

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

7 JUNE 2016

REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

NEW DEVELOPMENT MANAGEMENT PROCEDURES INTRODUCED BY THE WELSH GOVERNMENT

1. Purpose of Report

- 1.1 To update Cabinet on the Welsh Government's new Development Management Procedures that came in to force on 25th February, 1st March and 16th March, 2016. The report is for noting.
- 1.2 A Development Control Committee Member workshop session on the new procedures was undertaken before the Planning Committee meeting on 31st March, 2016 and a report was included within the agenda for that meeting appraising Members of the new procedures.

2. Connection to Corporate Improvement Plan / Other Corporate Priorities

- 2.1 The changes to the development management system apply to all Welsh Local Planning Authorities as part of implementing the Welsh Government's wider positive planning programme.

3. Background

- 3.1 The Chief Planner at the Welsh Government (WG) wrote to all Chief Planning Officer's in Wales on 1st February, 2016 advising Local Planning Authorities (LPAs) of the impending changes to the development management system in Wales (see Appendix 1).
- 3.2 The WG hosted workshops with the public and private sectors during the week commencing 15th February, 2016 and Officers notified local planning agents/architects of the impending changes on 29th February, 2016.
- 3.3 The changes cover the following areas of Planning:
 - Development Management Procedures
 - Permitted Development and Use Classes – Houses in Multiple Occupation
 - Enforcement
 - Environmental Impact Assessment Regulations
- 3.4 The following subordinate legislation came into force on 16th March 2016.
 - The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 ("the Order")
 - The Town and Country Planning (Validation Appeal) (Written Representations Procedure) (Wales) Regulations 2016
 - The Town and Country Planning (Pre-Application Services) (Wales) Regulations 2016

3.5 These bring into effect, and provide the detail for, various provisions set out in the Planning (Wales) Act 2015.

3.6 Some of the provisions contain transitional arrangements. These are set out in the Planning (Wales) Act 2015 (Commencement No.3 and Transitional Provisions) Order 2016. In addition a number of amendments have been made to development management procedures set out in The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) using existing powers in the Town and Country Planning Act 1990.

4. Current Situation

4.1 The main changes to Development Management Procedures are as follows:

- It is proposed to implement a mandatory **pre-application consultation** process for major developments;
- The changes require that all local planning authorities in Wales must provide a **statutory pre-application advice service**;
- **Design and Access Statements** will only be required for the major developments or applications for some developments in Conservation Area's/World Heritage Sites;
- Applicants can **appeal against the invalidation of an application** within 2 weeks of the notice letter;
- Where a LPA receive an application for the approval of conditions or reserved matters they will have the **discretion to decide whether to consult statutory consultees for their views**;
- **Statutory Consultees must provide a substantive response** to a consultation within 21 days unless a longer period is agreed with the LPA;
- Any **post submission amendments** to a scheme for a major development will be the subject of an extra fee (£190) and the period to determine that application will be extended by a statutory additional 4 week period;
- **Decision notices** will be updated, issued to the applicant and published on the register every time a condition is discharged, or a reserved matter is approved or a condition is varied or removed;
- Applicants/developers for major developments are **required to notify the LPA of the proposed date for the commencement of development and display a site notice and a plan** of the site area confirming the planning permission;
- The introduction of a new use class C4 for the use of a dwellinghouse as a small **House in Multiple Occupation** where it is occupied by 3 to 6 unrelated people who share one or more basic amenities. The provision enables use class C4 to revert to use class C3 without requiring planning permission;
- LPAs will be able to **decline to determine an application for planning permission** if an enforcement notice has been issued;
- An **Enforcement Warning Notice** can be served by LPAs to ensure the submission of a retrospective application where the unauthorised development could be made acceptable by the imposition of a condition(s);
- **Landowners will not be able to appeal against an Enforcement Notice on Ground A** (i.e. that planning permission should be granted) if planning permission has already been refused and the decision has been upheld at appeal;

- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 **raise and amend the thresholds at which certain types of developments will need to be screened to determine whether EIA is required;**
- Any applicable **screening threshold now applies to the development as a whole** and not just to the change or extension; and,
- Requirement for the LPA to **provide a screening opinion**, indicating that an assessment is required (a 'positive screening opinion') or is not required ('a negative screening opinion'). The 1999 EIA regulations did not require the provision of a negative screening opinion.

4.2 A summary of the main changes and the relevant implementation dates is attached at Appendix 2.

5. Effect upon Policy Framework & Procedure Rules

5.1 The new Development Management Procedures are to be implemented by all LPAs in Wales.

6. Equality Impact Assessment.

6.1 An Equalities Impact Assessment has been undertaken and the proposed recommendations are unlikely to have an impact on equality issues.

7. Financial Implications

7.1 There are no immediate financial implications as a result of this report.

8. Recommendations

8.1 That Cabinet:

Notes the content of this report on the new Development Management procedures as implemented by the Welsh Government.

Mark Shephard

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7th June, 2016

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Background documents

Appendix 1: Dear Chief Planning Officer letter from the Chief Planner, WG dated 1st February 2016

Appendix 2: Summary of the main changes that will affect LPAs

Appendix 3: Frequently Asked Questions about the new Development Management Procedures