

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

7 JUNE 2018

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES BRIDGEND CBC LOCAL PLANNING AUTHORITY –

BCBC RESPONSE TO THE WELSH GOVERNMENT CONSULTATION ON DRAFT PLANNING POLICY WALES (EDITION 10)

1. Purpose of Report

- 1.1 Members will recall a report for noting on the 15 March 2018 Agenda which highlighted Welsh Government proposals to revise Planning Policy Wales in light of the Well-being of Future Generations (Wales) Act 2015.
- 1.2 The Welsh Government has restructured Planning Policy Wales into policy themes around the well-being goals and updated the document to reflect new Welsh Government strategies and policies.
- 1.3 The consultation period on the Draft Planning Policy Wales: Edition 10 expired on 18 May 2018.

2. Connection to Corporate Improvement Plan/Other Corporate Priorities

- 2.1 The delivery of the County Borough's statutory planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

3. Background

- 3.1 Planning Policy Wales (PPW) is the national land-use planning policy document for Wales. It is used by Local Planning Authorities (LPAs) to inform policies and land-use allocations in Local Development Plans (LDPs) and it is a material consideration for decision makers in determining individual planning applications. PPW sets out the land use policies of the Welsh Government and provides the context for land use planning in Wales.
- 3.2 The current format of PPW has changed very little since it was first published in 2002 with each chapter dedicated to one or more theme or topic. These chapters outline the Welsh Government's strategic objectives for these areas, set the policy context and describe key issues, identify areas which LDPs should address locally and outline matters which should be taken into account when planning applications are decided.
- 3.3 When the Planning (Wales) Act, the Well-Being of Future Generations (Wales) Act (WFG Act) and the Environment (Wales) Act were being developed, a commitment was given to restructure PPW so it more clearly evidenced the legislative requirements of these pieces of legislation.
- 3.4 The legislative requirements set out in the Well-being of Future Generations (Wales) Act mandate improving the social, economic, environmental and cultural well-being of Wales. The Act requires public bodies (including the Welsh Government and Local Planning Authorities) to think about the long-term, to work better with people and communities, to look to prevent problems and take a more joined up approach to deliver sustainable development.

3.5 The planning system is one of the main tools to create sustainable places. It is the main way the planning system can contribute to the successful implementation of the Well-being of Future Generations (Wales) (WFG) Act. Everyone engaged with or operating within the planning system must embrace the concept of placemaking in both plan making and development management decisions in order to achieve the creation of Sustainable Places.

3.6 Placemaking is a multi-faceted approach to the planning, design and management of public spaces. Placemaking capitalises on a local community's assets, inspiration and potential, with the intention of creating developments that promote people's health, happiness and well-being. It is therefore central to the wider objectives of the WFG Act.

3.7 The consultation sought views on the new structure of PPW, the placemaking concept and the new or revised policy requirements and 36 specific questions relating to the draft document.

3.8 The detailed consultation responses (one from the LPA and another from the Building Conservation and Design Team which specifically relate to the historic environment aspects of PPW: Edition 10) were submitted to the WG on 18 May 2018 and are attached as Appendices to this report for noting.

4. Wellbeing of Future Generations (Wales) Act 2015

4.1 The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

4.2 The duty has been considered in the production of this report.

5. Recommendation

5.1 That Members note the content of the Council's consultation responses to the Draft Planning Policy Wales (Edition 10).

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Background documents

Appendix A – BCBC LPA response to the consultation

Appendix B – BCBC Building Conservation and Design response to the consultation

Appendix A – BCBC LPA response

Comments on PPW 10

Q1

Do you agree planning policy topics be clustered around themes which show their relationships with each other and the 7 well-being goals? If not, please explain why.

The form and structure of the existing PPW works well and is accessible to practitioners and stakeholders in that it sets out individual policy areas with clear links to how policy areas should be considered in relation to development plans and development management, with key considerations clearly signposted. This existing PPW format and structure is transparent and, importantly, user friendly. The same cannot be said of the draft revised PPW. It is not clear as to which 'theme' a policy area comes under, there seems to be much repetition throughout, as well as inconsistencies, and there are no clear links to how policy areas should be considered in relation to development plans and development management. The tables at the end of each chapter in the existing PPW provide useful signposts to key policy issues in the document – it is requested that a similar approach could be adopted in the revised PPW.

Whilst it is accepted that there is a need for PPW to take account of the provisions of the Well Being & Future Generations Act 2015, it does not necessarily follow that this requires an alteration of the document's structure. In doing so, PPW has attempted to simplify a very complex and interrelated system of land uses that has consequently made the document less policy focussed and less user-friendly for the practitioners intended to use it, and for its main purpose in setting out the context and policies for land use planning in Wales. Consequently, if the structure of the draft PPW10 is retained, it will lose its functionality and will result in a document that is far less user-friendly than its predecessors.

Paragraph 2.17 states "The relationship between development proposals, planning policy topics and the well-being goals is complex". Whilst acknowledging the complexities, PPW then attempts to define themes without rationale and in the absence of any explanation of how the complexities of the relationships have led to the identification of the themes and component topics. In respect of the relationships between development proposals, planning policy topics and the Well-being goals, no explanation is given as to how they interrelate, how they contribute towards Well-being, or how the groupings should be considered at a strategic level.

The groupings themselves have ignored very significant and obvious linkages, most notably housing and employment uses which are the cornerstone uses in placemaking, a theme which excludes these major players in settlement form and function. Similarly retail and commercial centres are major employment centres, but are put into Active and social places, and are divorced from other employment uses. It is essential that employment is dealt with holistically, rather than different aspects contributing towards different themes.

The Themes, and their component topics, are arbitrarily derived, are unjustified and attempt to simplify a very complex and interrelated system of landuses that need to be considered on a holistic basis. Breaking complex strategic landuses into the identified themes creates unnecessary barriers and restrictions on the landuses, particularly in how they contribute towards the overall aim of the Well-being goals.

The interrelationship between different topic areas is well understood by planning professionals, who are more than capable of addressing topic-specific matters whilst considering them in the round in a more general context. Paragraph 2.22 states that 'PPW should be read as a whole' and that "aspects of placemaking and their application to a particular development proposal will occur in several parts of the document". Providing national policy on a topic-by-topic basis is the most clear and logical way of ensuring that the Welsh Government's agenda as it relates to the planning system is taken into account in practical terms and is not easily navigable in this revised format.

It is recognised in the text that many topic areas have linkages with two or more Well-being goals. However, in terms of the structure of the document, each policy topic has been categorised under one thematic heading. In attempting to categorise complex topic areas under arbitrarily derived themes, there is significant overlap between themes resulting in a lot of repetition and unnecessary complication which results in confusion.

Q2

Do you agree the introduction provides an adequate overview of the planning system in Wales and appropriate context? If not, please explain why.

The opening paragraphs of the Introduction chapter of PPW (paras.1.1 to 1.2 refers) make reference to the Development Plans Manual and Development Management Manual and state these should be read in conjunction with PPW. This is further demonstrated by the interlocking diagram shown on page 7 of the Introduction chapter. It is considered that there is a lack of detailed policy guidance in comparison to the previous PPW (9th Edition) and it is assumed that the important sections omitted from this new edition of PPW will be contained in the relevant manuals e.g. specific reference to how policy guidance should be interpreted into the development management process on a variety of issues or how PPW will influence the planning process in terms of LDPs. In the absence of the relevant manuals it is difficult to comment on the adequacy of this section of PPW. The mentions of SDPs, LDPs and Place Plans are very cursory and do not offer much explanation (unlike the existing PPW). There is also concern that if such details are not contained within PPW but instead the LDP manual, would they carry as much weight in the Manual, which is much more a good practice guide rather than actual policy.

It is essential that the Development Plans Manual is published as soon as possible to ensure that the current round of plan revisions and emerging SDP(s) are properly informed with regard to procedure (which is distinctly lacking from the draft revised PPW).

The introduction gives a simple run down of the planning system and how it works in relation to all the new legislation which influences it. As the Welsh planning system has seen many changes in recent years, with the adoption of different Acts which can all relate to the planning system, it is welcomed that these documents have been summarised in one place. However, the end user for PPW needs to be considered as the tone of the document can be overly descriptive in nature which results in the role of legislation being oversimplified in places. This approach works well to help the public understand the planning system and the role PPW plays in directing development in Wales and promoting sustainability. On the other hand in relation to those reading the document in a professional capacity the substance of what is being stated is lost in some cases and how the policy guidance should be interpreted becomes confusing and contradictory as the document tries to describe how the planning system works.

Paragraph 1.1 should state that PPW should be taken into account in making decisions on planning applications in addition to the statement that it should be taken into account in the preparation of all tiers of development plan. In addition for completeness paragraph 1.1 and 1.4 of the introduction should also make reference to Mineral Technical Guidance Notes (MTANs) as they provide a context for land use planning relating to aggregates and coal in Wales.

Paragraph 1.3 of the introduction references the need for Local Authorities to have regard to the well-being plans prepared for their area. This is supported as they will be more tailored to the plan area. However it is unclear from PPW where the well-being plans sit in relation to the planning system and what weight the local authority gives to each piece of legislation. It is also prudent to note that the well-being plans have been in preparation by the joint boards for a number of years in the absence of this revised PPW document.

Paragraph 1.10: the Law Commission is suggesting that the Welsh government should retain an up to date list of 'duties' relevant to planning and use PPW and TANs to explain how they are relevant. It would be useful to refer to the list of duties here.

Paragraph 1.16 makes reference to keeping plans regularly under review; this is understood as they provide certainty, however the process of doing so is very resource intensive and often a lengthy process particularly in relation to the limitations around the short form process of review. More guidance is needed in relation to this if the process of keeping plans up to date is to be efficient and effective.

Paragraph 1.18 -1.21 discusses the Sustainable Management of Natural Resources as introduced by the Environment Act. The premise of these is understood however it is difficult to see within the document how all of these different requirements work together. In particular, the Area Statement process has yet to be completed, so it is hard to comment on its relationship with the planning process. Hopefully it will be a co-production between NRW and the LAs (in the spirit of WFG Act) which will ensure it is relevant to planning and translates the SMNR locally. The Biodiversity Duty could be referenced here.

Paragraph 1.27 makes reference to the purpose of development plans being to provide certainty to the public and development industry, this is supported and is a very important part that the plan led system plays. However this certainty is put at risk due to the JHLA method of calculation as this can see a Local Authority having a less than 5 year land supply very soon after adopting a new plan. This may lead to pressure on Local Authorities for 'non-planned' (non-allocated) applications. This does not then provide certainty for anyone and is not helpful nor the point of the planning system.

In fact the interaction of the JHLA and viability assessment completely undermines the stated purpose of planning (development and use of land in the public interest, prioritising long term collective benefit as per para 1.7) by setting up short term (5year) housing land availability and current economic viability (for the developer) above all other considerations. The sustainable development principles and ways of working, and the Wales well-being goals cannot be achieved, particularly in areas of low land value and periods of economic austerity. The re-ordering of PPW around the WFG Act demonstrates this very clearly. Housing land supply and viability are very important planning considerations but they should not undermine the overall purpose of the planning system and the WFG Act.

Paragraph 1.32. The reference in this paragraph to LDPs having to be prepared quickly is questioned. Wording such as "quick" and "simple" concerning the production of LDPs is not considered a suitable choice in a national policy document. The process is presently so onerous in relation to the degree of evidence and work necessary to get a plan through to examination stage; it is felt that this is almost a contradiction in terms. The lexis employed highlights that there may be a lack of understanding or appreciation for the time it takes to undertake each element of the LDP process. Whilst it is understood that LDPs are intended to be much simpler documents with the new NDF and SDP structure there is still a statutory process to go through to prepare them. Indeed, this PPW gives further levels of detailed considerations. The length of time taken to write these will depend on the nature and content of the SDP and how much local circumstances of the local authority area deviate from the generalised policies in the SDP. If there is a lot of locally specific content required in the LDP then this process maybe longer for some Local Authorities. For those LPAs embarking upon LDP revisions in advance of the higher tier plans, the LDP process will remain as complex and time consuming. It is also important to remember that resources are also a very large concern for some LPAs tasked with writing these plans, as they have a lot less resources than in previous plan cycles.

It is also concerning that Paragraph 1.32 is promoting joint LDPs when there is no current agreement that these are an appropriate way forward. This approach also contradicts the reference in this paragraph to the requirement for LDPs to be 'locally focussed' – it is unclear how a joint LDP on the large footprints recently proposed by the Cabinet Secretary can be locally focussed. It is recognised that local housing markets and travel to work patterns etc. cross LPA boundaries but these matters can be dealt with on a collaborative basis in advance of SDPs. Paragraph 1.32 states that 'LDPs are site allocation documents, with locally specific policies only where evidence supports a different approach to national or SDP policy'. This

assumes that the whole of Wales is covered by an adopted SDP. It does not allow for scenarios where parts of Wales might not choose to produce an SDP, and does not assist in the current scenario in SE Wales where a number of LPAs are embarking on revised LDPs, as requested by the Cabinet Secretary, and will be at an advanced stage in advance of the SDP being placed on deposit. In these scenarios, the LDP must be more than a site allocations document. Even with an SDP, this statement predetermines the scope and content of the SDPs: it is unhelpfully specific.

Paragraph 1.35 is welcomed as it emphasises how important it is for all stakeholder to work together to deliver good outcomes in the planning system.

There is limited reference to SPGs in the revised PPW, in contrast to section 2.3 of the existing PPW, with the latter being very useful. Also, while it is appreciated that Place Plans are non-statutory, Draft PPW10 does little to make it clear that Place Plans are a formal part of the Welsh planning system. The issue of Place Plans also requires a degree of clarification in terms of how they will operate in practice. Whilst a closer working relationship with local communities is welcomed; there could potentially be a resource issue, particularly if communities embark upon Place Plans at the same time, alongside the LPA working on both the SDP and LDPs. Despite Place Plans being the “community’s” plan; if they are to become SPG it is likely to require a significant degree of officer time and investment to make this happen and take it through a comprehensive consultation process. Following recent Place Plan events communities have been led to believe these documents can be ‘whatever they want them to be’ when in truth they need to conform to policies in the LDP.

It is also noted that the draft revised PPW sets out a wide ranging number of policies to be included within development plans – this seems somewhat contrary to LDPs being ‘site allocation documents’ and advocates the repetition of national policy within LDPs.

It is concerning that the document states that LDPs cannot be adopted unless they are in general conformity with the NDF and SDP. Given the timescales for preparing the NDF and SDPs, the current round of LDP revisions will be prepared in advance of the NDF and SDPs. This section needs to be reworded or the revised LDPs being prepared now in alignment with WG’s desire will be deemed unsound at examination for failing to comply with this part of national guidance.

This section should be amended to clarify the position before and after SDPs, and also for those areas who might not proceed with an SDP. This is likely to be of particular significance to National Parks.

The Welsh Government has a legal duty to promote sustainable development in its undertakings and, indeed, sustainable development is a well-understood pillar of the contemporary planning system. In this regard, the overview could be considered to be superfluous and unnecessarily. Statements such as “the planning system should be...simple in operation” are not necessarily supported. The successful implementation of the planning system can, and does, often rely on a complex weighing of different, often competing, factors and interests, and a decision-making process that must be as fully conversant with these complexities as possible in order to arrive at an appropriate conclusion.

The intention for LDPs to be simple, short and locally focussed is difficult to comprehend given the emphasis on regional working, the added complexity being introduced by this document and the need to cover so many areas.

Q3

Do you agree with the Planning Principles? If not, please explain why

The Planning Principles set out worthy aspirations and tenets of good planning that practitioners try to implement in practice. They are the kinds of issues that are considered during daily decision making and any sort of plan making process. However there is concern that a fundamental strand of well-being has been omitted from the Key Planning Principles with no reference made to economic development, growth or prosperity.

It is not always easy to see how the Planning Principles relate to the five ways of working. Supporting text appears contrived to fit into the ways of working and does not always seem appropriate. Given that the 5 Principles are meant to address how the 5 ways of working relate to the planning system, it would make more sense to define principles along the lines of the 5 ways of working, rather than create new categories and then explain how they apply. The first principle “To facilitate the right development in the right place” delivers the remaining 4 principles, as the right development in the right place would:

- Make the best use of resources
- Facilitate accessible and healthy environments
- Create and sustain communities
- Maximise environmental protection and limit environmental impact

It is questionable whether the Planning Principles add anything to the process, particularly when there are 22 ‘Placemaking Outcomes’ that say the same things in much more detail. It is difficult to see how local development plans are to have regard to these principles or indeed how Development Management should use them. It appears that each planning application would need to be considered against these principles and all LDP policies cross referenced to them. This adds unnecessary complexity.

In addition to this the key planning principles fail to recognise the key role evidence gathering plays in the planning process in both development plan preparation and making decisions on planning applications. The role evidence gathering plays in determining social, environmental, cultural and economic needs and ensuring development takes place in the right place should be referenced in this section.

In order to address this an additional principle could be included “Evidence based and responsive to change”. This would have the added value of building into the planning principles the need to evaluate the impact of new development so decision making can be improved over time and respond to technological and legislative changes.

The fifth principle states that ‘applying the precautionary principle to ensure cost effective measures to prevent possibly serious environmental damage are not postponed just because of scientific uncertainty about how serious the risk is.’ It is not clear how this uncertainty would apply in terms of a Habitat Regulations Assessment, clarification is required in respect of this matter as would the prevention measures be enough to satisfy an Appropriate Assessment?

Q4

Do you agree with the definition of what is a ‘Sustainable Place’? If not, please explain why.

The document is not particularly clear what the definition of a sustainable place is. The definition for the purpose of PPW should be clear, concise and more relevant to land-use planning.

The text box with coloured text under para 2.9 is a statement of aim for the planning system and development proposals, It requires the planning system to create sustainable places with a very long list of what characteristics make up a ‘sustainable place’ and is not very user-friendly as a definition.

The diagram immediately under the text box addressed above is also not a definition of a

sustainable place. The diagram sets out a series of altruistic objectives that a sustainable place should deliver, but these are not fundamental characteristics that sustainable places can be defined upon. The diagram includes contradictory objectives and does not explain how these are to be addressed.

Q5

Do you agree with high-level planning outcomes highlighted by People and Places: The National Placemaking Outcomes? If not, please explain why

These high-level planning outcomes set high expectations for development plans and proposals to meet. It is not clear if this is a checklist to be used for sites to be included in development plans. If this is the case, it removes the ability to reflect local priorities and objectives.

It is not very clear what weight should be given to these outcomes in development management decisions. Are they 'must haves' or 'nice to haves'? The statement "development proposals must seek to deliver developments that address the National Sustainable Placemaking Outcomes" would suggest the former but it is not always possible for new development to meet all of these goals.

National Placemaking Outcomes

The National Placemaking Outcomes have been developed to ensure that development decisions "take a holistic view and consider well being goals at the earliest stage of the development process." In principle we would not disagree with the placemaking outcomes as generally they appear to collectively comprise those tenets of good planning that are borne in mind by practitioners at a strategic level in any event and are already incorporated in national planning guidance in PPW 9. However, critically it should be noted that not all development will be able to meet all of the placemaking outcomes and this should be acknowledged in PPW10.

National Placemaking Outcomes -

Is strategically planned to focus development in existing settlements and to maximise use of existing infrastructure and considers how the provision of infrastructure can be coordinated

This placemaking outcome should either be amended or removed as in its current form it would not allow for strategically planned new settlements and / or could preclude against the release of greenfield land for future development.

National Placemaking Outcomes – Responds to our special areas, countryside and high quality agricultural land which should be protected from inappropriate development whilst also encouraging appropriate development which sustains rural communities

This placemaking outcome needs to be amended to reflect that not all countryside can be protected from development and that development in some parts of the countryside is inevitable e.g edge of urban settlements, new settlements etc.

The National Placemaking outcomes should also make specific reference to the following issues:

- Need to meet the evidenced need for affordable housing.
- Need to ensure that the necessary infrastructure is secured to support development.
- Need to provide minerals to meet society's needs and protect important mineral resources for future generations.

It is also considered the links between health and the national Placemaking outcomes have been under represented in the analysis on pages 20 to 22 and the 1st, 3rd, 6th, 12th, 15th and 17th outcomes should acknowledge the links with Health.

Whilst we would agree that all are worthy aspirations, it is difficult to see how the high level planning outcomes can be used in practical terms and how they fit into the planning process. Most development plans would have objectives that cover similar ambitions. The scope of the outcomes needs to be explained, including whether these constitute policy and whether in practical terms all developments have to satisfy every outcome. If this is the case some of the

terms are ambiguous at best such a 'convenient access' and are subject to interpretation. If development is expected to address all of these outcomes then it is likely that viability will be affected.

Q6

Do you agree with the search sequence outlined for the formulation of development plan strategies? If not, please explain why

Whilst the preference for the use of brownfield land is desirable, this can place pressure on existing 'employment' land, community facilities or other commercial uses, for housing development and the outcome will not necessarily mean overall 'sustainable places' are delivered. Brownfield land will not always be in the best place for new development and its re-use could be counter-productive if it is in remote locations not accessible other than by private car. Candidate sites have to undergo detailed assessments and the brownfield/greenfield edge of settlement consideration is only one part of this process.

The search sequence should also highlight other key considerations such as national policy in respect of flooding by clearly stating that sites falling substantially within C1 and C2 flood zones must not be allocated for development within LDPs. This is consistent with the position of Welsh Government Planning Policy Division at recent LDP examinations and appeals.

It is welcomed that the draft PPW has made clear its stance regarding highly vulnerable development within C2 zones under paragraph 5.176. Previously, policy allowed for development in these areas if it could be evidenced that the potential flood risk could be mitigated. However, in reality the response from Welsh Government and the Planning Inspectorate did not reflect the flexibility of national policy as vulnerable development was not being permitted in C2 flood zones. Paragraph 5.176 clearly sets out the approach which should be undertaken by Local Authorities stating that all highly vulnerable development located within C2 flood zones is inappropriate and acknowledges that even with mitigation the risk of flooding remains in these areas. It is therefore considered that it should be included within the search sequence detailed within the Strategic Placemaking section under paragraph 2.54.

Paragraph 2.54 & 3.33 Search Sequence outlined for the formulation of development plan strategies

The search sequence for the allocation of land is referenced in both Paras 2.54 and 3.33. However, the wording in these two paragraphs differs, which may cause confusion. In paragraph 2.54 it appears that the search sequence should start with brownfield or underutilised sites within or on the edge of settlements, followed by greenfield sites within or on the edge of settlements (provided they are not sensitive), followed by other greenfield sites, starting with the least versatile agricultural land. Para 3.33, however, reflects the wording in previous editions of PPW, starting with the re-use of previously developed land and buildings within settlements, then settlement extensions and then new development around settlements. This paragraph makes no reference to how sensitive areas should be considered.

It is stated that the search sequence should be carried out on a housing market area basis across local authorities. In the context of South East Wales, this approach may be appropriate for the allocation of strategic sites as part of a Strategic Development Plan, as this will allow consideration of sites on a regional basis. However, it is anticipated that non-strategic housing allocations will be made through Local Development Plans. Whilst some LDPs may be prepared jointly, it may not be the case that all housing markets will be covered and this is probably best addressed through the SDP. In Caerphilly County Borough, for example, there is some overlap in housing markets between most neighbouring authorities (Cardiff, Newport, Blaenau Gwent, Torfaen, RCT, Merthyr), which would mean this objective would be difficult to achieve as the LPA cannot allocate land to meet its housing requirements in an area within the region outside of its control. PPW should be sufficiently flexible in this regard and allow the search sequence to be considered at the most appropriate geographical areas.

As a point of clarification in relation to Paragraph 3.33, it is important to note that when the LPA is preparing a development plan it is not only looking for land for housing. There are many other

land uses that require sites to be identified. Previously developed land is potentially suitable for all manner of uses and not solely for housing.

Further (in connection with para. 3.33) there is general agreement that where housing market areas cover more than one authority the aim should indeed be to make the best possible use of previously developed land. However, it would be useful to understand how this would work in practice (in the absence of joint LDPs) in terms of individual LDPs housing supply figures and allocations.

Would one LPA be able to rely on an adjacent LPA's brownfield housing allocation to be part of their own housing land supply? And so reduce the need to allocate additional greenfield sites in their own area to cater for their own housing land requirement? (any nearby greenfield allocations could undermine the preferable brownfield allocations in the same housing market area).

In the absence of any status for such a cross-boundary housing sharing, would the existence of the brownfield housing site just represent a material issue in the consideration of a settlement strategy and present one of the LPAs with the evidence to resist greenfield allocations on the basis of the nearby more sustainable development?

Q7

Do you agree with our revised policy approach for the promotion of new settlements and urban extensions. If not, please explain why

Disagree.

It is recommended that the title of the section is renamed to "New Settlements and Major Urban Extensions" as it also relates to major urban extensions.

There appears to be no evidence or rationale for PPW to specify that proposals for urban extensions in excess of 1000 dwellings must be identified in the NDF, SDPs or Joint LDPs rather than single LDPs.

The current suite of adopted LDPs within South East Wales allocates urban extensions and new housing developments in excess of 1,000 dwellings. These have been successfully dealt with in LDPs, many have been local issues that needn't have been considered at a regional or sub-regional level. PPW is not the correct place to specify what site size thresholds are appropriate for each tier of Development Plan. This decision should be evidence based and dealt with as appropriate. There is no apparent reason to preclude new settlements from individual LDPs. PPW should be flexible to allow this at a single LDP level, otherwise it may unduly restrict the ability of LAs to allocate the most appropriate sites within an LDP.

If revised LDPs are required to achieve a housing supply to last up to 15 years then LPAs should have the ability to explore all options now without the delay that would result from waiting for the NDF or any SDP. It is appreciated that large scale housing developments of 1,000 or more dwellings could potentially in some instances have impacts beyond local authority boundaries, but many will not. However it does not follow that allocation in an individual LDP is inappropriate. The wording as proposed would prevent LPAs such as Newport and Bridgend from re-allocating large sites to carry them forward into revised LDPs. This is presumably an unintended consequence. Moreover, it once again assumes that Wales has 100% SDP coverage, which may not be the case.

It is not clear why the threshold has been set at 1,000 or more dwellings. The evidence to justify this has not been made clear to determine the appropriateness of setting this figure across Wales. It is likely that settlements or urban extensions of this size would incorporate a mix of uses, including employment land and this should also be taken into consideration when setting thresholds.

What should be encouraged and supported is greater joint working by local authorities in identifying cross boundary infrastructure requirements to deliver large developments where these adjoin LPA boundaries and this is likely to be done through the preparation of Strategic

Development Plans.

Where new settlements have a regional significance, there is general consensus that the SDP or NDF is an appropriate level to plan for this. The fact that PPW10 no longer includes the statement that "new settlements on greenfield sites are unlikely to be appropriate in Wales" is welcomed. The policy shift to allow new settlements is welcomed, as the availability of land and constraints in South East Wales in particular, mean that the potential for new settlements in sustainable locations in the region needs to be explored as an option for meeting growth. This section could however do with more explanation and detailed policy considerations regarding this issue. Key considerations should be outlined in the consideration of why a new settlement could be preferable to the further expansion of existing settlements, for example, where existing settlements are constrained by factors such as environmental designations, physical constraints, infrastructure pressures, where significant further growth would exacerbate existing problems or simply is not feasible.

PPW should provide clarification on what makes a new settlement a sustainable place, what considerations development plans should make about strategies including new settlements and how they should be promoted through the development plan process.

Paragraph 2.62 recognises that that new settlements could have advantages over further expansion of existing settlements. However it is not clear how any proposals for new settlements would fit in the search sequence proposed in Paras 2.54 and 3.33, and, as it stands, the search sequence outlined in Paragraph 2.54 would not allow for new settlements.

Paragraph 3.10 states that "to foster cohesive communities development will need to be located within the existing settlement pattern", this paragraph needs to be amended as it would not allow for new settlements.

Q8

Do you agree with our revised policy approach to the preference for the re- use of previously developed land? If not, please explain why.

Disagree

Whilst the approach to consider brownfield sites before greenfield sites is a continuation of existing planning practice and is supported, the revised PPW introduces a presumption that previously developed land in settlements "should generally be considered suitable for development because their re-use will promote sustainability principles.", which almost gives brownfield land a presumption in favour of allocation/development. If the intention is to indiscriminately prioritise brownfield land over greenfield then there should be an awareness that this brings considerable risk.

Quite often previously developed land is difficult and expensive to remediate and issues regarding viability and delivery can arise, this is particularly the case in less buoyant market areas. In addition to this, regenerated brownfield sites, particularly those associated with former mining activities, are often the location of some of the best and most important areas of ecological value, whose destruction through development would definitely not be in accordance with sustainability principles. Indeed in some cases development on greenfield sites with little or no ecological value (such as improved farmland) would have much less adverse impact than development on a species and habitat rich brownfield site.

The issue of ecological importance used above is only one example of the issues that can make brownfield development less sustainable than greenfield development. However there is no provision within the section for considering the relative merits of brownfield and greenfield sites to identify the most sustainable options and sites, but rather slavishly sticks to a sequential approach based upon a supposition that brownfield development will be more sustainable.

Paragraph 2.63 should also be caveated to ensure that where brownfield sites have been identified for a specific use or 'appropriate development' for example a brownfield site identified

for employment use within a development plan, that alternative uses are not permitted. There needs to be an appreciation that employment sites can take longer to come forward depending on market forces, however where development pressure for housing is significant such sites should not be lost to housing development. As currently worded paragraph 2.63 could be interpreted as 'anything goes' on brownfield land.

Q9

Do you agree with our revised policy approach for the designation of Green Belts and Green Wedges? If not, please explain why

Paragraph 2.69, 2.76 & 2.77 Green Belts

Whilst the clarification on the difference between green belt and green wedges is welcomed, PPW contends that due to their "significance beyond a single local authority" green belts should only be proposed as part of either a joint LDP or the SDP. We would disagree with this approach, in the absence of any rationale and would maintain that there is no valid planning reason as to why a green belt cannot be identified in an individual LDP, providing cross boundary issues are identified and given due consideration.

Paragraphs 2.76 and 2.77 refer to the drafting of exception policies when considering applications for planning permission in Green Belts and Green Wedges, "Policies should be devised to outline the circumstances when development would be permitted in these areas." We would disagree with this approach as exception policies should not be written to cover every eventuality.

Q10

Do you agree with the issues and inter-linkages highlighted in the introduction to the Active and Social Places chapter? What other issues and linkages could be identified to support this theme?

Disagree

Providing national policy on a topic-by-topic basis is the most clear and logical way of ensuring that the Welsh Government's agenda as it relates to the planning system is taken into account in practical terms.

The groupings themselves have ignored very significant and obvious linkages, most notably housing and employment uses which are the cornerstone uses in placemaking, a theme which excludes these major players in settlement form and function. Similarly retail and commercial centres are major employment centres, but are put into Active and social places, and are divorced from other employment uses. It is essential that employment is dealt with holistically, rather than different aspects contributing towards different themes.

Retail and Commercial Centres are increasingly becoming 'hubs' for investment with funding forthcoming from City Deal and the Metro as well as being identified as locations for investment by Valleys Taskforce. With the increasing prominence of Town centres as service centres, economic development hubs and major employers, it could be considered more appropriate for this topic to be included under Productive and Enterprising Places. Whilst it is appreciated that a number of topics are cross cutting and could be placed under a number of themes, this necessitates the question, whether 'themes' are really needed as they serve no useful purpose.

It is not clear from the Chapter heading what 'Active and Social Places' refers to. It all seems rather muddled, trying to incorporate key fundamental aspects of planning policy (including housing, retail, transport) into one 'theme'. As such it is not user friendly. It is obviously recognised that these policy areas are inter-linked (in developing LDP policies and in DM decisions), however, the existing PPW more appropriately deals with these important policy areas on an individual basis which makes it more transparent for the user. Given that PPW has been re-written to specifically focus on place-making, there is little emphasis on design/quality of place which is concerning.

Paragraphs 3.10 and 3.11 note the need to locate development within existing settlements to benefit from existing facilities and services. Whilst we would not disagree with this principle, PPW needs to acknowledge that in order to achieve the housing requirements set for some authorities; development may need to be located within new settlements. The principle of co-locating people, services and jobs and reducing the need to travel set out in the Cohesive Communities and Globally Responsible Wales could still apply, but this might not always be achievable within existing settlements.

Whilst ensuring new and existing developments have access to community facilities is supported, in practice it is not always within the control of the LA to do this. Health care for example can be allocated on sites but ultimately it is for the NHS to finance, which unfortunately can be difficult due to lack of funding. Community facilities are often private sector led and therefore whilst land can be allocated to accommodate them and should be, it does not always mean these facilities will be delivered. When allocating new development next to existing commercial centres or community facilities objections are often raised due to the increased pressure put onto these facilities.

Q11

Do you agree that it is important for viability to be assessed at the outset of the plan preparation process and for this to be supported by an enhanced role for housing trajectories? If not, please explain why.

There was no general consensus and a difference of opinion amongst LPAs on the assessment of viability at the outset of the plan preparation process. This was largely due to the viability issues experienced by each LPA.

Within LPAs that contain lower viability areas, for example mid / upper valleys there was a strong disagreement to this approach. In order to fully understand whether a site is viable and deliverable, it will be necessary to undertake detailed site investigations to identify any constraints and abnormal costs. In areas where land values are low and viability is marginal, such as in the Mid and Upper Valleys, many landowners are risk adverse and are unwilling or unable to invest in undertaking the detailed site investigations to inform viability early in the plan preparation process, without the certainty of an allocation in a plan. These landowners may have sites that are viable, deliverable and meet the placemaking objectives, but would be unable to demonstrate this. On this basis, the approach in PPW would indicate that such sites should not be included.

Landowners/developers in areas where land values are higher are likely to be more willing to invest the money required to demonstrate that a site is viable, as the return for the risk is likely to be greater. This could potentially lead to sites being allocated in higher value areas where developers would like to develop, but where the benefits to delivering sustainable communities would be less. This undermines the role of Planning as an intervention in the market. The viability of a scheme will change over the lifetime of the LDP in line with changes in economic circumstances. Sites on the margins of viability at the start of a plan period may become realistic propositions if there is a major increase in house prices for example.

Para 3.22 states that "planning authorities must consider whether specific interventions from the public and/or private sector, such as regeneration strategies or funding, are required to help deliver the housing requirement." Whilst LAs can identify which sites may need intervention in the form of strategies or funding, there will be no guarantee that funding will be available within the plan period. It will therefore be difficult to demonstrate that sites are realistic and deliverable and can contribute towards meeting the housing requirement.

In higher viability areas, LPAs were generally supportive of assessing viability at the outset. However concern was expressed that requesting detailed viability assessments at the outset of the candidate sites process would deter some site owners/agents (particularly small sites/SMEs/small-scale developers) promoting their sites given the substantial upfront costs/work associated with such assessments and the fact that there is no guarantee that a site will be included as an allocation in a plan. It was also noted that there would be limitations to

this approach as plan preparation is a lengthy process (almost 4 years) and it will be necessary to undertake regular reviews of viability to take into account changes in market factors and legislative requirements. It will also be important for viability reports and trajectories submitted by developers to be subject to independent scrutiny particularly at the examination stage in order to ensure realistic assessments are submitted in order to avoid problems with the implementation of the plan following adoption.

Housing Trajectories: It was generally considered that housing trajectories provide a useful tool in illustrating the delivery of housing over the lifetime of a development plan and the presence of a 5 year land supply on adoption of an LDP, However it is unclear what level of evidence /detail is needed to adequately inform a trajectory to ensure that it is realistic. It would be useful if the new LDP Manual includes further guidance on the information that should inform an authorities housing trajectory, including evidence on delivery from the development industry. It should however be recognised that it will be difficult to be very accurate in a housing trajectory for the longer term or latter part of the plan period (i.e. over 5 years) because there will be less certainty about when sites without planning permission can / will come forward. There should also be more consideration by WG in PPW of 'phasing' allocations to allow a more realistic housing trajectory to be undertaken for the whole plan period.

Q12

Do you agree that it is important for a flexibility allowance to be included as a policy requirement in order to facilitate the delivery of planned housing requirements? If not, please explain why.

It is agreed that development plans should include a flexibility allowance to cover any sites that do not come forward as planned. This is the approach that has been taken by local authorities in the preparation of LDPs, so the inclusion of this policy requirement simply reflects what is being done in practice.

It is advocated that PPW does not identify an appropriate percentage for a flexibility allowance, as this is a matter that will be dependent on local evidence

Q13

Do you agree that to deliver the new housing Wales needs it is necessary for local planning authorities to allocate a range of site sizes, including small sites, to provide opportunities for all types of house builder to contribute to the delivery of the proposed housing? If not, please explain why.

This approach is supported, as it will increase the diversity of the housing stock and will allow a range of sites to come forward to meet different needs and should lead to an overall increase in housing provision.

It is important that opportunities are provided for small-scale house builders/SMEs to contribute to housing delivery and not to focus solely on the large volume builders. This approach should act to increase capacity and delivery. Although to make the process manageable there would be a need to have a realistic cut-off site size threshold (for example <10, depending on the circumstances in the LPA area) below which candidate sites will not be considered for allocation as part of the LDP process. Proposals for small scale residential development within existing development boundaries can also be considered against criteria based policies.

Unfortunately the admirable objectives of the viability requirements and level of work, detail and commercial risk required to promote sites will mean SMEs might be excluded from the process. This is a difficult balance to strike.

Q14

To ensure that small sites are allocated, should there be a requirement for a specific percentage (e.g. 20%) of sites to be

small sites? If not, please explain why.

It is considered inappropriate to impose arbitrary targets on LPAs without having a clear understanding of the characteristics and mechanisms of local housing markets present within each local planning authority. It would be more appropriate for PPW to encourage LPAs to consider whether there is a need to allocate small sites within their development plans. The definition of small sites will be different by LA, with TAN 1 defining small sites as under the threshold of 10, or 5 in rural areas. Most local authorities do not allocate sites below a certain threshold. Instead, it is customary for development plans to include an assumption for the supply likely to be delivered from small sites within land supply calculations.

The requirement to allocate small sites would have significant resource implications for planning departments who would be required to assess the suitability, viability and deliverability of a significant number of sites. Many small sites are infill or small scale redevelopments within settlement limits that would be acceptable in principle for development without an allocation. They will also generally have less of a lead in time than larger sites. Developers/landowners of small sites may be reluctant to spend money promoting small sites through the candidate site process when the principle of development is already established, so it may be difficult for local authorities to demonstrate a sufficient supply, even though sites are available.

A register of small sites or plot shop would be an alternative way of encouraging the delivery of housing on small sites.

Q15

Do you agree that the custom and self-build sector can play an important role in housing delivery, in particular when linked to the use of Local Development Orders and design codes? If not, please explain why.

Agree.

LPAs agreed that the custom and self build sector has a role to play particularly where the mass house builders are reluctant to build. The number of units that are likely to be developed by this sector will make a small but important contribution to the housing supply.

It is recognised that self and custom build can offer an alternative housing model especially in areas where the traditional approach to housing delivery has been unsuccessful. It provides for a greater choice for the market and can have many spin off benefits including increasing the local supply chain and supporting SME builders. The Welsh Government should also seek to support this industry by working with the financial sector which is often a major barrier for this type of development as they are seen as too much of a risk. The use of LDOs is an area that could be explored along with the 'plot shop' concept that is often used in other areas of Europe.

Q16

Do you agree that negotiating on an 'open book' basis would help to improve trust between the parties and facilitate the delivery of both market and affordable housing? If not, please explain why.

Agree

However, there is a conflict being open and transparent and the desire of housebuilding industry to protect commercially sensitive information. There has to be an appreciation that it would not be appropriate to make commercially sensitive information publicly available.

Q17

Do you agree with the changes to emphasise the need for the appropriate provision of community facilities when considering development proposal? If not, please explain why.

There is no issue with the requirement that LPAs develop a strategic and long-term approach to the provision of community facilities when preparing development plans. However, increased emphasis should be placed on the delivery of such facilities (where they exist and operate beyond the realm of local government e.g. health boards) to assist in this process, in order that it can be done in a comprehensive and effective way. Where the delivery of community facilities is reliant on developer contributions it needs to be recognised that this could be at the expense of other benefits such as affordable housing (competing priorities).

Q18

Do you agree that giving greater emphasis to the transport hierarchy will improve the location and design of new development? If not, please explain why.

Partially agree, Design – yes, location – no.

In terms of design the transport hierarchy provides a robust sequential approach to how movement is designed into and to and from proposed developments. Developments that follow the hierarchy are often better designed in urban design terms and accords better with TAN12 and Manual For Streets. The only issue in respect of the design of developments is the issue of car parking, which by the hierarchy is the least important issue, but can cause significant issues for an otherwise compliant design.

The transport hierarchy is a key element in delivering more sustainable transport and the increased emphasis active travel and public transport is welcomed. However, existing public transport services travel routes that are already well developed and development/redevelopment opportunities are not often available. As a result the hierarchy cannot influence development location in these circumstances as the opportunities do not arise. In such cases basing site or development decisions on active travel merits, which now take increased importance due to the impracticalities of locating on public transport routes, particularly for large-scale developments may lead to less sustainable locations being chosen. For example a site that is served by a significant park & ride facility within a reasonable distance that provides public transport directly to principle destinations is more sustainable than locating a development on an active travel route that would provide access to a small number of people who need to travel short distances.

The transport hierarchy is, in reality, a user hierarchy, with pedestrians and cyclists given priority, the bus and rail users next in priority and finally those in cars. Whilst this hierarchy is a good tool to be used in considering the design and layout of new development, it is less useful when considering the location of new development sites as it does not consider all trips. A key omission from the hierarchy relates to the reduction in the distance of car borne trips (as opposed to the number of trips). Whilst the ultimate aim should be for all transport to be undertaken on sustainable modes, the first aim should be to reduce both the numbers **AND lengths** of car-based journeys. The hierarchy only really addresses the number of trips, not their distance. This ignores multi-modal travel where more than one mode is used to make a journey, with one of the modes being by car. Such trips convert some of the trip length from car borne to sustainable mode, which can only be a positive effect in terms of reducing reliance on the car. It should be noted that multi-modal trips are a significant issue in residents commuting to work, with park & ride and park & share schemes, reducing traffic levels across the strategic highway network. Multi-modal trips do not reduce the number of trips, but reduce the length of the trip undertaken by car and, as a result, reduce the impact of the car borne element of the trip. Multi-modal trips are fundamental to addressing daily commuting and the consequential congestion that results from it. However, using the user hierarchy, sites need to be located to facilitate walking & Cycling, then public transport and finally the car. As a result multi-modal trips pose two problems, firstly where they sit in the hierarchy and what part of the trip is to be considered in respect of the hierarchy, e.g. a scenario of a short car trip to a P&R facility, then a train trip to Cardiff and finally a cycle trip to the workplace – 3 modes, but is a site considered in this respect?

We would suggest that the “Transport” hierarchy needs to allow the consideration of sites that could benefit from multi-modal travel, which are better than fully car borne trips. Therefore the

hierarchy should be amended to include multi-modal travel (between 'public transport' and 'private motor car').

Q19

Do you agree that the policy will enable the plsystem to facilitate active travel and the provisions of the Active Travel (Wales) Act 2013? If not, please explain why.

Generally agree

PPW sets out the role that active travel is to play in the delivery of sustainable transport and its importance for short trips. It also sets out the requirement for development to be located to promote active travel. The requirement to set out minimum cycle standards is welcomed. However, delivery of an active travel network is heavily dependent upon funding and without dedicated funding streams it is difficult to foresee significant improvements in connectivity and accessibility, other than new development linking into existing active travel routes.

Active travel is an important element in reducing car use and an attractive interconnected system of routes can only encourage pedestrian and cycle modes of travel. However, without dedicated funding the network is unlikely to be maximised to deliver the real modal shift that could occur.

One of the key criticisms of the planning system is the apparent lack of consideration given to transport infrastructure when creating places. As the section is named Active and Social Places, it is considered it would make more sense to introduce the topic of transport first, reiterating its importance within the planning system and how it should influence other forms of development. Within this section emphasis could be placed on the importance of sustainable transport options within the development process especially considering the purpose of the Active Travel Act and how it should influence planning decisions in relation to proposals for housing and retail development.

Q20

Do you agree that the policy will enable the creation of well-designed streets? If not, please explain why.

There was mixed consensus on this issue, of the LPAs that agreed, it was considered that the expectation explicitly contained within the consultation draft of PPW to reflect the principles in Manual for Streets would result in well designed, people orientated streets

Of the LPAs that disagreed it was felt that there is little policy in the document related to the design of streets, which is more importantly included within Manual for Street and Manual for Streets 2, which both provide detailed guidance on the design and layout of street spaces. PPW policy addresses traffic management, including traffic speed, and sets out requirements for active travel facilities, but neither of these specifically address the design of streets or would lead to well-designed streets.

Q21

Do you agree with the requirement for non-residential development to have a minimum of 10% of car parking spaces with ULEV charging points? If not, please explain why.

Generally agree.

Welcome the requirement for 10% provision of ULEV spaces. However PPW initially advises that "Planning authorities should require a minimum of 10% of non-residential car parking spaces to have ULEV charging points". Then it goes on to advise that "Planning authorities should apply this flexibly". These are 2 conflicting statements. A requirement is something that must be delivered, so it cannot be applied flexibly. The guidance needs to be clear whether LPAs are requiring 10% or, similar to the provision of affordable housing, seeking 10% but

sometimes amending it to ensure the level, location and type of provision is appropriate to the local circumstances. This needs to be clarified.

Whilst PPW advises a 10% provision for non-residential uses, it does not set out a target or requirement for residential uses. PPW seeks provision in all new developments, including “homes”, but does not set out what level of provision is required. As a result if one unit in a 1000 house development includes such provision it will have met the requirements of the guidance, but would not secure the benefits that this guidance is seeking. More detailed guidance is required on the provision required for residential developments, whether it is full provision or merely the provision of infrastructure into which future users may tap into, particularly in areas with Air quality issues.

The planning system is well placed to enable provision of ULEV facilities in all forms of development.

Q22

Do you agree with the issues and interlinkages highlighted in the introduction to the Productive and Enterprising Places chapter? What other issues and linkages could be identified to support this theme?

The Productive and Enterprising Issues and Trends (p.69) identified are agreed with, although the degree to which the planning system can have an impact is limited with regard to some of these. This has not been stated by the document, although it is assumed that this recognition is implied by the document’s emphasis on collaboration and integration, which are key factors in the delivery of the WBFGA.

The same is true with regard to the Productive and Enterprising Linkages (p.70) identified, although the achievement of some of these, notably improving digital connectivity, will not be of economic benefit in the round unless those deeper socio-cultural factors that contribute to such things as low broadband take-up are addressed. In this regard, it is correct that the objectives set out in PPW are tied to those of the WBFGA, as long as those sectors (e.g. education, training) that are more able to contribute to addressing these sectors are also tied in with this agenda. The planning system should not be used to trial the effectiveness of this legislation in isolation from other areas of public policy, and attempting to do so would be futile.

Again, the diagram seems to try and cover everything associated with these policy areas and as such is way too detailed / unreadable. The diagram needs re-focusing on key aspects and again clarification is sought in respect of how this illustration is intended to be used.

Q23

Do you agree with the changes to the Telecommunications section? If not, what other changes could be made to clarify the situation? If not, please explain why

Disagree

Planning Policy as it relates to telecommunications is sufficiently set out by TAN 19, therefore we would question the need for the repetition of national guidance within LDPs, as outlined by paragraph 4.26.

The telecommunications section contains contradictory objectives, whereby paragraph 4.27 states that ‘planning authorities should not question the need for telecommunications’ and Paragraph 4.30 states that ‘the number of masts and sites should be consistent with the efficient operation of the network.’

The existing PPW seeks to provide telecommunications infrastructure, ensure efficient use of infrastructure and pays consideration to health and safety considerations - this is nothing new. Paragraph 4.25 is a new insertion suggesting active engagement between planning authorities and mobile operators when preparing development plans in relation to service provision and

coverage. What it does not do is go any further and state what should be done with this information once received, further clarification is required in relation to the implications for areas that have limited or no provision. It should be noted that planning authorities have been engaging with mobile operators in the development plan process for many years in accordance with LDP Regulation 2 and Annex B of the LDP Manual as a Specific Consultation Body.

It is unclear if the suggestion is that new development should be located where telecoms infrastructure is located, or that telecom infrastructure should be facilitated to support new development. The latter is preferred. However, it is not appropriate for LDPs to identify or allocate telecom sites: this is a level of minutia best covered via existing DM practices. Requirements for mast sharing should be strengthened.

In addition to para 4.25, para 4.28 relating to 5G is new. The support for evolution of technology is welcomed, however, the historic environment within urban areas should be specified as a consideration as well as amenity.

Whilst we would not necessarily disagree with the overall policy intent, the level of detail and policy relating to telecommunications is set out in too much detail for PPW and should be incorporated in to a TAN 19 Update.

Q24

Do you agree with the location of the transport infrastructure section in the Productive and Enterprising Places chapter? If not, please explain why.

Disagree. There appears to be no reason or logic behind splitting transport into two arbitrary elements and locating them under separate headings. Both parts of the transport guidance can be applied to either the Active and Social Places section or the Productive and Enterprising Places section. Whilst the transport guidance can fit under either section, splitting them across themes has the unwanted risk of them being given different focuses. Transport guidance could be viewed as aiming towards increasing activity and improving social connections, whilst transport infrastructure guidance aligned to creating productive and enterprising places. This could result with different interpretations being placed upon the two distinct sections, which would cause confusion.

It would be better for the whole of the transport guidance to be included under one or other of the headings to preclude any unintended misinterpretation

There is concern with regard to paragraph 4.45 where it notes that development plans should set out policies to increase the use of public transport. While the principle of increased public transport is supported how can policies influence the public to utilise such services in practice? This is particularly difficult in rural areas where public transport is limited with infrequent bus services. Development location needs to consider public transport, and planning contributions could pump-prime new services: beyond that the use of public transport is a combination of service reliability/routes and consumer choice. An LDP/SDP policy will not affect either not would it be deliverable/implementable/enforceable.

Q25

Do you agree with the new requirements for local renewable energy planning as set out in the draft PPW? If not, please explain why.

Disagree

Taking an active and leadership role in setting absolute energy installed capacity based on the resource potential of the area places greater requirements on the local planning authority. Developing area wide renewable energy targets requires an understanding of technical maturity, commercial viability, extent of institutional support, covering the likelihood of securing planning consent, as well as the availability of suitable grid infrastructure, transport infrastructure etc. Renewable energy targets would be better addressed at a regional level than at a local authority level.

Q26

Do you agree with the use of the energy hierarchy for planning as contained in the draft PPW? If not, please explain why.

Whilst we would agree with the energy hierarchy and support the transition to a lower carbon economy, we would raise concern over the expectations placed upon the planning system in delivering this agenda.

Greater consideration should be given to alternative mechanisms for delivery including the role of Welsh Building Regulations to drive forward and deliver this agenda.

Q27

Do you agree with the approach taken to coal and onshore oil and gas as contained in the draft PPW? If not, please explain why. Please consider each source separately.

Coal: While the main use of coal has historically been for energy generation, it is not the only use and there is no guidance on how applications for coal extraction for steelmaking, industrial use or the smaller markets of heritage use (railways), domestic coal or other uses should be considered.

However, the clarification of the future role of coal for energy generation is welcomed. This resolves an issue where coal was included in the energy mix in Overarching National Policy Statement for Energy EN-1 which appeared to be out of step with the Welsh Government's aim to decarbonise energy supply and phase out coal-fired energy generation by 2025.

It seems prudent however, to continue to safeguard coal resources in the interest of national security of supply, especially since Wales still has abundant resources of coal. Coal is a relatively cheap and accessible indigenous energy source in Wales and it should not be ruled out completely.

The technology to support carbon capture and storage is developing slowly but may have a role to play in clean coal power generation in the future. This potential could be acknowledged in the guidance.

Onshore Oil & Gas: Additional Guidance on unconventional oil and gas is welcomed

It is noted (paragraph 4.159) that there is no absolute moratorium on unconventional oil and gas development, including shale gas development, which has proved controversial in England. While any proposals should be examined robustly while the industry is in its early stages in the UK, it should not be ruled out unless the environmental effects are proved to be unacceptable.

The continued use of offshore oil and gas as set out in the draft National Marine Plan gives a different stance on this matter. Clarification is therefore sought because terrestrial plans could be asked to support associated infrastructure with marine sourced oil and gas developments.

Q28

Do you agree with the approach taken to promoting the circular economy and its relationship to traditional waste and minerals planning as contained in the draft PPW? If not, please explain why.

Whilst we support the principle of a circular economy in so far as "it aims to keep materials, products and components in use for as long as possible" it is not clear as to how the planning system can influence matters such as the choice of materials, minimising waste and ensuring that materials can be recycled at the end of its lifetime (recycling buildings in effect).

The legislative requirements contained within this chapter have been ill conceived with no consideration as to how these requirements can be practically applied. Whilst this might be the policy direction of Welsh Government it does not necessarily follow that this can or should be delivered through the planning system. The inclusion of this chapter has the potential to stymie

all development within Wales and should be reconsidered in its entirety.

The benefits of putting in such a system are not practical in reality and it not understood how a LPA could practically resource yet enforce many of the requirements set out in this chapter . Paragraph 4.167 sets out a legislative requirement “must embrace” and outlines “material preferences when considering development proposals.” We strongly object to the inclusion of this paragraph and consider that the implications of its inclusion have not been fully considered or justified. There is no explanation as to how a LPA could enforce the requirements set out in paragraph 4.167 and there is no evidence to suggest that the cost implications of such requirements have been considered or even understood. Similarly, when taken in conjunction with Paragraph 4.143 would it be right to refuse an application on such matters? The inclusion of paragraph 4.167 has the potential to grind all development in Wales to a halt.

Similarly Paragraph 4.170 should also be deleted for the same reasons as it states “opportunities to reduce or recycle waste as part of the design, construction and operation of new buildings should be identified when proposing plan strategies and policies”

Paragraphs 4.175 and 4.176 and the cost implications of their inclusion to “design in locally sourced, alternative or recycled materials” is again not substantiated by any robust evidence for its being, nor is it suggested how in practical terms this can be monitored or policed by LPAs and the resources for them to do so.

Q29

Do you agree with the issues and inter-linkages highlighted in the introduction to the Distinctive and Natural Places chapter? What other issues and linkages could be identified to support this theme?

Disagree

PPW has attempted to simplify a very complex and interrelated system of land uses that has consequently made the document less policy focussed and less user-friendly for the practitioners intended to use it, this is apparent within this section where the document has attempted to amalgamate a number of key planning considerations within this chapter.

One of the main concerns in relation to this chapter relates to Development and flood risk, and the De-Risking of development:

Paragraph 5.173 Development and Flood Risk

Paragraph 5.173 states: “The continued construction of hard engineered flood defences to protect development in areas of floodplain is not sustainable. Government resources for flood and coastal defences are directed at protecting existing developments and are not available to provide defences in anticipation of future development. Measures such as managed retreat, the creation of washlands and flood plain restoration should be considered as alternatives to engineered flood defences.”

We object to the inclusion of this paragraph and the use of the terminology “managed retreat”, whilst we appreciate that certain forms of new development should not be located within flood risk areas and that the problem should not be exacerbated, the implication of “managed retreat” impacts on existing properties and premises. The implications of such approach and the lack of investment in flood defences would result in huge areas of the valley floor and thousands of homes becoming threatened.

Paragraph 5.187 Integrated Approaches to De-Risking

Paragraph 5.187 states: “As part of combining a de-risking approach with other strategies (such as securing opportunities for green infrastructure and biodiversity) to realise the potential of place and encourage investment, development plans or supporting supplementary guidance should indicate the general location of known areas of dereliction, contamination, flood risk and

unstable ground and other constraints in recognition that addressing surface and sub-surface dereliction and risk at an early stage is a key part of unlocking barriers to growth and ensuring the resilience of places.”

The local planning authority will not have sufficient information to prepare this information to a sufficient level of detail and accuracy that it could be relied on. This should not be included in the development plan but if the information were available could form part of the Constraints mapping.

Q30

Do you agree with the approach taken to landscape, biodiversity and green infrastructure? If not, please explain why.

The draft PPW acknowledges the importance of green infrastructure and refers to it being of relevance in most chapters of the document. This is strengthened further by the requirement to undertake a Green Infrastructure Assessment (GIA).

Whilst the importance of green infrastructure and undertaking a GIA as the basis for protecting and improving green infrastructure is supported, the scope of the assessment and level of detail raises concerns. There is considerable technical detail in the Biodiversity section, that goes beyond the level of detail that should be included in a broad policy document. It is questionable whether this level of detail is required, particularly as some of it is at a technical level more appropriate to a specialist rather than a general reader. While the importance of Biodiversity is recognised, especially in the light of the requirements of the 2016 Environment (Wales) Act, care must be taken not to give the topic a disproportionate emphasis if other, often competing, planning objectives are to be achieved. The environment is one of the four ‘legs of the sustainability stool’ and should not have a disproportionate weight. This level of detail is perhaps more appropriate for inclusion within a technical advice note.

Q31

Do you agree with the approach taken to distinctive coastal? If not, please explain why

The relationship between the land sea has seen a recent change in terms of planning for development with the creation of the Welsh National Marine Plan. The overlapping nature of these plans will have an impact on how we plan our coastal areas. Para 5.108 could be strengthened to add in reference to the overlap between plans. Para. 5.118 should include reference to seascapes.

A current concern is how much overlap there is between these plans that are beyond the high and low mean spring tide marks. For example where a wind farm/turbine is located on the coast it could be said to have an impact on seascape and so the marine plan may be relevant in the assessment of this development. We believe it is also the role of PPW to clarify this and the general impacts from the marine plan onto terrestrial planners and plans.

This is particularly important where it comes to the reference of the Shoreline Management Plan. We would like some clarity as to the weight of this document PPW states that SMPs should influence and inform the preparation of development plans, but this has been limited in practice. The marine plan seems to give great weight to SMPs which will have a direct impact on terrestrial planning as the coastal defences/realignments are more than likely going to be in the overlapping areas.

However the reiteration of heritage coast designations within the draft PPW is generally supported.

Q32

Do you agree with the approach taken to air quality and

soundscape? If not, please explain why.

Whilst we agree in principle to the approach taken, the level of information incorporated within this section is far too detailed for PPW, which is intended to be a broad policy document. The level of detail should be incorporated within a revised TAN to reflect the new emphasis on 'soundscape' and the technical consideration of both noise and air quality.

Q33

Do you agree with the approach taken to water services as contained in the draft PPW? If not, please explain why.

The majority of the Water Services section is already covered under existing legislation and mechanisms which are in place outside of the planning system. However, these existing provisions are not referenced under this section for example, Section 41 to 44 of the Water Infrastructure Act 1991. Therefore, it is suggested that the Water Services section is reduced by signposting the relevant provisions instead.

Q34

Do you agree with the approach taken to addressing environmental risks and a de-risking approach? If not, please explain why.

Planning authorities are now expected to facilitate awareness of environmental hazards and risks and to identify opportunities for 'creative placemaking'. 'Creative placemaking' needs to be defined or referenced. Firstly it is not clear if this is only required where sites are being brought forward for development or the whole LPA area. Secondly and more importantly there is a risk of sharing information with the public on contamination as this will often lead to worry when the actual risk to health is not an issue. Environmental Health are involved in determining suitable after uses for sites based on information they hold on sites. Undertaking preliminary site or area based risk assessments to ensure awareness of potential risks as an integral part of the planning process is putting a further burden on the development plan process in terms of cost and time. It also raises expectations that something will happen when in reality there is no funding available to address the issues. Whilst it would be possible to pull together much of the information suggested in paragraph 5.186 the idea of sharing this with the public would cause more issues than it would resolve and would slow the development plan process and cause unnecessary controversy.

Edition 10 indicates that LAs are encouraged to take a de-risking approach, although it is not explicit as to what this would involve. In order to assist in bringing forward difficult sites, there may be a significant cost to be borne upfront from LAs to determine the level of risk at a time when resources are stretched and LAs have experienced sustained cuts to their budgets. PPW continues to include the policy statement that LAs may need to purchase land to facilitate development. In addition to the financial, administrative and time burden this would bear, LAs will not wish to take on the liability of contaminated land and the associated costs of remediation.

It is noted that there is no reference to any potential WG funding such as land reclamation grants that could be used to support this.

There are a number of competing priorities for the limited funding that is available at present and it is unknown what funding will be available in the future. Whilst LAs will be able to identify the brownfield sites upon which intervention may be required, there will be no guarantee that they can be funded over the lifetime of the LDP. Given this issue, and the longer lead in time associated with many brownfield sites, this may be at odds with the section on housing delivery.

Given the emphasis on delivery, Para 3.35 states that regeneration sites may be harder to deliver so could be excluded from the housing supply. If key regeneration sites are not included in the land supply on the grounds of delivery, there will be a need for additional housing sites to be allocated instead. Depending on the land availability in an area, it may well be that these are sites that are lower on the search sequence list i.e. greenfield settlement extensions rather than previously developed land. The allocation of greenfield sites would further reduce the likelihood of the regeneration sites coming to fruition.

Paragraph 2.66 raises unrealistic expectations, stating that where previously developed land is not suitable for development it “may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.” The idea that LA’s can clear up these sites and turn them all into green infrastructure is idealistic and raises expectations for the public, in the absence of an identified funding mechanisms and with no funding source forthcoming from Welsh Government, this sentence should be deleted.

Q35

Do you agree that other than those policy statements referred to in Questions 1 to 33 above, the remainder accurately reflect the existing policy? If not, please explain why.

Signposting & Referencing

Edition 9 included tables at the end of each chapter setting out locational considerations, topic-based policies and National development management policies. From our understanding Welsh Government intended to make it clearer what policy is. Edition 10 has made a retrograde step and this need must be addressed.

The requirement for LDPs to be in conformity with higher tier plans

Higher tier plans such as the National Development Framework (NDF) and Strategic Development Plan (SDP) are yet to be prepared and published with a high likelihood that the preparation of many replacement LDPs will commence in advance of the higher tier plans. Draft PPW should be amended to read: “Once the NDF and SDPs are prepared, LDPs will be required to be in general conformity with the higher tier plans”

Paragraph 2.23 – Policy Requirements and Expectations

Paragraph 2.23 sets out the definitions for the terms “Must” and “Should”, whereby the former indicates a legislative requirement to take action and the latter reflects Welsh Government expectations. We object to the inclusion of this paragraph on the basis that the terms are used interchangeably throughout this document with no consistency between an actual policy requirement or an expectation. For example Paragraph 2.81 refers to placemaking in rural areas, where the countryside “must” be conserved. As written this would prevent almost any development in the countryside and is not helpful when LPAs need to allocate greenfield land in the preparation of Local Development Plans.

Paragraph 2.25 – Assessing the sustainable benefits of development

Paragraph 2.25 should be reconsidered in its entirety. The paragraph as it is currently written serves as an objector’s charter and serves no useful purpose to practitioners.

Test of Retail Need

Paragraph 3.66 suggests that in order to establish whether retail provision is ‘adequate’ or not an ‘assessment of further expenditure capacity in a catchment area’ should be undertaken. This form of words should be removed as the term “adequate” is subject to interpretation. It is widely accepted that no single catchment area is going to retain 100% comparison and convenience expenditure, therefore it follows that the term could always be open to the interpretation that provision is ‘not adequate’ even if there is only a small percentage of expenditure loss.

Economic Evidence and Employment Land Reviews

Paragraph 4.71 states that employment land reviews should include not only an assessment of anticipated employment change by sector and land use but also that they inform the economic vision (which, as TAN 23 states, should exist as part of the LDP vision and not be separate to it). Targets for land provision for employment uses, showing net change in the office, industrial and warehousing sectors separately should not be included within the employment land review (which is not an instrument of policy), but rather the LDP itself in the form of site allocations and policy. The economic vision cannot stand alone from the LDP vision and, consequently, any targets or policies emanating from the land review will be influenced not only by the findings of this document, but also by the LDP (or SDP) strategy as a whole. Any targets included in the employment land review will therefore not take account of competing influences that may influence the LDP or SDP strategy.

Steering Economic Development to the most appropriate locations

Paragraphs 4.72 – 4.78 refers to SDPs and not the requirements of LDPs, identifying that SDPs are best placed to consider the economic needs for the region.

Business Clusters

Paragraph 4.81 states that “development plan policies should identify potential networks and clusters, and make clear the criteria used to categorise them”.

It is recognised that certain industries require specific infrastructure or location criteria, whether this is proximity to a Motorway, port or runway for example. However, in general terms, a demand led perspective would promote high quality sites and buildings for a range of industries. Clusters of like-minded industries will, naturally emerge and these are to be nurtured as centres of excellence when the opportunity arises. However the identification of criteria in the development plan is inappropriate.

Paragraph 4.185 and Paragraph 4.189 Waste Facilities / Infrastructure

Paragraph 4.185 introduces a new requirement that every LPA independently or in concert with its neighbours “make provision for storage and processing of inert materials arising from construction, demolition and maintenance operations by the identification of preferred locations for recycling facilities in development plans.” Planning for waste management is performed on a regional basis in Wales, with the preparation of Regional Waste Plans and the procurement of major new waste facilities being achieved through regional consortiums. A significant implication of the regional approach to waste management provision is that the requirements of an individual local authority can be met within another local authority’s area, or through a combination of facilities throughout the region.

Similarly Paragraph 4.189 states that “For all wastes, suitable locations for sustainable waste management should be identified in development plans”. As outlined above, waste management is largely procured through regional consortiums and there may not be a land use requirement within an individual LPA area.

Q36

Are there any existing policy statements in PPW Edition 9 which you think have not been included in the draft of PPW Edition 10 and you consider should be retained? If so, please specify.

General Comments:

- The form and structure of the existing PPW works well in that it sets out individual policy areas with clear links to how policy areas should be considered in relation to development plans and development management, with key considerations clearly signposted. This format and structure is transparent and, importantly, user friendly. The same cannot be said of the draft revised PPW. It not clear as to which ‘theme’ a policy area comes under, there seems to be much repetition/rambling throughout, as well as inconsistencies, and there are no clear links to how policy areas should be considered in relation to development plans and development management.
- The tables at the end of each chapter in the existing PPW provide useful signposts to key policy issues in the document –a similar approach should be adopted in the revised PPW.
- Lacks the legislation and procedural context in relation to the planning system. Assume this will be set out in the Development Plans Manual. (This reiterates the need for the Development Plan Manual to be produced within the next few months to ensure LDP revisions are appropriately informed). If such details are not in PPW would they carry as much weight in the Manual, which is much more a good practice guide rather than actual policy?
- Concerned as to how user friendly the revised PPW will be for DM colleagues (who increasingly have to rely of PPW/TANs as LDPs shouldn’t repeat national policy), as well as other users, including members of the public.

- The use of plain language throughout the document, together with a clear, succinct form/structure would vastly improve readability and usability, and would more effectively align with the '5 ways of working' in relation to involvement and collaboration.

Appendix B – BCBC Building Conservation and Design Team response

Response on the Historic Environment from the Conservation & Design Team

Structure of PPW - Aligning Planning Policy Topics to the Goals of the WFG Act

Q1. Do you agree planning policy topics be clustered around themes which show their relationships with each other and the 7 well-being goals? If not, please explain why

The purpose of clustering of planning policy topics around the themes identified is unclear and there is a risk that the full impact of the policy topic will not be fully recognised or considered by decision makers and developers / applicants. For example, whilst the 'Historic Environment planning policy topic' has been allocated to the '**Distinctive and Natural Places**' theme, this topic is cross cutting to the extent that it could equally apply to all 4 distinctive themes.

The Historic Environment is a fundamental consideration in "*placemaking*", in particular in relation to the restoration and new use of historic buildings that can 'Create Sustainable Places' and initiate and support 'Good Design'. Equally, the historic environment has a significant influence on '**Active and Social Places**', as these places often include historic buildings and structures in use as dwelling houses, rural and buildings in community use.

'**Productive and Enterprising Places**' can often be centred around historic buildings and designated areas, including historic parks and gardens or historic landscapes that are key tourism destinations and educational resources.

Due to the intrinsic well established links and influences between the historic environment, the themes and other planning topics, the justification and purpose of clustering the topics is unclear and may be detrimental to the process and outcomes. It is suggested that the interlinkages may be better demonstrated diagrammatically.

Q2. Do you agree the introduction provides an adequate overview of the planning system in Wales and appropriate context? If not, please explain why?

It is unclear where the comprehensive programme of Cadw issued detailed guidance on the Historic Environment fits with this structure and its status. Will the aim now be to revise TAN 24 and guidance referred to above to reflect the provisions of PPW 10th Edition? If so what is the timescale for this? Also the perceived strengthening of the Historic Environment Sector over the past 18 months appears now to have been diluted in being referred to "*Distinctive and Natural Places*", somewhat vague and open to interpretation which is in contrast to the publication of detailed guidance in the past 18-24 months?

Is there an expectation that the local communities produce place plans through the LDP review process, in conjunction with LPA's or via the Well Being Action Plan activities?

Q3. Do you agree with the Planning Principles? If not, please explain why

Is it realistic to expect a development to follow all planning principles in every development proposal, there are likely to be as always conflicts that need to be balanced?

Q4. Do you agree with the definition of what is a 'Sustainable Place'? If not, please explain why?

Sustainable development is identified as a process and is more easily achieved than a somewhat idealistic "Sustainable Place". Has a sustainable place been created only if all criteria have been met?

Q9 .Do you agree with our revised policy approach for the designation of Green Belts and Green Wedges? If not, please explain why.

There is a potential detrimental impact on the historic environment in the case where green wedge designations form part of the setting of historic buildings / landscapes / areas.

Q10. Do you agree with the issues and inter-linkages highlighted in the introduction to the Active and Social Places chapter? What other issues and linkages could be identified to support this theme?

Role the historic environment plays in town centres etc. is underplayed.

Q13 Do you agree that to deliver the new housing Wales needs it is necessary for local planning authorities to allocate a range of site sizes, including small sites, to provide opportunities for all types of house builder to contribute to the delivery of the proposed housing? If not, please explain why.

Yes but there needs to be more alignment with the National Placemaking Outcomes in relation to the prioritisation the re-use of existing buildings i.e. vacant properties

Q17. Do you agree with the changes to emphasise the need for the appropriate provision of community facilities when considering development proposal? If not, please explain why

Yes as there is a potential benefits for the re-use of historic buildings particularly those at risk.

Q20. Do you agree that the policy will enable the creation of well-designed streets? If not, please explain why.

Yes with additional guidance there is a potential for positive impact on historic townscapes and conservation areas.

Distinctive and Natural Places Theme

Q29 Do you agree with the issues and inter-linkages highlighted in the introduction to the Distinctive and Natural Places chapter? What other issues and linkages could be identified to support this theme?

Under Landscape, there is no inclusion of 'Historic Landscapes' that are contained within the Cadw/ ICOMOS UK Register of Landscapes of Special Historic Interest in

Wales and these should be specifically mentioned here as well as later on in paragraph 5.94 under the Historic Environment section.

Under the heading Trees, Woodlands and Hedgerows there is no specific mention or link with the extra restrictions that are in place in relation to trees within conservation areas as there should be. (Refer to para 6.5.23 in Edition 9).

Within **The Historic Environment** section in paragraph 5.88 there is no mention of conservation areas 'or their settings' in the first introduction as there should be and which was referred to in paragraph 6.5.20 in Edition 9. Settings are inconsistently referred thereafter.

In addition, in paragraph 5.88 reference is made to 'character and appearance' when the primary legislation and paragraph 6.5.20 in Edition 9 refers to the fact that *'there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting. Paragraph 5.90 suggests that " damage to an unacceptable level" should not be allowed but the inference underlying is that some damage is likely to be acceptable.*

In the 'Historic Parks and Gardens' sub section the first line should read '*Planning authorities should value, protect and conserve the special interest of parks and gardens **and their settings** included on the register of historic parks and gardens in Wales, (as referred to in 7.2 of TAN 24).*

The holistic view in the document that the historic environment should be "identified understood, valued protected and enhanced" is welcomed whilst disappointing that the role of the planning system is only to "protect and conserve".