

ENVIRONMENT PLANNING AND TRANSPORT COMMITTEE

Date: Wednesday 17 January 2001
Time: 2.00 to 5.15 pm
Venue: Committee Room 3, National Assembly Building

CONSULTATION DRAFT OF " PLANNING POLICY WALES

Purpose

1. To consider the draft of "Planning Policy Wales" (Annex 1).
2. To agree its issue for public consultation.

Summary / Recommendations

3. This paper describes at Annex 2 the main policy changes and additional guidance made to "Planning Guidance (Wales) Planning Policy First Revision" (April 1999) to create the new draft document "**Planning Policy Wales**". It recommends that it be issued for a wide-ranging public consultation exercise starting at the end of January. Further presentational changes will be made to the document before it issues to public consultation but these changes will not change the policy content of the paper.

Timing

4. The Land Use Planning Forum's report was submitted to Sue Essex AM on 31st July 2000 and was presented at the Committee meeting of 13 September 2000 prior to the redrafting of planning policy.

Background

5. "Planning Guidance (Wales): Planning Policy, First Revision" (PG(W)PP), (April 1999), provides the strategic policy framework for the effective preparation of local planning authorities' development plans and needs to be taken into account in determining applications for planning permission and appeals. The document needs to be kept up to date to reflect the principles, statutory duties and priorities of the Assembly and a review was undertaken during

2000 to produce new guidance, '**Planning Policy Wales**'.

6. The Land Use Planning Forum was set up in January 2000 to assist in the review. The Forum identified which aspects of planning policy guidance it considered required immediate attention and considered what changes should be accommodated in "Planning Policy Wales". It has also identified medium or long-term issues which the Forum considered should be addressed either through research or secondary legislation.

7. As well as the Forum's Report, the review took into account:

- EPT Committee Members' views;
- the Agriculture and Rural Development Committee's review of the effect of the planning system on rural diversification (as set out in a letter dated 12 July to the Assembly Secretary for the Environment and her reply of 20 October);
- Assembly policies, strategies and initiatives as set out in documents such as the Sustainable Development Scheme and BetterWales.com;
- documents such as the Rural Partnership and papers by the Transport Advisory Group and the Coastal Forum;
- the recommendations of the National Consultative Forum on Housing in Wales leading to the Assembly's proposed national housing strategy for Wales "Better Homes for People in Wales";
- the Design Initiative;
- recent research findings e.g. Farm Diversification and the Planning System;
- issues drawn to our attention since Spring 1999 and;
- the emerging Spatial Framework.

NB Telecommunications- a separate consultation exercise on revised policy has taken place (ended 5 January 2001) and responses are being considered.

Compliance

8. Section 304 of the Town and Country Planning Act 1990 provides the power to undertake research and has been transferred to the Assembly under the Transfer of Functions Order 1999. Planning policy provides the framework for the statutory development plan and development control functions in Wales that have been transferred to the Assembly by the Transfer of Functions Order. All these powers have been delegated to the Minister for the Environment. The Assembly has power to do anything incidental to the exercise of its statutory functions (Section 40 Government of Wales Act 1998). There are no issues of regularity or propriety. ACO have been consulted and are content.

Financial Implications

9. The preparation of "Planning Policy Wales" will not involve any increased costs above those already allocated for planning policy development and research. The work associated with the public consultation exercise will be accommodated within existing administration costs budgets. Financial Planning Division have been consulted and noted that there are no additional financial implications for the Assembly.

Cross-cutting themes

10. The draft is framed in the light of the Assembly's commitment to sustainable development, tackling social disadvantage and Equal Opportunities, and takes into account Welsh language and cultural issues.

Action for Environment, Planning and Transport Committee

11. To consider the consultation draft of "Planning Policy Wales" and give their views on its issue for public consultation.

Contact Point

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DRAFT 'PLANNING POLICY WALES' (5 JANUARY 2001)

MAIN POLICY CHANGES and NEW GUIDANCE

3. General Principles

3.1 Sustainable Development

Provides enhanced guidance on sustainable development in line with the Planning Forum's Recommendations.

3.2 Human Rights

New guidance on the Human Rights Act.

3.3 Previously Developed Land

Sets out policy and definition of previously developed land for all types of development.

3.4 Spatial Planning

New guidance on spatial planning – reflecting the commitment that this document would begin the process of introducing a spatial element into planning policy.

4. The Planning System

4.8 Welsh Language

Updated to reflect Technical Advice Note 20 - ensuring Wales wide consideration of the language by *all* local planning authorities.

5. Operating Principles

5.1/5.2 Call-In/Recovery of Planning Appeals

Sets out the Assembly's criteria for call-in and recovered cases.

5.13 Participation and access to information

Creation of an access to information section

5.17 Best Value

Creation of a Best Value section

6. Generic Policies

6.1 Design

Strengthened references to sustainability; encouragement for high quality and innovative design; recognition of design as a process.

6.2 Crime Prevention

Now a separate section with increased reference to the provisions of the Crime and Disorder Act.

6.3 Access for All

Emphasis switched from access and disability to accessibility for all; reference to the provisions of the Disability Discrimination Act and the adaptation of historic buildings.

7. Conservation of the Natural Environment

Takes account of the provisions of the Countryside and Rights of Way Act 2000.

7.2 Biodiversity

Enhances guidance on biodiversity, stressing community involvement in the Local Biodiversity Action Plans (LBAP) process and linking LBAPs to Unitary Development Plans (UDPs) (7.2.4, 7.2.5).

7.3 Countryside

Provides the Assembly's objectives for the countryside and stresses the need for fully integrated policies (7.3.1).

7.6 Statutory Landscape Designations

Clarifies that Areas of Outstanding Natural Beauty and National Parks are of equal status and should be given the highest protection from inappropriate development (7.6.1).

7.7 Statutory Nature Conservation Designations

Clarifies the status of Sites of Special Scientific Interest (7.7.5).

7.8 Non-Statutory Designations

More positive than previous guidance towards local non-statutory designations – but only if designations are soundly based on a proper assessment of the conservation value. Thus the

change of emphasis should not lead to a proliferation of local designations.

7.10 Development Plans and the Conservation of the Environment

Stresses that development plans must consider the natural heritage within an overall strategy for social, economic and environmental development (7.10.1).

8. Conservation of the Historic Environment

8.1 Historic Environment

Strengthened references to sustainability and contribution to present day needs. Guidance on the implications of the Shimizu Case for Listed Buildings and Conservation Areas.

9. Urban Areas

The creation of a new section (9) for Urban Areas which takes into account regeneration of towns and cities and promotes mixed uses within them.

11. The Coast

Reference to defining the Coastal Zone removed.

New guidance that local planning authorities should clearly set out what the coast means for them and should develop, or apply, specific policies which reflect the characteristics of their coastlines.

12. Transport

Chapter revised and re-ordered to reflect the National Assembly's policies and priorities.

12.2 Accessibility and the Location of Development

New section on Accessibility and the Location of Development.

Guidance on the role of UDP settlement strategies in reducing the need to travel, including the designation of service centres in rural areas (12.2.2 – 12.2.3).

Enhanced guidance on Walking, Cycling and Public Transport (12.3 –12.4).

12.4 Public Transport

Additional guidance on transport interchange (12.4.2).

12.5 Traffic Management and Parking

Requirement for local authorities to set maximum parking standards (12.5.2)

12.6 Planning for Transport Infrastructure

Additional guidance on transport infrastructure provision, in particular non car modes

12.7 Implementation

Requirement for Transport Assessments for major projects (to replace Traffic Impact Assessments) (12.7.2).

14. Housing

14.1 Objectives

The Assembly's objectives for housing are set out.

14.2 Housing Land Availability

Sets out sequential approach for housing developments (14.2. 3)

Sets out the issues local planning authorities should take into account for new housing provision (14.2.7).

14.3 Housing in the Countryside

Covers new housing in the countryside including isolated dwellings (14.3.1).

15. Economic Development

15.1 Industrial and Commercial Development

Greater encouragement for mixed use development (15.1.5).

15.3 Retailing and Town Centres

Providing a definition for the test of need to be considered in relation to new retail and leisure developments.

15.4 Economic Development in Rural Areas

Planning policy should offer positive encouragement to rural and farm diversification to support the Assembly's overall policy for rural areas. Therefore the current draft provides:

- positive encouragement for rural and farm diversification on sustainable lines but with controls to prevent unacceptable development (in particular paras 15.4.4; 15.4.5; 15.5.1);
- for new development within farm complexes where adverse environmental and highways effects can be controlled (para 15.4.5);
- guidance that UDPs should set out an integrated rural development strategy for new development (para 15.5.3. bullet point 1);

This section incorporates preliminary findings from the research project 'Farm Diversification and the Planning System'. The final research report should be available at the end of January 2001.

15.7 Re-use and Adaptation of Rural Buildings

More restrictive to the reuse of buildings for residential use than previous guidance – residential reuse should be for **affordable** housing (15.7.2, last bullet point);

17. Tourism, Sport and Recreation

17.2 Sport and Recreation

A more developed Sport & Recreation section taking into account sustainable development and social inclusion.

19. Waste Treatment and Disposal

UDPs must have regard to the waste strategy;

Regional Waste Plans are introduced - in line with the Draft Waste Technical Advice Note;

Local self-sufficiency is introduced although joint working arrangements and shared facilities may be necessary;

Research into the development of the Best Practical Environmental Option to incorporate social and economic impacts leading to a methodology for determining the most sustainable waste management option.

20. Flood Risk and Climate Change

Provides new guidance that local planning authorities should:

- acknowledge that whilst flood risk can be reduced using mitigation measures, it can never be completely eliminated;
- guide development away from flood risk areas where life could be at risk and the potential damage could be great, and give due weight to the case for refusing development that would itself increase the risk of flooding locally or elsewhere;
- take a strategic view of flood risk and consult with adjoining authorities and the Environment Agency during the preparation of development plans;
- use the precautionary principle to plan now and consider how a changing climate is expected to affect the risk of flooding over the lifetime of new development;
- recognise that continued construction of hard-engineered flood defences to protect development in areas at risk from flooding is unlikely to be sustainable in the long term.