

## CALL FOR EVIDENCE – RESPONSE FORM

### TOWARDS A WELSH PLANNING ACT: ENSURING THE PLANNING SYSTEM DELIVERS

The Call for Evidence invites views on how to deliver the planning system in Wales.

Please submit your comments by 3 February 2012.

#### Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

**RESPONSE FORM**

Towards a Welsh Planning Act: Ensuring the Planning System Delivers Call for Evidence		
11 November 2011 – 3 February 2012		
<b>Name</b>	Powys County Council	
<b>Organisation</b>	Powys County Council	
<b>Address</b>	County Hall Llandrindod Powys LD15LG	
<b>E-mail address</b>	alan.southerby@powys.gov.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses / Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Member(s) of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

**SECTION A: KEY POLICY OBJECTIVES**

<b>Q1a</b>	Do you agree that the primary purpose of the planning system in Wales is the delivery of land for sustainable development?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Q1b</b>	If you answered No please give your reasoning:		
<p>Agree. Yes, the planning system should be primarily concerned with helping to deliver land for sustainable development purposes. However, the market is ultimately the deliverer of sustainable development and this suggests, to Powys at least, that there needs to be a presumption in favour of development in recognition of the fact that without input from the market, very limited development would take place and certainly not enough to support sustainable growth.</p>			

<b>Q2a</b>	If you answered YES to 1a, does PPW in paragraph 4.1.2 above define sustainable development sufficiently for the purposes of legislation?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Q2b</b>	If you answered NO to 2a, please explain your reasoning. If possible, provide a suitable alternative:		
<p>Agree, provided the same guiding principle flows through all other anticipated new Welsh Government environmental legislation.</p>			

<b>Q3</b>	Does the current national/local structure enable decisions on the social, environmental and economic aspects of sustainable development to be taken at the appropriate level for:	Yes	No
	a) Development Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Planning Applications	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Q4</b>	If you answered NO to 3a and/or 3b, please explain your reasoning.
<p><b>Additional comments:</b>                  Agree generally. However, a view needs to be taken as to what additional value there is in having both considerable national planning policy and guidance together with 25 individual local development plans. It is considered that there must be scope for increased effectiveness and efficiency in this sense.</p>	

<b>Q5</b>	Additional Comments: Please include below any further observations on the <b>Key Planning Policy Objectives</b> that should be delivered by the planning system and/or are set out in PPW, paragraph 4.4
<p><b>Additional comments:</b>                  Nothing further. Ultimately, planning policy objectives can be simply put as those that support sustainable development.</p>	

## SECTION B: CRITERIA FOR EFFECTIVE DELIVERY

<b>Q6</b>	Using the criteria of ‘transparency’, ‘accessibility’ (how easy to understand or obtain information), ‘timeliness’ and ‘democratic accountability’, please score the DELIVERY OF PLANNING on a scale of 1 (LOW) to 10 (HIGH) for:	
<b>a</b>	<b>Development Plans</b>	
	Transparency	6
	Accessibility	6
	Timeliness	4
	Democratic Accountability	6
<b>b</b>	<b>Planning Applications / Development Management</b>	
	Transparency	6
	Accessibility	6
	Timeliness	4
	Democratic Accountability	6

<b>Q7</b>	Please provide evidence (in appendix or below) to substantiate your scores in 6a) and 6(b) above.	
<p><b>Additional comments:</b></p> <p>As far as development plans are concerned, we believe that the system is generally transparent and accessible. However, there is an inherent complexity in the process that understandably makes it difficult for some stakeholders to understand and, therefore, to be able to fully engage in the process; it is often only when development proposals become a reality as a result of a planning application that full public engagement takes place.</p> <p>As for the development management process, this has become much more transparent and accessible with considerable information now available on Council websites. However, it is now plagued more than ever by the burden of additional information requirements. If not properly managed, this can add considerably to the timescales and creates unnecessary certainty and angst for all players in the process, not to mention the inability to meet challenging targets by which the service is judged.</p>		

**Q8**

What criteria would you use to describe the effective delivery of planning decisions and development plans?

Additional comments:

Planning applications - speed of decision, transparency, democratic accountability and defensibility.

Development plans - timeliness and flexibility to changing circumstances.

**Q9**

Please describe how the criteria suggested in Question 8 could be measured and how information about them could be collected.

Additional comments:

Planning applications - as now, performance targets on speed of decision, availability of all information on Council websites including consultations responses, representations and delegated and committee decisions and appeal success rate. Collated as now but with the addition of what used to be termed 'pendleton points' in England to cover the availability of on-line information.

Development plans - adherence to delivery agreement.

**Q10**

Additional Comments: Please include below any further observations about the **Criteria** for assessing **Effective** delivery of the planning system.

Additional comments:

**SECTION C: ROLES AND RESPONSIBILITIES IN PLANNING DELIVERY**

<b>Q11a</b>	Is the current allocation of roles and responsibilities the best for delivering sustainable development in Wales?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Q11b</b>	Please give evidence for your answer to 11a above.		
<p>Yes, generally. However, there is scope to consider the scale and number of local planning authorities that exist including the three national parks. It is considered that there needs to be a debate about how planning is delivered locally and whether having 25 individual LPAs continues to be the best approach.</p>			

<b>Q12</b>	Do they provide the most effective delivery through the planning system of:	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
a	Development Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b	Planning Application Decisions	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Additional comments: Yes, but with the same proviso given above in Q11b.</p>			

<b>Q13</b>	What realignment of roles or additional levels of responsibility, if any, could improve delivery? Please provide evidence to support your views.
------------	--

The on-line submission of planning applications through the Planning Portal needs to be maximised or even become mandatory. A national approach to validation could mean that a single body was able to undertake the registration of all planning applications on behalf of individual LPAs. Such a service would be able to effectively deal with variations in workloads. Validated planning applications could be sent electronically to professional officers within 24 hours of receipt. The re-introduction and mandatory use of the eConsultation hub would facilitate effective consultation on behalf of the professional officers processing planning applications.

In addition, with reference to National Parks, there needs to be a debate as to the added value that having separate and additional local planning authorities provides and consideration given to whether this still remains the best way to help implement both national and local policy. A particularly issue in this sense is that under the present arrangements, a National Park authority can decide the weight that can be given to, for example, a regeneration strategy that belongs to a separate but constituent local authority in policy and decision making; there is a question as to whether this helps or undermines the aspirations of the constituent local authority.

<b>Q14</b>	What changes do you consider could be made to local planning authority organisation/management structures, or to decision making responsibilities (for example delegation to planning officers in place of Committee when determining planning applications), which would improve delivery?
<p>There needs to be a relatively high rate of delegation to ensure the timeliness of decisions. To complement this approach, each administrative area could have a relatively small number of elected representatives to make decisions on behalf of its constituents via a committee or panel structure.</p> <p>In addition, there is an argument that each local authority could have some form of meaningful sustainability champion, a recognised post or designation, elected representative or officer, to ensure that a possible mandatory adherence to sustainability issues was followed.</p>	

<b>Q15a</b>	Does the current combined Planning Inspectorate for England and Wales deliver appeal decisions and plan examinations effectively?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Q15b</b>	If you have answered YES to 15a, do you consider that there is some wider role it could play in delivery through the planning system?		
<p>Additional comments:</p> <p>There is no reason why the Planning Inspectorate could not do more. However, it would be difficult balance this against the need for local democratic accountability.</p>			
<b>Q15c</b>	If you have answered NO to 15b, have you any suggestions on how it could be improved – please provide evidence.		
<p>Additional comments:</p>			



<b>Q16a</b>	Do you consider that the level of policy development and intervention by the Welsh Government is appropriate for effective delivery?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Q16b</b>	Please explain and give evidence for your answer to 16a:		
<p>On the whole, yes but there is a question as to the added value of having detailed policy produced at the national level with further policy then introduced at the local level, particularly given that local policy must be in general accordance with national policy.</p>			

<b>Q17</b>	What changes to the role of statutory consultees (if any) could improve delivery? <i>(Your view should be confined to the role of consultee as a part of the planning system and not to the role of individual organisations as that is outside the remit of this Review.)</i>
<p>There needs to be a mandatory period for comment, which if not met would result in deemed acceptance.</p>	

<b>Q18</b>	What aspects of the planning service and/or planning legislation could be reconsidered or more appropriately delivered by other agencies so as to simplify and focus planning's role on delivering sustainable development?
<p>Planning remains the best delivery mechanism for making decisions on all forms and scales of development in that it has become an ideal process to reconcile competing demands and priorities in the public interest.</p>	

**Q19**

Please identify what would be required to deliver any of the changes you suggest to roles and responsibilities.

Increased collaboration between national and local government.

**Q20**

Additional Comments: Please include below any further observations about **Roles and Responsibilities** in delivering an effective planning system.

Additional comments:

This is clearly a very important call for evidence and it is particularly challenging to be able to engage effectively in this written format. The Council would welcome the opportunity to continue to feed into this process in a more collaborative manner. Future workshop and seminar sessions would represent an ideal way in which the Council could engage further.

## SECTION D: QUICK WINS AND SIMPLE IMPROVEMENTS

**Q21**

Do you have any examples of barriers to effective delivery, examples of good practice or suggestions to improve delivery through the planning system that could be implemented quickly without legislation or organisational changes?

No single issue should be able to 'trump' another when it comes to weighing material planning considerations in the balance. To move to such a footing is imperative and a sensible and reasoned justification needs to be supported by all decision makers in the process.

**Q22**

Please list below any people or organisations which you consider have relevant information that would assist the Independent Advisory Group in its investigation.

It would be particularly relevant to discuss matters from the perspective of local planning agents who have good experience of working with the present system for the benefit of their customers, the applicants. A further group would be town and community councillors who often experience the opposing perspectives of both applicants and objectors.

**Q23**

If you have any further comments not covered by your responses above, please make additional observations here

Additional comments:

None to make at the stage although as mentioned above, to be able to engage further would be particularly welcome.

<b>Confidentiality</b>
Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential please indicate here: <input type="checkbox"/>

### How to respond

Please submit your comments by 3 February 2012, in any of the following ways:

<b>Email</b>	<b>Post</b>
Please complete the consultation form and send it to : <a href="mailto:plancallforevidence@wales.gsi.gov.uk">plancallforevidence@wales.gsi.gov.uk</a> [Please include ' <b>Towards a Welsh Planning Act</b> ' in the subject line]	Please complete the consultation form and send it to: Call for Evidence Planning Policy Branch Planning Division Welsh Government Cathays Park, Cardiff CF10 3NQ

<b>Additional information</b>
If you have any queries on this consultation, please Email: <a href="mailto:welshplanningreview@wales.gsi.gov.uk">welshplanningreview@wales.gsi.gov.uk</a>  Telephone: James Morris on 029 2082 3725