did you note that yesterday there was a relaunch of 'Planning Policy Wales'? I understand that it did not contain new policy, but simply a reorganisation of current policy. Do you feel that that is right? Do you think that it should have been expanded and that it needed to include more given that you are after a slimline volume?

[46] **Mr Thomas:** I think that it is a slimline volume; as an expression of national planning policy, it is pretty coherent. I think that I am right in saying that a lay person with commitment could start at the beginning and get to the end and could get a pretty clear picture of what the national planning policy framework is.

[47] On it not incorporating new policy, it has incorporated interim ministerial policy statements that had been made on the hoof over previous years, so although no new policy has been put in place, it has been presented as one coherent document. Obviously, we favour that because members of the public can orientate themselves more clearly within that framework.

[48] **Leanne Wood:** Do you have any evidence of inconsistency in national policy? I ask that question because sometimes there are conflicting priorities in policy. For example, the Government wants to create jobs, but that could conflict with policies to protect the environment. I am never clear which of those two has higher priority if they conflict. Is there anything in the national policy framework that allows you to see clearly where that inconsistency is or does that inconsistency arise elsewhere?

[49] **Mr Thomas:** As a planner, I am used to the notion of balancing competing interests and the need to consider employment, environment, housing and community. That is what we do at a policy level. I do not see any notable inconsistencies within the national policy framework. The inconsistencies, if they occur, are when that policy framework flows down to the local development plan level when it becomes a matter of how we juggle these competing priorities at the local level.

[50] **Leanne Wood:** So, there is nothing in the national policy to indicate that one should be a priority over the other?

[51] **Mr Thomas:** Forgive me for using the phrase, 'on the hoof policy making', but a lot of planning policy recently has been about more sustainable buildings and outcomes in terms of the built environment. That is all very good and that is how policy develops; we see that as becoming a thread of national policy that satisfies the National Assembly for Wales's commitment to sustainability.

[52] **Rhodri Glyn Thomas:** Hoffwn ofyn un neu ddau gwestiwn ynghylch pa mor hyblyg yw'r system gynllunio ac i ba raddau y mae'n ymateb i anghenion lleol. I fynd yn ôl at y nodiadau cyngor technegol, a gredwch **Rhodri Glyn Thomas:** I would like to ask one or two questions about the flexibility of the planning system and to what extent it responds to local needs. To return to the technical advice notes, do you think that there

fod dealltwriaeth o'r nodiadau hyn ar bob lefel? Yr argraff a gaf i yw bod awdurdodau lleol yn defnyddio'r nodiadau hyn fel deddfwriaeth, bron, sy'n dweud, 'Mae'r Llywodraeth yn dweud hyn', yn hytrach na'u gweld fel nodiadau i awgrymu ac i'w haddasu'n lleol i ymateb i'r angen lleol. A yw hynny'n ddisgrifiad teg o'r hyn sy'n digwydd ledled Cymru?

is an understanding of these notes at all levels? The impression that I get is that local authorities use these notes almost as though they were legislation, stating, 'This is what the Government decrees', rather than as guidance notes to be adapted locally in response to the local need. Is that a fair description of what is happening throughout Wales?

9.20 a.m.

[53] **Mr Thomas:** You raise an area of ignorance for me. My understanding is that technical advice notes are expressions of national policy that extend and give more detail of how the national policy should be applied at a more local level. They do not just relate to local planning authorities; they relate to developers trying to do things on-site and so on. So, I am afraid that I find your question difficult to answer. Technical advice notes are expressions of national policy and, therefore, need to be taken into account at a local level. I do not know of a technical advice note that prescribes what needs to be done at a local level so clearly that a local planning authority could say 'We have no leeway here'.

[54] **Leanne Wood:** Are technical advice notes legally binding?

[55] **Mr Thomas:** No. They are strong material considerations in decisions, and when development plans are assessed by independent inspectors, their compliance with national policy, including technical advice notes, is a material consideration.

[56] **Michael German:** There we are; they are a material consideration.

[57] **Rhodri Glyn Thomas:** Mae hynny'n ateb y cwestiwn yn llawn o'm rhan i. A ydych yn credu bod polisiau cynllunio cenedlaethol yn ddigon hyblyg a'u bod yn gallu ymateb i anghenion cymunedau lleol?

Rhodri Glyn Thomas: That fully answers the question as far as I am concerned. Do you believe that national planning policies are flexible enough and are able to respond to the needs of local communities?

[58] **Mr Thomas:** There is always a balance between the national policy framework and the local policy framework. My view and, I think, our view, is that the national policy framework provides sufficient flexibility for local planning authorities to respond to local circumstances. As far as I know, all that they ask for is evidence to illustrate local distinctiveness that requires a different approach. If you wish to depart from the advice given in a note, that is okay, so long as there is evidence to suggest that that is a coherent planning strategy.

[59] **Joyce Watson:** Good morning. We will move on to local development plans. In your view, how effectively is the local development plan process currently working? Have you, for example, come across any problems in the making of the LDP?

[60] **Mr Thomas:** 'Yes' is the answer. We are probably all aware of one or two high-profile cases that have been derailed at some point, usually towards the latter end of the preparation process. As a charitable provider of information and advice, we are delighted at the shape of the development plan system. We are delighted that, four or five years ago, a new type of development plan was introduced that front-ended community engagement and made it a statutory requirement on local planning authorities. So, in general, it is an excellent way of producing a development plan. The process, the timetable and the resources are clear and community involvement in the process is set out at the beginning of the process in

something that is called the community involvement scheme. That is all good planning. In order to attain its potential, it needs resources and upskilling at a local authority level and within communities. We have a 60-year hangover of difficulty in the planning system, which needs to be bridged before people genuinely get involved in development plan making. It is a robust system, but there are issues with individual authorities taking forward a policy framework, which, at a fairly late stage, it is being suggested is not sound; that is, it is not a sound policy framework and they are encouraged to go back to rethink their approach.

[61] **Joyce Watson:** Do you think that the way in which the public is engaged is working? You have talked about the need for training, which is an issue, because your voice is only as loud as the person speaking, and if they do not know what they are talking about, or are not fully apprised of it, that is a problem. Do you accept the training issue?

[62] **Mr Thomas:** I speak from experience here. We have been commissioned by two local planning authorities in Wales to assist them in the early stages of development planning to draw the community into essentially looking at strategic options. If you mention strategic options to most people in the street, they will fall over and die; they do not want to know. We have managed to persuade authorities that you cannot just throw people into that circumstance—you have to give them the context, raise their capacity and explain the overall shape of the system. In both authorities we have managed to do that pretty quickly, and have been successful in raising people's awareness of the opportunities for public involvement. We encourage them to consider that, if they do not think strategically, they will get dumped on locally. Once they see that, they are quite willing to participate, which is a positive for the local planning authority and for local communities. It is not easy work, and it is not work that we think local planning authorities, because of the culture that has developed over the last 60 years, are currently in a position to provide in the best possible way. We think that the mechanisms are there to do some really interesting work on community engagement and developing strategy, but I am not sure that that potential is being realised in the current cycle of local development plans.

[63] **Michael German:** Could I press you a bit on that? That is a bold statement. Clearly, you have assisted two local authorities, and every local authority has to engage with the local development plan process. Do I take it from what you have said that, generally speaking, you would say that the current engagement process that local authorities have with their communities in order to address what you have called the difficult issue of strategic options is unsatisfactory? I know that there is no easy way of explaining what a strategic option is, but the point that I am trying to get at is whether we are experiencing a difficulty here across local authorities in the way that they are trying to do their LDPs.

[64] **Mr Thomas:** From our perspective, yes, but do not forget that we occupy this funny area in the planning system, which no-one else occupies. Three million people are affected by the planning system, and we can see that local planning authorities are making an effort to engage. However, I am a planner, so I know how planners think—they engage in conventional ways, using overly technical phrasing, and the context is rarely provided for what is being asked of the public. We do not think that you can do genuine engagement unless you give people the language of engagement.

[65] **Michael German:** You used a neat phrase when you said that if you do not think strategically you get dumped on locally; is there sufficient advice and guidance from the Welsh Assembly Government to local authorities on how they might help communities to think strategically?

[66] **Mr Thomas:** To be brutal, no, there is not. The only guidance that is being provided at present is if a local authority commissions us to do some work at the early stages.

[67] **Michael German:** Who pays for that? Your role is to engage with local communities, so presumably local authorities pay for you. Do they get resources allocated for that in the local government settlement, or is it the case that they need to use their own resources to make this happen?

[68] **Mr Thomas:** There is a relatively large budget for development plan making within each local planning authority. That budget covers staff and everything that is required through to the final examination. It ranges from a couple of hundred thousand pounds to quite a lot more. Sometimes resources are taken from that pot, because it is a statutory requirement that communities are involved in the early stage of development plan making. There is a planning delivery grant—it gets re-named periodically, but that is what it was called when I last looked—which runs at about £60,000 a year for authorities. That is for innovation—doing new things in new ways.

[69] **Michael German:** It might be advisable for the committee to have a note on this funding stream.

9.30 a.m.

[70] **Joyce Watson:** Could I press a bit further on this? The one area in which local authorities can make money—maybe not now, because we are in a dip—is in planning, and they do, in most cases. They have an option to put any gains that they make out of the applications that they process in the pot, and they were certainly processing a huge number of applications in the not too distant past, although things might be slightly different in future. They could decide to use some of that money—it is their own decisions that would stop them—to engage with the people for the next local development plan, because the applications that have come in would have been made under the existing or the previous local development plan that should have given benefit to the community. They could set aside some of the profits from the delivery to engage the public in the next LDP. Do you know of any local authorities having taken that approach?

[71] **Mr Thomas:** I cannot answer that question, because the word ‘hypothecate’ comes to mind. I do not think that any authority does it quite so neatly; resources are sucked into the centre and then allocated to specific streams of work. There is a danger in that approach, in the sense that it is somewhat dependent on the number of planning applications that come in to be registered. Our view is that community engagement in planning is probably more beneficial to the system, and definitely beneficial to communities, if it is done during times of recession.

[72] **Michael German:** Could you hang on to that question, Joyce? It is a very interesting question, and as we have local government representatives in next, it might be worth addressing it to them at some point during the discussions.

[73] **Joyce Watson:** Okay.

[74] **Leanne Wood:** What we, as a committee, are hearing is that the current consultation process is not very effective. You said earlier that that is a cultural problem in planning departments. Can you confirm that you are not saying that it is a problem with resources or expertise, but that it is a problem with the culture?

[75] **Mr Thomas:** I think that there is a problem with skills education and experience; it is not a resource problem.

[76] **Leanne Wood:** So it is not a problem that is likely to get worse in the face of cuts.

[77] **Mr Thomas:** We regard most consultation on planning applications as the bare minimum—tokenism—for complying with statutory requirements. We can think of many ways of making consultation on planning applications much more accessible, user-friendly and satisfactory for those who participate in the process. The bones of the process are there; it just needs to be made to work more effectively, because people experience the sharp end of the system more regularly at the moment, and it is the sharp end that creates problems of public confidence. If people do not understand decisions, they think of corruption.

[78] **Leanne Wood:** You say in your paper that response rates are particularly low in disadvantaged areas, so it is presumably even more important there to have accessible information, with people available to explain things. You have told us that your organisation has helped two local authorities, so, presumably, people in disadvantaged areas are having greater input into the process under those two local authorities. Would you say that?

[79] **Mr Thomas:** I should add a little detail to that. The local authorities that we worked for had themselves defined their proxies for the community. A local planning authority has a duty to consult. It usually serves about 200,000 people. It cannot reach all of them, so it appoints proxies. In the case of planning applications, it tends to use town and community councillors, asking them what they think on behalf of their communities. It tends to pull together the proxies. When we say ‘a minimum of statutory consultation’, there is no real effort to reach out and engage proactively.

[80] Returning to your point, when we worked for the two local planning authorities, they had defined the targets that we were working with. We only took the work because we were broadly happy with their rationale for that.

[81] We have worked separately in one or two disadvantaged Communities First areas, and we had to pour resource into them, because the task was hard—you had to work. However, these are the areas that really need the planning system to start turning things around structurally. We cannot find the resource for all the deprived areas in Wales to do that, but local planning authorities have far more resources than we have. We would like to see local authorities making more effort to use planning to do something about deprived areas, because, as you all probably realise, the planning system is quite powerful and delivers quite interesting outcomes.

[82] **Rhodri Glyn Thomas:** I am just trying to gauge your level of activity throughout Wales. You have spoken about working with two local authorities and in Communities First areas. Are you actively working throughout Wales? Do you work specifically for local authorities or Communities First organisations, or are you actively involved with the public generally on planning policies?

[83] **Mr Thomas:** We do not have anywhere near the staff resource or the volunteer resource to reach 3 million people. We can think of ways in which 3 million people can be reached, but we need other agencies to recognise that the planning message is quite important. For instance, we tried to get a BBC charities appeal, so that the BBC would give resources to prepare a promotional advert, in essence. We said that it would be quite interesting to use this basic thing that defines environments and to get 30 seconds to tell people about it. That was unsuccessful. We are working with the Assembly Government to think of ways in which we might do that through education, with some sort of place-shaping element in the primary and secondary curriculum.

[84] We are a small organisation and we have to target our resources very carefully. We take a scattergun approach, to be completely honest. We do what we can.

[85] **Rhodri Glyn Thomas:** Okay. I am thinking about the areas that this inquiry is

looking at, such as affordable housing and renewable energy, which can be quite controversial subjects, at times. If a community felt that a renewable energy or affordable housing development would change or threaten the nature of that community in any way, could they contact you for advice, help and guidance?

[86] **Mr Thomas:** Yes, we have a helpline. We have eligibility criteria as a registered charity. We do not help people who will profit from our assistance, and our targets are generally those people who have not been involved in planning, which is quite a broad church because most people in Wales have not. However, you really have to work to get certain sections of the community involved in planning. They have as valid a right to be involved as any other person has, so we are trying to seek equity within the planning system. It is a place-shaping mechanism and a very small minority of people is pulling the strings, in our view.

[87] **Rhodri Glyn Thomas:** Your helpline might be inundated with calls from members of this committee. [*Laughter.*]

[88] **Mr Thomas:** Good. We do target AMs and try to make them aware that we are here, because we understand that AMs and MPs get it in the ear quite regularly about local planning issues. We are at the front line, and we see these issues on a daily basis.

[89] **Angela Burns:** I wish to place on record my thanks to Planning Aid Wales, because my constituency staff have contacted your organisation on a number of occasions about people who have been struggling and do not know which way to go. You and a rural housing enabler—if you can ever find one—are two very valuable commodities to have. However, that was not my question.

[90] My question picks up on what Joyce said. You rightly pointed out that there is a drop in fees at the moment from planning applications, as the WLGA said. It goes on to say that that will have an impact on its ability to engage with people, to write new policy guidance, and to help people to understand such things as the new design and access statements, and so on. I can appreciate that there might be an impact on new policy that is coming out. Can you give us a feel for how much new stuff is coming out as opposed to policies that are already in existence? Do you feel that an awful lot of this work should already have been undertaken, and therefore, although there may be a drop in planning fees, that is just a smokescreen for the WLGA to say that that means that it cannot communicate with people anymore?

[91] **Mr Thomas:** I am sorry, but I cannot be led down that path. [*Laughter.*]

[92] **Angela Burns:** I do not want to lead you down that path; I am just trying to get a feel for what you think.

[93] **Mr Thomas:** There is an issue. Hypothecating planning application fees to do good work with communities is all well and good, but only if it is done over a long-term period. I do not see local planning authorities stretching that resource to get through periods of famine, as we are currently in. So, to justify that line of argument, I would need to know more about how the resource was used during times of feast.

9.40 a.m.

[94] **Michael German:** Once again, hold on to that question, with Joyce, ready for when we next have the WLGA in. That will be an interesting question. Brynle has the final question.

[95] **Brynle Williams:** What changes to the system processes would you like to see the committee recommend to the Minister? You have heard all the questions this morning.

[96] **Mr Thomas:** All our areas of interest are, essentially, not about the shape of process or the content of policy; they are about the accessibility of policy and the knowledge of process. The interface between the planning system and Joe Public out on the street is not broken, but it is not working as well as it should be and could be. We would like to see recommendations that encourage local planning authorities and the Assembly Government to put more into thinking about how we generate public confidence in this planning thing that we do. You will find that most authorities do not like their public relations from a planning point of view, as it always generates bad-news stories. Good planning generates no stories—it just happens; bad planning is always in the press. So, through consultation and the expression of policy, language, and communication, we need to ensure that the planning system is doing what it was set up to do, because it is not working particularly effectively, and not just in Wales but across the board.

[97] **Leanne Wood:** Could you be more concrete in your response to Brynle's question? You said that there should be a recommendation 'to put more into thinking'. What does that mean?

[98] **Mr Thomas:** It is tokenism tick-box consultation planning. At present, it all sits in a box; there needs to be something that gets it out of the box and mainstreams it in planning. If you talk to planners, they will tell you that that is the bit that creates the difficulty—consulting the public is difficult. They do not mean to make it impenetrable, but, over the past 60 years, it has not become more accessible, let us say. So, I would like to see planning authorities and the Assembly Government being encouraged to create policy with people, to flow policy down to people, and to get people at the local level to understand what the policy coming down means, how it impacts at the local level, and what they can do with it.

[99] **Leanne Wood:** Is there anything that you would change about the statutory consultation process? Is there anything that you would like us to state more clearly, such as that local planners have to do X, Y and Z when they consult?

[100] **Mr Thomas:** It is difficult to answer that, because the statutory requirements for consultation relate to planning applications. What we are much more interested in is just tidying that up. It is the development plan involvement. There is some guidance on it, but it is fairly opaque; it says 'You might consider' rather than 'You should consider'.

[101] **Michael German:** If it is opaque, how would you make it clear?

[102] **Mr Thomas:** By expressing it in a manner that members of the public can understand.

[103] **Michael German:** We are talking about the requirement on local authorities to make their consultation process clearer.

[104] **Mr Thomas:** At present, local planning authorities have statutes and they do the bare minimum to get the consultations through that process. We believe that the local planning authorities that go the extra mile see real benefit from that; it is not heralded from the tree tops, but there is less negative media attention on the planning system.

[105] **Michael German:** Thank you very much, Elwyn; we are most grateful for your evidence this morning. You will be sent a copy of the Record, which you will be able to check for accuracy, but you will not be able to add things that you think you should have said. However, if you want to submit supplementary evidence to this inquiry, you may do so. Thank you for your attendance this morning.

9.45 a.m.

Ymchwiliad i Bolisiau Cynllunio: Cyflwyno'r Cefndir
Inquiry into Planning: Scene Setting

[106] **Michael German:** We will now take evidence for this inquiry from the Welsh Local Government Association. I welcome Councillor Wellington, who is the leader of Torfaen County Borough Council, but who is also the lead member for the Welsh Local Government Association on planning. I will leave it to you, if I may, councillor, to introduce your colleagues to us. There are two main issues. First, the main question that we are trying to answer in this committee's fairly long inquiry is how effective are national and local planning policies in helping to deliver key Welsh Government priorities? We are looking at three Welsh Government priorities as the context for that: economic regeneration, affordable housing, and renewable energy. When you have made your introductions, if you prefer, someone can make a statement to amplify what you will be doing. You do not need to touch any buttons; the microphones will come on automatically. The translation is on channel 1, if you need it.

[107] **Mr Wellington:** Thank you for that, and I thank the Sustainability Committee for inviting myself, Councillor Margaret Jones and officers to join this scoping session, which we hope will help to inform the committee's inquiries into the planning systems in Wales. At an officer level, we have with us Craig Mitchell from the Welsh Local Government Association, Sean Hannaby from Cardiff, Eifion Bowen from Carmarthen, and Duncan Smith from Torfaen.

[108] First, the WLGA fully supports the notion that, to achieve sustainable development, the planning system has a major role to play. It is clear that the practical implementation of that presents difficulties. From my experience across Wales as the WLGA's sustainability and planning spokesman, and more locally in my role as leader of Torfaen County Borough Council, the day-to-day issues in implementing policies at ground level are clear to me. I have drawn on my experience in making these opening remarks, and the officers who are with me will be able to answer questions from their own experiences. I have focused on the key strategic issues that the WLGA considers need highlighting, aligned to the Torfaen experience. The paper that has been submitted provides greater detail, and I am sure that we will be able to expand on and clarify issues during the discussion.

[109] The issues can be summed up as: first, the problem with the complexities of the planning process; secondly, the inflexibility of, and difficulties in, preparing local development plans; thirdly, the competing priorities; and fourthly, the financial issues that will affect local planning authorities' ability to provide an adequate customer-orientated planning service. So, I will start with the first point about the complexities of the planning system. The complexity results in largest part from the plethora of advice that emanates from the Welsh Assembly Government. On our part in Torfaen, we ensure that members of the planning committee undergo substantial training both prior to and during their terms of office. However, the majority of applicants who come into contact with the planning process do so only once or twice in their lives, while the resources of the majority of agents who run small-scale businesses are not necessarily aimed at keeping up to date with Government policy.

[110] In Torfaen, we currently turn away 50 per cent of applications submitted because of forms filled in wrongly and inadequate information. While we are seeking to address that, it highlights the difficulties experienced by applicants and agents in providing the information needed simply to submit a planning application. The added requirements arising from the sustainability agenda are likely to increase confusion and misunderstanding. If we are not able to draw people in to the need for such changes, and ensure that they are as simple as possible

to understand and translate into submitting a planning application, the system will not enjoy the support of those who use it.

[111] The next issue is the inflexibility of local development plans. The system of preparing local development plans has come under major scrutiny recently, as plans moving towards inquiry have been held up or withdrawn because of a range of reasons. The officers will expand on that, I am sure. In Torfaen, we are currently reviewing the content of the LDP before it goes on deposit.

9.50 a.m.

[112] The economic recession, linked to the lower population projections, and lower build ratio, means that we will potentially have to reduce the housing projections substantially before deposit. We have undertaken around two years' public consultation to reach the position that we are now at. There is no clear process set out in the legislation to amend our preferred strategy. We will have to re-consult, and there is no cost currently to account for that. We are also concerned that, given the plethora of advice and guidance on small emissions, difficulties that may arise during the post-deposit stage may lead to the plan being declared unsound.

[113] A further key issue for Torfaen 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.

[114] On competing priorities, the expectation that the planning system will or can deliver a large range of policy initiatives is massive. These range from the implications of the sustainability agenda to the provision of affordable housing. It is in planning committees all over Wales that the decisions are made that balance the competing demands on the system. In Torfaen, where the economic recession is biting hard, we have had to reduce the affordable housing requirement on several schemes so that the development can proceed and so that the economic benefits to building can materialise.

[115] We have found that the requirements of code 3—sustainability for dwellings—seemed to increase the cost of building a house by approximately £5,000. In a time of recession, this will further squeeze the already limited ability of the system to deliver. Against this background, members of planning committees will seek local benefits from schemes that do not necessarily fit the national policy agenda. In most instances, this will reflect local preferences and will be supported by local people.

[116] On financial issues, in Torfaen, due to the recession, there has been a drop in the planning fees, and I know that it has been worse in other Welsh authorities. This has placed pressure on the service to make savings, while the demands on the service grow as the legislation mounts. If this system is to aid the progression of the sustainability agenda, it must be adequately funded. While dealing with planning applications, officers need to assist participants and agents in navigating and understanding the system. Reducing this ability will reduce the local authority's ability to do this.

[117] I believe that I have covered the five points that I wanted to make. To conclude, I wish to thank the committee again for receiving our comments, and I wish to stress again that the Welsh Local Government Association fully supports the Welsh Assembly Government's moves towards encouraging a sustainable approach to development.

[118] **Michael German:** Thank you for that introduction. You have covered many of the areas that Members will want to question you on. However, I need to probe further on a few of those issues. The key question that we are trying to answer is whether national and local planning policies are effective in helping to deliver those key priorities in those three areas. In general, do you believe that the national and local planning policies that the Welsh Assembly Government is producing are effective in ensuring that these things happen?

[119] I do not know how you want to play this, but if people nod at me, I will know that they want to answer. I see that Margaret would like to come in.

[120] **Ms Jones:** Thank you, Chair. The key issue for us is that there is a need to update planning guidance. For example, 'Planning Policy Wales', which was adopted in March 2002, and many of the related technical advice notes have not been updated to reflect the LDP system, which has now been in place for four years. Secondly, the climate change and sustainability agendas have moved on significantly during this time, and it is disappointing that the long-awaited TAN 22, which relates to sustainable development, has only been published in the last week, despite equivalent comprehensive guidance being published in England some time ago. This is also true of the community infrastructure levy; detailed guidance on this, and its relationship with section 106 agreements, has been issued in England but not Wales, despite this being joint legislation. Furthermore, the lessons learned in England in relation to the sustainability tests have resulted in the advice there being amended some time ago, so that in England there are only three tests of soundness. Why cannot we learn these lessons too?

[121] I have a lot to say on the LDP system and its fitness for purpose, but I will come to that later.

[122] **Michael German:** Fine. I am asking about the general headline areas; Members will then question you on specific areas. When you make your comments, Sean, can you also tell us what you think about yesterday's re-launch by the Minister for Environment, Sustainability and Housing of 'Planning Policy Wales'? Did it help, hinder, or make things any better for you? That was the second question to add to what you were going to say anyway.

[123] **Mr Hannaby:** I have several points to make on the system delivering strategic objectives. First, there is a lack of guidance from the Assembly Government via the spatial plan. 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.

[124] If you then look at the strategic objectives as set out by the Assembly Government—and you mentioned sustainability and affordable housing—one of the frustrations that we feel at a local level is that the system is preventing us from taking those forward in a meaningful way until we have adopted an LDP. Authorities across Wales are in different positions regarding their local plans—some have unitary development plans and some still only have local plans. Some authorities got caught out when the legislation changed and they were not able to adopt a UDP, and so on, so the adopted plan of many authorities is quite old. Therefore, when you consider more recent initiatives, and issues such as sustainability, climate change and affordable housing, it is clear that we do not have the teeth, or the policies, to deliver things. We rely on the TANs coming forward, but they have been regrettably slow in doing so. However, that is the only thing that we have been able to do. Cardiff Council has produced a plethora of supplementary planning guidance to try to plug these gaps, but we must relate our supplementary planning guidance back to our adopted plan, and so we are hindered.

[125] One issue for us, in taking forward an LDP, is that, because of the system, it does not accrue weight during the process. With all previous incarnations of the local planning system, the document accrued weight throughout the process and you could start relying on it for decision making. However, as we now have a plan that is judged as a single entity—and it can fail right at the end of the four years on a single point of soundness, so the whole thing can collapse—although 30 per cent, 60 per cent or 99 per cent of the plan may be sound, we cannot give it that weight until its adoption. Therefore, we are now looking at things such as affordable housing and sustainability, which we cannot deliver for four years, unless we are given teeth on a national level. The Assembly Government has set a target for the number of affordable houses that it wants. However, it has not set out a percentage minimum that developments have to achieve when being built. Therefore, we have inadequate teeth to deal with these things.

10.00 a.m.

[126] On the costs of delivering all this work, I was encouraged by the rose-tinted glasses that were being worn by the director of Planning Aid Wales in terms of his view of our budgets—I only wish that his perception were true. I do not know of any authority that has a large pot of money just sat there. You talk of feast and famine, but it is news to me that we have been through a feast. What we have had are boom years in terms of the development industry, which has created a lot of income in terms of fees, but that income has been spent on providing the planning service to deliver it. What we are faced with now, in terms of trying to deliver these strategic policies, is that the money is not there for any local authority to pay for the local development plan system.

[127] **Michael German:** We could cover a vast number of areas at the same time, but I would rather try to split them. Members will come back to the issue of resourcing. I want to concentrate, if I may, on the ability of the legislation, the planning guidance, the planning instruction and planning policies from the Welsh Assembly Government to guide the delivery of policies on the ground. You say that there is not a clear enough framework for local planning policies and that it needs more teeth. Please tell me what you want to see as teeth in those policies. Secondly—and I am picking this up from what Councillor Wellington said at the beginning—do you have the teeth to deal with potential conflict and clashing priorities, which sometimes happens with policies?

[128] **Mr Hannaby:** There is perhaps one more point to mention in that vein. It has been touched upon in terms of the community infrastructure levy and section 106 agreements and our ability to deliver community benefits through section 106. The recent change in that legislation has meant that what was advice, in terms of how we could approach these things, is now regulation. It may not seem like a big shift, but it now means that our hands are far more tied. I take issue again with what the previous speaker said, in that Cardiff has been very successful, as have other authorities, in delivering community benefits through section 106 agreements, but because of the new LDP system, and the new CIL regulations that have been published, our hands are now tied and communities will suffer over the next four years.

[129] **Mr Bowen:** First, I want to point out the fact that the planning system in Wales is a planning-led system, and central to that kind of approach, if you like, is having a development plan. As Sean has indicated, the 25 planning authorities in Wales are at various stages. When you talk about teeth, it is the strongest tool that you can have in your toolbox as a planning authority when you defend decisions. It is a lot easier sitting in a room like this discussing and negotiating affordable housing when you have a strong policy background with an adopted local plan. The difficulty with the new local development plan system, and the point has been made, is the ability of that plan to react to unpredictability and to accommodate change. That scenario is complicated by new guidance and policy issued by the Welsh Assembly

Government.

[130] You quite rightly pointed out that the Minister launched the consolidated version of 'Planning Policy Wales' yesterday. There are no new policies in it, but it brought in the various ministerial statements. She also announced yesterday that TAN 8 would be reviewed and made reference to renewable energy. From Carmarthenshire's perspective, we have a strategic search area within Carmarthenshire and the expectation is that the likely target for that strategic search area will increase, given the increasing targets in terms of renewable energy, not only in Wales but in a national context. At what point in time do we incorporate that into our local development plan? Will it be when it comes to an inquiry or examination, or at the deposit stage, or should we take it into account in terms of our preferred strategy?

[131] **Michael German:** Let me ask you a question: what would you want to change?

[132] **Mr Bowen:** One of the recommendations from the group looking at the review of the planning application process was a moratorium on new policies. So, when new policies are announced, a specific statement should be made on each and every policy and on how the local planning authority is expected to take account of those policies in its local development plan. TAN 6, for example, in terms of rural development, includes this concept of a rural enterprise business class being developed, and training will be offered to local planning authority officers on how to assess these rural enterprises. However, at what point do we incorporate those policies into our emerging local development plan? I recall, for example, that the Caerphilly unitary development plan was abandoned at the very last stage because of the new advice that came out on minerals in relation to the buffer zones and the identification of mineral reserves. There is a constant expectation that new policies will come out, and the big issue is how we channel those into the development plan process.

[133] **Michael German:** It is a case of 'stop the roundabout, we want to get off'.

[134] **Leanne Wood:** I want to go back to some of the points that Councillor Jones made earlier. You mentioned differences between Wales and England with regard to the timescales for implementation. Can you expand on your views of the current devolution settlement with regard to planning, including the executive and legislative powers that are available to support the planning process?

[135] **Ms Jones:** Could you answer that, Sean?

[136] **Mr Hannaby:** One issue is that the Assembly cannot make primary legislation, but can make secondary legislation. 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. For example, I referred to the community infrastructure levy. As that is technically regarded as a tax, it has been introduced by Communities and Local Government rather than by England and Wales separately. So, the primary legislation for that is passed on a UK basis. However, the implications are felt in the secondary legislation that is imposed by WAG.

[137] **Leanne Wood:** Would it be easier if we had the competence to pass that primary legislation?

[138] **Mr Hannaby:** If Wales wants to be truly different, and wants to do things in its own way, it needs to be the master of its own destiny in that respect, and will require additional powers—

[139] **Michael German:** Sorry, I did not mean to interrupt, but we will need a note from our lawyer on whether Schedule 7 will give us that competence. That will give us the answer to the question of whether, after a referendum, Schedule 7, which will contain the new powers that we have, would cover that issue.

[140] **Mr Bowen:** On what has been said about the delivery of changes, the two systems are going in different directions, and TAN 22, which relates to sustainable buildings, is a clear statement that the Welsh Assembly Government has decided to use the planning process to deliver sustainable buildings, as opposed to using building regulations. There is perhaps some inconsistency in how TAN 22 is interpreted in the 25 planning authorities, whereas the building regulations system would have given you more certainty and consistency.

[141] I have concerns about the capacity of the Welsh Assembly Government to deliver secondary legislation. In relation to the Planning and Compulsory Purchase Act 2004, for example, changes have been made to the permitted development Order in England that reduce the number of household applications from the point of view of increasing permitted development rights. The Town and Country Planning (Use Classes) Order 1987 has been revised in England, but not in Wales, and we are still working with the 1987 Order. It will be interesting to see what comes out of the review of the planning application process as to how those recommendations, should they be adopted, will be applied in the Welsh context. There are a number of 'catch-ups' that have to be undertaken in Wales in order to remove some of the clutter, as I would call it, in the planning system. I am not saying that the system in England is perfect; it changed the period of appeal from six months to three months, for example, which clogged up the appeal system, and it is now six months again. So, there are lessons to be learned. However, I feel that there is an opportunity to learn lessons from across the border.

[142] Another lesson that we have learnt relates to fixing wind turbines or generators to the roof or to the gable end of the house. As a result of the changes in England, B&Q is selling kits that you can screw to the pine end of your house, which cause problems for neighbours because of the noise and which killed a few bats. There were a few issues like that.

10.10 a.m.

[143] So, we certainly can learn lessons from England, but I hope that there will be the capacity to deliver the secondary legislation that may feature in the recommendations of the review group that is looking at the planning application process.

[144] **Leanne Wood:** Earlier, you mentioned building regulations and the fact that it might have been easier to use them. Do you have a view on whether building regulations should be under the control of the Assembly Government?

[145] **Mr Bowen:** Well, they are going to be devolved. The Minister made an announcement yesterday. I think that she said that she was going to make a Cabinet statement on how she sees building regulations developing in Wales. I think that there is more certainty with building regulations because it is there in black and white. There is an element of interpretation with planning advice and planning policy. With the Building Research Establishment environmental assessment method and code 3, for example, there has been uncertainty about which applies to holiday chalets. So, issues such as that are emerging, but building regulations would be more specific from that point of view, because of the attention to detail that you must have in building regulations. My caveat is that we have seen open competition with improved inspectors, and, in applying building regulations in that level of detail, there is a question of whether that level of attention would be paid in terms of using improvement inspectors for smaller schemes in particular, because they are the ones that do not provide the margins that approved inspectors and private inspectors pick up. That rests

with the local authority.

[146] **Michael German:** Before we move on, I ask Joyce to come in on this issue.

[147] **Joyce Watson:** I can understand why you would like some of the built environment changes to fall within building regulations, because the standards are there, they are rigid and you know what you are doing. However, that would be only part of the solution because you are talking only about new legislation in the built environment that is environmentally sensitive. It would not help if you just had it sitting there with the wider aspects of environmental change—and we are talking about natural fuels and so on—because they would not be sitting in the built environment. They would be outside somewhere else, if we are talking about an offshore or onshore windfarm or any of those alternative energy sources. So, although there may be some value to your argument in the built environment with regard to planning regulations—but that is the detail and not the outline plan—how would you deal with the wider issues of environmental change?

[148] **Mr Bowen:** That is a fair point, particularly when you look at the aspects of BREEAM and even code 3 with regard to energy. They go beyond the built environment envelope. Surface water is another issue. It would stop at the back door, and so you would get surface water running off a non-permeable material going into next door. However, I feel that there is an opportunity to link the two here. Take the heating system of a house as an example. Whether it is gas, oil or even renewable energy, there is an opportunity to expand the building regulation process to take those factors into account. I was not advocating the replacement of the BREEAM approach with building regulations, because the BREEAM approach has that overall view. I am just talking about the built elements of it. When you talk about U values for example, there is an expectation that the planner can take that concept in as well as being trained in terms of sustainable drainage systems, which is going to be offered under the Flood and Water Management Act 2010, as well as looking at the rural enterprise assessments and the design aspects. So, there is a specific knowledge inherent in building control officers that can be better utilised.

[149] **Leanne Wood:** I want to move on to the Wales spatial plan now. I know that we have covered a bit of this, and we have heard your concerns about the missed opportunities to join up policies, the lack of money, and the problems that we are seeing with this transition period. In the paper, you say that it is clear that the spatial plan process has failed in its role of providing coherent regional input into local development plans. In your view, what is the spatial plan's role in the LDP process? Are there any particular strengths and weaknesses in that role?

[150] **Mr Hannaby:** It is an opportunity to take a high-level strategic view over the region or the country and provide direction in the key strategic areas. The input into the spatial plan came from all the authorities that were engaged in it and the third sector, interest groups, transport, and economy—the whole range. It had the opportunity to pull things together, and one of the things that I have advocated is that the spatial plan core group, sitting under the Minister, should be tasked with controlling and bringing together land use and the economic and transport plans to give the whole plan a single direction. Money is scarce, and instead of having these three areas trying to work together, bringing them together in such a way would ensure that they did. If, from an economic perspective, we needed to direct development in a particular area, we could link up land use policies and transport policies to ensure that regional guidance was in place so that, when we get down to the LDPs, we would be looking at areas of interest that are already well served at the strategic level. That information can then be used by the utility companies, such as Welsh Water, in their five-year plans, and we could have a much more coherent way forward.

[151] We have an LDP system that is supposedly taking account of regional working, but

because that regional working is absent, when the individual inspectors who are looking at individual LDPs ask for evidence of how the regional view has been taken, despite the fact that some good regional work has been done, it does not always pass the evidence test that the inspectors apply. So, we need some kind of guidance on what evidence is required and what you want us to do to show that we are working together. I think that a spatial plan group of that kind, sitting under the Assembly Government, with guidance, can do that.

[152] What it needs to do, however, is not be a top-down policy. One of the good things about the way in which it evolved is that it was also being fed from the authorities. One of the issues that we have in our consultation processes is that, while they are not tick-box consultation processes and there is good engagement, we are, unfortunately, raising unreasonable expectations among the public by saying that it can guide the way in which the community moves forward. Our communities are saying one thing, and the national policies are saying another. So, we need a mechanism by which we can manage those expectations and guide the consultation in a much more coherent way.

[153] **Leanne Wood:** Do you have any clear thoughts on what that mechanism should look like?

[154] **Mr Hannaby:** As I said, I think that the spatial plan could be recast and the core group that administers it and works with the Assembly Government on the spatial plan could be responsible, almost as an oversight committee, for guiding the development of the economic and transport plans, so that it would all be linked and we would have clear direction.

[155] **Mr Bowen:** I would like to make a couple of points about the spatial plan. The LDPs have to be mindful of the spatial plan. The difficulty in some parts of Wales is that a local authority that is putting together a local development plan might be in three spatial plan areas. Carmarthenshire, for example, has the Swansea bay region; the west of Carmarthen is with Pembrokeshire and the Haven, although those two have been amalgamated recently; and then north Carmarthenshire is included in central Wales, which goes all the way up to Conwy—and I think that Conwy is split three ways, too. It is a matter of taking into account and incorporating the different settlement strategies within the spatial plan strategy.

10.20 a.m.

[156] Having said that, it has been a mechanism for co-operation between authorities. However, I would echo Sean's point that there have been missed opportunities to bring together various investment plans from the utilities and other elements of the public sector, such as the health service, the fire brigade and the police. There would have been an opportunity almost for an expansion of what the local service boards are doing in certain parts of Wales.

[157] You talk about the three aspects of renewable energy, affordable housing and economic regeneration, which you have specifically targeted, but it could have been an opportunity to identify conflicts between various policy aspirations at National Assembly, national or even international level. To back up that particular point, we have great economic development plans in the Swansea bay region. We are delivering in the context of the former Objective 1 programme and now convergence funding. However, we have not been able to release a major planning application in the Llanelli area for the past 18 months because of the conflict with environmental protection. So, talking about the habitats directive and how that is delivered and interpreted through technical advice note 5, we are at an impasse at present. Investment opportunities are being lost and delayed because of that difficulty. I feel that the regional spatial plan would have been able to pull out certain key issues in that respect, and conflicting policy aspirations could have been dealt with at a more strategic level. It does not

materialise until you have concrete planning: an application coming in for a specific project. The same is true of renewable energy. Nothing stimulates debate and involves the community like a good windfarm application. They get together and really motivate themselves—

[158] **Michael German:** We are aware of that.

[159] **Mr Bowen:** It is another good example of national policy aspirations being one thing—and perhaps a community would sign up to the benefits of renewable energy and recycling—but, when it comes to local delivery, they are not so keen when it is on their doorstep.

[160] **Michael German:** I wonder whether we can move on now, because we have many more questions. Joyce will now move into national policy.

[161] **Joyce Watson:** Yes, and guidance. What are your views—and you have expressed some of them already—on national planning policy as contained in ‘Planning Policy Wales’, ‘Minerals Planning Policy Wales’, ministerial interim planning policy statements, and technical advice notes? Do you think that it is consistent and up to date, and do you think that it provides enough detail?

[162] **Michael German:** Given that councillor Wellington started with the word ‘plethora’ as his comment on all this, who will take the brave decision to answer that question?

[163] **Mr Bowen:** I do not mind kicking off. The question of being up to date is relevant from the point of view of when they were last looked at. We mentioned ‘PPW’, and the councillor’s statement was written in 2002, but now we are talking about 2010. So, there should not be any MIPPS at present; they should have all been integrated in the new ‘Planning Policy Wales’. So, it is up to date in certain areas; in other areas, it is badly out of date. The technical advice note on the Welsh language, for example, is about three and a half pages long, it is around 15 years old, and it does not deliver the mechanism by which local authorities can assess linguistic impact assessments, so local authorities have got together to do their own work and research with the Welsh Language Board on that point. That is one example that is out of date. TAN 5 is clearly up to date because, although it was a draft TAN for two years, it has now been adopted. So, it depends on the subject that is to be considered next. We are now expecting TAN 6, which is up to date in certain areas, but not in others.

[164] As for being detailed enough, it is interesting to note that, for the first time, TANs 8 and 15 provided an element of spatial dimension to the planning policy guidance. Those were the first and only two examples. So, talking about policy guidance, they go beyond that, as they are geographical in their dimension and specific about directing development. There is a strong presumption in favour of windfarms, which I have mentioned, and, in the same way, developments are asked to avoid flood-risk areas, so there is that spatial dimension. Once you do that, it is critical that you keep them up to date and accurate, so that there is an element of certainty. Take TAN 15, for example. Local authorities are obliged to take on board the new surface water plans and the strategic flood consequence assessment to support our local development plan, and so the evidence gathering for the LDP is becoming quite technical and detailed—and quite costly, too.

[165] **Joyce Watson:** As you know, I have a proposed LCO in the pipeline on hard surfaces. I know that you say that it is costly and that it is now becoming more than something that you just have to take note of, but should you not have been taking note of it anyway, given the consequences? Some things that planners do are written in law and so they have to do them, and there are other things that make good common sense to do them; otherwise, the pieces will have to be picked up elsewhere, and that is a really good example of something that will cost you money if you have to pick up the pieces elsewhere. So, while I

partly accept your argument about some of this legislation being costly, I do not accept it fully because you know full well that you should have been taking note of it anyway. You have seen time and again the consequences of not taking note of it.

[166] **Mr Bowen:** I accept your point, but not to the extent of incorporating surface water requirements, which is the main thrust of the new legislation. Carmarthenshire, for example, has experienced flooding over the years, so there is a recognised risk there and, to an extent, the development advisory maps in TAN 15 provided that guidance. However, individual applications have proven, with additional research, that the initial maps were incorrect. One example is the Stradey Park development that was called in. When you get down to the detail of it—so be it. *[Interruption.]* No, I am just quoting an example.

[167] **Michael German:** Sean and Duncan want to come in and then it is back to you, Joyce.

[168] **Mr Hannaby:** I agree with what has just been said that it is good in some areas and bad in others, and the areas that have been bad at keeping things up to date have been quite frustrating. We have referred already to TAN 22. I think that it is something like 11 months since the consultation ended on the draft, and what has come out is not that much different from the consultation draft. I am not saying that the Assembly Government has done nothing in 11 months, but that piece of work obviously has not been prioritised. There is a comprehensive list of all the things that come out and, often, the resources are then prioritised in other areas where there may be a more immediate political imperative, so the resources are not there to deliver some of the bread-and-butter stuff that we need. So, there are areas in which the work has been done but not finalised.

[169] **Mr Smith:** I just want to make a point that my colleague has covered on a wider basis on a specific note of policy, which is the mineral technical advice note. We will be the first authority to have the MTAN tested—potentially through an appeal. The applicant's interpretation and our interpretation of the 500m rule in the MTAN are a million miles apart. I am trying to get some background from the Assembly Government on how that was set, but it is difficult to get that information. It helps if policy is thought out in advance. That highlights a concern that has been brought up about the spatiality of some policies, which can make them extremely difficult for local people to interpret and understand.

[170] **Joyce Watson:** Let us move on. Do you consider that the system for preparing and updating national planning policies is sufficiently flexible and responsive?

10.30 a.m.

[171] **Mr Bowen:** The system itself is responsive and, from my own experience of working with the previous Welsh Office set-up, I find that Welsh Assembly Government officials are responsive. We work together to look at the key issues. It is not so much about the system of updating policies—and I am returning to a point that I raised earlier—but about how local planning authorities know how to integrate those changes and updated policies into their local development plan process. So, you are talking about a three or four-year period to take your LDP from the initial stages through the public examination. There will inevitably be new policy statements. However, at what point does a local planning authority say, 'Hang on, there is a new TAN on renewable energy now introducing new targets'? That is not only in relation to wind turbines, but also biomass and microgeneration. At what point will a local authority have to take two steps back to ensure that it has the evidence to deal with that; otherwise, it will fail the test of soundness at the examination stage?

[172] So, this is down to whether the system itself is responsive enough. It may be an issue of timing with some of these draft TANs, as Sean said. I think that TAN 5 was out for a

longer period. I understand that there were legislative and legal issues with European law with that one, so there will be exceptions. However, it would be better if that period were condensed and if, when they are announced, there were a solid statement that local planning authorities could look at and say, ‘Hang on, we have gone past that stage and we will not necessarily have to gather that evidence in the context of the examination into the local plan.’

[173] **Michael German:** Sean, could you be brief, because we have many more questions?

[174] **Mr Hannaby:** Again, I agree totally with that. 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.

[175] **Michael German:** You have made several criticisms of the current system and you have given examples of them. Do you think that that reflects a lack of capacity within the Welsh Assembly Government to handle this complex system?

[176] **Mr Hannaby:** There is a capacity issue and that is reflected in some of the criticisms that we have made about the delays in advice coming out in a timely fashion. It is not a case of the will not being there in the planning division; it is about capacity. The Welsh Assembly Government was originally the Welsh Office, which was a small regional office as part of the UK system, but that has now changed and it has a new role. However, I am not convinced that it has the new resources to deliver that role. Certainly, none of the remaining UK regional offices—or what were regional offices—is expected to produce that same amount of guidance and regulation as the Assembly Government now is.

[177] **Michael German:** Eifion or Duncan, do you want to say something?

[178] **Mr Smith:** Very quickly, on the LDP, there are capacity issues, but we are also talking about a process issue. The soundness arguments are extremely important because if plans do not get a ‘materiality’—as we call it in planning—or status, it is at that point that you go to appeal. If you refuse something and it does not have a status, it has less weight on appeal even though it may be a good development. To give a specific example, in Torfaen, we have a very large site adjacent to the town centre, which is not in the local plan, but which we are bringing through under the LDP.

[179] It has held up our LDP while we have negotiated with the owners to reach this point. However, essentially, if a planning application came in to counter what we believe is a good development, the materiality would be on the side of the bad development, if you see what I mean, because we would need the LDP to provide the policy background for the development. At the moment, we are looking to go on deposit in the autumn, which probably means that that is two or three years from materiality. That is a key issue for local authorities, because, essentially, it creates a vacuum during the period from when you start to when you finish, when you are working with an old plan that is so out of date that it has probably also lost a degree of its materiality. The situation used to be that emerging plans gained materiality as they went through and it would help if that were applied to LDPs as a basic requirement.

[180] **Michael German:** We have a new word in the committee’s lexicon: ‘materiality’.

[181] **Mr Bowen:** On resources, I do not think that we should ignore the fact that there is a

lot of co-operation between authorities and between the Planning Officers Society in Wales and the Welsh Assembly Government in certain policy development areas and the development of good practice. For example, Cardiff led on a document on section 106, which we were happy to look at and adopt. It is not exactly the same scenario, but some design work has been done by Caerphilly and five authorities were involved in the development of the Welsh-language impact assessment. So, it is happening, and I have also noticed that opportunities are being offered to local authority officers for secondment to the Welsh Assembly Government to help to deliver the outcomes of the review into the planning application process.

[182] **Michael German:** You are trying to tell us about the Welsh Assembly Government and its resources and we will come to local government later. Brynle, do you have any more questions?

[183] **Brynle Williams:** Do you have any particular issues or concerns arising from the three policy schemes in terms of the planning system?

[184] **Mr Bowen:** Is that the three policy schemes or the three issues that have been identified?

[185] **Brynle Williams:** The latter, which are energy, affordable housing and economic regeneration.

[186] **Mr Bowen:** We have a critical situation at the moment in which two of those will encounter big difficulties because of the recession. Take, for example, affordable housing, where you are talking about a percentage. Generally speaking, planning authorities have taken a percentage through the LDPs, which are justified by tests of viability and looking at land values. Housing developers are coming back, in many instances, to renegotiate section 106 elements of affordable housing and various toolkits are available in which they put in these costs. So, affordable housing will be squeezed very hard. While the toolkit that the Assembly Government produced, which again was based on local authority experiences elsewhere, offers good guidance on how to negotiate and deliver, that was produced during a time when residential land values delivered a margin that meant that developers were happy to provide that affordable housing element.

[187] In addition, there is a slight concern that affordable housing policies have an urban bias. In a development of about 100 or 200 houses in an urban area, it is a lot easier to negotiate and talk about affordable housing than when you are talking about a three or four-house development in a village. That is a totally different scenario because the land values are not the same and you do not have the economies of scale to subsidise affordable housing.

[188] Economic regeneration speaks for itself. We are in a recession. Our experience in Carmarthenshire is that retail is still a strong sector, but manufacturing is certainly on the decline, although it is showing a slight growth in some areas where it is supported by the convergence schemes in which we are involved in partnership with Neath Port Talbot and Swansea. It will be difficult and I doubt that the planning system is flexible enough to meet the unpredictability that has been brought about by economic uncertainties.

10.40 a.m.

[189] Even given the drive on renewable energy, I am aware, for example, that the Mynydd y Betws scheme has only just been funded, two years after the decision was made to give it consent. Even the kinds of renewable energy schemes that are to be funded with payments from buy-in tariffs, which have been available since April last year—even schemes on that scale—are struggling. Within the general economic climate, we have difficulties with two, if

not three, of those policy areas, and I wonder whether the planning system can be flexible enough to respond to that. If your local plan, or unitary development plan, has a specific percentage for affordable housing, for example, can we be flexible enough to respond to those concerns?

[190] **Michael German:** I remind the committee as well as the witnesses that we have a large range of questions still to be answered. We have touched on many of them, and I am sure that my colleagues will adjust their questioning accordingly where issues have already come out. I am keen for people to give short, succinct answers if they can, rather than going around the table, but we need to try to cover the pitch, and I do not want to extend this session much beyond another 10 minutes or so. Are you okay with that? Sean and Duncan are next, and then Rhodri Glyn.

[191] **Mr Smith:** I just wanted to make the point, which I think is an important one, that Councillor Wellington brought up. The quantum of development that you can get out of section 106 agreements is limited. It comes out of the negotiated land value, basically. The expectation on the system is immense, but all these different things have to be paid for. It is difficult at local level, particularly at the moment when we are cutting budgets. We have reduced the affordable housing requirements from 30 per cent to 10 per cent in three schemes and members have said that the reason that we have done that is because we want those houses to be built and for people to be in jobs, because they will not be built otherwise. The expectations are great, and we need to rationalise how those expectations are met. In that context, CIL does not help. The fact that CIL was brought in by the outgoing Government, and was not supported by the two parties that formed the coalition, could involve us in a hell of a lot of work in complying with CIL when it will not become—

[192] **Leanne Wood:** Could you tell us what the acronym stands for?

[193] **Mr Smith:** It is the community infrastructure levy.

[194] **Michael German:** It is pronounced like ‘sill’ as opposed to ‘kill’.

[195] **Mr Smith:** Sean made the point, which I would like to reinforce, that it has changed the way that we look at section 106 agreements. It is not like the old, flexible system that members might be used to; it is less flexible than that, and it is liable to have quite an impact in terms of challenge from developers as to what we can expect from development.

[196] **Michael German:** Could you be brief, Sean?

[197] **Mr Hannaby:** A very quick point on the community infrastructure levy: the new system has tied our hands until we introduce a levy. We cannot introduce a levy unless we have adopted an LDP, so we have a four-year hiatus during which communities will suffer. The developers will not be asked to contribute in the way that they have done in the past. A gap has been created because of the two pieces of legislation.

[198] **Michael German:** I am sure that we will investigate that specific point further as a committee.

[199] **Brynle Williams:** I picked up an interesting article yesterday on the stifling of rural development and economic regeneration. It said that the cost of applications to small businesses has gone up some 30 per cent in the last three years, and that puts a lot of small business off, so they are not applying. What are your views on that?

[200] **Mr Bowen:** Briefly, the cost of planning applications has not gone up 30 per cent. The last increase that we had was about two years ago. If you talk about the conversion of a

barn to business premises, for example, the cost of that is £330. The costly element is what has to come with that: the bat survey, because of TAN 5, the structural survey, because of TAN 22, and the ability to adopt in terms of meeting sustainable buildings regulations. It is the cost of putting that together that is expensive.

[201] **Michael German:** That is a strong point. Let us leave it there.

[202] **Mr Hannaby:** One of the issues with industry and commerce is getting them to engage with the policy-making process. Lots of studies have been carried out over many decades about the burden of the planning system, and none of them have really proven that that is the case. Large industry, such as the House Builders Federation, and bigger commerce will engage on a policy-making basis because they have a long horizon. The problem with small and medium-sized enterprises and smaller builders and developers is that their horizons are much shorter, so they are looking at the more immediate impacts of things that affect them on a daily and monthly basis and, therefore, they do not engage with us on policy.

[203] **Brynle Williams:** What are your views on the Welsh Ministers' role in decision making, particularly on call-in powers? Are these powers used effectively to deliver national priorities?

[204] **Michael German:** Go on, Eifion—I can see that you are bursting to go.

[205] **Mr Bowen:** Having been subject to two highly contentious call-in applications, I think that it provides a role in the context of varying national conflicts. On a local level, the value of a call-in is dubious. If the call-in procedure is going to be looked at, it needs to be set against the timetable that we have to meet in the context of an ordinary planning appeal. So, you have call-in applications and also applications that cannot be determined because of article 14 in the procedure order. Some applications have been sitting there for years. So, call-in powers play a role when you need national policies argued—wind turbine development and habitat protection are examples of that, and archaeology was an example in the Mynydd y Betws call-in inquiry. So, it has a role, but the timetable needs to be clearer and there has to be a cut-off point as well.

[206] **Michael German:** Moving on to local development plans, much has already been said about LDPs so I do not know if you want to reflect on that.

[207] **Rhodri Glyn Thomas:** I gyfeirio yn ôl at yr hyn a ddywedaist, Eifion, ynglŷn â'r cynllun ynni adnewyddol ym Mynydd y Betws, yr hyn a ddywedaist oedd bod dwy flynedd wedi mynd heibio cyn bod yr arian ar gael i ariannu'r prosiect. Fodd bynnag, er bod y cynllun wedi ei gytuno gan Gyngor Sir Caerfyrddin ddwy flynedd yn ôl, cafodd ei alw mewn, a dim ond eleni y maent wedi cael caniatâd i symud ymlaen ac y mae'r cwmni wedi cael ei werthu erbyn hyn. Felly, mae esboniad ynglŷn â pham fod hynny wedi cymryd gymaint o amser ac mae'n bwysig nodi hynny o ran cywirdeb.

Rhodri Glyn Thomas: Referring back to what you said, Eifion, about the renewable energy scheme at Mynydd y Betws, you said that two years had gone by before the money was available to fund the project. However, although the scheme had been agreed by Carmarthenshire County Council two years ago, it was called in, and it is only this year that they have been permitted to make progress and by now the company has also been sold. So, there is an explanation as to why it has taken so much time and it is important to note that for accuracy.

[208] Yn gyffredinol, sut mae'r cynllun datblygu lleol yn gweithio? Yn ychwanegol at hynny, sut bydd TAN 6 a fydd yn cael ei lansio mis nesaf yn effeithio ar hynny?

In general, how does the local development plan work? In addition to that, how will TAN 6, which will be launched next month, impact on that?

[209] **Mr Bowen:** Syniad y cynllun datblygu yw rhoi sicrwydd. Os ydych am fuddsoddi mewn ardal neu symud mewn i'r ardal, yr ydych am wybod beth sy'n digwydd yn nalgylch yr eiddo yr ydych yn ei brynu. Felly, mae'n bwysig ei fod yn rhoi'r sicrwydd hwnnw. Os bydd y cynllun yn ei le, bydd pobl sy'n symud mewn i'r ardal yn gwybod beth fydd yn digwydd, fel ag y bydd pobl sy'n mynd i fuddsoddi. Mabwysiadwyd cynllun datblygu unedol Cyngor Sir Caerfyrddin yn 2006 ac yr ydym wedi gallu cyfeirio buddsoddwyr a datblygwyr at ardal yn Llanelli a benodwyd yn y cynllun datblygu i'w datblygu. Mae wedi mynd drwy'r broses ymchwiliad cyhoeddus am flwyddyn a hanner, ac yn y blaen. Felly, mae'r cynllun i fod i roi'r sicrwydd hwnnw, ond nid yw hynny'n digwydd bob tro oherwydd y gwrthdaro rhwng datblygu er lles yr economi a gwarchod byd natur. Felly, mae'r cynllun i fod i roi sicrwydd, ond nid yw bob tro yn gwneud hynny.

[210] **Rhodri Glyn Thomas:** Os nad oes cyfeiriadau eraill at y cynllun datblygu lleol, beth yw rôl yr arweiniad cynllunio atodol o ran sicrhau fod polisiau sylfaenol yn cael eu cyflwyno?

10.50 a.m.

[211] **Mr Bowen:** Cyfeiriodd Sean yn gynharach at y ffaith eu bod wedi defnyddio dipyn ar yr SPGs yng Nghaerdydd. Fodd bynnag, yr hyn a ddylai fod yn ei le yn y lle cyntaf yw'r cynllun datblygu, y dylid bod wedi ei fabwysiadu. Y syniad wedyn yw bod y canllaw cynllunio yn ehangu ar gynnwys y cynllun datblygu. Dyna'r cysyniad. Ond fel y dywedodd Sean, mae'n anodd gwneud hynny os nad oes cynllun datblygu wedi'i fabwysiadu gennych. Os ydych eisiau datblygu canllawiau cynllunio atodol ynglŷn â thai fforddiadwy, er enghraifft, rhaid i'r polisi fod yn ei le yn y lle cyntaf yn y cynllun datblygu ei hunan.

[212] **Rhodri Glyn Thomas:** I fynd yn ôl at yr hyn a ddywedaist yn gynharach ynglŷn â moratoriwm, ai'r hyn a glywaf yn eich ateb yw eich bod, fel awdurdodau lleol, yn wynebu sefyllfa lle y cewch eich pentyrru â newidiadau a gofynion o ran polisiau

Mr Bowen: The concept behind the development plan is to provide assurance. If you want to invest in an area or move into an area, you will want to know what is happening within the vicinity of the property that you are buying. So, it is important that it gives that reassurance. If the plan is in place, people moving into the area will know what will happen, as will people who are going to invest. Carmarthenshire County Council's unitary development plan was adopted in 2006 and we have been able to refer investors and developers to an area in Llanelli that has been specified for development in the development plan. It went through the public inquiry process for a year and a half, and so on. So, the plan is meant to provide that reassurance, but that does not always happen due to the conflict between development for economic benefit and the protection of wildlife. So, the plan is meant to provide reassurance, but it does not always do so.

Rhodri Glyn Thomas: If there are no other references to the local development plan, what is the role of supplementary planning guidance in ensuring that basic policies are introduced?

Mr Bowen: Sean referred earlier to the fact that they have made a fair bit of use of these SPGs in Cardiff. However, what is supposed to be in place first of all is the development plan, which should have been adopted. The idea then is that the supplementary planning guidance expands on what is included in the development plan. That is the concept. However, as Sean said, it is difficult to do that unless you have adopted a development plan. If you want to develop supplementary planning guidance in relation to affordable housing, for example, the policy must be in place, first of all, in the development plan itself.

Rhodri Glyn Thomas: Returning to what you said earlier about a moratorium, am I hearing in your response that you, as local authorities, are facing a situation where you are being bombarded with changes and requirements with regard to planning

cynllunio, a'i bod yn anodd iawn creu policies, and that it is very difficult to provide sefydlogrwydd yn y sefyllfa honno? Ai stability in that situation? Is that what I am dyna'r hyn a glywaf, ynteu a wyf wedi hearing, or have I misinterpreted it? camddeall?

[213] **Mr Bowen:** Mae'n creu ansicrwydd **Mr Bowen:** It also creates uncertainty. hefyd.

[214] **Mr Smith:** You make two points there. The SPG has to be born out of an adopted plan. If you take Torfaen, for example, our plan was adopted in 2000; it is now 2010 and we have to rely on the 2000 document for SPG. If anything falls out of that, the materiality goes—to use that word again. That is an important point to bear in mind. SPG cannot be created in terms of your local development plan until the LDP is adopted, which, as Sean pointed out, could be four years off.

[215] **Mr Hannaby:** I have always said that one of the greatest gifts that we as planners can give the development industry is certainty, because that is what it wants. It does not necessarily mind what the message is—it may not like it every time—as long as the message is clear. Based on a clear message, it knows how to go forward. I will give an example of where SPGs come in. Reference has been made to the LDP; we have an old local plan and we were desperate to try to reduce the thresholds and increase the percentage of affordable housing, in line with the new national guidance. We tried to write an SPG to do that, but we could not, because, legally, it has to hark back to the old local plan. So, we are in a period where we cannot do that and our only way forward is through the LDP system. 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.

[216] **Michael German:** I am grateful for that. The problem that we have now, Joyce, is that I have three questions and five minutes. We must cover other areas. Do you mind if we move on, or are you desperate?

[217] **Joyce Watson:** It is about getting some explanation. Everyone's mentioned affordable housing and local development plans and the fact that they are now being affected by land prices and all the rest of it. My question to you is very pointed. You have responsibility and you also have land in local authorities. We have heard one side of the argument about asking those who hold land outside of your holdings, not realising the potential and, therefore, hitting against a national plan. Do you then look at what you can do with your own plans, and your own land, to facilitate growth where you must know it is needed?

[218] **Mr Hannaby:** Yes. The targets for affordable housing on land owned by Cardiff Council are higher.

[219] **Mr Smith:** Bearing in mind that, if you sell a site for affordable housing, you get much less for it, and that that may affect your ability to provide educational facilities and so on, it is another one of your difficult choices.

[220] **Michael German:** There are three more questions; one from Lynne and two from Angela and then we have finished.

[221] **Lynne Neagle:** My question on the LDP has been covered adequately.

[222] **Michael German:** What about the question on resources?

[223] **Lynne Neagle:** Okay. Returning to the issue of resources, which you briefly touched upon earlier, will you expand on how the whole situation with resources is affecting your ability to deal with the complex and technical issues and the delivery of the LDP system?

[224] **Mr Hannaby:** One of the problems that we are facing is that the evidence base required to satisfy the needs of the LDP system is far above anything that we anticipated. We are faced with inspectors interpreting the regulations and asking us for levels of evidence that, in the past, have been delivered by developers bringing forward their very specific plans. So, the costs involved in preparing the LDPs are enormous.

[225] **Mr Smith:** I just want to make the point that Councillor Wellington made. We turn away more than 50 per cent of our applications at the moment, because people do not understand what they have to do. Basically, they cannot fill in the forms. I know that because we are taking a systems approach to development control. We are looking at it from a systems standpoint, and we are looking at how we spend our time and to what extent we are customer oriented—and, frankly, at the moment we are not, because people find it very difficult to understand the system and what is required to be submitted. Being an applicant is a very difficult position to be in. Many of the people we deal with in Torfaen are not big developers; they are small agents who just cannot keep up with things. That has a resource implication, because if I am going to help those people I am taking a resource out of dealing with planning applications. So, essentially, we must strike a balance between the two, and it is a difficult balance to strike against a background of fees going down and pressure from treasurers who say that, if the fees have gone down, we should be getting rid of staff. That is a reality in local government at the moment.

[226] **Michael German:** Finally, I call Angela. I am not sure how you want to deal with these questions.

[227] **Angela Burns:** To be honest, Mike, I wanted to talk about the Infrastructure Planning Commission, but we are out of time for that, so I wondered whether we might be able to write to the witnesses with a series of questions on that. My last question is one that I am sure you are going to take some time to answer: what, if anything, would you like this inquiry to conclude? What would you like us to recommend to the Minister? I guess that each one of you will want to have a say—

[228] **Michael German:** This will be a collective view—the single view of Welsh local government. [*Laughter.*]

[229] **Angela Burns:** Yes. What key changes to the system and process would you like us to consider for our report?

[230] **Mr Hannaby:** 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.

[231] **Mr Smith:** I am not going to go over the ones that I agree with, but the process of preparing LDPs and the status given to them should be reviewed. That is the critical thing to do.

[232] **Michael German:** What is your final word, Eifion?

[233] **Mr Bowen:** I agree with the previous two speakers. [*Laughter.*]

[234] **Michael German:** That is exceptionally good. [*Laughter.*]

[235] We will write to you with a few more questions. I presume that we should use Craig from the Welsh Local Government Association as the conduit for that. There are areas that we may not have covered, and we will seek that information from you. Thank you for your very full evidence and for giving your time this morning. You will receive a copy of the Record of Proceedings. You may suggest corrections if you think that what you have said has been inaccurately reported, but you cannot add to or subtract from what you have said. Many thanks, indeed. I am most grateful for your evidence.

[236] We will move to private session in a moment. The next public meeting of this committee is on 23 June. You may wish to note that the committee will be launching its inquiry into access to inland water at 12.30 p.m. on Wednesday 16 June 2010.

10.58 a.m.

**Cynnig Trefniadol
Procedural Motion**

[237] **Michael German:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 10.37(vi).

[238] I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 10.59 a.m.
The public part of the meeting ended at 10.59 a.m.*