

Number: **WG16153**



Llywodraeth Cymru  
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Welsh Government

## Consultation Responses - Part 3

### Planning for Sustainability A Presumption in Favour of Sustainable Development

Date of Issue: October 2012

## Overview

This document contains copies of the responses to the consultation on proposals to strengthen *Planning Policy Wales* and introduce a clear statement on the presumption in favour of sustainable development held 2 March 2012 – 25 May 2012 (WG14377).

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## CONSULTATION FORM

Planning for Sustainability The presumption in favour of sustainable development		
2 March – 25 May 2012		
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<b>Type</b> (please select one from the following)	Businesses	<input checked="" type="checkbox"/>
	Local Planning Authority	<input 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"/>
	Other (other groups not listed above)	<input type="checkbox"/>

		Yes	No
<b>Q1</b>	Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	[New section 4.2]	Please select	
<p><b>Additional comments:</b></p> <p>We agree that the most effective means to deliver the presumption in favour of sustainable development is the delivery of an effective and efficient plan led system. The amendments to Chapter 4 of Planning Policy Wales are acceptable but for these changes to be effective it is imperative that LDP coverage is completed whilst at the same time putting in place a new more decisive, delivery orientated system. This would include formal examination and adoption of the preferred strategy to include housing requirements and the allocation of deliverable sustainable sites and infrastructure in accordance with the preferred strategy.</p>			

Q2	Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?  [New section at 2.7]	Yes	No
		<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
		Please select	
<p><b>Additional comments:</b>          We agree with the principle that out of date or superseded development plan policies should be given decreasing weight in favour of other material considerations. However, the inclusion of the phrase "<i>such as national planning policy in the determination of individual applications</i>" would be open to differing interpretations and will inevitably lead to protracted arguments at planning appeals. For example, a local authority may have a development plan which is long out of date and a land supply which is well below the 5 year requirement. However, in considering a planning application for housing on the edge of the settlement but outside the settlement boundary, the local planning authority could argue that the application conflicts with national policy which presumes against development in the countryside. If examples are to be given, then we consider it would</p> <p style="text-align: right;">See Continuation Sheet</p>			

Q3	We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.
	<p><b>Additional comments:</b>          We consider there should be a more balanced interpretation of sustainable development and the guidance on how to measure and compare the various components. For the planning system sustainable development means:</p> <ul style="list-style-type: none"> <li>(i) Planning for prosperity (an economic role) - using the planning system to help build a strong, flexible and sustainable economy by providing infrastructure and development fit to meet the country's current and future needs in a world of challenging global competition.</li> <li>(ii) Planning for people (a social role) - using the planning system to help promote strong, vibrant communities by providing an increase supply of housing to meet needs of present and future generations; and creating a good quality environment,</li> </ul> <p style="text-align: right;">See Continuation Sheet</p>

<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"/>

## **Continuation Sheet**

<b>Q2</b>	Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?	<b>Yes</b>	<b>No</b>
		<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
	[New section at 2.7]	Please select	

Continued

be more appropriate to refer to national planning policy objectives, e.g. in order to ensure a five year supply of housing land, where there is a significant shortage of affordable housing, where a proposal will provide a significant boost to the local economy in terms of investment and provision and jobs or where there is a lack of town centre schemes. The caveat for all of these considerations would be that proposals would have to meet the definition of sustainable development as set out in Planning Policy Wales. Where there is an out of date development plan or superseded plan, it (Planning Policy Wales) should state that there is a presumption in favour of sustainable development.

<b>Q3</b>	We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.
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Continued

with accessible local services, that deliver the diverse requirements of a community and;

(iii) Planning for places (an environmental role) - using the planning system to help tackle climate change and adapt to its effects; to protect and enhance our natural and built environment and to use natural resources prudently.

These objectives should be pursued in an integrated way, looking for solutions which deliver multiple goals. In principle, there is no contradiction between facilitating increased levels of development and the environmental role of planning, as long as development is planned and undertaken responsibly. The planning system must play an active role in guiding development to sustainable locations, mitigating significant impacts and promoting positive strategies for environmental enhancement.

Cil y Coed, Llansadwrn, Menai Bridge, Anglesey LL59 5SE

[mairede@btinternet.com](mailto:mairede@btinternet.com)

Response to Planning for Sustainability, The presumption in favour of sustainable development,  
Consultation end date 25<sup>th</sup> May 2012.

Response to Question 1.

I agree to the approach to strengthening national planning policy and I agree and strongly support the new wording proposed for Chapter 4. Section 4.2.

Response to Question 2.

While outdated policies can be a real problem in that they do not cater for new circumstances, nevertheless locally formulated policies have often been the subject of considerable scrutiny to ensure that they are fit for purpose within that specific local area, and they are likely to have the support of the majority of local people. If local plans have not performed well for the local area, then local people will have had the opportunity of raising this with their elected representatives. Rushing to new decisions can lead to a loss of public support and local democracy. The current UK Government has found this to be the case and has now included provisions for England, within the Localism Act 2011, that enable local communities to shape the places where they live and work. Communities in Wales should have no less. Plans that facilitate enabling and democratic opportunities to communities to support and contribute positively to the places where they live, work and want to build a better future for the next generation, are an essential part of good social, economic and environmental planning. They are also essential to good governance and an enlightened legislative process.

Consequently any shift of emphasis from adopted local planning policies to Welsh national planning policy, or indeed UK Government planning policy must be supported by the local communities that are affected. In an educated and informed society a 'bottom up' approach should work.

Question 3.

Devolved Government requires a collaborative approach with the Westminster Government in respect of UK strategic planning. It also places a greater burden on the devolved administration to look for evidence based methodology to support local, Welsh and UK wide planning policies.

The Welsh Government should challenge the UK Government to produce robust evidence in support of its planning policies that affect Wales. And the Welsh Government can set the benchmark by adopting robust methodologies for those planning matters and law that fall within its own jurisdiction.

.....

I look forward to further consultations around improving Planning Policy Wales for the future prosperity and well-being of the people of Wales. Yours Sincerely, Mairede Thomas.

## CONSULTATION FORM

Planning for Sustainability The presumption in favour of sustainable development		
2 March – 25 May 2012		
<b>Name</b>	Jon Suckley	
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<b>Type</b> (please select one from the following)	Businesses	<input checked="" type="checkbox"/>
	Local Planning Authority	<input 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"/>
	Other (other groups not listed above)	<input type="checkbox"/>

		Yes	No
<b>Q1</b>	Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	[New section 4.2]	Please select	

**Additional comments:**

HOW Planning has been instructed by Land and Lakes (Anglesey) Limited to promote a highly sustainable mixed use development comprising a high quality leisure destination, housing, and temporary workers accommodation set in significant landscaping and publically accessible areas of open space at land owned by Anglesey Aluminium Metals Ltd in Penrhos, Holyhead.

Extensive, pre-application consultation with Isle of Anglesey County Council, the Countryside Council for Wales, statutory consultees and key stakeholders has taken place since April 2011. It is proposed that an outline planning application with all matters reserved except for means of access will be submitted shortly.

Land and Lakes supports the Welsh Government's proposals to promote a presumption in favour of sustainable development as part of the planning system in Wales. The Consultation Document 'Planning for Sustainability' describes the Welsh Governments draft proposals.

Both plan-making and decision taking should be underpinned by sustainability and consideration should be given to economic, social and environmental factors. Each planning application should be considered on its own merits and regard should be given to the significant economic benefits that a development can deliver in an area. This is reflected in the Consultation Document at paragraph 5 which states:

"...It is an intentionally adopted principle where social, economic and environmental issues should be considered at the same time when plans are being drawn up and decisions are being taken for the future"



Q2	<p>Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?</p> <p>[New section at 2.7]</p>	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Please select	
<p><b>Additional comments:</b></p> <p>Land and Lakes support the draft proposals to decrease the weight of outdated or superseded development plan policies in favour of other material considerations such as national planning policy. Local Plans and Structure Plans can be outdated having been prepared more than 15 years ago. Development Plan documents of this age and nature cannot accurately reflect the most up to date national planning policy guidance and therefore should be afforded less planning weight.</p> <p>This is re-enforced by paragraph 18 and 19 of the Consultation Document which state:</p> <p>"18. Structure and Local Plans have not been prepared in light of Welsh Government's commitment to sustainable development. Therefore they offer a lesser degree of certainty in facilitating sustainable development through the planning system.</p> <p>19. We have concerns in light of our commitment to promote sustainable development in Wales that in areas where there is no development plan in place, or where policies in adopted plans are outdated, or have been superseded by other material considerations; there is a lesser degree of certainty in facilitating sustainable development through the planning system at a local level"</p> <p>The Consultation Document is unclear as to the timescales by which outdated Local Plans or Structure Plans will be given lesser planning weight than national planning policy guidance. Land and Lakes propose that the next version of the Consultation Document clearly indicates that outdated development plan documents will be given lesser weight than new planning guidance at national level as soon as the revised version of Planning Policy for Wales is published.</p>			

Q3	<p>We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.</p>
	<p><b>Additional comments:</b></p> <p>N/A</p>

## CONSULTATION FORM

Planning for Sustainability The presumption in favour of sustainable development 2 March – 25 May 2012		
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	Local Planning Authority	<input 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"/>
	Other (other groups not listed above)	<input type="checkbox"/>

Q1	Yes	No
Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development? [New section 4.2]	<input type="checkbox"/>	<input type="checkbox"/>
Please select		

### Additional comments:

There are various definitions of sustainability but it is helpful that Welsh Government have included a clear explanation of its approach in its Sustainable Development Scheme. The way it is interpreted at a local level will still be subjective which should help address concerns of local accountability. It makes sense to have sustainability (based on this wider definition) at the core of planning decisions. The fact that some local authorities are working to much older types of development plans which don't include any real emphasis on sustainability makes this even more important.

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<b>Q2</b>	Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
	[New section at 2.7]	Please select	

**Additional comments:**  
 It does seem important that current Welsh Government priorities are reflected more than 'historic' plan policies.

<b>Q3</b>	We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.
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**Additional comments:**  
 Covered in points 1 & 2.

<b>Confidentiality</b>
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## **Planning Aid Wales consultation response, 25<sup>th</sup> May 2012**

### ***Planning for Sustainability: The presumption in favour of sustainable development***

To: [planconsultations-C@wales.gsi.gov.uk](mailto:planconsultations-C@wales.gsi.gov.uk)

#### **1. About Planning Aid Wales**

1.1 Planning Aid Wales is an independent not-for-profit charity which is core funded by the Welsh Government. We work for a fairer and more transparent planning system which is responsive to community needs and preferences.

1.2 We provide information, advice and training services to enable communities to engage more effectively with the planning system. We also work with local planning authorities and the Welsh Government to encourage more and better community involvement in the planning process.

1.3 When responding to consultations on emerging national planning policy we aim to identify and hopefully rectify potential policy barriers to meaningful public involvement in planning.

#### **2. Consultation response**

##### **Consultation question 1**

Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development ?

2.1 In part.

2.2 We do agree with the notion of introducing a clear national planning policy statement on the presumption in favour of sustainable development.

2.3 However, we do not consider that proposed new section 4.2 of Planning Policy Wales adequately reflects the Welsh Government's

overarching policy aspirations for sustainable development, as described in the adopted Sustainability Scheme, *One Wales: One Planet* (2009).

2.4 We recognise the planning system as one of very few mechanisms capable of delivering a key requirement of sustainable development. This requirement is expressed as the first core principle in *One Wales: One Planet* under the heading 'Sustainable Development principles of policy making' (page 26):

**Core principle 1:** *Involvement - people and communities are at the heart of sustainable development, so we will be inclusive in our involvement of all our stakeholders in the development of our policies and programmes, and the identification of solutions that meet their needs, promoting innovation in the way that we deliver services.*

2.5 Sustainable development also requires policy integration between the three main 'pillars' of sustainable development: economy, society, and environment / resources. This is expressed in *One Wales: One Planet* as the second core principle of policy making (page 26):

**Core principle 2:** *Integration - only an approach that makes the connections between, and effectively integrates economic, social and environmental challenges, will achieve sustainable development.*

2.6 This principle flows down into *Planning Policy Wales* (PPW) as follows:

*The planning system has a fundamental role in delivering sustainable development in Wales. It must help in the process of balancing and integrating these objectives in order to meet current development needs while safeguarding those of the future. In particular the planning system, through both development plans and the development control process, must provide for homes, infrastructure, investment and jobs in a way which is consistent with sustainability principles and the urgent need to tackle climate change. (section 4.1.6)*

2.7 However, at this point we note a significant disruption in *Planning Policy Wales* to the 'golden thread' of policy formulation required by these two high level, cross-cutting sustainable development principles. The disruption is demonstrated by the following extracts from the document which is the highest expression of national planning policy:

### **4.3 Principles**

4.3.1 *The following principles underpin the Assembly Government's approach to planning policy for sustainable development:*

- *putting people, and their quality of life now and in the future, at the centre of decision-making;*
- *ensuring that everyone has the chance to obtain information, see how decisions are made and take part in decision-making;*

- ...

#### **4.4 Key policy objectives**

*4.4.1 The following broad objectives, which derive from these principles and reflect both the sustainable development agenda and Assembly Government priorities should be taken into account in the preparation of development plans and in the control of development throughout Wales.*

*4.4.2 Planning policies and proposals should: ...*

2.8 We observe that none of the nineteen key policy objectives for the Welsh planning system which follow the extract above reflect the first two principles listed under 4.3.1 (putting people at the centre of decision making, and giving everyone the chance to take part in decision-making).

2.9 The nineteen key policy objectives under 4.4.2 adequately express two of the three main sustainable development 'pillars' which need to be integrated in decision-making, economic sustainability and environmental / resource sustainability. However, objectives for the Welsh planning system covering the third leg, social / community sustainability, are notable by their absence.

2.10 A significant 'golden thread' of national policy which should flow down from the highest levels of national policy through subsidiary policy statements to the level at which policy is implemented, is currently disrupted. This opportunity to express a presumption in favour of sustainable development in the planning system can and should be used to address this disruption, in advance of the Sustainable Development Bill next year.

2.11 To achieve the real potential of planning to help deliver the Welsh Government's sustainable development aspirations, the presumption statement in *Planning Policy Wales* needs to be made stronger in terms of defining how the planning system can help to create stronger communities and increase community wellbeing by:

- building public understanding of planning as a process which shapes local places;
- developing new routes for effective community engagement in policy-making;
- encouraging more productive relationships between local communities and local planning authorities.

## **Consultation question 2**

Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy ?

2.12 Yes, but with two caveats:

2.13 First, while we do agree that outdated or superseded local planning policies should be given decreasing weight in decision-making, it would be useful if the consultation document gave some indication of what is considered to be an outdated policy (for instance, five years after adoption and not formally reviewed within that time).

2.14 Second and more fundamentally, the consultation document seeks to establish a very strong linkage between two things: the existence of an up-to-date plan which is broadly in conformity with national planning policy, and the effective delivery of sustainable development through the planning system.

2.15 In order to justify this linkage there needs to be a sturdy and credible mechanism for identifying and weighing up the sustainability outcomes of a range of strategy options during the early stages of development plan preparation. There also need to be mechanisms in place which ensure effective community engagement happens during the early, strategy-setting stages of development plan preparation.

2.16 The existing guidance for local planning authorities on carrying out sustainability appraisal was published in 2002 and has been used to guide the process as applied to the preparation of Unitary Development Plans and Local Development Plans. However, It is widely acknowledged that the guidance does not provide a sufficiently strong and credible methodology for weighing up different strategy options and their sustainability outcomes. We also note that the guidance is very weak in terms of expressing the overriding sustainability principle of involving communities in decision-making.

2.17 There is an urgent need to update and consolidate the guidance to reflect the Welsh Government's overriding sustainable development ambitions. This will help to ensure that local development plan policies do more to achieve the significant potential of the Welsh planning system to deliver development patterns and development processes which are genuinely sustainable.

2.18 In the absence of credible and robust guidance, it is incorrect to assume that development plans which have been subject to sustainability appraisal will deliver sustainable development. It is also misleading for lay people seeking to understand the land use planning system in Wales and



serves to undermine the true meaning and purpose of sustainable development.

### **Consultation question 3**

We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.

2.19 This consultation makes strong links between up-to-date development plan policies and sustainable development. In doing so it makes a case for decreasing the weight to be given to outdated or superseded planning policies.

2.20 Paragraph 11 of the consultation document reads:

*‘Sustainable development has been embedded within national planning policy since the first edition of Planning Policy Wales and subsequent updates continue to be made with a view to promoting sustainable development.’*

2.21 In this respect we note that the key policy objectives set out in 4.4.2 of *Planning Policy Wales* have not been reviewed or updated since the Welsh Government adopted its current sustainable development scheme *One Wales: One Planet* in 2009.

2.22 This current proposal to introduce a presumption in favour of sustainable development presents an opportunity to review and update the key national planning policy objectives so that they fully reflect the policy intentions expressed in the Welsh Government’s adopted sustainable development scheme.

## CONSULTATION FORM

Planning for Sustainability The presumption in favour of sustainable development		
2 March – 25 May 2012		
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	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" 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"/>
	Other (other groups not listed above)	<input type="checkbox"/>

		Yes	No
<b>Q1</b>	Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	[New section 4.2]	Please select	

**Additional comments:**

British Waterways welcomes the approach set out in the consultation document.

British Waterways would like to be involved in developing the detailed policy framework to support these principles to ensure that the full potential of our multi-functional waterways in Wales is unlocked thereby contributing towards the wider delivery of sustainable development in Wales.

The inland waterways of Wales are national, regional and local cultural and natural assets. They link urban and rural communities as well as linking historic buildings and structures with the wider landscape and forming key strategic wildlife corridors. The inland waterways are helping to stimulate regional, sub-regional and local economies and are being used successfully as tools in improving community well-being, urban and housing offers; attracting and generating investment; place making and shaping; as well as in delivering wider public benefit. The inland waterways are making an increasingly important contribution to the visitor economy and there is a growing national awareness of the added value and commercial betterment deriving from the presence of waterways in developments.

The health and performance of the inland waterway network is directly linked to the quality of the neighbourhood and environment through which waterways passes. The public benefit delivered by the inland waterway network in turn is substantially dependent upon its health and performance. An underperforming waterway is usually a symptom of the economic and social failure of the neighbourhood through which it passes. Conversely, a healthy waterway can make a considerable contribution towards sustainable development.

However, part of the challenge to unlocking the full sustainable potential of the inland waterways is to recognise that they are 'non-footloose' assets. In other words, the location and alignment of the waterways are fixed. These types of assets have particular land use implications and locational requirements arising from this inherent constraint which should be acknowledged and treated flexibly in planning policy to ensure that they are able to play a positive role in the delivery of sustainable development.

British Waterways is committed to achieving sustainable waterside development along our network, including the 96% of waterside land controlled by third parties.

In 2009, British Waterways supported the Town and Country Planning Association in the production of a Policy Advice Note on Inland Waterways. The document can be downloaded at: <http://www.tcpa.org.uk/pages/inland-waterways.html>.

In conclusion, British Waterways would therefore welcome the opportunity to work closely with the Welsh Government to achieve sustainable waterside development.

<b>Q2</b>	Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?  [New section at 2.7]	<b>Yes</b>	<b>No</b>
		<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
		Please select	
<b>Additional comments:</b> British Waterways welcomes the approach set out in the consultation document.  British Waterways has developed a toolkit for 'waterproofing' planning policies at all the different planning spatial levels, which is included in Appendix 1 of the Policy Advice Note referred to in response to Q1 above. The tool sets out strategic policy objectives for the waterways to unlock the economic, environmental and social benefits of the waterways and to secure the long-term sustainability and use of the waterways as community assets.  It is important therefore that national, regional and local planning policies for inland waterways are 'waterproofed'. British Wareways would welcome the opportunity to work closely with the Welsh Government to achieve this aim.			

<b>Q3</b>	We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.
<b>Additional comments:</b>	

<b>Confidentiality</b>
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## CONSULTATION FORM

Planning for Sustainability The presumption in favour of sustainable development		
2 March – 25 May 2012		
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	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"/>
	Other (other groups not listed above)	<input type="checkbox"/>

		Yes	No
<b>Q1</b>	Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development?	<input type="checkbox"/>	<input type="checkbox"/>
	[New section 4.2]	Please select	

**Additional comments:**

This is supported in principle. The recognition of economic and social factors is welcomed along with identifying the role of decision-maker to balance and reconcile the key policy objectives. However, the precise definition of, 'sustainable development' is clearly of some significance. In this respect, it is considered that the definition contained in the WG SD Scheme 'One Wales: One Planet' (and outlined on page 4 of the consultation) is more appropriate and reads:

"In Wales, sustainable development means enhancing the economic, social and environmental wellbeing of people and communities, achieving a better quality of life for our own and future generations, in ways which:

- promote social justice and equality of opportunity; and
- enhance the natural and cultural environment and respect its limits - using only our fair share of the earth's resources and sustaining our cultural legacy."

Q2	<p>Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?</p> <p>[New section at 2.7]</p>	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
		Please select	
<p><b>Additional comments:</b></p> <p>In principle it is difficult to effectively argue that outdated development plans should carry greater weight than more up to date national guidance, particularly as this addresses sustainable development more fully.</p> <p>However, in Cardiff Council's case, work is now well advanced in preparing the LDP Preferred Strategy due for approval in October 2012. Considerable effort has been put into preparing a sound strategy based on extensive evidence and consultations closely following national guidance. This very much follows the intended role of LDPs in providing a plan-led approach to delivering sustainable development.</p> <p>There is a potential risk that new national guidance may undermine the role of the plan-led approach now actively being progressed by Cardiff Council. Planning applications may well be submitted ahead of the intended plan-led approach and lead to ad-hoc, incremental and/or piecemeal decisions that do not represent joined-up planning and may well bring forward development that is not truly sustainable. This is compounded by the current system affording no weight to the LDP until final adoption (in Cardiff's case, October 2015).</p> <p>Given the current limited housing land supply, the need to stimulate economic progression plus outdated development plan, Cardiff Council would wish to further discuss with the Welsh Government the most effective way ahead of delivering sustainable development in Cardiff, but in a way which maximises the investment in the LDP process and will shortly see an articulated and evidenced strategy showing the results of this work. For example, could new guidance afford greater weight to an LDP Preferred Strategy and Deposit Plan based on sound evidence and with limited objections (akin to the previous development plan approach)? If this is not considered appropriate, could guidance be drafted to address the concerns raised in some other way?</p> <p>Further discussions would be welcomed as, given high future growth levels, it is considered vital for the capital city of Wales to deliver this growth in a sustainable and planned manner.</p>			

Q3	<p>We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.</p>
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**Additional comments:**

There is considered a need for the Welsh Government to ensure consistency between different references in its wide remit of work to, 'sustainable development', both in terms of the definition used and the adopted policy stance. This is particularly relevant as work is underway in preparing a new Sustainable Development Bill.

**Confidentiality**

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: ☐



## CONSULTATION FORM

Planning for Sustainability The presumption in favour of sustainable development		
2 March – 25 May 2012		
<b>Name</b>	Jane Smith	
<b>Organisation</b>	Energy UK	
<b>Address</b>	Grosvenor Gardens House, 35 - 37 Grosvenor Gardens, London, SW1	
<b>E-mail address</b>	jane.smith@energy-uk.org.uk	
<b>Type</b> (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

		Yes	No
<b>Q1</b>	Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	[New section 4.2]	Please select	

Additional comments:

Energy UK supports the Welsh Government's approach of introducing a "presumption in favour of sustainable development" which also reinforces the need for an approved or adopted development plan to be in place, prepared with the objective of contributing to sustainable development. Wales has the potential to deliver substantial amounts of low carbon and renewable energy to meet its own and the UK's energy needs and sustainability and energy policy goals.

However, we suggest that the relationship between the proposed definition of sustainable development in the planning system (proposed paragraph 4.2.1) and the definition of sustainable development in paragraph 4.1.2 of the current PPW would benefit from further clarification. The proposed paragraph 4.2.1 seems more process focused whereas the existing paragraph 4.1.2 relates to specific policy outcomes.

The proposed paragraph 4.2.5 rightly highlights the importance of a plan-led approach. However, Energy UK believes that there should be a clearer statement that development plans should be prepared on the basis of a presumption in favour of sustainable development. We suggest that the paragraph could helpfully be reworded as follows to achieve this: "Development Plans should be based on the presumption in favour of sustainable development. When adopted (or approved by the Welsh Ministers), the Plans provide the basis for this presumption to be exercised when determining individual applications".

Specifically within the proposed additional wording for Planning Policy Wales, Energy UK welcomes that a "national planning policy can also be a material consideration in these circumstances", and suggests that in addition to Wales national policy that certain UK-wide policy and guidance may also be helpfully included. This is particularly true of the Energy National Policy Statements, which we strongly suggest should be referenced, as they set out a range of useful information about different technologies as well as the urgent national need for all forms of low carbon and renewable energy infrastructure. Additionally, in respect of nationally significant infrastructure projects, they are the primary policy document used by the Planning Inspectorate when considering individual >50MW projects, and therefore it would be very helpful to clarify the hierarchy of the various UK national and Welsh national policy documents that apply to the differing scales of energy infrastructure.

Additionally, it seems sensible to require local planning authorities to give decreasing weight in favour of other material considerations such as national planning policy, when development plan policies are outdated or superseded. However, the UK Government has gone further in terms of confirming that if there is an out of date development plan, then an individual consent application should be consented, except in very exceptional circumstances. Such an approach will act as a strong additional motivator to local planning authorities to ensure they have an up to date development plan.

Q2	Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?  [New section at 2.7]	Yes	No
		<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
		Please select	
<p><b>Additional comments:</b></p> <p>As per our answer to Q1, Energy UK believes that if local development plans are outdated or superseded, then local planning authorities should be required to give them less weight in favour of other material considerations such as national planning policies. However, in practice this would be difficult to monitor or achieve, as councillors will normally be under pressure to support the local development plan (even if it is out of date). By applying the presumption in favour of sustainable development more strongly where there are out of date plans, then this will act as a further incentive for local planning authorities to ensure they have an up to date local development plan.</p> <p>The proposed addition to paragraph 2.6.2 of PPW states that, in the absence of an adopted plan, “National planning policy can also be a material consideration in these circumstances.” However, Energy UK would like to stress that national policy can already be a material consideration in any case (even when a plan has been adopted), so we suggest that this statement would benefit from rewording. We believe that the key point that should be made here is that, in the absence of an adopted plan, even greater consideration should be given to national policy in decision making. We therefore suggest that the proposed addition to paragraph 2.6.2 should be amended accordingly as follows: “In these circumstances, significant consideration should also be given to national policy.”</p> <p>Energy UK generally supports the suggestions for cross-referencing and re-organisation, although we look forward to seeing the detailed wording before being able to confirm full support. Additionally, it is very important to recognise that as well as the need to plan for climate change it is also imperative to ensure continued security and affordability of the nation's energy supplies.</p>			

<b>Q3</b>	We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.
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**Additional comments:**

Our covering letter and Executive Summary provide our additional comments, which we hope are helpful. We would like to ask that we are added to your list of consultees for all future consultations on planning matters in Wales, and will circulate any future consultations to our colleagues across the energy industry - both to Energy UK members and to RenewableUK, the Renewable Energy Association and the Energy Networks Association.

Additionally Energy UK would be pleased to meet with the Welsh Government in respect of this consultation, the Sustainable Development Bill and the Planning Bill.

**Confidentiality**

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: ☐



## Planning for Sustainability consultation response

May 2012

**Wales Environment Link (WEL)** is a network of environmental and countryside Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is officially designated the intermediary body between the government and the environmental NGO sector in Wales. Its vision is to increase the effectiveness of the environmental sector in its ability to protect and improve the environment through facilitating and articulating the voice of the sector.

Wales Environment Link values the opportunity to take part in this important consultation.

### **Question 1 – Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development?**

WEL broadly supports and welcomes Welsh Government's intention to strengthen the national planning policy (Planning Policy Wales) and believes that, subject to an accepted definition of sustainable development, the planning system should have a key role in helping to facilitate this. If executed correctly, changes will enable the planning system to deliver a more integrated approach towards the management of Wales' natural resources, landscapes and heritage.

However, we have a number of concerns and suggested amendments to the proposed changes in this consultation. We will outline our wider concerns in our response to Question 3. Our concerns and suggested amendments with specific reference to Chapter 4 of Planning Policy Wales (PPW), Section 4.2, are as follows:

**Suggested Revision to PPW Paragraph 4.2.1** – WEL believes that the wording proposed by Welsh Government in paragraph 4.2.1 of PPW does not adequately reflect the process by which the various components of sustainability should be addressed and therefore provides no clarity over what is meant by a presumption in favour of sustainable development. Simply considering social, economic and environmental issues at the same time is not enough and we are concerned that this approach runs the risk of tokenistic consideration of environmental issues. There needs to be a commitment to an integrated approach to addressing the consequences of the decision reached for social, environmental and economic issues. We believe that the existing wording should be replaced by the following:

“Sustainable Development in the planning system means that decisions regarding the development or change in the use of land and resources are taken in a way which ensures integration between inherent values in social, economic and environmental areas.

In a planning context this means that there is a presumption in favour of the functional status of any two of the dimensions of sustainability not being significantly impaired as a result of actions to promote or enhance the status of the third.”

**Suggested Revision to PPW Paragraph 4.2.2** – WEL is concerned that paragraph 4.2.2 does not make reference to ‘A Living Wales’ and the issues of environmental protection and responsible landscape stewardship. On the question of landscape stewardship, it is pertinent that the Welsh Government is a signatory to the European Landscape Convention. We believe this omission should be rectified.

**Suggested Revision to PPW Paragraph 4.2.3** – WEL suggests that the word ‘and’ in “that enhance economic, social and environmental well- being” should be italicised to ensure proper emphasis on the equal importance of these issues, which are to be considered in an integrated way.

**Suggested Revision to PPW Paragraph 4.2.4** – We also believe that the reference in paragraph 4.2.4 to “decision makers to balance and reconcile these key policy objectives” should be replaced by “decision makers to demonstrate how their judgements have integrated these key policy objectives”.

**Question 2 – Do you agree that where development plan policies are out dated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?**

WEL agrees with the proposition that out dated Development Plan and related policies should be afforded less weight than current national planning policy.

However, we remain concerned about how this approach will be synchronised with and affect current processes if policy or guidance is not developed sufficiently to be able to apply to local circumstances. Adverse effects may be felt in the processes that direct Development Planning or more particularly in the Development Management system itself.

We would also caution that problems in the consistency of decision-making might materialise if policy remains too generic or is changed too frequently.

**Question 3 – We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.**

WEL values the opportunity to participate in this important consultation and as such contribute to the formation of a planning system in Wales, which serves to deliver the Welsh Government’s proposed Sustainable Development agenda.

In principle we support the intentions of this consultation document to ensure that the planning system delivers sustainable development in an appropriate and meaningful way. We hope that a key outcome of this suggested approach is the long awaited change in attitude in favour of responsible protection, management and utilisation of the environment and landscapes of Wales.

However, we would like to highlight to Welsh Government the following **areas of concern** regarding the timing and content of this consultation:

### **a) Timing**

WEL does not agree with the decision to conduct this consultation prior to publication of the results from the Independent Advisory Group's (IAG) scrutiny into mechanisms of the planning system in Wales and how it may serve to deliver Sustainable Development objectives more effectively. Key to the IAG's remit was the interpretation of Sustainable Development in a planning context. As such we do not believe that the outcomes of this consultation should be implemented before full consideration has been afforded to the IAG recommendations.

WEL also wishes to express concerns regarding suggested timings of the Planning and Sustainable Development Bills. We believe that the Sustainable Development Bill must be developed prior to the Planning Bill so that the definition of sustainable development is set and can sensibly inform the context of the Planning Bill.

### **b) Definition of Sustainable Development**

WEL recognises the Welsh Government's on-going commitment to sustainability, both through its Sustainable Development Scheme and its approach to sustainable development as a central organising principle. However, WEL remains concerned that different definitions of sustainable development are being used by a range of stakeholders at local and national levels. This has led to a lack of clarity and consistency in the definition and understanding of the term 'sustainable development'. We believe that this issue should be rectified as a matter of urgency.

The forthcoming Sustainable Development Bill presents the perfect opportunity to provide a clear, statutory definition of sustainable development in Wales and ensure that there is absolute certainty and use of an unambiguous definition across all authorities in Wales. This in turn provides the planning system (and its guidance in the form of PPW) with a clear role to deliver a comprehensive sustainability agenda.

WEL believes that the agreed definition of sustainable development must recognise the intrinsic and full value of the environment as well as its economic and social values. It should operate within the accepted boundaries of defined environmental capacities and standards, which serve to maintain integrity, retain resilience, safeguard cohesion and create and maintain diversity of status, choice and opportunity. 'Environmental capacity' should include full recognition of protected landscapes and the fact that, because of their special qualities, they are a major contributor to the economic well-being of Wales e.g. through tourism. In addition, the current One Wales, One Planet definition recognises impacts outside Wales as pertinent to what is meant by sustainable development. This point needs to be clearly reflected in planning guidance.

### **c) Decision-making process**

WEL does not believe the decision-making process for sustainability to be as simplistic as defined in the consultation response – "social, economic and environmental issues [to] be considered at the same time".

We believe that the planning system in Wales should adopt an integrative rather than a balance-based approach to decision making. This echoes the concept of strong sustainability, where it is recognised that ultimately all economic and social activity is dependent on the natural environment, its resources and ecosystem services that it provides. In practical terms, this means that development proposals and proposed allocations for economic development must, at a minimum, not cause significant adverse impact on the environmental and social elements of sustainable development, and ideally, should benefit all three elements.

The “balance” approach should not be employed. This implies that there is in fact inequality and competition between all dimensions of sustainable development, whereby the conflicting demands of the three dimensions are weighed up and traded off against each other in a “winner takes all” scenario. Sustainable development in this context is about actively seeking imaginative solutions to possible conflicts at both “strategic” and “downstream” stages, rather than adopting a “jobs versus the environment” approach.

In addition, effective and appropriate use of Environmental Impact Assessment (EIA) and Sustainability Appraisal/ Strategic Environmental Appraisal (SA/SEA) can and should contribute to integrated consideration of issues as well as helping to minimise, mitigate and compensate for impacts. This would help define processes through which the integration of social and environmental issues at local/ regional level can be worked through.

**d) Lack of reference to or synergy with ‘A Living Wales’**

WEL is also concerned that the consultation document does not make any reference to the relationship that the planning system in Wales must have with the emerging ‘A Living Wales’ agenda. The implementation of ‘A Living Wales’ will substantially increase the role and importance of the protection of the environment and its natural and cultural assets. This emerging agenda will need to operate within the context of delivering the Welsh Government’s sustainability objectives. We believe that this omission needs to be rectified as outlined in our response in Question 1.

**e) Lack of a spatial planning approach**

WEL would argue that a spatial planning approach should be at the heart of planning for sustainable development, and as such called for a “larger than local” level of planning in the response to the Wales Planning Review Independent Advisory Group’s call for evidence. Challenges such as climate change and protecting and enhancing the natural environment are best addressed by providing direction and guidance from the national strategic level so that local level can implement strategies that together can be greater than the sum of their parts. In the case of the natural environment, effective planning including the implementation and maintenance of ecological networks will often need to take place at a landscape or ecosystem scale that may lie outside administrative boundaries. Such actions may require joint working between local authorities and other public bodies and may in reality be required to ensure compliance with legal obligations of the Birds and Habitats Directives.



**The following WEL members support this document:**

**Campaign for National Parks**

**Campaign for the Protection of Rural Wales**

**Cymdeithas Eryri / Snowdonia Society**

**Keep Wales Tidy**

**RSPB Cymru**

**Wildlife Trusts Wales**

**WWF Cymru**

**Wye and Usk Foundation**

**Ymddiriedolaeth Genedlaethol / National Trust**

**Youth Hostel Association**

## CONSULTATION FORM

Planning for Sustainability The presumption in favour of sustainable development		
2 March – 25 May 2012		
<b>Name</b>		
<b>Organisation</b>		
<b>Address</b>		
<b>E-mail address</b>		
<b>Type</b> (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" 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"/>
	Other (other groups not listed above)	<input type="checkbox"/>

		Yes	No
<b>Q1</b>	Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	[New section 4.2]	Please select	

**Additional comments:**

Whilst we agree, we also place emphasis on the approach to decision making outlined in point 5 of the consultation document, particularly a process which ..'demands integration between economic, social and environmental outcomes'. The policy should ensure the proper integration, rather than weighting or balancing in favour of one or other. We support the changes proposed (points 20-22), and we would further strengthen the proposed statement at point 4.2.3 so that it properly recognises design as a problem solving process capable of facilitating sustainable development. All development should therefore responds to its context and be well designed. Wales must be more able to demonstrate the kind of quality sustainable developments we see elsewhere in the UK which are founded in good design. Policy should assist decision makers to avoid polarisation and an either/or situation. For example there should not be a trade off between say affordable housing and environmental improvements - the outcome sought should be a good, socially inclusive neighbourhood, with a high quality environment. The new statement, and any local policy should clearly set out these expectations. It will also be necessary to ensure the Development Management teams, and associated departments, at a local level, as well as the Elected Members have the skills and capacity to ensure such decision making. We would also draw your attention to our comments on earlier consultations including Realising the Potential of Pre-Application discussion; our evidence submitted to the IAG during the planning review and Planning and Economic Development.

<b>Q2</b>	Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?	<b>Yes</b>	<b>No</b>
		<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
	[New section at 2.7]	Please select	
Additional comments:			

<b>Q3</b>	We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.
Additional comments:	
<p>To achieve good quality sustainable development, there must be greater recognition and seriousness of approach to the problem solving tool of good urban and landscape design, setting the context for good architecture and thereby enabling good places as well as good buildings. The legacy of poor design is unsustainable development, the very expensive problems of which we are still addressing, due to the poor quality of developments from the 1960s and 1970s. The policy must encompass the long termism outlined in 'Sustaining a Living Wales', and use design quality as a means of realising the potential that undoubtedly exists. In Scotland, national policy recognises and is committed to well designed, good sustainable places and at the end of May, in its International Design Seminar in Glasgow Scotland will launch its consultation on a refreshed architecture policy. In England good design is explicitly recognised in the NPPF and design review processes or their equivalent - such as DCfW's Design Review, Design Exchange and confidential design scoping and workshop services, offered at the earliest stages - are endorsed. National policy in Wales should do the same and should act to strengthen the existing TAN 12 (insufficiently implemented through local policy) and to strengthen PPW 2.9.</p> <p>In using the term presumption, which does not necessarily depend on grounds or evidence, it will be necessary to ensure care is taken to properly assess the credentials of development proposals in order that they are judged to be genuinely sustainable. There is a danger of carbon efficiency, or some other single element, becoming the single pillar on which claims to sustainability rest. Overall we would advocate that the problem solving processes of good design be more strongly expressed in policy in order to achieve more sustainable, better quality developments which are approached holistically to achieve integration of the social, economic and environmental.</p>	

**Confidentiality**

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: ☒

## CONSULTATION FORM

Planning for Sustainability The presumption in favour of sustainable development						
2 March – 25 March 2012						
<b>Name</b>	Mike Webb					
<b>Organisation</b>	RSPB					
<b>Address</b>	RSPB Cymru, North Wales Office, Unit 14 Llys Castan, Ffordd Y Parc, Parc Menai, Bangor, Gwynedd LL57 4FD					
<b>E-mail address</b>	<a href="mailto:mike.webb@rspb.org.uk">mike.webb@rspb.org.uk</a>					
<b>Type ( please select one from the following)</b>	Businesses	<input type="checkbox"/>				
	Local Planning Authority	<input 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 checked="" type="checkbox"/>				
	Other (other groups not listed above)	<input type="checkbox"/>				
<b>Q1</b> <input checked="" type="checkbox"/> x	Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development? [New section 4.2]	<table border="1"> <thead> <tr> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	Yes	No	<input type="checkbox"/>	<input type="checkbox"/>
Yes	No					
<input type="checkbox"/>	<input type="checkbox"/>					

Additional comments:

The RSPB agrees with the general approach take in this consultation document (with caveats set out below). Before examining the consultation document in detail we would like to make the following point:-

It is not clear from the draft document what the relationship between it and then recent closed consultation on the new chapter 7 of Planning Policy Wales is. That consultation proposed changes to some of the same paragraphs of PPW as does this one (relating to the materiality of out of date and superseded development plans). The results of this earlier consultation have not been produced; therefore we request clarification as to how the results of the two consultations, insofar as they deal with the same issues, will be progressed.

We also note that the Welsh Government's Independent Advisory Group (IAG) is also considering some of the same issues, and we further request clarification as to how the recommendations emerging from their report will be considered in relation to this consultation, should conclusions of the two differ.

**The Definition of Sustainable Development:**

The RSPB supports use of the definition of Sustainable Development as set out in paragraph 4.

**The Need to Avoid Considering Individual Elements of Sustainable Development in Isolation:**

The RSPB supports the approach set out in para 5 of the document and paragraph 4.2.1 of the draft revision of Planning Policy Wales, and note that this is in conformity with paragraph 8 of the final version of the NPPF. However, this appears to be contradicted by paragraph 4.2.4 of the draft revision, which states: -

*"it will be for the decision-maker to balance and reconcile those key policy objectives when planning for there area and in taking decisions on individual applications"* (emphasis added).

The RSPB objects to the use of the term "balance" in this context because, far from considering the three sustainable development elements together, as set out in paragraph 5 and paragraph 4.2.1, balancing potentially competing issues implies setting them against each other in a "winner takes all" scenario. We consider that the term "balance" should be deleted and should be replaced with "integrate", because the latter term implies a proactive and imaginative effort on the part of planners to seek "win win" situations in pursuit of sustainable development.

### **The Purpose of Planning:**

Paragraph 10 of the document sets out a proposed purpose for planning (“to set a framework and manage the development and use of land in the public interest, taking full account of economic, social and environmental issues”). Whilst reference to the three elements of sustainable development is welcome, the proposed purpose does not, in our view, go far enough, and is in any event contradicted by paragraph 13, which states: -

*“existing legislation requires that plans must contribute to the achievement of sustainable development...”*

Thus to merely “take into account” (and therefore by implication discount in certain circumstances) the three elements is too passive. The requirement to contribute to the achievement of sustainable development is preferable, because it is more proactive and seeks sustainable solutions to potential conflicts rather than merely taking them into account.

A related issue in this respect is reference in the sustainable development definition employed by the document at paragraph 4, citing criterion b of the Sustainable Development Scheme, on the need, when achieving wellbeing, to do so in ways which enhance the environment. Reference to enhancement is key to an understanding of the new presumption in favour of sustainable development – planning decisions or development plans which result in material damage to the environment are not in conformity with the new presumption, even if they facilitate economic or social wellbeing. Further, the “enhancement” requirement in the Sustainable Development Scheme, described above, means that proactive efforts to maximise opportunities for net gain for the environment must be pursued, even if the main purpose of the development is not primarily environmental.

### **The Need to Ensure a Full Set of Development Plans in Wales:**

We support the statement at paragraph 8 that:-

*“ the best way to ensure that sustainable planning decisions are taken is to ensure that an up-to-date development plan is in place”.*

However, that presupposes that recently adopted development plans are themselves perfect expressions of sustainable development. The recently issued Deposit Draft version of the Newport Local Development Plan, which includes proposed highway, employment and community facilities allocations on the Gwent Levels SSSI, a UK-nationally important statutorily designated site for nature conservation, is a reminder that even recent LDPs are not, in our view, sustainable. The Welsh Government is therefore urged to use its powers to ensure that LDPs are truly sustainable, in the context of the statement at paragraph 5 and



paragraph 4.2.1 about the need to avoid considering one element of sustainable development in isolation from the others, so that a logical chain of conformity from a sustainable LDP to sustainable development management decisions is created.

	Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?	Yes	No
x	[New section at 2.7		

Additional comments:

The RSPB agrees in part with this proposed policy position. We concur with WG disquiet at the lack of full, recent development plan coverage for Wales, and we further support giving decreasing weight to outdated or superseded development plans, as set out in new draft para 2.7.1.

There is uncertainty as to whether national planning policy is to be the sole new consideration to be given added weight in the circumstances described in paragraph 23 et seq. Section (B) of para 22 of the consultation document implies that it will be, but this is contradicted by new paragraph 2.7.1 which refers to: -

*“other material considerations such as national planning policy” (emphasis added)*

The wording as drafted could lead to a planning policy vacuum in the sense that use of the weakening qualifier “such as” could lead to a situation where, in making planning decisions, a local planning authority could cite, in its justification, a perceived material consideration which is not national planning policy (such as the poor economic performance in the local planning authority area) to justify environmentally damaging decisions, and still be in conformity with the intention and spirit of the proposed amendments to Planning Policy Wales.

The RSPB considers that national planning policy should be the sole new consideration to be given added weight through this consultation, and advocates that the new draft paragraphs of PPW are amended to clarify this.

#### Definitions of “Outdated” and “Superseded”:

Some uncertainty exists in the document as to the definitions of “outdated” and “superseded” are . Annex A includes a list of 6 local planning authorities which have either structure plans or local plans or no plan whatsoever, out of 25 local planning authorities. A further possible

definition is when the end of the plan period has been passed, and this definition would capture a further 6 local planning authorities. However, a number of this latter category were adopted less than 6 years ago. There is thus some confusion as to what is the definition of an outdated plan policy, and this needs to be rectified in the final version of the amendments to Planning Policy Wales. The definition should be couched in terms of the age of the plan and/or whether the plan period has been passed.

Similarly, the new draft paras give no guidance as to how LPAs (or PINS and the Welsh Ministers) should decide upon whether a plan policy has been superseded. If it is the intention for example that any development plan adopted before the most recent version of PPW has, by definition been superseded, then even some adopted LDPs would be captured by that definition, which cannot be the intention of the draft document. If however a different set of criteria for deciding upon this matter is to be used, this should be set out.

Para 2.7.1 should be amended to state that this new policy should apply not just to LPAs, but also to PINS and to the Welsh Ministers.

Sanctions on Local Planning Authorities who fail to Adopt Development Plans within a Reasonable time-frame:

The consultation does not set out what sanctions should be applied in instances where LPAs fail to adopt development plans in a timely manner. At present, pressure to do so consists of exhortation and the threat of a planning vacuum leading to “planning by Appeal”. However, there will be some local planning authorities whose Members will be content with a planning vacuum, and will be keen for the Welsh Government to take on the role of formulating the LDP, because that allows them to shift the responsibility for unpopular decisions onto the Welsh Government and away from themselves as locally-elected politicians. Some meaningful sanctions should be put in place to ensure that there is local political ownership of the new generation of development plans in Wales.

We support the effective downgrading of local plans and structure plans *vis a vis* materiality, as set out in paragraphs 18 and 25, and the recognition that discontinued plans adopted for development control purposes are not included in the definition of “adopted and approved” plans (paragraph 26).

Q3

We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.

Additional comments:

Confidentiality

Responses to consultations by be made public – on the internet or in a report. If you would prefer your response to be kept confidential please indicate here ☐

# **Welsh Government consultation: Planning for Sustainability – The presumption in favour of sustainable development**



**A response from Participation Cymru**

# 17 April 2012

Participation Cymru

WCVA

Baltic House

Mount Stuart Square

Cardiff

CF10 5FH

## **An introduction to Participation Cymru**

Participation Cymru is a partnership of public and third sector organisations that is managed by Wales Council for Voluntary Action and supported by an Advisory Panel that provides advice and guidance on strategic development. The panel comprises of:

- Association of Chief Police Officers in Wales
- Countryside Council for Wales
- HM Courts Service
- National Leadership and Innovation Agency for Healthcare
- National Museum Wales
- One Voice Wales
- Wales Co-op Centre
- Participation Unit, Save the Children Wales
- Tenants Participation Advisory Service Cymru
- Wales Association of County Voluntary Councils
- Wales Audit Office
- Wales Council for Voluntary Action

- Welsh Government
- Welsh Local Government Association
- Welsh NHS Confederation

Participation Cymru aims to support public service providers in their commitment to participation thus ensuring excellent public services that are vital to a prosperous, sustainable, healthier and better-educated Wales. We provide innovative training, support, information and policy directions in participatory approaches to citizen engagement.

# **A response to the Welsh Government's Consultation Document: Planning for Sustainability – The presumption in favour of sustainable development**

## **National Principles for Public Engagement 2011**

The National Principles for Public Engagement were developed by the Participation Cymru partnership on behalf of Welsh Government following extensive informal engagement and formal consultation in 2010/11. Subsequently, the Welsh Government endorsed the Principles in March 2011. Since then extensive work has been carried out by the Participation Cymru partnership to promote the endorsement of the Principles by public service organisations in Wales. To date many local authorities and Local Service Boards have endorsed them with a commitment to ensure that the ways in which they engage with the public are effective and in accordance with the Principles. This measure needs to make mention of the Principles and make provision to ensure active participation by those who will be affected by decisions.

For more information please see our website [www.participationcymru.org.uk](http://www.participationcymru.org.uk)

## **Introduction**

The first paragraph states that 'Sustainability means healthy, productive people; vibrant, inclusive communities; a diverse and resilient environment and an advanced and innovative low carbon economy.' For inclusive communities people need to have a voice to feel empowered. It is important to offer people opportunities to get involved if they so wish.

**National Principles for Public Engagement 2 – 'Encourage and enable everyone affected to be involved, if they so choose' & 6 – 'Make it easier for people to take part' & 7 – 'Enable people to take part effectively'.**

The fourth paragraph speaks of ongoing stakeholder engagement. Participation Cymru welcomes Welsh Government's commitment to public engagement. The Principles help to ensure that the engagement process is done well.

**National Principle for Public Engagement 1 – 'Engagement is effectively design to make a difference.'**

## **What are the main issues?**

**Section 5** outlines sustainable development as an approach to decision making process that: ‘... encourages active participation by those who will be affected by decisions...’ Participation Cymru welcomes Welsh Government’s commitment to public engagement and the endorsement of National Principles for Public Engagement. The Principles serve as a guide to an effective public engagement in Wales. Engagement needs to be planned with the relevant and understandable information provided in accessible formats. The purpose of engagement is not just to gather people’s views but to empower them to become active members of the community

**National Principle for Public Engagement 3 – ‘Engagement is planned and delivered in a timely and appropriate way’ & 5 – ‘The information provided will be jargon free, appropriate and understandable’ & 7 – ‘Enable people to take part effectively.’**



## CONSULTATION FORM

Planning for Sustainability The presumption in favour of sustainable development		
2 March – 25 May 2012		
<b>Name</b>	Peter Davies	
<b>Organisation</b>	Commissioner for Sustainable Futures	
<b>Address</b>	Cynnal Cymru Cambrian Buildings Mount Stuart Square Cardiff	
<b>E-mail address</b>	chris@cynnalcymru.com; peter.davies@cynnalcymru.com	
<b>Type</b> (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input 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"/>
	Other (other groups not listed above)	<input checked="" type="checkbox"/>

		Yes	No
<b>Q1</b>	Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	[New section 4.2]	Please select	

**Additional comments:**

Sustainable development is the core purpose of government in Wales, through the One Wales: One Planet Sustainable Development Scheme for Welsh Government, and for the wider public sector through this and the forthcoming Sustainable Development Bill. All development should be contributing to the vision for a future Wales contained in the One Wales: One Planet scheme, and this presumption in favour should enable better decision making in the planning system that delivers sustainable development.

The definition of sustainable development used is taken directly from One Wales: One Planet, and this is important in helping to ensure that all development activity across Wales is working efficiently to a single definition of the desired outcomes from sustainable development.

The proposed wording for national planning policy should be stronger on the role of sustainable development, to improve clarity of purpose, for example:

4.2.4 - "balancing" and "reconciling" objectives often means that weak sustainability will be achieved (broadly where sub-optimal balances of 'goods' and 'bads' are achieved that continue to deplete the stock of natural capital), whereas win-win-win scenarios that deliver strong sustainability should be the objective of this paragraph.

Demonstrating net improvement or win across all strands of sustainability could be difficult, so concepts such as environmental limits could be used to ensure no net loss occurs.

There will always be hard choices to be made when developing local plans or taking decisions, and this is the point at which sustainable development as a decision making approach should be the tool of choice for local planning authorities.

Sustainable development is sometimes viewed as the environmental champion competing with economic development, and it is positive that the proposals in this consultation move well past that out of date view. The proposals should however develop stronger links with the Sustaining a Living Wales programme of work, which is developing a method of valuing the natural environment in ways that promote economic progress and job creation.

Q2	Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?  [New section at 2.7]	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Please select	
<p><b>Additional comments:</b></p> <p>The planning system needs to be outcome-focused in order to be an effective enabler of sustainable development. Good quality, up to date local plans help to give certainty and predictability to the planning system, to make investment in sustainable development viable.</p> <p>Local plans will by their nature become outdated over time, and emphasis should be given to keeping the involvement of communities in the plan process going after formal adoption, to evaluate plans' ongoing success for the citizens each serves. Effective sustainable development requires the involvement of citizens, and the plan process should not be seen as a point-in-time consultation exercise.</p> <p>All decisions, whether included in a local plan or brought forward under the presumption in favour of sustainable development need to reflect national planning policy on sustainable development. Where local plans are developed with strong sustainability at their core, this reflection of national policy will be built into the decision by considering the local plan. Issues could arise where local plans do not have sustainable development objectives that are clear, or where cross-border or regional approaches would deliver the most sustainable solutions and neighbouring local plans do not facilitate that approach effectively. In these circumstances, national planning policy on sustainable development would help to guide decision making. The role of local development plans should evolve as greater emphasis on city regions and spatial solutions are development, to recognise the need for collaboration and shared solutions to deliver sustainability.</p> <p>The Welsh Government should develop guidance with local planning authorities, to help them develop local plans which have sustainable development as their central organising principle. This accords with the proposed duties under the Sustainable Development Bill, and so would be a valuable exercise to support public bodies prepare for the statutory duty.</p>			

Q3	<p>We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.</p>
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**Additional comments:**

The proposed planning policy adopts a presumption in favour of sustainable development, but does not suggest that there should be an equivalent presumption against unsustainable development. Development of the built environment will be around for many years, so if current developments lock us in to high carbon or unsustainable behaviours, these will continue to affect the progress of Wales for many years. Whilst the objective of this policy is to enable the delivery of economic progress and job creation, it also needs to put Wales on a long term sustainable path, so 'unsustainable' development, whilst admittedly difficult to define, should be prevented.

The proposed policy does not give any direction to how the sustainability of an application should be assessed beyond reference to the One Wales: One Planet definition. For some developments this definition could be hard to operationalise, and so minimum thresholds on the detail, reliability, objectivity etc of evidence to evaluate the sustainability of proposed developments should be considered. The relationship between the aggregation of individual decisions and key measures of progress, such as the Sustainable Development Indicators should be developed further, in particular to support the development the Sustainable Development Bill and later a statutory sustainable development advisory body.

**Confidentiality**

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: ☐

## CONSULTATION FORM

Planning for Sustainability The presumption in favour of sustainable development		
2 March – 25 May 2012		
<b>Name</b>	Richard Price	
<b>Organisation</b>	The Home Builders Federation	
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<b>E-mail address</b>	richard.price@hbf.co.uk	
<b>Type</b> (please select one from the following)	Businesses	<input checked="" type="checkbox"/>
	Local Planning Authority	<input 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"/>
	Other (other groups not listed above)	<input type="checkbox"/>

		Yes	No
<b>Q1</b>	Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	[New section 4.2]	Please select	

**Additional comments:**

We agree with the need to strengthen national guidance on the delivery of development in Wales. However, we firmly believe that the root cause of the lack of delivery lies with the local planning system itself. Ultimately, the local planning system needs to be robust in order to ensure development is delivered on the ground and therefore, we believe firm action needs to be taken at a national level to ensure local authorities adopt robust LDPs in a timely manner and also keep LDP's up to date through regular monitoring. Where they fail to take this responsibility, it is vital that national policy can be used to determine development proposals. To do otherwise would reward those local authorities that shirk their important function as a plan making authority.

To a certain extent the presumption in favour of development, if enforced properly, could act as an incentive to ensure local authorities adopt a robust local planning framework in a timely manner. However, we believe more power should be sought, at a national level, to intervene more readily where local authorities are not fulfilling their obligations.

Further to the above, we believe that any fear expressed that this will result in 'unsustainable development' is unfounded. Provided the guiding principles of the term 'sustainable development' are clearly set out, there should be no reason to assume that any development proposed in local authorities without up to date development plan would somehow be unsustainable. Clearly, it would be far worse to allow a situation where there is no policy context against which to judge development proposals, (Cardiff's situation being a clear example of this in practice). Therefore, development should always be considered through an up to date and robust local development plan or by using the principles set out within national policy.

Q2	<p>Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?</p> <p>[New section at 2.7]</p>	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Please select	
<p><b>Additional comments:</b></p> <p>However, national policy also needs to be robust in recognising the need to deliver development, if it is to step in where local planning policy has failed.</p> <p>In this respect, we are concerned that a presumption in favour of development will not be sufficient to ensure housing is delivered appropriately in Wales. For example, the changes to the JHLAS system have, in our view, watered down the robustness of the JHLAS process considerably. We are extremely concerned with the way in which the system is headed, particularly in light of the fact that UDP's are expiring and LDPs are not being adopted in their place.</p> <p>Essentially, despite our comments on the need to consider additional evidence when calculating the 5 year supply, Inspectors have merely followed the TAN and judged each case on either the residual method or past build rates. However, given that we have very little up to date development plan coverage in Wales, with the prospect of an improved situation looking very bleak, the only course of action left is to calculate the 5 year supply based on past build rates.</p> <p>This, we believe, cannot be an appropriate basis for continued calculation of the 5 year supply of land in Wales, particularly given that, in the majority of cases, the level of development assumed by past build rates is far lower than the evidence on housing requirements produced by each local authority to inform the LDP process or the level of development set out by the Welsh Government's Household Projections. To simply ignore this wider evidence, because it is not covered by the TAN (which is now nearly 7 years out of date), detracts from the principles behind the creation of the system in our view and certainly reduces the validity of something that was previously fairly robust.</p> <p>The other clear issue with allowing local authorities to use past build rates, is the evidence on falling build rates in recent years across Wales. In this respect, we have proven that lower build rates in most local authorities are as much a consequence of a lack of supply as they are of the recession and therefore, the new system effectively rewards local authorities for performing poorly with respect to housing delivery. It is interesting to note that the LDP housing requirement would never be solely based on past build rates and therefore, in the absence of a local plan, one wonders why the remaining statutory housing delivery mechanism is allowed to rely so heavily on it.</p> <p>In light of the above, we are concerned, particularly given the local planning framework void we currently experience, that appeal cases will be lost merely because local authorities can artificially increase their housing land supply figures as a result of lower house building rates. This will do nothing for housing supply, including the supply of affordable housing, and will also have major negative impacts on regeneration and investment. All of which are priorities for the Welsh Government that have been voiced through the recently released Housing White Paper and the Wales Infrastructure Investment Plan.</p> <p>With respect to the above, whilst we agree with the principle of reducing the weight placed on out of date development plan policies, it is clear there are additional measures that need to be taken at a national level to strengthen national guidance with respect to the delivery of development, particularly housing development. An update to TAN 1 is a clear priority in this regard.</p>			

**Q3**

We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.

**Additional comments:**

The definition of 'sustainable development'

It is clear that the definition of the term 'sustainable development' will play a central role with respect to the application and implementation of the presumption. In terms of the definition, the consultation emphasises the importance of considering the economic, social and environmental aspects of sustainable development holistically. We would endorse this more inclusive approach to policy creation, as thus far, policy makers have tended to consider sustainable development mainly in terms of its relationship to environmental issues, particularly environmental protection. Therefore, we believe it is imperative that the term sustainable development gives due consideration to the economic and social requirements of Wales, as well as the environmental requirements, and becomes a tool that is aimed at promoting development, rather than restricting development in favour of environmental protection.

In light of the above, we believe a more robust definition of the principles underlining the term 'sustainable development' (rather than a precise definition of the term itself) is required, which links directly to planning and delivery, and asserts, in no uncertain terms, that the term sustainable development is chiefly concerned with promoting and delivering development.

We understand that to provide a more detailed definition of the term itself might risk creating uncertainty for planners in adopting local plans and determining applications, particularly where a strict definition would not 'fit' with the characteristics and requirements of development in their particular local authority. Such uncertainty must be avoided as it would directly undermine the objective to speed up and streamline the planning system in Wales. However, more explanation on the what the presumption is meant to achieve and the principles behind its creation, might serve as a benefit in terms of speeding up the planning system and helping planners to understand how the term sustainable development should be applied locally.

Enforcement and application

We believe more detail needs to be provided on how the proposed presumption in favour of development might work in practice, and the extent to which any default position to favour development in national planning guidance can be enforced at a local level.

In this respect, enforcement of the presumption will be a key factor in ensuring it operates efficiently and effectively and therefore, it is essential that the proposal is back up by clear mechanisms to demonstrate when it will be applicable and how it will be applied and enforced.

The presumption and land supply

We believe it is also important to ensure any development plans that are adopted contain viable policies and deliverable strategies – a situation that has failed to present itself with most of the adopted LDPs thus far. The acute lack of viable and deliverable land for housing development offered by the majority of LDPs that have been adopted is causing a severe bottleneck to the delivery of new homes in Wales. Therefore, we believe the presumption in favour of sustainable development should also apply when local authorities have a land supply below the statutory 5-year requirement, in order to ensure we continue to deliver housing development in situations where the adopted local planning framework has failed. Clearly our comments above on strengthening the JHLAS system will be essential in this regard, in order to ensure housing development continues to be delivered on the ground..



## CONSULTATION FORM

Planning for Sustainability The presumption in favour of sustainable development		
2 March – 25 May 2012		
<b>Name</b>	Cath Ranson	
<b>Organisation</b>	Pembrokeshire County Council	
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<b>Type</b> (please select one from the following)	Businesses	<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"/>
	Other (other groups not listed above)	<input type="checkbox"/>

		Yes	No
<b>Q1</b>	Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	[New section 4.2]	Please select	

**Additional comments:**

It is important that a clear statement on the presumption in favour of sustainable development is introduced to strengthen national planning policy.

However, the definition of “sustainability” needs improvement. Currently, the concept is defined as “Healthy, productive people; vibrant, inclusive communities; a diverse and resilient environment and an advanced and innovative low carbon economy”. Within this definition there is no reference to any need to ensure that future generations are not negatively impacted by decisions taken today. This is a significant element of sustainability and needs to be incorporated into the definition. Some examples can be seen below:

“Means ensuring that better lives for ourselves don’t mean worse lives for future generations” - the Ministerial Forward of the National Planning Policy Framework (England)

“Development that meets the needs of the present without compromising the ability of future generations to meet their own needs” – UN Brundtland Commission, 1987

We agree with the statement in paragraph 4.2.3 “Local planning authorities should exercise their planning functions with the objective of contributing to the achievement of sustainable development”. Instead of stating that this means that there should be a presumption in favour of developments that enhance the economic, social and environmental well-being of people and communities now and over the longer term, there should instead be a cross-reference the definition of sustainable development in paragraph 4 already set out in Planning Policy Wales paragraph 4.1.2:

“Sustainable development in Wales means enhancing the economic, social and environmental well-being of people and communities, achieving a better quality of life for our own and future generations in ways which:

- Promote social justice and equality of opportunity; and
- Enhance the natural and cultural environment and respect its limits – using only our fair share of the earth’s resources and sustaining our cultural legacy”.

Q2	Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?  [New section at 2.7]	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Please select	
<p><b>Additional comments:</b></p> <p>This is a transitional issue related to those authorities relying on outdated policies in Development Plans preceding Local Development Plans and is therefore time limited.</p> <p>The issue of outdated or superseded development plan policies has been created in part by the Statutory Orders which empowered LPA commencement of work on LDPs by specifically removing powers under the previous legislation to modify existing plans.</p> <p>Once all authorities in Wales have adopted LDPs this issue should be addressed by:</p> <p>1 Arrangements in place for monitoring and review of Local Development Plans;</p> <p>2 Future arrangements for change to legislation and / or national policy to incorporate transitional arrangements to align with LDP Review</p>			

Q3	We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.
<p><b>Additional comments:</b></p>	

<b>Confidentiality</b>
<p>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"/></p>

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worldwide**Wales**

WG14377 - 87

28 May 2012

Andrew Charles  
Planning Policy Branch  
Planning Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Dear Mr Charles,

### **Planning for Sustainability. The presumption in favour of sustainable development**

Thank you for the opportunity to respond to the consultation dated 2 March 2012.

RICS Wales is the principal body representing professionals employed in the land, property and construction sector and represents some 4000 members divided into 17 professional groups. As part of our Royal Charter we have a commitment to provide advice to the Government of the day and in doing so we have an obligation to bear in mind the public interest as well as the interest of our members.

We are supportive of these proposals in general and the proposed balance of priorities in the Planning System. Our detailed responses to these consultation questions are as follows:

#### **Consultation Questions**

##### **Question 1 (new section 4.2)**

##### **1. Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development?**

Yes, this should deliver clarity and more consistency throughout Wales. In addition there needs to be a partnership between the local authorities and the infrastructure providers to reduce the cost of providing infrastructure to a development. The developer cannot carry all the development costs in all cases as the final output costs (building costs) are in some cases now in excess of market conditions. At present the applicant is often requested to pay for the complete updating of the local infrastructure, regardless of the costs involved. As a result on

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occasion it can be disproportionate to the actual development. It is therefore important that Planners and Local Authorities are attentive to changes in market conditions.

**Question 2** (new section 2.7)

**2. Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?**

Yes there should never be a vacuum in planning policy either locally or nationally. It will also rightly encourage Local Development Plans be kept up to date. Planning departments should aim to promote and assist planning applications and to offer clear and comprehensive direction on how the application will be acceptable.

**3. We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.**

We would like to highlight the potential in converting retail into residential. In cases where there is an excess of capacity in retail existing alongside a demand for Housing this route is one that offers some potential alleviation to both problems. We would very much welcome Welsh Government examining how the Planning system could encourage conversions in such cases.

**Other comments**

If you have any queries in respect of this response please do not hesitate to contact me.

Yours sincerely,

**David Morgan**  
**Policy Manager**

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## CONSULTATION FORM

Planning for Sustainability The presumption in favour of sustainable development		
2 March – 25 May 2012		
Name	ENRIFER KLAUS ARMSTRONG-BRAUN	
Organisation	ENVIRONMENTAL - EU	
Address	'AMAZONIA', BEATON CLOSE, BROUGHTON CHESTER CH4 0RE	
E-mail address	klaus.armstrongbraun@yahoo.com	
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input 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"/>
	Other (other groups not listed above) AGENT. CONSUMER	<input type="checkbox"/>

		Yes	No
Q1	Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development?	<input type="checkbox"/>	<input type="checkbox"/>
	[New section 4.2]	Please select	

Additional comments:

PARTLY - BUT OBJECT TO THRUST - OVERALL THRUST IS NOT TO LIVE WITHIN MEANS OF OUR EARTH RESOURCES FOR ALL SPECIES BUT FOR HUMAN BENEFIT EVEN IF HARMING OURSELVES

WE OBJECT TO DEFINITION OF SUSTAINABLE DEVELOPMENT AND WOULD THE FOLLOWING ADAPTED:

"SD IS PROVIDING A GOOD QUALITY OF LIFE FOR ALL PEOPLES WITHOUT CAUSING A DEGRADATION OF THE QUALITY OF LIFE FOR ALL OTHER SPECIES NOT TO HARM THE INTERESTS OF THE CREATOR

(K A-B 2009)



Q2	Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?  [New section at 2.7]	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
		Please select	

Additional comments:

YES. INCLUDED IN THIS WGT BE TAKEN INTO ACCOUNT NEW 'LIVING WALS' ACT (REGS) NEXT YR AND OUR BORNEO CORRIDOR. AS PROVIDED TO BIODIVERSITY & CONSERVATION DIVISION POLICY MR. CHAIR WORKER

Q3	We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.
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Additional comments:

THE PATTERN

TAK 4 MEADS ALSO TO IN CONSUMER REQUIREMENT OF THE UK PILOT PROJECT BEING ENACTED BY DEFRA ON SURVILLANCE OF ALL EU PROTECTIVE SPECIES TO ASCERTAIN WHERE DEVELOPMENT CAN GO OR ACTIVITY WITH HARM TO THE SPECIES TO MEET THIS ACTION FOR EU EN

**Confidentiality** AGAINST UK GOVERNMENT IN BATH OR FINE EU

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: ☐

OUR COMMENTS CAN BE DISCLOSED

## CONSULTATION FORM

Planning for Sustainability The presumption in favour of sustainable development		
2 March – 25 May 2012		
<b>Name</b>	Planning Policy Service	
<b>Organisation</b>	Conwy County Borough Council	
<b>Address</b>	26 Castle Street Conwy LL32 8AY	
<b>E-mail address</b>	cdll.ldp@conwy.gov.uk	
<b>Type</b> (please select one from the following)	Businesses	<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"/>
	Other (other groups not listed above)	<input type="checkbox"/>

		Yes	No
<b>Q1</b>	Do you agree with our approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	[New section 4.2]	Please select	



**Additional comments:**

There have been many different definitions of sustainable development (for example, the preamble forming the consultation document refers to a definition in the Sustainable Development Scheme) and the definition used in this consultation document giving a presumption in favour may create further confusion through interpretation. Is it not already the case that there is a presumption in favour of sustainable development, that social, economic and environmental issues are already considered at the same time? Isn't planning already holistic in nature? It is questionable, however, whether the draft revisions are 'clear' or would lead to greater uncertainty.

A pragmatic approach is required with sustainable development. What development would get refused now that this proposed change is seeking to encourage? Would it not be covered now with an overall balanced assessment of beneficial gains or negative impacts resulting from development?

Paragraph 4.2.3 introduces new text on exercising planning functions with the objective of contributing to the achievement of sustainable development. How is this to be assessed and what evidence will be required?

Paragraph 4.2.4 refers to the decision maker's responsibility to balance and reconcile the key policy objectives when planning for their area and in taking decisions on individual applications. Is this a case of personal perception? There may well be differing views between an LPA officer, the applicant/agent and the Inspector.

On the issue of clarity, how would the definition used in the consultation document rest with the recent consultation on revisions to Chapter Seven of PPW? Namely the new text proposed for para 7.6.2:

'Planning authorities should look favourably on applications for economic land uses which are not in accordance with the development plan if the economic benefits of the development are demonstrated to outweigh any adverse impacts.'

This also has potential implications for question two for authorities without an up to date development plan.

One potentially positive outcome of this proposal, however, could be that authorities without adopted LDPs or UDPs should refer to the presumption in favour of sustainable development and therefore work from the same initial position. This is a step in the right direction but what is now required is greater clarity through a mechanism in chapter four which ensures a consistent interpretation of sustainable development and whether a specific proposal constitutes sustainable development (see also question two and Joint Housing Land Availability Studies).

The message conveyed in paragraph 4.2.5 on a plan-led approach and securing a presumption in favour of sustainable development is laudable; however, how is it delivered in practice? Are all sustainable sites allocated and the sites not allocated determined not to be sustainable? If a development is drastically unsustainable then other assessing factors usually pick up on the fact that something is wrong. It would be beneficial to further understand the type(s) of development that the changes are seeking to aid in the future.

Q2	Do you agree that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations such as national planning policy?  [New section at 2.7]	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Please select	
<p><b>Additional comments:</b></p> <p>This should not be applicable to every subject area and how is it argued that all the policies in an outdated plan are not functioning for example environmental protection or settlement boundaries? There are many competing interests and greater explanation is required as to the mechanism for determining how to give decreasing weight to different policy areas.</p> <p>There is also scope to give increasing weight to emerging LDPs taking into account the stage of their individual preparation and completion and consultation of a Sustainability Appraisal/Strategic Environmental Assessment. Further clarification of the position to take in these circumstances would give greater assurances to developers and the public. Additionally, applications considered against the 'presumption in favour of sustainable development' could have significant implications on the emerging land/policies coming forward through the LDP. It is, therefore, unclear how the implications of PPW, Para 2.6.1 to 2.6.7 (prematurity of the LDP) are taken into account when assessing such applications.</p> <p>In the light of revisions to the Joint Housing Land Availability Study process over the last 18 months, including the report from Barton Willmore, a revised version of Technical Advice Note 1: Joint Housing Land Availability Studies (2006) should be issued and include greater clarity between the issue of authorities giving increasing weight to national planning policies - specifically the presumption in favour of sustainable development - in instances where they have a less than five year housing land supply which it is considered is more likely for authorities with outdated or superseded development plan policies (section five - situations where supply is below five years).</p>			

Q3	<p>We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.</p>
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**Additional comments:**

There is a reliance on LDPs being adopted across Wales. Some authorities have achieved this before others. Key factors to the aims of the LDPs and future growth will be market influence, both developer and lender led, totally out of the control of planning. There is a further issue in whether an LDP can respond to development industry demands and is therefore superseded by national policy and guidance.

If there are existing outdated plans that are stifling 'sustainable development' then should mechanisms be put in place to allow the review of these individual policies more easily?

The approach in England now seems more systematic in that the core strategy is agreed separately to the LDF policies. We have up to date proposed LDP policy that could have been in use 3 years ago if it wasn't for the revolving debate over housing sites stalling progress. Current and proposed policy would not change this.

Finally, the consultation document refers to development control whereas other recent consultations, such as Chapter Seven of PPW (Economy), refer to development management. As argued elsewhere in this response, clarification and consistency of terminology is required particularly in this instance as the latter term implies a culture shift in the planning system, something which is undoubtedly advocated in the revisions to PPW which form this latest consultation.

**Confidentiality**

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: ☐