

Consultation Reference: WG26011

Consultation Response Form

Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation

We want your views on our proposals for amending secondary legislation in relation to the provisions on statutory consultees, when to submit a design and access statement, and the classification of houses in multiple occupation.

Please submit your comments by 26 October 2015.

If you have any queries on this consultation, please email:

planconsultations-b@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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 tell us this in writing when you send your response. 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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published.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.

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Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Ryan Thomas	
Organisation	City and County of Swansea	
Address	Civic Centre, Oystermouth Road, Swansea, SA1 3SN	
E-mail address	ryan.thomas@swansea.gov.uk	
Type <i>(please select one from the following)</i>	Businesses/Planning 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, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

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2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
 The amendment of the definition to exclude householder development and clarification of consultation requirements with the Coal Authority is welcomed.

Clarification is required where part of the site is within a High Risk coal mining area and part is within a Low Risk coal mining area, particularly on smaller development plots - is consultation required if any part of the site is within the High Risk area or is there a % of the site required to be within the area to trigger consultation. We have had instances where part of the site has been within a High Risk area and Coal Authority have advised us that they shouldn't have been consulted.

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
 Clarification of the triggers for consultation with CADW is welcomed.

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
 Clarification of the triggers for consultation with the Theatres Trust is welcomed.

The definition of a theatre should be clarified/ included in the schedule if it is to

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include all theatres, historic, contemporary and new, including theatres in current use or disused.

Q4	Do you agree with the proposed changes as set out in Table 4: (a) To remove paragraph (n)? (b) To remove paragraph (u)? (c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Generally supportive of the revised consultation requirements for NRW including the removal of Paragraph (u) as the operation of fish farms is regulated by separate legislation and the addition of a new flood risk description at Paragraph (y), however, it is considered that NRW provide valuable input on all applications for the deposit of refuse or waste, even if under the EIA thresholds. Removal of paragraph (n) is not supported.</p>				

Q5	Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Consultation with Water and Sewerage Undertakers on all residential development including single dwellings is considered too onerous particularly where there are no constraints locally. In addition it is not clear why water and sewerage undertakers need to be consulted on applications for the use of land for renewable energy schemes or for applications that are contrary to the development plan. Further clarity on the rationale behind this would have been</p>				

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useful. The latter could encompass a whole range of applications that are contrary to the development plan that have little/ no discernible impact on water/ sewerage undertakers.

Q6	Are there any other thresholds that should be included in/or excluded from Schedule 4 of the Development Management Procedure Wales Order? If so, please identify these and explain why they should be included or excluded.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

3.0 Design and Access Statements

Q7	Do you think that major development, as described under c, d and e of paragraph 3.19 (of the Consultation Document) and the Development Management Procedure Wales Order, is the right threshold for requiring a Design and Access Statement? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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Q8	Do you agree with our proposals to have different thresholds in Conservation Areas and World Heritage Sites? If not, what other sensitive areas, if any, should a smaller threshold apply?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: The proposed threshold for Conservation Areas should also be applied to applications within AONBs as well as for applications within or affecting the setting of Historic Parks and Gardens. It is noted that paragraph 3.29 of the consultation document states that Historic Parks and Gardens will be considered in the future, however, it is considered that these should be included now given their special designation and historical value.</p>				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q10	Do you agree with the proposal to incorporate the requirement for a statement on design within a Heritage Impact Assessment when preparing an application for listed building, scheduled monument or conservation area consent?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Agree subject to the requirement of a specific section setting out the design implications of the proposals rather than a number of separate and disjointed sentences related to design spread throughout the various parts of the HIA text.</p>				

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Q11 **What do you consider should be the circumstances in which a Heritage Impact Assessment would also need to be accompanied by a statement on access?**

Comments:
 Any proposals for an existing or proposed use requiring access by the public. Any proposals for other uses involving a change to access arrangements which impact upon the character and appearance of the conservation area or the setting of a listed building or other historical designation (Historic Parks & Gardens etc.).

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
 A lot of the issues raised regarding DAS documents related to to small scale schemes where the document was far too onerous a requirement. Removing the requirement for DAS for such applications will eliminate this issue to a substantial degree. However removing any specific requirements to control the content of DAS for the remaining 'major development' schemes could impact upon the quality of these documents which may then not follow a logical or rational approach to design and may not add any additional information to aid planning officers nor help to explain the scheme to the public. This will diminish the usefulness of DAS for these applicable schemes.

Furthermore removing some statutory content such as 'character' and 'context' also reduces the likelihood of a rational approach to design being undertaken which should be based initially on an analysis of the character and context of the locality. Such an analysis-design approach would not preclude more innovative or contemporary designs but would ensure that developers fully justify their proposals especially if these depart from the established character of the area. As such, a level of prescription in terms of the contents of DAS or an alternative requirement to provide a rational process of context analysis is required to ensure that the quality and usefulness of these documents is retained.

By advocating an approach based on an 'individual scheme basis to reflect specific circumstances' (as highlighted in paragraph 3.31 of the consultation document) with no prescription of content will likely lead to delays in the planning registration and determination processes as DAS contents are

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negotiated back and forth between LPA's and developers on an individual application basis. Such an approach will therefore not aid in streamlining the planning process.

It would also appear sensible to include the Pre-Application Consultation Report (as recommended in the Frontloading consultation document) within the Design and Access Statement (where they are required) if the former is to be required by statute.

This would ensure that the explanation/ evolution of the design process is closely linked to the consultation responses received at the pre-application stage and would prove useful for all users.

4.0 Houses in Multiple Occupation

Q13	Do you agree that a new use class C4, whereby planning permission will be required for Houses in Multiple Occupation with fewer than seven residents, should be introduced?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	Do you agree with our proposal to align the definition of an Houses in Multiple Occupation for planning purposes with the housing definition set out in section 254 of the Housing Act 2004?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				
The definition set out in S254 of the Housing Act is not particularly clear.				
It is imperative that the definition for planning purposes is clear to ensure the proposals operate effectively.				

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Q15	Do you agree with our proposal to enable small Houses in Multiple Occupation (new use class C4) to revert to use as a dwellinghouse (Class C3) without requiring planning permission by amending the Town and Country Planning (General Permitted Development) Order 1995?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q16	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.
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Comments:

I do not want my name/or address published with my response (please tick)

How to Respond

Please submit your comments in any of the following ways:

Email

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Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include **‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’** in the subject line]

Post

Please complete the consultation form and send it to:

**‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360