

Consultation Response Form

Planning committees, delegation and joint planning boards

Planning Committees

Q1	Do you agree that the size of the planning committee should be limited to a minimum of 11 members and a maximum of 21 members?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>In November 2012 this Authority resolved that the current planning governance structure of 2 Area Committees and 1 Development, Management and Control Committee of 72 Members is retained, with annual reviews of performance at the end of each financial year, and a further review in the light of future published Welsh Government guidance.</p> <p>It is clear that current Welsh Government proposals conflict with the previously expressed political will of the Council to involve ward members in the development of planning policy and the taking of planning decisions which affect their wards. The Authority maintains that this remains a legitimate mechanism for the delivery of the objectives of the Development Plan.</p> <p>It is clear, however, that the Authority's Committee structure is at odds with all other Authority's in Wales and current Welsh Government proposals and that this conflicts with the underlying objectives of the Wales Planning Bill to provide consistency throughout Wales. As a consequence this Authority has resolved to amend its current Committee structure to form a single Planning Committee with a total of 12 Members.</p>				

Q2	Do you agree that where wards have more than one elected member only one should sit on the planning committee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Yes</p>				

Q3	Do you agree with introducing a quorum of 50% (rounded up where the total committee size is an odd number) for decision-making?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes. A lower percentage would place a significant burden on a small number of Members to make decisions on key strategic applications.				

Q4	Do you agree that the use of substitute members on the planning committee should be prohibited?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes. In the interests of consistency.				

The role of the planning committee

Q5	Do you agree with the development management role of the planning committee outlined above?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: See comments at Q1 above. This Authority maintains that the ability of ward members to make decisions on all application types, subject to suitable measures to prevent abuse of the system has proven a legitimate mechanism for the delivery of the objectives of the Development Plan.				

National Scheme of Delegation

Q6	Do you agree with the inclusion of an exception that requires all applications that are contrary to the adopted development plan which are being recommended for approval to be determined by the planning committee? If not, please explain the reasons.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes.				

Q7	Do you agree with the inclusion of an exception that requires all applications involving an EIA to be determined by the planning committee? If not, please explain the reasons.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes.				

Q8	Do you agree with the inclusion of an exception relating to applications made by members, LPA staff and their spouses, partners and close relatives? If not, please explain the reasons.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes in the interests of transparency.				

Q9	Do you agree that the development threshold should be 'major development' as prescribed in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012? If not, please explain the reasons and suggest an alternative threshold.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Not all major applications raise issues which necessitate consideration by Committee. Flexibility should be built into the scheme of delegation to allow such applications to be determined under delegated powers.				

Q10	Do you agree that LPAs should have the choice of two development thresholds?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: See comments at Q9. Flexibility should be built into the scheme of delegation to allow such applications to be determined under delegated powers.				

Q11	Do you agree that the national scheme of delegation should include an exception based on an objection threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes.				

Q12	If yes, is 20 letters from different people in different addresses and/or a petition with 30 signatures appropriate to establish that there is a genuine community-wide interest in the development?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: A petition of 30 signatures is consistent with this Authority's current scheme of delegation however a threshold of 20 letters appears high. Flexibility should be built in to allow this threshold to be reduced at a Local Planning Authority level to account for local variations for example between urban and rural authority's where the population and density of development may dictate the volume of objections.				

Q13	Is it necessary to limit member call-in? If not, please specific the reasons.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The Authority recognises that without limitation applications can be called to Committee unnecessarily. Call in should therefore be linked to the thresholds referred to above with flexibility at a local level.				

Q14	Should delegation panels be introduced as measure to validate member call-in requests?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Chair referral would be a useful mechanism to consider a call in request which did not meet the necessary criteria but non the less raised issues which should rightly be considered by Committee.				

Q15	Should member call-in be linked to another exception? If not, please specific the reasons and provide a suggested alternative measure.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No.				

Joint Planning Boards

Q16	Do you agree that the Welsh Ministers should have the authority to determine the size of the joint planning board membership, providing that size is consistent with that for planning committees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes. Subject to full consultation with the constituent Authorities.				

Q17	Do you agree with the proposed population formula for establishing the numbers of members from contributing planning authorities to form the joint planning board?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes. Subject to each Authority also providing corresponding resources.				

Financial Impacts

Q18	Do you have any comments to make about the partial Regulatory Impact Assessment at Annex 1? Are the assumptions made realistic? If not, what figures would be more appropriate?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It is not clear on what basis the costs referred to have been calculated. The value of direct member involvement in decisions which affect their ward has not been fully assessed.				

General

We have asked a number of specific questions. If you have any related issues or comments which we have not specifically addressed, please use this space to report them:

None

Review of Planning Application Fees

Q1a	Do you agree with the proposed 15% increase in fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The accompanying Regulatory Impact Assessment states that since 2009, the costs associated with design and development process have increased by 7% as a result of inflation. Against this backdrop, local authority settlements have decreased by 8% since 2009 and planning application fee income will continue to only cover 60% of the costs associated with processing and determining applications.

With this in mind, and with future funding cuts likely in the foreseeable future for Local Authorities, it is questionable whether this 15% increase will actually result in an improved service as opposed to maintaining the current status quo.

A higher percentage increase should be seriously considered if the Welsh Government is serious about increasing resources in LPAs and improving service as per the consultation document.

Q1b	If not, what do you consider to be a more appropriate change, if any?
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Comments:

If the WG are committed towards resourcing Local Authorities to improve performance, then the increase in fees needs to reflect this. As stated above, the % increase should be higher otherwise there is little/ no difference in real terms since 2009 particularly as applications have increased in complexity since this time.

Q2a	Do you agree that introducing a refund will improve LPA performance?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The document states that "Performance of the LPA is a priority for the Welsh Government, especially where the LPA has not delivered a service to its customers."

However, achieving sustainable development should be the key priority (as a statutory duty) and refunds will not invariably achieve this aim. Too much emphasis is placed on the speed of the decision, but quicker decisions won't necessarily mean sustainable decisions or better decisions. LPAs are encouraged to consider new ways of working/ thinking but the WG are not adopting the same principles themselves but revert to punishments to exact change.

With fear of having to give substantial refunds, LPAs may be minded to refuse applications which will result in appeal/ resubmission, and the overall result will be delay in gaining permission.

In addition, during the assessment of the application, the LPA will incur costs and it is likely they will have undertaken significant work to get to a point where they can make a recommendation on a scheme. Delays generally mean time and negotiation and are required for genuine reasons.

Applicants have the right of appeal against non-determination at any point after the statutory period and this is considered an appropriate mechanism if decisions are being delayed. Providing cost recovery for written representations appeals as is being considered could provide appropriate recourse for unreasonable delays.

Q2b	If you do not agree, what other options are available?		
<p>Comments:</p> <p>If improving the LPA performance is a key priority, then WG should be looking at ways to genuinely improve performance rather than a simple exercise of punishing poorly performing authorities as this will not necessarily produce the expected results. Quicker decisions may result in more refusals.</p> <p>Amendments that could make the scheme acceptable may not be progressed which will lead to refusal, resubmissions or appeals and take longer to get a positive outcome as well as costing everyone in the process more time and money.</p> <p>It would be more beneficial for WG to help LPAs that are 'underperforming' for example in terms of temporary secondments or a "critical friend" to help review procedures and advise on improvements/ lessons learnt elsewhere in Wales. This would help facilitate lasting change in LPA's.</p>			

Q3a	Do you agree with the proposed time period of 16 and 24 weeks?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>As outlined above, the City and County of Swansea do not agree with the penalty system proposed. The core principle should be Sustainable Development, not quick decisions/ development.</p> <p>If the refund proposals are taken forward, then they should ONLY be applicable where pre-application advice has been given on an application.</p> <p>This would enable the LPA to advise on the acceptability of a scheme and suggest amendments/ further information and would enable the LPA to make an earlier decision if this information is not forthcoming as part of the application submission.</p>				

Q3b If you do not agree, what do you consider to be an appropriate time?

Comments:

Again, it is not considered that this approach will have the desired effect. There shouldn't be specific time requirements - applicant can appeal non-determination and apply for costs if the LPA is acting unreasonably in making a decision.

Q4a

Do you agree with the proposed fee levels to accompany the discharge of planning conditions?

Yes

Yes
(subject to
further
comment)

No

Comments:

Consideration of information takes both time and resources to discharge, and can require both internal and external consultation. This approach may encourage developers to submit information upfront which enables all information to be considered at the same time.

The submission of information at different times (potentially over a 5 year period) can take significant time to review the necessary requirements of a condition and an approach supporting front-loading of the system is to be welcomed.

However, it is recommend that a maximum number of conditions is included within one fee (for example 5 separate conditions) to ensure that the cost of discharging conditions is recovered by the Authority.

Alternatively, fee levels should be increased to ensure LPA's recover costs appropriately, a fee of £83 to discourage a large number of complex conditions particularly in relation to major developments would not be a reasonable level of cost recovery.

Q4b If you do not agree, what do you think constitutes an appropriate amount?

Comments:

It would appear that the fee of £83 is based on the fee for the Non Material Amendment and was calculated as half of the fee for a S73 application (which is set to increase). This fee should also be increased by the same percentage and should apply to each condition to ensure it more closely reflects the cost of processing by the LPA.

Q5 Do you agree with our proposed time period of 16 weeks after which the fee to accompany a discharge of condition would be refunded?

Comments:

Once again, this approach does not result in an improved service and depends on the level of information submitted in the first place and 3rd parties in terms of responses from statutory consultees. Often conditions are requested by 3rd parties and without a response within the relevant time period, the LPA is unable to discharge the relevant condition. The applicant has a right of appeal if desired and cost recovery from written representation appeals would appear to resolve this issue rather than a refund which appears to give little consideration as to why the condition could not be discharged within this time frame.

Q6	Do you agree with the introduction of a standardised fee to accompany a confirmation that conditions have been discharged?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Requests (especially historic requests) can take time to confirm and Officer time should be recompensed. This should become easier over time if the 'live' decision notice is progressed.

Q7a	Do you agree with proposals for the introduction of a set fee to accompany the drafting of a Section 106 planning obligation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The complexity of S106 agreements can vary significantly depending on the nature of a scheme and can involve significant officer time in negotiating the precise wording of the agreement, trigger points, reviews etc. It therefore may be more beneficial to set a minimum fee and have a set fee per hour with a requirement for any additional fees to be evidence based. Fees should also be set for reviewing unilateral undertakings submitted with further provision (a set hourly rate) for additional work over and above the initial review.

Q7b If you have answered yes, how should this fee be calculated? If not, what are your reasons?

Comments:

The fee should be evidence based, set after consultation with various legal departments in Councils to ascertain the time and cost required to prepare an agreement and the different issues encountered in the process.

Q8	Do you agree that the fee to accompany a ground (a) appeal should only be payable to the LPA?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Serving an Enforcement Notice is a last resort following discussion and negotiation. Applicant's are normally advised that they have a right to submit a planning application and notices are only served if this advice is not heeded. The LPA would be equipped to deal with this administration and the retention of any fee would offset the cost of the LPA that is required when fees have to be returned.

Q9a	Do you agree that advertisements on broadband cabinets in a specified area should be treated as a single site for the purposes of charging a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Subject to the actual definition of a specified area - cabinets should be within close geographical proximity within a set distance of one another or street and not just within a certain ward/ town etc.

Q9b	If you have answered no, please explain why.
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Comments:

Q10a	Should the applicant be entitled to a free go following approval of a reserved matters application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

If a Local Authority has concerns with a scheme then they will seek amendments during the application process. If an applicant wishes to take forward the RM application to determination, then they should not be able to have a free go. They have the option of progressing it or withdrawing it if they wish.

Any further submission should require a new fee. The Local Authority would incur more costs if the developer has a free go and this approach would allow the developer greater flexibility in drawing up their plans from the outset.

The improvements to the planning system aim to promote frontloading the

system whereas this approach would allow greater flexibility and little extra cost to the applicant/ developer as well as adding greater confusion to the whole process to members of the public and greater cost on the LPA. This is not conducive to improving resources within LPAs.

Q10b If you have answered no, please explain why.

Comments:
See above.

Q11a	Do you agree that applications for renewable energy development should have a separate fee schedule to Section 5, Plant and Machinery?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Energy generation development fees should be split between wind energy (on-shore and off-shore) and other energy generation schemes.</p> <p>It is also recommended that the WG pursue the introduction of fees for LPAs dealing with NSIP projects as under the current regime, Local Planning Authorities receive no fee despite applications/ inquiries taking up considerable officer time at all levels. This reduces time to process fee paying applications. Similarly, a fee should be payable to the LPA for work undertaken on Developments of National Significance in their area.</p>				

Q11b	Do you agree that wind turbines should also have a separate system of fee calculation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Wind farm applications can be complex applications but the site area alone doesn't produce a fee that covers the significant work involved in dealing with these applications.</p>				

Q11c	What factors, or combination of factors, should be taken into account when is calculating the fee for wind turbines?
<p>Comments: The Local Planning Authority would concur that a combination of site area and maximum power output should be included as the fee should therefore reflect the level of complexity of the proposed scheme. This would appear to offer the simplest and most effective solution.</p>	

Q12a	Do you agree that fees for cross-boundary planning applications should be addressed, with all constituent LPAs receiving fee income?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The Local Planning Authority would concur with the approach that each LPA should receive a fee based on the development proposed within their area.				

Q12b	If you have answered yes, how should this matter be addressed?
Comments: See above.	

Q13	Do you have any comments to make about the draft partial Regulatory Impact Assessment at Annex 2?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The RIA states that since 2009, the costs associated with design and development process have increased by 7% as a result of inflation. During this time planning fee levels have remained static, and so of the 15% increase in planning application fees, inflation is considered to form 7%. The document states that it is expected that such an increase will allow authorities to ensure their resources are appropriately allocated within their service - with this in mind, it would be advisable to review fees on a bi-annual basis in the future to ensure LPAs continue to have sufficient resources rather than decreased real-term resources over a 5 year period (such as the case since 2009).				

Q14	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:
Comments: Finally, its is recommended that there should be a separate fee for a S73 application to amend a condition relating to a scheme for major development. Currently the cost of an application is £166, but as the S73 application is a new application, the notification requirements remain the same as for a major application and invariably the cost of advertising the application in the press results in the application costing the LPA significantly more than it received in fee income, before the application is even considered. Similarly, WG should lobby for a change to the English fee structure to require fees to be payable to LPAs for NSIP projects in their area given the time and resources required to consider these applications as well as the fees payable to	

PINS for these applications.

Given that Developments of National Significance will require significant LPA involvement and work, a fee should be payable to the LPA for this work. It is suggested that this is included/ considered as part of this consultation exercise.

Finally, any updated/ consolidated regulations should be supplemented by an updated fee circular for clarity.

Frontloading the development management system

Type of development affected

Q1	Do you agree that all “major” development should be subject to pre-application consultation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes in principle, subject to a statutory requirement in terms of validation as outlined in Section 2.16. The Pre-Application Consultation report would also have to be meaningful in terms of addressing issues including those raised by the LPA rather than generic responses and phrases which are often used currently in Design and Access Statements.</p> <p>However it is not clear whether a Pre-Application Constlation report would be required for all development proposals subject to statutory pre-application requirements or just major developments. This requires clarification.</p> <p>The are also concerns that a focus purely on Major development will have an impact upon the delivery of minor development given the availability of scare resources.</p>				

Publicising the development proposal

Q2	Do you agree that the issue of neighbour letters and site notices should follow the guidance in Circular 32/92? If not, how should the notification process operate?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>I would suggest that Cicular 32/92 should be updated to reflect legislative and modern communication changes since it was prepared.</p> <p>Not all major developments, however, raise issues or controversy requiring extensive pre-application consultation and a flexible approach perhaps where a range of "front loading" models are available as a toolkit appropriate for all forms of development may be a more appropriate mechanism.</p>				

Q3	Do you agree that 21 days is an appropriate timescale to allow responses to pre-application consultation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes, although there would appear little opposition to allow a flexible approach to allow consultees to respond within longer timescales as agreed with the applicant.</p>				

Q4	Would LPA offices be an appropriate location for viewing a hard copy of the plans and supporting information? If not, where should hard copies of plans and supporting information be made available for public viewing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

There is a danger that LPA's will be drawn into furnishing this process in terms of providing access to and copies of plans and documents or for providing advice to the public at a stage when there may be little or no involvement from officers.

The Authority currently provides access to files electronically on line or at its reception via a dedicated PC and does not currently have facilities to routinely hold large volumes of paper files for public inspection at its reception. It may be possible for the LPA to publish pre-application enquiries on its web site but only upon receipt of a valid pre-application enquiry and an appropriate fee. There is potential, however, that this approach will generate confusion amongst the public as to the respective roles of the LPA and the applicant in this part of the process. Involvement in pre-application consultation with the public should be confined to the applicant.

Preference should initially be for access to plans and supporting documents to be provided by the applicant on line, if not via the applicants own web site then via the Planning Portal. Hard copies could be provided by the applicant at request and at their expense. The formal consultation requirements as part of the planning application process already draws significant resources from LPA budgets and this should not be compounded by the proposed system of front loading.

Consultation with “specified persons” (statutory consultees)

Q5	Do you agree that 21 days is an appropriate timescale for consultees to respond?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Yes

Q6	Should provision be made for a time extension when this is agreed in writing between the developer and consultee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

There may be occasions when the 21 day deadline can not be met for sound reasons and where an agreed extension would enable a key or fuller response to be provided prior to application submissions whilst enabling to plan their workload and give them greater certainty regarding the receipt of a substantive response. This would also

reduce the likelihood of rushed responses that miss key issues due to unnecessary time constraints.

Duty on the developer to provide a pre-application consultation report (PAC)

Q7	Are there any other issues that should be included in the pre-application consultation report? If so, please identify these issues and explain why they should be included in the PAC.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: A PAC should address any issues raised by the LPA as part of the pre-application enquiry process.</p>			

The pre-application enquiry form

Q8	Do you agree that the information specified in paragraph 3.4 will be sufficient to allow the LPA to respond?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: If elevations/ plans are required to be provided then they would need to be to a recognised scale/ sufficiently accurate to allow for a meaningful and accurate response.</p>				

Maintaining records of the pre-application service

Q9	Do you agree that LPAs should maintain spatial records of pre-application enquiries?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: This Authority maintains spatial records of pre-application enquiries with public access to its service on the Council website but a statutory requirement that this should be or remain the case seems unnecessary and inflexible.</p>				

The LPA response

Q10	Should the written response from the LPA contain any other information?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Responses should give a summary of what will be required to be submitted with any subsequent application including giving an indication of the fee and the necessary plans/ documents that should accompany the application.</p> <p>The LPA don't agree that an offer of an hour long meeting is necessary. The requirement for a meeting at every opportunity would increase the burden on LPAs with little real benefit. Where the applicant wants to discuss a pre-application response, they should be able to request a meeting (with an associated fee).</p>				

Timescale for response

Q11	Do you agree that 21 days provides the LPA with sufficient time to provide a written response that meets the requirements set out in paragraph 3.10?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>LPAs may need to seek comments from other departments before being able to respond to pre-application enquiries. It would be reasonable to give consultees 21 days to respond to the LPA (as noted elsewhere in the consultation) and it may then take additional time to collate all responses and provide a comprehensive response. This would be critical where S106 contributions would need to be outlined in terms of scope and amount to give the developer a degree of certainty.</p>				

Meeting

Q12	Do you agree that the timescales and process for the pre-application meeting is appropriate?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>As stated above, it is not considered that a mandatory meeting is always required or should always be offered. The applicant should be given an opportunity at the start of the process to advise whether they would like a written response or a meeting. If the applicant wants both, then an additional charge should be levied to cover Officer time. This approach would reduce unnecessary meetings and the burden on LPA's.</p>				

Fees for the statutory pre-application service

Q13	Do you agree that the fee for the statutory pre-application service should be based on existing discretionary charges? If not, how should fees for the statutory pre-application service be calculated?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Fees should be based on the type of development proposed with a sliding scale approach for developments of different types as this would reflect the amount of work required to respond. For example, there could be various fees for general enquiries, one dwelling (minor), 2-9 dwellings (non-minor), 10-49 dwellings (major) and 50+ dwellings (strategic). These fees would reflect the amount of work required in order to respond. It would also seem appropriate for various fees for each development based on the requirements of the developer - providing a fee for a written response, a meeting, both a written response and a meeting and any subsequent meetings/ letters. The pre-application fee schedule categories should be similar for other developments in terms of changes of use, retail, commercial and leisure developments and their scale.</p>				

Q14	Should householder development proposals that are submitted to the statutory pre-application service be exempt from a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Local Authorities are being placed under increasing pressure and should be able to recover the cost of providing pre-application advice on householder applications if required. Providing this service can take considerable officer time and there are benefits to members of the public of receiving this service. This Authority currently provides a free pre-application advice service and weekly householder surgery coupled with up-to-date supplementary planning guidance, however, use of the service for householder development is relatively low and fee charging would, it is considered, further reduce applicant contact and the quality of submissions. An increase in the planning application fee for householder development beyond 15% would have the dual benefit of encouraging contact at the pre-application stage and increasing fee income accordingly.</p>				

Substantive responses

Q15	Do you agree with our definitions of “substantive response”?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Subject to the provision within criterion (iii) being amended to "and/or" with regards to criteria a) and b) to enable consultees to provide an indication of what would be required to overcome/ reduce objections/ concerns (if at all possible).				

Timescales for response

Q16	Do you agree that 21 days is a reasonable timescale for statutory consultees to provide a “substantive response” to consultation requests?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes				

Performance reports

Q17	Do you have any comments on the content of the performance report?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The report should include information/ data if new issues were raised at application or post-application stage to assess the effectiveness of pre-application/ application responses. There may be a need for these issues to be clarified/ explained in the future if this is a significant issue.				

Other

Q18	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: None.				

Design in the Planning Process

Q1	Design Quality	X
Is the planning system effectively delivering the five key objectives of good design? Give reasons for your answer.		
Yes		
Neither Yes nor No		X
No		

Q1	Further Comments
<p>Access – Access for all to buildings is typically guided by the requirements of Building Regulations and Planning Officers typically defer to these requirements. As a result, access is sometimes left to later stages by the applicant rather than being addressed as an integral element of the planning process.</p> <p>Character – The majority of Planning Officers typically appraise the character of an area through their site visits and address issues of character through negotiation during the planning process if the applicant/design team have not made an accurate or thorough assessment and understanding of the local context. However there can be inconsistencies in terms of the weight placed on the importance of maintaining and enhancing good aspects of character. Areas where there are not immediately obvious character features of the locality are more problematic and poor design is often justified on the basis of a lack of character.</p> <p>Community Safety – This objective is often met through the provision of tried and tested approaches to layouts (e.g. perimeter blocks) as well as principles of good design such as providing natural surveillance and good lighting on streets. However the typical objectives of good design such as choice of routes, connected layouts, people utilising the street for social gathering and informal play etc are often at odds with the Crime Prevention Design Advisors who seek more controlled, target hardened environment with limited pedestrian routes, culs-de-sac etc.</p> <p>Environmental Sustainability – This objective was previously aided by the various requirements of the Code for Sustainable Homes as part of the planning process, however only those areas specifically related to building fabric and operational use (water efficiency) etc of individual buildings are now considered under the Building Regulations. Further consideration should be given to strategic issues of sustainability such as assessments of and enhancement to ecology, trees etc as well as to promoting larger scale and joined up SUDs networks.</p> <p>Movement – Promotion of sustainable means of travel is difficult to achieve in small scale development due to lack of influence on changing/improving public transport infrastructure. Levels of sustainable travel in such cases are typically location reliant. One area where sustainable travel could be improved for such schemes is through dedicated provision for cycle storage. In terms of large scale development schemes there is more scope for influencing the provision of new bus routes etc, however it does not appear that in many cases that developers are engaging with transport operators early in the process nor is this engagement being encouraged through the planning system.</p>	

Q2	Local Development Plans	X
	Do you agree that a national development management policy on design would be beneficial?	
	Yes	
	Neither Yes nor No	X
	No	

Q2	Further Comments
<p>This depends on the approach to such a policy. An overly broad requirement to ensure good design is sought will have no further benefit than the requirements as currently set out in TAN 12: Design. However a stronger national statement on achieving schemes that are good enough to approve (ie the quality test) rather than poor enough to refuse (harm test) would effectively raise the bar for design negotiations.</p>	

Q3	Supplementary Planning Guidance	X
	Are area and site specific plans, such as masterplans, being used to positively plan for key development? Can you highlight areas of good practice?	
	Yes	X
	Neither Yes nor No	
	No	

Q3	Further Comments
<p>We are using masterplans and associated sets of 'on plan' principles to set the framework for outline applications for large housing schemes as such plans can be conditioned as part of the planning consent. Such plans are useful as they are flexible to accommodate future changes if necessary whilst also providing a clear site structure, an 'up to' number of dwellings as well as a set of guiding principles.</p> <p>We will be developing Master planning Principles and Framework Master plans for the candidate strategic sites emerging through the Local Development Plan process. This will provide a firm basis for sustainable place making as well as greater certainty for local communities and developers alike.</p>	

Q4	Supplementary Planning Guidance	X
	Do you agree that the Welsh Government should produce practice guidance on the process of site analysis to inform the development of well designed proposals?	
	Yes	X
	Neither Yes nor No	
	No	

Q4	Further Comments
<p>This could be useful for both planning officers and development teams. In particular such a document should be promoted to developers and applicants with reference to this embedded into exiting planning documents such as PPW and TANs etc. in order to ensure it is used. This would need to cover the regular scenario where an area doesn't have a distinct character or a positive character and how in these instances to promote good design. This practice guidance needs to be backed up by training sessions for officers, elected members and other decision makers such as the Planning Inspectorate.</p>	

Q5	Front Loading / Pre-applications
<p>How can we ensure that pre-application discussions assist in the improvement of design quality and inclusive access of development? Can you highlight areas of good practice?</p>	
<p>For larger scale developments this would be by including as far as possible all relevant parties and external consultants in an initial round table meeting to talk though the various requirements of each and any issues that may arise as a result of these initial talks. This would provide a clearer and more joined up response from the outset which in addition to flagging up most/all issues affecting the design would also help to speed up the planning process once this is formally begun. However there are likely to be resource and logistical issues arranging meetings with large numbers of people from different organisations which may conflict with providing a quick response up front.</p> <p>For smaller applications a short question/tick box form to be completed by the applicant which highlights potential issues arising at the site (Drainage conditions etc) as well as another to be completed by the planning authority to highlight planning constraints such as Conservation Areas and TPO trees etc would allow the LPA to make a quicker assessment of the likely issues on site and seek responses from the necessary department/consultants early.</p>	

Q6	Planning Applications	
Other than further training or additional practice guidance what additional tools would assist you in assessing the quality of design in planning proposals?		

It is considered that an additional validation requirement embedded into the application submission checklist list to ensure that submitted plans and elevations accurately highlight the nearby surrounding context is needed. Often plans and elevations are submitted which treat the proposals in isolation with no indication of surrounding buildings, trees etc.

A means of communicating and disseminating best practice would be very helpful. For example there are no national bench marks with regard to large scale housing developments. These are not featured on the Design Commission for Wales web site.

Q7	Access	X
Do you agree that the amendments to the 1APP form will ensure inclusive access issues are considered in development proposals?		
Yes		X
Neither Yes nor No		
No		

Q7	Further Comments
Mostly. However there may still be a number of application forms where this question is left black/unanswered which are registered and then found to have inclusive access issues at a later date.	

Q8	Access	
What information or other measure would assist local planning authorities assess planning proposals in terms of inclusive access?		
Inclusive access requirements vary depending on building types and are covered under Building Regulations. Therefore if proposals are flagged as having inclusive access issues then these could initially be passed onto Building Regulations Officers or local access forum to comment on the possible options for meeting any inclusive access requirements. Once comments/options have been provided then Planning Officers can assess the proposals in conjunction with a better understanding of the requirements for the development.		

Q9

Design Commission for Wales and Planning Advisory and Improvement Service

How can the PAIS and DCfW mainstream good design and inclusive access in the planning process?

Mandatory Design Review would be beneficial for strategic or significant development schemes for development types which could have a considerable impact on quality of life such as housing, mixed use, city/town centre redevelopment etc.

A series of Design Commission design training/seminars for all Local Authority Planning Officers which draw on national and local examples of good design would be beneficial. This did happen a number of years ago but the DCfW seems to have shifted focus away from 'front line' design issues faced by LPAs.

A more pro-active approach to the promotion of good design:

1. Part of this could be through the production and distribution of annual or bi-annual newsletters to all LPA's highlighting key projects, examples of good or innovative design, high quality international design approaches, lessons to learn etc.
2. Setting up a national forum of architects, conservation architects, engineers, landscape architects, planners, public art artists, regeneration officers and urban designers to discuss approaches to design and to gain a better understanding of competing interests which influence design.
3. Possibly a national Design Award scheme (beyond the Architecture Medal for the Eisteddfod)

Q10

Design Skills and Good Practice

How can we continue to raise the design skills of local authority officers and members and what further specific training is required?

Start with a national skills audit to identify the design 'champions' (in many Councils there are officers that give informal design advice but are recognised in this way – eg Conservation Officers)

Further training on the following would be beneficial:

- Site Assessment training.
- Understanding Context training.
- Contemporary Design training.
- Historic Environment & Conservation Area training.

Q11	Design Skills and Good Practice	X
	Is there scope for local planning authorities to work differently or more collaboratively on design issues? Do you know of any existing activity in this area?	
	Yes	X
	Neither Yes nor No	
	No	

Q11	Further Comments
<p>Yes, cross border collaboration on large scale development schemes could be implemented to share resources and knowledge. For example a number of Authorities currently lack appointed urban designers whilst Swansea has 2 qualified urban designers who could be utilised on a consultancy basis for reviewing significant schemes.</p> <p>Also a cross border joint commissioning of design training for all officers could be implemented – this offers economies of scale as opposed to sending individuals on training courses.</p>	

Q12	Design Skills and Good Practice	
	Can you highlight areas of good practice, from Wales or elsewhere, relating to any of the above, which promote and/or lead to the achievement of good design and inclusive access?	
<p>A South Wales Local Authority Urban Designer Network was previously set up which would have helped to promote good design and inclusive access, however this is no longer in existence due to resourcing issues. Such a network or one of wider scope such as that outlined in Q9. would therefore be beneficial in promoting good design and inclusive access.</p>		

Q13	Design and Access Statements	X
	Are there any benefits in retaining the requirement for Design and Access Statements for particular applications?	
	Yes	X
	Neither Yes nor No	
	No	

Q13 Further Comments

It is considered that DAS's are beneficial to gaining an understanding of larger scale schemes, listed buildings, complex site schemes (significant level changes, split level designs etc) as well as schemes in areas of special designations. Therefore it is considered DAS's should be retained for:

- All major planning applications
- All minor planning allocations in areas of designated importance (including AoNBs, and Conservation areas)
- Listed Buildings

However the structure of these documents should be altered in the following ways:

- Remove the need for the planning policy section as the majority of the time this section is simply replication of the full UDP/LDP policy text with no analysis of the scheme against these. Furthermore there are cases of these sections missing key policies or referring to the wrong policies. Removing this section will leave the onus of the responsibility of policy assessment on the planning case officer.
- Introduce a requirement to reduce the socio-economic section to a brief list of relevant key bullet points such as clear economic benefits such as identifiable job creation or local shop or service provision etc.
- Introduce a requirement for a thorough context analysis which must include the existing surrounding architecture, building to plot ratio, building heights, roof forms, materials, boundary treatments, parking arrangements and vegetation (trees and hedgerows) to help inform the design.
- Introduce the requirement for a site analysis (opportunities and constraints) plan and a logical and rational progression from this plan to the final design with justification text provided.

The focus of these documents should be to provide a clear indication of a thorough site and context analysis and a logical design which arises from the understanding of these.

Q14	Design and Access Statements	X
	Should the mandatory requirement for Design and Access Statements be removed from secondary legislation? Give reasons for your answer.	
	Yes	
	Neither Yes nor No	
	No	X

Q14 Further Comments

No. Subject to the above changes DAS's are certainly beneficial for certain types of development (see above).

Q15

Any Other Comments

We have asked a number of specific questions. If you have any related issues or ways which design can be improved through the planning system which we have not specifically addressed, please let us know.

The need to transparently monitor design standards/ quality of design and strategic sustainability alongside the current regime of target and deadline based performance indicators as this is a key issue that is currently placing 'delivery' above 'legacy'. This requires the WG to provide clear and consistent measures of design quality assessment across Wales.