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Y Gweinidog Cyfoeth Naturiol
Minister for Natural Resources



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref LF/CS/1327/14

Alun Ffred Jones AM
Chair
Environment and Sustainability Committee
National Assembly for Wales
Ty Hywel
Cardiff Bay
Cardiff
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7 January 2015

Dear Alun Ffred Jones AM

Planning (Wales) Bill

You wrote to me on 16 December seeking additional information on a number of issues. Please find detailed responses to those questions below:

- 1. Confirm the purpose of the amendment you have suggested making with respect to National Parks. Our understanding is that you are proposing to bring forward an amendment to the Bill that would give the Welsh Ministers the power to create Joint Planning Boards that could, in future, include whole or part of a National Park. Currently such boards can only be created by merging a Local Planning Authority with whole or part of at least one other Local Planning Authority, but specifically excluding any part of a National Park;**

NPAs and local authorities have been encouraged to work collaboratively; however, this has not been effectively embraced to date. In the absence of effective collaboration, and as indicated during the evidence I provided to the Constitutional and Legislative Affairs Committee (10 November) and the Environment and Sustainability Committee (27 November 2014), a legislative approach is required to enable the Welsh Ministers to create and deliver effective, efficient and resilient planning services across Wales, where all local planning authorities are treated equally in order to achieve this.

The evidence indicates that effective collaboration between NPAs and local authorities is mixed. This was particularly highlighted in the report published in January this year by the Commission on Public Service and Delivery and in research undertaken by Land Use Consultants on the Delivery of Planning Services in Statutory Designated Landscapes in Wales.

To address these concerns, it is my intention to explore a Government amendment that will broaden the Welsh Ministers' existing powers in relation to joint planning boards.

The amendment would bring National Park Authorities within the scope of the provisions which allow for the establishment of joint planning boards. In particular the amendment would ensure that:

- the establishment of an area for a joint planning board can include, in whole or in part, the areas of an NPA; and,
- where the NPA is included within the joint planning board area, the planning functions are transferred and exercised by the joint planning board.

If the Welsh Ministers decide to use the joint planning board provisions to secure efficient, effective and resilient planning services across Wales, the proposed amendment will ensure that all LPAs can be treated equally in achieving this objective.

2. Clarify how the possible amendment you have suggested in relation to Town and Village Green (TVG) applications (i.e. that a TVG Green application could be submitted up until the point that planning permission is granted) will affect the other proposed "trigger events" in the amended Schedule 1B of the Commons Act 2006. For example, whether identification of a site in a Development Plan (NDF, SDP or LDP) would still be a trigger event that would prevent a TVG application?

It is my intention to explore a Government amendment to the proposals in the Bill at Section 49 to only restrict applications to register a TVG where consent for development has been granted or has been deemed to be granted.

Therefore, it is my intention that the "trigger events" for a restriction to register a TVG shall only apply where:

- Operational development has been granted in an adopted Local Development Order;
- Planning permission (including urgent Crown development) has been granted by the Welsh Ministers or a local planning authority;
- Planning permission has been deemed to be granted by the Welsh Ministers by a direction associated with the authorisation of works for railways, tramways and inland waterways; and
- A Development Consent Order has been granted by the Secretary of State.

3. Provide further information about the formal role of Town & Community Councils in the preparation of the new types of Development Plan (NDF and SDPs).

Town and Community Councils are already involved in the planning system, I know local planning authorities involve Town and Community councils in the preparation of local development plans and they are also consulted on planning applications when they wish to be. The development plan process should be based on community needs with democratically elected members and local people having a clear voice in

the process, including Town and Community Councils where they are present. LDPs already require a Community Involvement Scheme which sets out who will be engaged and at what stage they will be consulted. This principle will be repeated for SDPs, which will be subject to requirements for community involvement schemes which set out how individuals and organisations can be involved in the preparation of SDPs, ensuring local communities are engaged. Opportunities to engage on the NDF through consultation stages will also be available with targeted engagement with the communities affected by the proposals.

I am also very aware that not all areas of Wales are covered by Town and Community Councils and legislation in relation to their role would create inequality in the process.

- 4. Provide more information about the proposed nomination process for non-elected members of Strategic Planning Panels. In particular the type of bodies that the Welsh Ministers could include on lists of bodies from which the panel can choose to seek nominations and the type of categories that these lists may be divided into.**

Having considered the issues in relation to producing an exhaustive list of all the possible organisations that could be included in a nominated list I have concluded that achieving this would be extremely difficult. This is due to the variety and complexity of such organisations, variations geographically across Wales, as well as some having a multitude of social, economic and environmental functions. It is therefore considered preferable for an illustrative list to be included in guidance, rather than attempt to construct a definitive list, enabling locally elected members to identify those groups/individuals who can add value to the process. It is my intention to explore a Government amendment to the proposals in the Bill to achieve this.

An illustration of the types of bodies and categories that could be included in the guidance is attached at Annex A.

- 5. Provide details of why the Welsh Government has decided to remove the statutory requirement for Design and Access Statements from primary legislation and is also intending to remove it from secondary legislation and whether you would consider as an alternative the approach taken in England (where secondary legislation has been amended to restrict the requirement to major developments only).**

Our research highlights that there is no significant evidence that Design and Access Statements are important in attaining good design and have done very little to broaden applicants' perception of inclusive access.

While Design and Access Statements have benefits as a communication tool, we are not convinced that this is sufficient reason to retain them as a mandatory requirement for many planning applications and consider resources should be focused on alternative ways of securing good design and inclusive access instead.

The Planning (Wales) Bill proposes the removal of the mandatory requirement for Design and Access Statements from primary legislation. However, the requirement for Design and Access Statements will still remain in secondary legislation, so they will still be required to be submitted with planning applications. This approach gives us the flexibility for the future in continuing to require Design and Access Statements

in the short term while we consider more effective ways to raise design standards in the planning process.

We are currently consulting on a range of proposals to assist all new development to meet the objectives of good design and inclusive access. These proposals include the enhanced use of pre-application consultation and advice; more detailed guidance; further training opportunities; and changes to the planning application form.

We are aware of the approach taken in England and are seeking views of stakeholders through the consultation on the benefits of retaining the requirement for Design and Access Statements for particular applications.

The consultation runs until 16th January 2015. At the committee meeting of the 27 November I stated that I would provide a note to the committee on the way forward once the consultation has ended.

6. Clarify what is meant by “specified persons” (statutory consultees) in Section 15 and 35 of the Bill, whether the Bill’s provisions will apply equally to all statutory consultees or if not, how these requirements will differ. Also whether the proposal to commence Section 54 of the Planning and Compulsory Purchase Act 2004 in Wales will apply to the same statutory consultees.

For the purposes of section 15 and 35 of the Bill, and section 54 of the Planning and Compulsory Purchase Act 2004 (PCPA), “specified persons” and “statutory consultees” are the same “statutory consultees” that are listed in the Town and Country Planning (Development Management Procedure) (Wales) Order (DMPO). The list of statutory consultees currently includes bodies such as Natural Resources for Wales, the Health and Safety Executive and the Coal Authority.

I have issued a consultation paper, “Frontloading the development management system”, that seeks the views of stakeholders on the proposed new duties that are placed on statutory consultees by sections 15 and 35 of the Bill, and section 54 of the PCPA.

You also ask for further clarity in relation to the Well-being of Future Generations (Wales) Bill, the Planning Bill and the Environment Bill. Specifically you ask if it is my intention to amend the Planning Bill using the Environment Bill to make explicit the links between Natural Resource Planning and Development Plans.

Dealing with the specific question first, I can confirm that it is not my intention, at this time, to use the Environment Bill to make amendments to the Planning Bill.

With regard to the relationship between the three Bills more broadly, building on the information given to the Committee to date, I have asked my officials to prepare further information outlining how the planning system will accommodate the changes being introduced by the Well-being of Future Generations Bill and I intend to share this with the Committee before 14 January.

Ahead of receiving that information, please find the following description of the key interaction between the Bills:

The Well-being of Future Generations (Wales) Bill provides six well-being goals to be achieved, and five sustainable governance approaches. The sustainable governance approaches which will need to be at the heart of the planning system, something I believe has been happening since the introduction of Planning Policy

Wales in 2002. The well-being goals will need to inform the programme of work, going forward, to improve planning in Wales so that the planning system can help contribute to the achievement of the well-being goals for Wales. Development plans at all levels either directly, in the case of the NDF, or indirectly through national planning policy or the setting of local well-being objectives in the case of SDPs and LDPs. The NDP, SDP and LDP will need to be designed to contribute towards the achievement of the well-being goals, reinforcing the long established practice of ensuring that the objectives in these development plans are set in accordance with the sustainable development principles. This means looking to the long term, taking an integrated approach, involving people and communities, collaborating with partners and identifying opportunities for preventative action.

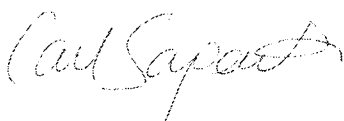
The Well-being of Future Generations (Wales) Bill will reduce a number of current strategies and plans into one single integrated local well-being plan. Only one statutory plan is therefore being created by the Well-being of Future Generations (Wales) Bill – the local well-being plan. These are strategic plans which look at how the environmental, economic and social well-being of an area can be improved over time.

The Environment Bill will require the preparation of Area Statements, aligned to national goals and informing the local objectives, which summarise key information in relation to the natural resources within an area – the local needs, opportunities and challenges for natural resource management – and this evidence will inform the well-being plans and development plans. The intention is for Area Statement to provide a stronger evidence base to feed in to the preparation of the local well-being plan including the local well-being assessment and inform the sustainable management of natural resources, which is key for sustainable development and the achievement of the well-being goals. Consequentially, it is our intention for the Environment Bill to amend the Well-being of Future Generations (Wales) Bill to require each Public Service Board to take into account the area statement in preparing its well-being assessment. The Committee will of course have the opportunity to scrutinise these aspects at the appropriate time when the Environment Bill is introduced next year.

There will be a legal requirement for Local Planning Authorities to have regard to the local well-being plan in the preparation of a Local Development Plan. The Well-being of Future Generations (Wales) Bill does this by amending the Planning & Compulsory Purchase Act 2004, in Schedule 4 of the Bill.

I trust that my response to the Committee's request will assist Members in their scrutiny of the Planning (Wales) Bill. I look forward to providing further oral evidence to the Committee on 14 January.

Yours sincerely



Carl Sargeant AC / AM
Y Gweinidog Cyfoeth Naturiol
Minister for Natural Resources

Strategic Development Plans: Strategic Planning Panels

The Panel will be a corporate body with one third of the total partnership made up from economic, social and environmental sectors.

The list below is draft and not definitive but provides an example of the types of organisations that could be included. The organisations listed below are national organisations however, the nominations will have to have a regional remit and will represent the interests of the region. More localised organisations could be identified, where appropriate.

(Please note that some groups may be relevant to more than one sector but the groups in total represent the social, economic and environmental sectors)

Learning, Skills, advice and Business Support
Citizens Advice Bureau
University Vice-chancellors
C/Plan Cardiff University/ Geography Department Swansea University
Job Centre Plus
Phoenix social Enterprise
British Urban Regeneration Association
Job Centre Plus
Voluntary and Community Sector
Wales Council for Voluntary Action
Business in the Community
Communities First
Cymdeithas yr Iaith
Cymuned
Prince's Foundation
The British Red Cross
NACRO
Salvation Army
Neighbourhood initiatives Foundation
One voice Wales
Equalities Sector
Disability Wales
Race Equality First
Accessibility Groups (local branches)
Shaw Trust
Age Concern Cymru (and regional branches)
All Wales Ethnic Minority Association
Black Environment Network (BEN)
Women's Institute
Merched Y Wawr

Advisory Council for the Education of Romany and Other Travellers (ACERT)	
British Romany Union	
Consortium of Romany and Traveller Groups	
Gypsy Council for Education, Culture, Welfare and Civil Rights	
National Association of Teachers of Travellers	
National Gypsy Council	
National Romany Rights Association	
The Romany Guild	
Romany Institute	
Society of Travelling People	
Friends, Families and Travellers	
Irish Traveller Movement	
Traveller Law Reform Coalition	
Health and social wellbeing Sector	
NHS Trusts	
Health and Safety Executive	
NHS Wales Shared Service Partnership (formerly Health Estates)	
The Chartered Institute of Environmental Health Wales-Cymru	
Fire Authorities	
Police Authorities (including architectural liaison officers)	
Welsh Ambulance Service NHS Trust	
Home Office Crime Team in Wales	
Development Sector	
Private	Public (Housing)
Confederation of British Industry	Housing Associations
Construction Industry Council Wales	Rural Housing Enablers
Federation of Master Builders	Llamau
Regional Chambers of Commerce	Shelter
Federation of Small Businesses Wales	Crisis
British Retail Consortium	
Town Centre Management Partnerships (where relevant)	
British Independent Retailers Association (bira)	
CCAB	
CEMEX UK	
National Federation of National Demolition Contractors	
National House Building Council	
House Building Federation	
Crown Estate Office	
Environmental Services Association (Waste)	
Public Transport Users Sector	

Disabled Persons Transport Advisory Committee			
CPT Wales (public transport)			
Rail Passengers Council			
Rail Passengers Committees			
Local bus operators			
Campaign for Better Transport			
Business Sector			
Tourism Sector	Transport	Infrastructure	Minerals
Regional Tourism Bodies (but these will no longer be funded from my understanding)	CILT Cymru	Association of Electricity Producers	Coal Authority
British Holiday and Home Park Association	BAA Plc	National Grid	Mineral Products Association
National Caravan Council	Other airport operators	National Grid Property Holdings	Quarry Products Association
	Cardiff International Airport Ltd	Energy Providers	British Aggregates Association
	Ynys Mon airport	Association of Energy Suppliers	
	Associated British Ports	British Wind Energy Association	
	Association of Inland and Navigation Authorities	Local Energy Support Teams (regional)	
	British Ports Association (and specific geographical port companies)	Telecommunication network providers Dwr Cymru	
	Road Haulage Association		
	British Motorcyclists Federation		
	Association of Train Operating Companies		
	Network Rail Infrastructure Ltd.		
	Frist Great Western		
	Arriva Wales (Bus and Rail)		
	Firstgroup Plc		
	Great Western Train Company Limited		

	Virgin trains		
	DB Schenker (UK) Ltd.		
	Freight Transport Association		
	Rail Freight Group		
	Coach Operators Federation		
	National Federation of Bus Users		
	Network Rail		
	Sustrans		
	Cyclists Touring Club		
	Satgecoach		
	National Express Ltd.		
	Breakdown recovery organisations (e.g. The AA; RAC; Green Flag; Britannia etc.)		
	Traws Cymru		
Agriculture and Rural Business Sector			
Wales Rural Observatory			
Countryside Alliance Wales			
Royal Welsh Agricultural Society			
County Surveyors Society			
Campaign for the Protection of Rural Wales			
Youth Sector			
Prince's Trust Cymru			
British Youth Council			
Urdd Gobaith Cymru			
Childline			
Cardiff YMCA (also Housing association)			
National Society for the Prevention of Cruelty to Children			
Culture, Media and Sport Sector			
Sport and Recreation Alliance			
Promo Wales			
Art Council for Wales			
Theatr Genedlaethol Cymru			
National Theatre Wales			
National Museum Wales			
Faith Community Sector			
Church in Wales			
Interfaith network			
Interfaith Council for Wales			
Cytun			
British Council (Faith) Wales			
Church Commissioners (responsibility for estates)			
Union Sector			
Trade Unions		Farmer's Unions	

PCS	NFU
UNISON	Farmers' Union of Wales
TUC	
Prospect	
Amicus	
Environmental Sector:	
Carbon Trust	
Energy Saving Trust	
Wales Environment Link	
AONB Management Bodies	
(Civic Trusts no longer exists but some have remained in place under another name)	
British Trust for Conservation Volunteers	
Coed Cadw	
Woodland Trust	
Greenspace	
Living Street Wales	
Council for British Archaeology in Wales	
NPFA Cymru	
Fields in Trust	
Soil Association	
Welsh Historic Garden Trust (local Groups)	
Wildlife Trusts	
World Wide Fund for Nature	
Arboriculture Association – Wales WA	
Ramblers Association	
Cymdeithas Edward Llwyd	
British Mountaineering Council	
Clwb Mynydda Cymru	
Keep Wales Tidy (Encams)	
Heritage Lottery Fund	
Royal Society for Protection of Birds	
Institute of Historic Building Conservation	
Recycling Consortium	
Rounded Development	
Protected Landscape Forum	
National Trust	
Greenpeace	
Friend of the Earth	
Forum for the Future	
Centre for Alternative Technology	
Centre for Sustainable Energy	
Country Land and Business Association	
Canal and river Trust	
Land use Organisations/ Institutes	
Royal Institute of British Architects	
Town and Country Planning Association	
Royal Commission of the Ancient and Historical Monuments of Wales	
Royal Town Planning Institute	

Royal Institute of Chartered Surveyors
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Law Society
