

Number: WG16153



Llywodraeth Cymru  
Welsh Government

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Welsh Government

## Consultation Responses - Part 1

### 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).

[www.wales.gov.uk/planning](http://www.wales.gov.uk/planning)  
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Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

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Tel: 029 2082 3722  
Fax: 029 2082 5622

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Keith Jones  |                                     |
| <b>Organisation</b>   | Institution of Civil Engineers Wales Cymru   |                                     |
| <b>Address</b>  | Suite 2, Bay chambers<br>West Bute Street<br>CARDIFF CF10 5BB  |                                     |
| <b>E-mail address</b>   | keith.jones@ice.org.uk   |                                     |
| <b>Type</b><br>(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:

Guidance should be given to ensure that planning authorities balance the relationship between the three pillars of sustainability appropriately

|                      |   |  |                          |
|----------------------|---|--|--------------------------|
| <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: |   |

|  |
|--|
| <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"/> |

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Hugh Towns   |                                     |
| <b>Organisation</b>   | Carmarthenshire County Council   |                                     |
| <b>Address</b>  | Council Offices<br>Crescent Road<br>Llandeilo<br>SA19 6HW  |                                     |
| <b>E-mail address</b>   | AHTowns@carmarthenshire.gov.uk   |                                     |
| <b>Type</b><br>(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: |  |                                     |                          |
|                      |  |                                     |                          |

|                      |   |  |                          |
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|                      |   | <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |
|                      | [New section at 2.7]  | Please select                              |                          |
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**Folliss Alex ESD - Planning**

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**From:** Stan Edwards [mailto:stan.edwards@dsl.pipex.com]

**Sent:** 06 March 2012 19:21

**To:** planconsultations-c

**Subject:** WG14377 Consultation

Planning Division

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

It is believed by many that the consultations by the Welsh Government on sustainability are merely token. When the Welsh Government can demonstrate that it believes in sustainability in its true sense, rather than with a green ideological bias to it, will those of us, who actually care, take any of its proposals seriously. Unfortunately the perception is that bias was introduced and firmly embedded under the previous (Iain Davidson) administration.

John Griffiths' speech at the RTPi was encouraging but there is a long way to go before we even approach a credible balanced policy on sustainability.

The statement that **'sustainable development promotes the enhancement of the economic, social and environmental well being of people and communities, achieving a better quality of life for our own and future generations'** is sufficient without the qualification it has at the moment. It provides flexibility to the decision makers in government to address these elements without being fettered by any one or more of them.

Stan Edwards MBA FRICS

DIRECTOR

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NP18 3F

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## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Evan Owen  |                                     |
| <b>Organisation</b>   | Bywyd Cymru  |                                     |
| <b>Address</b>  | Preswylfa<br>Dyffryn Ardudwy<br>Gwynedd  |                                     |
| <b>E-mail address</b>   | LL44 2EH   |                                     |
| <b>Type</b><br>(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"/> |
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|   | 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 do we address the issue of the many conflicting interests in the area of fostering social and economic wellbeing between the WG Ministers who on the one hand have a responsibility to provide affordable housing, regeneration and protection of the historic environment while at the same time another Minister is responsible for creating a planning system that works by providing a framework for the presumption in favour of sustainable development and yet has responsibility for areas of outstanding natural beauty and national parks?

| 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?<br><br>[New section at 2.7] | Yes                                 | No                       |
|--|---|-------------------------------------|--------------------------|
|  |   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  |   | Please select                       |                          |
| <p><b>Additional comments:</b><br/>         How do we address the issue of who is qualified to decide whether or not development plan policies are outdated or superseded and how often this exercise is carried out locally? LPAs seem to think that if they meet their targets the development plans don't need to be amended.</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><br/>         How do we address the issue of the conflict of interest created by the National Parks and Access to the Countryside Act 1947 where the overriding obligation is to preserve the landscape in aspic regardless of the social and economic wellbeing of the residents or for that matter the sustainability of development?</p> |

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

| Planning for Sustainability<br>The presumption in favour of sustainable development |   |                      |           |
|---|---|----------------------|-----------|
| 2 March – 25 May 2012   |   |                      |           |
| <b>Name</b>   | <input type="text"/>  |                      |           |
| <b>Organisation</b>   | <input type="text"/>  |                      |           |
| <b>Address</b>  | <input type="text"/>  |                      |           |
| <b>E-mail address</b>   | <input type="text"/>  |                      |           |
| <b>Type</b><br><i>(please select one from the following)</i>                        | Businesses  | <input type="text"/> |           |
|   | Local Planning Authority  | <input type="text"/> |           |
|   | Government Agency/Other Public Sector   | <input type="text"/> |           |
|   | Professional Bodies/Interest Groups   | <input type="text"/> |           |
|   | Voluntary sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)  | <input type="text"/> |           |
|   | Other (other groups not listed above)   | <input type="text"/> |           |
| <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?<br>[New section 4.2] | <b>Yes</b>           | <b>No</b> |
|   |   | yes                  |           |
|   |   | Please select        |           |

Additional comments:

It is necessary because a framework of rules based not on principles but on keeping things the same except when becomes a prison. It does not give officers any understanding of the dynamics of positive change and development..

The proposed SD principle brings people back to the underlying dynamic that should inform and ensoul devepment control.

It is vital to think long term and benefit future generations. It is good to see this issue included in the defining of SD, it could be given even greater emphasis.

|   |   |               |           |
|---|---|---------------|-----------|
| <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?<br><br>[New section at 2.7] | <b>Yes</b>    | <b>No</b> |
|   |   | yes           |           |
|   |   | Please select |           |
| Additional comments:<br>Agree, as this is a great step towards criteria based policy.<br>There are many ways to achieve SD, sometimes a scoring system would be more useful than the pass or fail Rules approach. |   |               |           |

|           |   |
|-----------|---|
| <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:

#### SCALE

scale should always be a material consideration: A tiny thing made of odd materials or design can be funky and charming, when large, invasive or hideous..

#### PROCESS

the ability of people to fill in forms and make representations or do paper research should not be a necessary condition of planning consent. The tightening of requirements is pushing it in this direction.

Bureaucratic prowess is not a legitimate planning condition, or shouldn't be.

#### COLLABORATIVE DECISIONS

there is need for a different method for determining planning applications.

Instead of the applicant being kept at arms length from officers and committee, they should be seen as partners working out how to achieve the goals within the criteria of SD. There should be room for co-designing, or negotiation.

This may not lead to a resolution, or permission, but it would be civilised and non-confrontational, it would be egalitarian and mature instead of the ludicrous neo-court case that is the present planning system.

#### **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:

## FFURFLEN YMGYNGHORI

| Cynllunio ar gyfer Cynaliadwyedd<br>Y rhagdybiaeth o blaid datblygu cynaliadwy |  |                                     |
|--|--|-------------------------------------|
| 2 Mawrth – 25 Mai 2012   |  |                                     |
| <b>Enw</b>   | Iwan Evans   |                                     |
| <b>Sefydliad</b>   | Awdurdod Cynllunio Parc Cenedlaethol Eryri   |                                     |
| <b>Cyfeiriad</b>   | Pencadlys,<br>Penrhyndeudraeth, Gwynedd  |                                     |
| <b>Cyfeiriad e-bost</b>  | iwan.evans@eryri-npa.gov.uk  |                                     |
| <b>Math</b><br>(dewiswch un o'r canlynol)                                      | Busnesau   | <input type="checkbox"/>            |
|  | Awdurdod Cynllunio Lleol   | <input checked="" type="checkbox"/> |
|  | Asiantaeth y Llywodraeth/Sector Cyhoeddus Arall  | <input type="checkbox"/>            |
|  | Cyrff/Grwpiau Buddiant Proffesiynol  | <input type="checkbox"/>            |
|  | Y sector gwirfoddol (grwpiau cymunedol, gwirfoddolwyr, grwpiau hunangymorth, cwmnïau cydweithredol, mentrau, sefydliadau crefyddol di-elw) | <input type="checkbox"/>            |
|  | Arall (grwpiau eraill nad ydynt wedi'u rhestru uchod)  | <input type="checkbox"/>            |

| C1   | A ydych yn cytuno â'n dull o gryfhau'r polisi cynllunio cenedlaethol trwy gyflwyno datganiad clir ar y rhagdybiaeth o blaid datblygu cynaliadwy?<br>[Adran newydd 4.2] | Ydwyf                               | Nac ydwyf                |
|--|--|-------------------------------------|--------------------------|
|  |  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  |  | Dewiswch                            |                          |
| <p>Sylwaddau ychwanegol:</p> <p>Mae hyn yn gyson gyda paragraph 2.1.2 yn dilyn mabwysiadu Cynllun Datblygu Lleol cynaliadwy.</p> |  |                                     |                          |



|           |   |                          |                          |
|-----------|---|--------------------------|--------------------------|
| <b>Q2</b> | <p>A ydych yn cytuno y dylai awdurdodau cynllunio lleol roi llai o bwyslais ar hen bolisiau cynllunio datblygu, neu rai sy'n cael eu disodli, gan roi mwy o ystyriaeth i bethau eraill o bwys fel y polisi cynllunio cenedlaethol?</p> <p>[Adran newydd yn 2.7]</p> | <b>Ydwyf</b>             | <b>Nac ydwyf</b>         |
|           |   | <input type="checkbox"/> | <input type="checkbox"/> |
|           |   | Dewiswch                 |                          |

**Sylwadau ychwanegol:**

Yn y cyswllt yma, nid yw'n glir beth a olygir gan y gair "disodli". Fel rheol mae posib disodli cynllun trwy baratoi a mabwysiadu cynllun newydd neu diweddarau cynllun presennol a'u defnyddio i benderfynu ceisiadau cynllunio.

Mae'r geiriad yn crybwyll bod posib i bolisiau cenedlaethol disodli hen bolisiau lleol. Os hyn yw y rhesymeg dylid dweud hyn yn gliriach h.y. wedi'w disodli gan bolisiau cenedlaethol mwy diweddar. Mewn rhai achosion fe all hyn arwain at wrthdaro lle nad yw'r polisi cenedlaethol wedi derbyn barn ac ymgynghoriad manwl lleol.

Yn ymarferol hyn sydd yn digwydd yn barod. e.e. mae hen bolisiau yn cael eu herio mewn apeliadau cynllunio lle mae rhai cenedlaethol cyfredol yn fwy perthnasol.

Fe ellid cael sefyllfa lle mae polisi cenedlaethol wedi disodli polisi mewn Cynllun Datblygu Lleol mabwysiedig (sydd eisioes yn gwneud cyfraniad at ddatblygiad cynaliadwy oherwydd ei fod yn seliedig ar dystiolaeth lleol ac wedi derbyn asesiad AG/AAS) Mewn achos fel hyn ni ddylai'r ACLI o reidrydd, rhoi iddo lai o bwyslais o blaid polisiau cynllunio cenedlaethol.

|           |   |
|-----------|---|
| <b>C3</b> | <p>Rydym wedi gofyn dau gwestiwn penodol. Os oes gennych unrhyw faterion nad ydym wedi mynd i'r afael â hwy, defnyddiwch y ffurflen ymateb i'r ymgynghoriad i fynegi eich barn.</p> |
|-----------|---|

**Sylwadau ychwanegol:**

### **Cyfrinachedd**

Mae'n bosibl y bydd ymatebion i ymgynghoriad yn cael eu cyhoeddi - ar y rhyngwrdd neu mewn adroddiad. Pe bai'n well gennych i'ch ymateb gael ei gadw'n gyfrinachol, ticiwch y blwch: ☐

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Iwan Evans   |                                     |
| <b>Organisation</b>   | Snowdonia National Park Planning Authority   |                                     |
| <b>Address</b>  | Headquarters, Penrhyndeudraeth, Gwynedd.   |                                     |
| <b>E-mail address</b>   | iwan.evans@eryri-npa.gov.uk  |                                     |
| <b>Type</b><br>(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"/>            |
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|   | 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                       |                          |
| <b>Additional comments:</b><br>Yes this is consistent with existing para 2.1.2 following the adoption of a sustainable Local 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? | Yes                                 | No                       |
|--|---|-------------------------------------|--------------------------|
|  |   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  | [New section at 2.7]  | Please select                       |                          |
| <p><b>Additional comments:</b></p> <p>It is not clear in this context what is meant by "superseded". Usually if a plan has been superseded it has been replaced by a new or updated plan which , if adopted, will be used to determine planning applications.</p> <p>The wording implies that national policy may have superseded outdated local policies. If this is the case it should be made explicit in the wording i.e. superseded by more up to date national policy. In certain cases this could lead to conflict as national policies are not subject to local opinion and detailed local consultation.</p> <p>In practice this is already the case i.e. if an old policy is obviously outdated it will be tested at appeal if current national policy differs in approach.</p> <p>There could be instances where a national planning policy has superseded an adopted Local Development Plan policy (which has been based on local evidence and has been subject to SA / SEA therefore already contributes to the achievement of sustainable development.) In this case LPAs should not necessarily give them decreasing weight in favour to national planning policies.</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>  |
|---|
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---

**From:** [REDACTED]  
**Sent:** 14 March 2012 15:50  
**To:** planconsultations-c  
**Subject:** Planning for sustainability.

As the Welsh economy is heavily dependant on the tourism industry, it is vital that the presumption in favour of sustainable development gives the communities the right to select the type of renewable technology appropriate for their area.

For example, working with communities and forestry commission develop log gassification electricity generation systems will generate employment opportunities, and recieve community support. Clearfelling forests and building windfarms on the site destroying in the process the opportunity for employment as a result of the use of the forest for recreation and tourism can not be described as sustainable development.

[REDACTED]

[REDACTED]

[REDACTED]

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Nicola Corbishley  |                                     |
| <b>Organisation</b>   | Wrexham County Borough Council   |                                     |
| <b>Address</b>  | Lampit Street<br>Wrexham,<br>LL11 1AR  |                                     |
| <b>E-mail address</b>   | nicola.corbishley@wrexham.gov.uk   |                                     |
| <b>Type</b><br>(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"/>            |
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|                      |  | 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: |  |                                     |                          |
|                      |  |                                     |                          |

|                      |   |  |                          |
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|                      |   | <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |
|                      | [New section at 2.7]  | Please select                              |                          |
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|  |
|--|
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**Folliss Alex ESD - Planning**

---

**From:** Nigel Bruce [mailto:nigel@njbruce.co.uk]

**Sent:** 15 March 2012 20:48

**To:** planconsultations-c

**Subject:** "WG14377 Presumption statement"

I am responding to a request distributed by the Chamber of Commerce to let you have observations with regard to consultations in respect to planning for sustainability.

I do think that planning could, and should, be made a whole lot easier but it seems to have become ever more complex leading to inordinate delays in obtaining a decision. My own experience, also, is that Local Development Plans are used by planning officers to hide behind. If it is not in the plan then it is unlikely to receive permission. Planning is supposed, surely, to evolve and changes in policy are, or should be, constantly altering to take into account changes in the wider community. Some form of framework that allows changes to be made at any time rather than have to wait until the Local Development Plan is published and then the Unitary Development Plan and then whatever comes next is ridiculous and a huge waste of time and money.

Villages and small townships should be encouraged to designate areas within or on the edge of the settlement for economic development purposes. There are a number of small companies that have to establish themselves in larger conurbations because any land that lies within a village and is capable of being developed almost inevitably goes for residential. Thus small communities become dormitory areas for bigger conurbations and the local facilities wither and die. Local shops are unable to compete with bigger supermarkets and once someone has got the car out to drive to work they may as well shop on the way home rather than support the local shop. There are a wide range of small companies, the very life blood of our national economy, that could occupy small, domestic scale, offices in village settings without causing noise, dust or dirt. This would help the community spirit which, in many towns and villages is dying.

I take this opportunity to thank the Welsh Assembly Government for their initiative in engaging with the wider community and hope that there may be some public debate around the country.

Nigel J Bruce  
chartered surveyor  
Woodlands  
off Darland Lane  
Rossett  
WREXHAM  
LL12 0BA

tel no - 01244 570 552

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**From:** Nigel Bruce [mailto:nigel@njbruce.co.uk]

**Sent:** 22 May 2012 16:13

**To:** planconsultations-c

**Subject:** Re: Planning for Sustainability - The presumption in favour of sustainable development

I would like to take this opportunity to extend to the Welsh Government a plea for more notice to be taken of the need for employment uses within small settlements, villages and towns throughout Wales. All too often any land that becomes available for development is used for residential purposes, even sometimes when it has had a past commercial use. The effect is to turn, ever more so in the recent past, villages and small towns into dormitories.

The advent of Broadband and electronic communications means that modern businesses do not need to be in large towns or on industrial estates/office parks. The Office of National Statistics indicates that, in 2009, the last year for which I am able to obtain information, there were 4.3 million companies within the UK employing between one and nine people. Even if only a small percentage require offices close to home in Wales this has the potential to be a significant number of companies that would be happy to occupy offices and business accommodation within rural areas and villages.

I personally undertook the redevelopment of agricultural buildings converting them into offices accommodating very small businesses. One of the occupiers actually checks the computer systems of the Civil Aviation Authority. Obviously, a very important role. The buildings are within Flintshire and I feel sure that someone from that local authority would vouch for the success of the venture.

New commercial buildings within villages need only be domestic in scale. They do not generate large amounts of traffic, in fact they probably save journeys - certainly travel to work. It is likely that incumbents would sooner support local shops and other commerce within the area rather than getting the car out to travel, even only a few miles. Not everyone is able or even wants to run a small business from home. Places for work are required away from large conurbations but planning permissions granted for housing prevents even small in-fill commercial development.

If anything deserves a presumption in favour of sustainable development then reintroducing work space into some of the more remote areas of Wales would surely be of benefit. It is very difficult to make a reasoned appreciation of what is required when the market appears to be so small. I would contend that, because there is such a paucity of supply, it is difficult to appreciate the actual demand for small offices and workspace. It would not be difficult to test the market with the construction of very small offices, I have a template, that could be converted into houses or flats if the demand for commercial use proved to be non-existent.

I would be delighted to provide such additional information as you may require.

Yours faithfully,

Nigel Bruce.

Nigel J Bruce  
chartered surveyor  
Woodlands  
off Darland Lane  
Rossett  
WREXHAM  
LL12 0BA

tel no - 01244 570 552  
mobile - 07836 211 530  
e-mail - [nigel@njbruce.co.uk](mailto:nigel@njbruce.co.uk)

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Direct line / *Deialu Uniongyrchol*: 01656 643165

Our Ref / *Ein cyf*: N.2/DAL/SAI

Your Ref / *Ein cyf*: WG-14377

Ask for / *Gofynnwch am*: Mr D A Llewellyn

Date / *Dyddiad*: 23<sup>rd</sup> March 2012

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

Dear Sir

## **Planning for Sustainability: The presumption in favour of sustainable development Consultation – March – May 2012**

Bridgend County Borough Council welcomes the opportunity to comment on the above consultation document and would respond as follows to the specific questions posed:

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

The Council cautiously agrees with the principle of a presumption in favour of sustainable development. However appropriate safeguards must be in place to ensure that local policies and decisions have the greatest weight attached to them.

In order to reflect the primacy in law of the development plan, it is recommended that new paragraph 4.2.5 (support for the plan-led approach in achieving sustainable development) should come immediately after 4.2.3. Additionally the wording of new paragraph 4.2.4 (which would now become 4.2.5) should be altered so the first sentence of the paragraph begins: *"The presumption in favour of sustainable development is expressed in national planning policy through the key policy objectives set out at section 4.4 below"*.

These subtle changes would reaffirm the importance of the development plan in guiding decisions which enable sustainable development. The development plan, being formulated at the local level to reflect local priorities and concerns, is the best mechanism within which these decisions should take place. This slight re-ordering of paragraphs also better reflects the sequential order of policy references which is introduced in the amendments to section 2.7.

**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. Where development plan policies can be demonstrated to be out-of-date, local planning authorities should give them decreasing weight.

However, more clarification and consideration should be given by the Welsh Government on the status of emerging Local Development Plans (which have not yet been adopted) where these are based on robust and more up-to-date evidence. Deposit LDPs should be given significant weight in the process as they are a statement of the Local Planning Authority's policy intentions which it considers to be sound, based on all evidence available to it. LDPs and the locally specific evidence behind them could be more up-to-date and relevant to a local area than national planning policy.

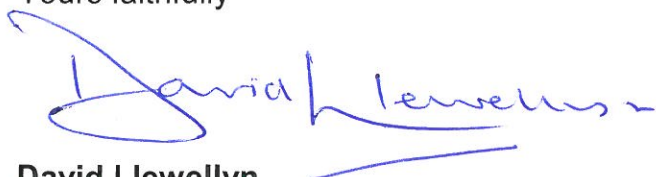
Development which does not accord with an outdated development plan *or* an emerging LDP could end up being approved on appeal which would undermine the local decision making process and prejudices the preparation and future implementation of an LDP. Again, this situation would be disheartening as LDPs are intended to reflect priorities for local areas.

It is therefore suggested that consideration be given to this issue and that paragraphs 2.7.1 and 2.8.4 be updated to refer to emerging development plan policy where they are supported by robust and up-to-date evidence where appropriate.

Additionally, whilst it is useful for national development control policies to be referred to in a table at the end of every section of *Planning Policy Wales*. It would be useful if the approach used in England could be adopted whereby every national policy has its own unique reference (as LDP policies do). This is particularly pertinent because as more and more LDPs are adopted, the requirement not to repeat national policy means that more use of *Planning Policy Wales* will be made directly for decision making purposes. In the context of the presumption in favour of sustainable development, it is imperative that it is absolutely clear what constitutes national policy and development management advice.

I would be grateful if you could confirm safe receipt of these representations.

Yours faithfully



**David Llewellyn**  
**Group Manager, Development**

**Folliss Alex ESD - Planning**

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**From:** Evan Owen [mailto:evan.owen@btinternet.com]

**Sent:** 26 March 2012 18:30

**To:** planconsultations-c

**Subject:** WG14377 Presumption statement

Ultimately I can only go by personal experience.

Ordinary Welsh people think sustainable development should be development that allows their communities to survive yet PPW allows planners to interpret policy in ways not thought about and this leads to the production of LDPs that cannot work despite the amount of work carried out up to and including the examination stage. Currently we are watching the Gwynedd and Nys Mon LDP evolve in exactly the same way that the Eryri LDP was created, no input from RHEs and no ongoing gathering of accurate housing need data.

As far as PPW is concerned there are some issues that should be resolved.

Take the difference between previously developed in Wales and the English version we had before.

Look at Green Wedges and how they are being used to prevent development in sustainable locations.

Consider the issue of badly researched CADW designations and governmental empire building that doesn't help the Welsh people.

Examine the role of the national parks and AONBs that are not meeting the social and economic needs of the residents, the ability to prevent development by using the trump card which is preserving the landscape above all else when it suits them.

Ask why affordable housing isn't being delivered in the numbers anticipated and why Section 106 is not the panacea many Welsh LPAs think it is. The Scottish Government has given up on occupancy restrictions, see attached.

My concerns regarding sustainable development revolve around the great inconsistency that exists between LPAs and of course the issues with PPW and TANs.  
Many thanks

Evan Owen  
Preswylfa  
Dyffryn Ardudwy  
Gwynedd  
LL44 2EH

Tel: 01341 242625  
Mob: 07768412242

---

**From:** [REDACTED]  
**Sent:** 29 March 2012 09:35  
**To:** planconsultations-c; planconsultations-c  
**Subject:** Planning for Sustainability - The presumption in favour of sustainable development.

Dear Sir/ Madam,

I am very interested in the current consultation process with regards to Wales's Planning for Sustainability - The presumption in favour of sustainable development. I run a company [REDACTED] an arts commissioning agency for art in the public realm that works mainly in Wales with local communities and public and private developers. The majority of our work and that of other companies and freelancers is obtained through the current planning policy; Tan 12; section 106 and Public Art Supplementary Planning Guidances (Cardiff Council and Vale of Glamorgan Council) and soon to be through Community Infrastructure Levy (CIL).

Examples of current projects obtained through the above planning policies:

1. [REDACTED], Admiral Offices public art programme. (Community engagement project and permanent public artwork). Client - [REDACTED]
2. [REDACTED] – Public Art Commission artist Heather & Ivan Morrison. Client - [REDACTED]
3. [REDACTED] – Permanent Sound Artwork by artist Neil Cocker. Client – [REDACTED]
4. [REDACTED] – [REDACTED], integrated public artworks. Client – [REDACTED]

We are keen to consult on both the social sustainability, cultural and economic benefits that planning legislation currently has on artists being commission to work in the public realm.

I would very much like to meet with you and to consult further on both current activities and future aspirations for the engagement of artists through the national planning policy in Wales.

ixia the english public art think tank are working on the changes taking place in National Planning Policy Framework (NPPF).

*Culture and the NPPF - ixia welcomes the inclusion and prominence given to cultural well-being and good design within the National Planning Policy Framework (NPPF), which came into force on the 27th March 2012. The NPPF states that the social role of the planning system should create 'a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being'.*

*With at least 44m of public art funding in 2010-11 linked to public art policies within local authorities and the regeneration, health and education sectors, planning policy plays a pivotal role in the provision of public art in England. The NPPF now requires that plan-making and decision-taking by local planning authorities and others should:*

*- 'take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs'.*

*'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.*

We would like to meet with you and discuss the benefits for both good art and design, sustainability both in developments and through social sustainability in Wales's future planning policies. We would be more than happy to meet with you and indeed present current examples of art in the public realm and the benefits it yields to both people and place in Wales.

Kind Regards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Geoff White  |                                     |
| <b>Organisation</b>   | Neath Port Talbot CBC  |                                     |
| <b>Address</b>  | The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG  |                                     |
| <b>E-mail address</b>   | g.white@npt.gov.uk   |                                     |
| <b>Type</b><br>(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:**

The effect of the proposed change to PPW giving a presumption in favour of sustainable development will cause difficulties even against up to date plans. Developers could seek to argue that a development that does not accord with the development plan is nevertheless sustainable and should therefore be allowed. Given that the LDP or UDP will have been prepared against SD requirements, the presumption as set out is not necessary. It is suggested that the presumption should be as S38(6) and SD only where there is no development plan in place where SD was taken into account in its preparation.

An example of the type of argument that could be used is attached in the appeal decision at Cydcoed Quarry. There the appellant argued that because his proposal was sustainable that it over-rode countryside policies.

| 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?<br><br>[New section at 2.7] | Yes  | No                       |
|--|---|--|--------------------------|
|  |   | <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |
|  |   | Please select                              |                          |
| <p><b>Additional comments:</b><br/>         This is largely dealt with in Q1 above. The proposal at para. 2.6.2 implies that National Policy is only relevant to when a new plan is emerging, which is clearly not correct. National policy is always material, it is the weight given that is crucial. Para 2.7.1 is also seen as unnecessary as it merely states the long accepted legal position.</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><br/>         none</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"/> |

Folliss, Alex (ESD - Planning)

-----Original Message-----

From: Salena Walker [<mailto:salena.walker@gmail.com>]

Sent: 11 April 2012 15:58

To: planconsultations-c

Subject: Sustainable development.

I feel Wales is currently at the forefront of sustainable development and is leading the way with the One Planet Development policy. I think any changes to planning for sustainable development should be emphasising what is already set out in the One Planet Development policy. Wales is renowned for it's beautiful countryside and I feel that we have to protect it by allowing only sustainable developments in green and brown sites. Keeping this space for people that want to live and work off the land.

I think it is the WG's duty to encourage people back to the land as the sad fact is many farms are being broken up and sold off. We need to try and make Wales sustainable. We need to think of the future with the current threats of global warming and peak oil, we have to plan to make Wales self sufficient and this means encouraging more small enterprises to work and live on the land, helping to grow food for our nation.

Projects that the WG have supported such as Lammas in West Wales should be used as an exemplar to any policy being made. The people living on the plots in the Lammas community are truly living and working on the land and helping to make the local economy more self sufficient by growing produce and educating the public through their own experiences.

Any changes to planning should be emphasising the changes we have to make for the future, we need to live to 1.88 hectares per person. We have to be more in touch with where our food and fuel comes from and use our land to provide for our need not our greed. Planning needs to encourage biodiversity and turning the land back to working with nature not against nature.

I currently have faith in the WG planning for the future of Wales and looking after the land and the people. I feel the WG is fully embracing changes that need to be made for a sustainable future and I feel that England should look to us as an example, particularly our One Planet Development policy. If the WG makes any changes to the planning policies I feel it needs to strengthen the need for sustainable future and not focus on money and developments as that won't feed this nation.

I am currently proud to be Welsh and living in Wales and proud that we have a Welsh Government.

Please contact me for any more information

I hope the WG makes the right choices again

Salena Walker

**From:** [REDACTED]  
**Sent:** 13 April 2012 16:24  
**To:** planconsultations-c  
**Cc:** [REDACTED]  
**Subject:** Planning for Sustainability / Environmental Noise

Hi - just a quick note after reading the current consultation on "Planning for Sustainability - The presumption in favour of sustainable development".

[REDACTED] the Welsh Government's environmental noise action plans for major roads, major railways and agglomerations for the next 5 years, under the Environmental Noise Directive. Actions on noise fall into two categories - mitigating areas where levels are too high, and preventing such areas arising in the first place, primarily through making correct planning decisions. Ideally, the second would prevent the first from being necessary, but this is not the case in practice, in part due to trends over time (increased traffic flows, degradation of road surfaces), but also in part due to incorrect or incomplete implementation of the noise policies in PPW and TAN11.

I would like to use the noise action plans to promote the planning policies in PPW and TAN11 - on noise specifically, but also sustainable development as an overarching principle - and to get local authorities, particularly those in agglomerations, to spell out their priorities on environmental noise for the next 5 years. Where LDPs are in place and address noise issues, those priorities should match the LDPs. Where they are not in place, or are in place but do not adequately consider noise, the LAs will have to come up with something suitable to go into the noise action plans. They should do this with future LDP publications or amendments in mind.

Our Branch has had good support from Planning Division on noise policy in the past from [REDACTED] and I look forward to that constructive relationship continuing during the coming year.

Best regards

[REDACTED]

[REDACTED]

Sustainable Places Mannau Cynaliadwy  
Welsh Government Llywodraeth Cymru

Tel./Ffôn: [REDACTED]  
[REDACTED]

# Ymgyrch Diogelu Cymru Wledig Campaign for the Protection of Rural Wales



Cadeirydd      Chairman      Dr Jean Rosenfeld  
Cyfarwyddwr      Director      Peter Ogden

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

April 18<sup>th</sup> 2012

Dear Sir or Madam,

## **Planning for Sustainable Development Response by the Campaign for the Protection of Rural Wales (CPRW)**

### **1. General comments**

1.1 As Wales' foremost landscape and rural watchdogs, CPRW welcomes the opportunity to comment on this important consultation document which will help guide the manner in which the Planning system in Wales will enable the Welsh Government's Sustainable Development ambitions to be delivered. We anticipate this suggested approach will result in a long awaited step change in attitudes towards the manner in which the environment and landscapes of Wales will be protected and utilised in a responsible manner. We also believe that the adoption of a proactive approach towards the promotion of Sustainable Development if interpreted and implemented in the way we suggest, will provide an important opportunity to further implement the principles of the European Landscape Convention to which the Welsh government is a signatory and hence enable it to ensure that the Convention's aim of ensuring that "All landscape matter", is properly implemented.

1.2 We are however puzzled, concerned and disappointed that this consultation is taking place and closes before the Independent Advisory Group established by the Minister for the Environment and Sustainability is still scrutinising the manner in which the Planning system in Wales should be reviewed in order to enable it to help deliver Sustainable development more effectively. Given that one of the key areas this Group remit is to make recommendations about the interpretation of Sustainable Development in a planning context, it seems bizarre that this consultation appears to be pre-empting the conclusions of this scrutiny process and the recommendations the Panel will make in this respect. In the light of these circumstances we do not believe that the outcomes of this consultation should therefore be implemented either in isolation or before proper and

full consideration of the IAG recommendations have been published and fully considered by the relevant Assembly Committee and thereafter the Minister.

1.3 We are also concerned that the consultation document makes no reference or recognition of the obvious relationship which the Planning system in Wales must have with the emerging Living Wales agenda so far as the promotion of development which is deemed to be sustainable is concerned. We find this a major deficiency which should be rectified, as the implementation of the Living Wales agenda will in our view substantially change the role and importance of the protection of the environment and its natural assets in Wales in the context of delivering the Welsh Government's sustainability ambition. We believe that any proposed revisions to the consultation document which do not reflect this fact are therefore deficient.

1.4 We therefore disagree with the overemphasis which is given in the document to the drivers for Sustainable development being primarily economic growth or social well being related. We believe that the proposed revisions to PPW should explicitly state that the stewardship of all the relevant natural resources and assets which exist on both land and at sea must be primary dimensions of the approach taken by the WG if it is to achieve sustainable development in Wales. We expand on this point below.

## **2. CPRW's interpretation of the term Sustainable Development**

2.1 Whilst recognising the commitment that the Welsh Government has repeatedly made through its Sustainable Development Scheme and its desire to embed Sustainability and Sustainable Development as its central organising principle, as mentioned above we are still concerned that there is no clear definition nor consistent understanding of what exactly this term means. With the prospects of a forthcoming Sustainable Development Bill on the horizon, we contend that this issue should be clarified and it then becomes the role of the Planning system (and the guidance the WG produces through PPW), to interpret how the planning system should deliver this agenda.

2.2 Generically we believe that any desire to promote a Sustainability approach to living is fundamentally different to furthering the concept of Sustainable Development (which reflects in our view the extent and the means by which the nation's sustainability aim is being achieved).

2.3 For the Planning system to help achieve Sustainable development it must be able to demonstrate, as a consequence of the outcomes of decision making processes associated with it, that there is an beneficial

change in the status of any resource upon which human well being depends, i.e. there is a positive change in the condition of a resource as a result of a deliberate or unexpected action.

2.4 If the consequences of change caused by development are to be sustainable then in our view it must be demonstrated that any change which has taken place has been

- Undertaken within those limits which enable the environment and natural resources of Wales to continue to perform their multi functional service and public well being role i.e. **Operate within accepted the boundaries of defined environmental capacities and standards**
- Achieved in a manner which does not diminish and preferably enhances the status of Wales's natural resources or assets so as to enable them to continue to perform their primary functions i.e. **Maintain their Integrity**
- Enables any resources (be they natural or human) to continue to perform their functions when subjected to unforeseen forces or stresses: **Retain their Resilience.**
- Enables resources to perform their natural functions with other resources which they relate with or to in a synchronised way. **Safeguard its cohesion**
- Creates and maintains **Diversity of status, choice and opportunity**

2.5 The achievement of Sustainability and hence sustainable development is therefore not in our view as simplistic as suggested in paragraph 4.2.1 about "*social, economic environmental issues being considering at the same time*". It is more specifically associated with ensuing that decisions relating to change made as a result of the planning system, are achieved in ways which ensures that integration of or between these three factors is fully considered.

2.6 That being the case we advocate that the Planning system should have a major role and PPW in particular should state,

**that sustainable development in a planning context reflects a presumption that the functional status of any two of the dimensions of sustainability are not significantly impaired as a result of actions to promote or enhance the status of the third.**

2.7 In accepting this logic, it therefore follows that the Planning system's operational role in helping to achieve Sustainability becomes clearly recognised as being

**responsible for ensuring that the inherent integrity, functional resilience and cohesion of any existing natural asset or resource or benefits which arise from them, are suitably retained or enhanced when induced or deliberate change occurs.**

2.8 Sustainable Development we contend therefore should be defined as

**“the product or outcome of a process whereby conscious decisions have been taken to determine the extent that change maintains and enhances a resource’s sustainability credential or qualities for the greater benefit of public well being.”**

2.9 We suggest that this approach should be the working philosophy which underpins the interpretation of Sustainable Development in the context of the planning system in Wales.

### **3. Detailed comments**

3.1 The remainder of this submission focuses on the questions posed in the consultation document

#### **Paragraph 6 & 20.**

2.10 CPRW agrees that the planning system is one of the four most important mechanisms that underpins the nation's approach to reducing our ecological footprint and delivering sustainable development. This can only be the case however therefore if our interpretation of the term Sustainable development as outlined above is accepted and built into any statement in Planning Policy Wales especially if this is framed in the context of a presumption in favour of sustainable development.

#### **Suggested Revision to PPW Paragraph 4.2.1**

2.11 In the light of the above we do not agree with this proposed change as we believe it does not reflect the process by which the various components of sustainability should be assessed. We believe that the existing wording should be replaced by the following

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

***This will effectively mean in a planning context 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”***

2.12 We are likewise particularly concerned that Para 4.2.2 is deficient and given the increasing significance of the Living Wales agenda makes no reference to the issues of either environmental protection or responsible landscape stewardship. We believe this omission should be rectified.

Given our previous comments we believe that the reference in para 4.2.4 to “*decision makers to balance and reconcile these key policy objectives*” should be replaced by “**decision makers demonstrating how their judgements have integrated these key policy objectives**”

### **Question 1:**

#### **Strengthening national planning policy to include a presumption in favour of SD**

2.13 Subject to our comments above, CPRW supports and welcomes this intention. We believe with the amendments we suggested, the planning system will deliver a more integrated approach towards the management of Wales's natural resources and landscapes in the manner prescribed by the European Landscape Convention.

2.14 We are however concerned at present that there is an implied emphasis in this section of the document which subtly distorts the meaning of sustainable development by assuming that the priority should be given to promoting and achieving economic development at all cost.

### **Question 2: The status of outdated Development Plans**

2.15 CPRW agrees with the proposition that outdated Development Plans should be afforded less weight than current national planning policy. We are nevertheless concerned however as to how this approach will be synchronised with and affect both the current processes which steer the Development Plan process and more particularly the Development Management system itself if policy or guidance is not developed sufficiently to be able to apply to local circumstances. Similarly we are mindful of the problems of ensuing consistency in decision making if policy remains too generic or is changed on a frequent basis.

## **3. Conclusions**

3.1 CPRW believes that subject to the significant reservations we have about the timing of this consultation and the caveats we have identified in

this representation, we support **in principle** the intentions of this consultation document to ensure that the planning system delivers sustainable development in an appropriate and meaningful way.

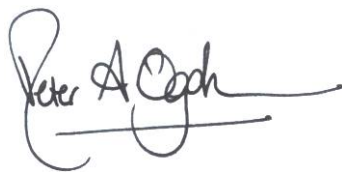
3.2 We do not however agree that any of these proposals or changes should be implemented until such time as the recommendations of the IAG have been fully scrutinised by the appropriate Welsh Assembly Committee and its recommendations presented to the relevant Minister.

3.3 CPRW trusts that the above comments prove helpful and confirms that they can be made available to others if so required. Likewise should there be any matters which require further clarification, CPRW will gladly do so upon your request.

3.4 In the meantime, I would be grateful for your acknowledgement of receipt of this submission comments and in due course welcome sight of your responses to its content.

Thanking you in anticipation

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Peter A Ogden', with a horizontal line drawn underneath the signature.

Peter Ogden      Director

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |   |                                     |                          |
|---|---|-------------------------------------|--------------------------|
| 2 March – 25 May 2012   |   |                                     |                          |
| <b>Name</b>   | Phil Holmes   |                                     |                          |
| <b>Organisation</b>   | City and County of Swansea  |                                     |                          |
| <b>Address</b>  | Oystermouth Road, Swansea, SA1 3SN  |                                     |                          |
| <b>E-mail address</b>   | <a href="mailto:Phillip.holmes@swansea.gov.uk">Phillip.holmes@swansea.gov.uk</a>  |                                     |                          |
| <b>Type</b><br>(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"/>            |                          |
| <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?<br>[New section 4.2] | <b>Yes</b>                          | <b>No</b>                |
|   |   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|   |   | Please select                       |                          |

Additional comments:

However, the statement simply reinforces current practice and it is not clear what the purpose of the proposed amendment is, unless it is to reinforce that economic development is an integral part of sustainable development. Sustainable development may then not seem 'protectionist' to those who do not understand its meaning. The statement clearly passes the onus onto LPA's to decide what constitutes sustainable development on individual planning applications. It is recognised that this is in order to address local circumstances but is there a danger that arguments could be skewed?

The statement is targeted at local planning authorities without an up to date development plan. Recently adopted development plans have been subject to a full Sustainability Appraisal and are already focussed on the delivery of sustainable development. For these current plans there seems no need to introduce a presumption in favour of sustainable development.

The statement should be supported with a clear definition of sustainable development which needs to be more focussed in land use planning terms and provide greater clarity of terminology. For example in planning terms what is the difference between promoting social justice and promoting equality of opportunity? How is a fair share of the earth's resources defined? How is better quality of life to be measured? How is the economic aspect to be achieved and measured and is this to be more people centred?

As yet no development is truly sustainable and all development has an impact in some way. The process should focus on identifying such impacts (both positive and negative) and mitigate those impacts. Very few developments would currently stand up to this statement.

|           |   |  |                          |
|-----------|---|--|--------------------------|
| <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:**

This is currently common practice and supported in numerous appeal decisions by Inspectors. The practical implementation of this amendment will not change current practice.

However, there is a danger that, unlike development plans, national planning guidance and TANs are not subject to SA. The incombination effect of different elements of national planning policy and separate TANs therefore are not examined. The statement should therefore also apply to national planning policy as many TANs are out of date or pre-date the first edition of PPW which set out the objectives for planning for sustainability (e.g. TAN 4: Retailing and Town Centres, 1996; TAN:13 Tourism 1997; and TAN 14: Coastal Planning 1998). Others, though more recent, are already superseded by policy changes (e.g. TAN 8: Renewable Energy 2008 or TAN 21: Waste 2001). As it currently reads, the statement assumes that national planning guidance is fully up to date and inherently sustainable - which it certainly is not.

LDPs are subject to annual monitoring which includes a review of emerging national planning policy and, if necessary, recommendations to change local policies in response. LDPs must undergo a major review every 4 years or earlier if there is a significant change in national planning policy or legislation.

The sentence could be reworded to clarify when development plan policies become 'superseded'. Do you mean when national planning guidance is updated or simply when a new development plan is adopted? Practitioners will understand the meaning but it is not clear for everyone.

|           |   |
|-----------|---|
| <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:**

More emphasis could be placed on the role of the Sustainability Appraisal in assessing the extent to which the emerging planning policy will help to achieve the objectives of sustainable development.

Planning policy should not replicate other legislative requirements linked to sustainability e.g. energy efficiency.

There is no reference to any proposed changes within Mineral Planning Policy Wales alongside those proposed for PPW.

**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: ☐

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**From:** Morgan Barbara [mailto:Barbara.Morgan@networkrail.co.uk]

**Sent:** 03 May 2012 15:14

**To:** planconsultations-c

**Subject:** Planning for Sustainability - The Presumption in favour of sustainable development - "Presumption Statement"

Dear Sir/Madam,

Network Rail has been consulted by The Welsh Government on Planning for Sustainability The Presumption in favour of sustainable development. Thank you for providing us with this opportunity to comment on this document.

Question 1: We support the principle of the Welsh Government's approach to strengthening national planning policy by introducing a clear statement on the presumption in favour of sustainable development.

Question 2: We acknowledge that where development plan policies are found to be outdated or superseded, Local Planning Authorities should give them decreasing weight in favour of other material considerations (such as national planning policy).

Question 3: N/A

Notwithstanding the above: Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure. In this regard, please find some additional comments below.

### **Level Crossings**

Development proposals' affecting the safety of level crossings is an extremely important consideration for emerging planning policy to address. The impact from development can result in a significant increase in the vehicular and/or pedestrian traffic utilising a crossing which in turn impacts upon safety and service provision.

As a result of increased patronage, Network Rail could be forced to reduce train line speed in direct correlation to the increase in vehicular and pedestrian traffic using a crossing. This would have severe consequences for the timetabling of trains and would also effectively frustrate any future train service improvements. This would be in direct conflict with strategic and government aims of improving rail services.

In this regard, we would request that the potential impacts from development affecting Network Rail's level crossings, is specifically addressed through planning policy as there have been instances whereby Network Rail has not been consulted as statutory undertaker where a proposal has impacted on a level crossing. We request that a policy is provided confirming that:

The Council have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway:

- *Schedule 4 (d)(ii) of the Town & Country Planning (Development Management Procedure) (Wales) order, 2012 requires that... "Where any proposed development is likely to result in a material increase in volume or a material change in the character of traffic using a level crossing over a*

*railway (public footpath, public or private road) the Planning Authority's Highway Engineer must submit details to both The Welsh Ministers and Network Rail for separate approval".*

- Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing such impact: and
- The developer is required to fund any required qualitative improvements to the level crossing as a direct result of the development proposed.

Regards,

Barbara Morgan  
Town Planning Technician (Western)

Please send all notifications and consultations to [townplanningwestern@networkrail.co.uk](mailto:townplanningwestern@networkrail.co.uk) or by post to Network Rail, 3rd Floor, TemplePoint, Redcliffe Way, Bristol BS1 6NL

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**From:** [REDACTED]  
**Sent:** 07 May 2012 16:06  
**To:** planconsultations-c  
**Subject:** Planning for Sustainability: response to consultation

I wish to response to the consultation on Planning for Sustainability:

Clause 6.1.1 states that the aim is to "...preserve or enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations...and to ensure that conservation areas are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls over businesses and householders."

I agree this this statement in principle, however in practice current planning regulations for conservation areas and Grade 2 listed buildings, for example in Rhiwbina Garden Village, are counterproductive. The controls prevent for example the replacement of windows by wooden double-glazed windows because the cross-bars in the Georgian windows are half an inch wider than the original. It is this sort of detail which is wholly unnecessary. Such tight regulations does not recognise "its contribution to economic vitality and culture". Failure to allow for installation of sympathetic double glazing means that the existing windows may be allowed to deteriorate as repair is uneconomic, it also means that the houses have lower energy efficiency so owning such houses becomes the preserve of the wealthy. That is not sustainable planning. Houses in this area are not museums. If you want a building never to change then move it to the Museum of Welsh Life, St Fagans. If the house is to remain in the community then it should be maintained properly "as a resource for future generations" not as an increasingly inefficient millstone around the neck of future generations. Sustainable planning does indeed mean "avoiding unnecessarily detailed controls over ... householders" and those words need to be put into practice with specific examples such as allowing minor changes to listed houses in Rhiwbina Garden Village, such as double-glazed windows.

Clause 6.3.2 states that "The positive management of conservation areas is necessary if their character or appearance is to be protected and enhanced ...". The proposed planning reform should make it clear that local authorities should undertake positive management which does not mean simply banning all changes. Positive management should require local authorities to provide help and assistance to the residents of Grade 2 listed buildings, not necessarily financial assistance but they should be willing to provide expert advice so that the houses can be maintained properly. Unless the planning authorities undertake positive management then the houses may be allowed to deteriorate, especially if the residents are unable to sell the properties as they become increasingly labelled as energy-inefficient.

I agree with clause 6.4.1 which states that "Development plans should reflect national policies for the preservation and enhancement of the historic environment ...". especially the word "enhancement", that is, we are not creating museums in conservation areas. These are houses to be lived in and so "enhancements" should be allowed, especially if such enhancements reduce the carbon footprint of the building. Development plans for conservation areas should therefore do just that, be development plans, not freezing in time plans.

The Welsh Government needs to spell out much more clearly what it means by some of these clauses which are open to too much local interpretation, indeed interpretation by just one planning officer in a particular area. Specific examples need to be included to explain exactly what is meant by Clause 6.4.6 "Development plan policies should make it clear that development proposals will be judged for their effect on the character and appearance of conservation areas, as identified in the assessment and proposal document, to ensure that any new development is in accord with the area's special architectural and historic interest.

While the character or appearance of conservation areas must be a major consideration, it cannot prevent all new development." The "character and appearance of conservation areas" can be interpreted strictly in terms of visual appearance or "character" can also be interpreted as to whether the houses are sustainable in terms of carbon footprint. Elderly residents surely have a basic human right to live in a draught-free and comfortable home, rather than spending their money on energy to be wasted through the single-glazed windows. Only an expert would be able to distinguish between modern wooden double-glazed windows and the original single-glazed. I agree that "While the character or appearance of conservation areas must be a major consideration, it cannot prevent all new development" but again the Government must spell out what this means in practice, and maintaining "character or appearance" does not necessarily mean maintaining the appearance down to every last detail, when slight changes could improve the sustainability of the property with minimal impact on the appearance.

The principles which apply here are:

### **Living Within Environmental Limits**

Respecting the limits of the planet's environment, resources and biodiversity – to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations.

### **Ensuring a Strong Healthy and Just Society**

Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity for all.

The balance between conservation (Grade 2 listed) of the physical built environment and Living Within Environmental Limits i.e. ensuring that Grade 2 Listed buildings have a lower carbon footprint must be maintained. The proposed planning regulations remain too open to interpretation and the reduction of carbon footprint must be given more weight in the detail of the planning process. Unless Grade 2 Listed buildings in, for example, Rhiwbina Garden Village, are allowed to be given minor alterations such as the installation of double glazing, then such areas will become the preserve of the rich who can afford to waste energy, or the houses will become increasingly difficult to sell, or elderly residents will find the houses increasingly uncomfortable. Such a scenario does not describe "Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity for all." Therefore once again the proposed planning measure needs to address in more detail the sometimes contradictory aims of physical conservation with energy conservation.

[REDACTED]

## CONSULTATION FORM

| Planning for Sustainability<br>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><br>(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 checked="" 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: |  |                                     |                          |
|                      |  |                                     |                          |

|                      |   |  |                          |
|----------------------|---|--|--------------------------|
| <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:**

Sustainable development includes the preservation of public access to the countryside and rights of way to give the public an opportunity to appreciate the wonderful country we live in, to provide free access to a healthy past time to ensure good health and a reduction of CO2 by encouraging less use of vehicles and more local access to services by other means. An important aspect is also the efficient use of public money.

I am concerned that the walking, cycling and horseriding user groups have not been invited to comment on this plan when planning affects their access to the countryside and services.

However I feel the plan specifically interests equestrians given that I have responded to Carmarthenshire's LDP in respect of equestrian considerations but the level of adoptance of my comments has been disappointing. "consideration when possible" shows no desire to positively consider equestrian issues.

Carmarthenshire County Council do not consider equestrians as vulnerable road users despite the lack of safe off road routes in the county and the lack of a bridleway network. Planning applications affecting equestrians use of the road network to access rights of way and other sites and facilities are approved without riders concerns being addressed because horseriders are not considered to be "transport" under TAN18. Neither are they considered under the "walking and cycling strategy" that looks at vulnerable road users (walkers and cyclists but not riders).

"The Rights of Way Improvement plan " does not extend to cover access to rights of way on the road network. If the planning application/proposals do not directly affect a right of way, equestrians are not considered elsewhere.

This policy is making equestrians box/transport their horse up to 30 miles to access forestry and other safe off road access, all year round because local roads are becoming unuseable with weight of traffic and dangerous road design schemes. This adds to the CO2 emissions for the county, when really they want to ride on the road from home and if safe routes were available, transport would not be needed at all.

Cycletracks under the "Walking and Cycling Strategy" are created but equestrians are being excluded even though they could easily be granted access and support sustainability. At the same time traffic is being increased through development irrespective of the local needs of the equestrian community. It is felt by CCC that unless there is specific guidance covering equestrians under TAN, they are not permitted to give them consideration under planning guidance..

An example of this view is shown at a planning meeting on 29th March for significant development in Cross Hands. This is an application that will affect over 80 horses resident within 1 mile of the site and 1500 in the postcode area SA14. The site does contain a bridleway claim that has been ignored because it is not currently registered on the definitive map. It also affects an area regularly ridden to avoid busy junctions and traffic lights that do not allow time for horses to cross safely. All 3 planning applications have the same comment in relation to equestrian consideration. Equestrians were not considered as no registered bridleway was affected.

[http://online.carmarthenshire.gov.uk/agendas/eng/PLAC20120329/SUM03\\_01.HTM#P878\\_102164](http://online.carmarthenshire.gov.uk/agendas/eng/PLAC20120329/SUM03_01.HTM#P878_102164)

Under sustainable development Welsh Government should insure that equestrians are considered as road users and are included in provisions for walkers and cyclists. Access and design statements do not include equestrian access issues and environmental impact assessments do not consider horse riders unless they are on a bridleway directly affected by the development.

Increasingly equestrians are transport given the fuel costs and access local services and facilities and visit friends as part of a ride out. With 20,000 passported horses in Carmarthenshire (National Equine database Oct 2009) and with the cost of keeping a horse being between £3000-£4000 a year, with the majority of this spent locally on feed, field maintenance, grazing and other services. This is a significant contribution to the local economy. By not facilitating safe links between rights of way, the equestrian tourism, that is becoming so popular and improving the local economy, will decline and opportunities for diversification will disappear. The BHS are due to open the Great Dragon Ride from Prestatyn to Margam in September. There are also routes throughout Wales encouraging equestrian visitors from England on long distance trails.

Unless something is done to give better guidance to planning authorities we will have an increasingly fragmented rights of way network that does not link with rideable roads which will leave it useless and increasing the risk of accidents on our roads. Cycleways are taking up the disused railway corridors that we have ridden historically and excluding horses, placing them onto the roads. New cycle routes should be of bridleway status allowing a greater section of the community to use them. This makes the public money spent on them to be spent efficiently giving good value for money. I do not think Welsh Government intended to forget about horseriders but as policy has developed we have been forgotten and are not adequately considered under current planning guidance.

|  |
|--|
| <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"/> |

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Kayna Tregay   |                                     |
| <b>Organisation</b>   | Environment Agency Wales   |                                     |
| <b>Address</b>  | Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP   |                                     |
| <b>E-mail address</b>   | kayna.tregay@environment-agency.gov.uk   |                                     |
| <b>Type</b><br>(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:**

We agree with the proposed additional paragraphs 4.2.1-4.2.5 of Planning Policy Wales (PPW). We note that the intention is to strengthen PPW's promotion of the planning system's role in delivering sustainable development (SD), and we support this.

We agree with what SD means in the planning system, as set out in proposed paragraphs 4.2.1 and 4.2.2. We welcome the reference to the SD principles and key policy objectives set out in Section 4.3 and 4.4 of PPW (as existing) and we agree with these. We agree with the current SD definition as set out in paragraph 4.1.2 of PPW, as this is the definition set out in the Welsh Government's SD scheme. We therefore welcome the cross-reference to existing section 4.1 of PPW, as set out in proposed paragraph 4.2.3.

We believe that it would be useful to specifically define the term 'presumption'. This would clarify whether it has a legal meaning. If the term does not have a legal meaning, does it need to be used? It may be simpler to say that planners are required to base their decisions on the principles of sustainable development. This may also avoid potential confusion with the presumption in favour of SD set out in the English National Planning Policy Framework.

Recommendation: Text should be added to define or clarify the term 'presumption' with respect to any legal meaning. Alternatively, it could be removed and a simple statement included saying that SD should be the principle for decision-making.

| 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?<br><br>[New section at 2.7] | Yes  | No                       |
|---|---|--|--------------------------|
|   |   | <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |
|   |   | Please select                              |                          |
| <p><b>Additional comments:</b></p> <p>We support the proposed text (proposed paragraphs 2.6.2, 2.7.1 and 2.8). We believe that this will build upon PPW's existing promotion of SD. We welcome that the proposed text also makes clear that a plan led approach is the most effective way to deliver SD at a local level.</p> <p>However, we believe that the term 'outdated', as used in proposed paragraph 2.7.1, needs to be defined.</p> <p>Recommendation: Text should be added to define the term 'outdated'. We suggested that in this context, 'outdated' refers to situations where national policy is more recent than development plan policy. It may be that each Local Planning Authority (LPA) can determine this individually. For example, each LPA could compare their development plan policies with the relevant sections of PPW in order to identify outdated local policies.</p> <p>It will also be important that LPAs who are in the process of preparing their Local Development Plans (LDPs) understand how the presumption should be applied.</p> <p>Recommendation: Text should be added to explain the transitional arrangements for LPAs with emerging Development Plans that have not yet been adopted. This should make clear to LPAs the weight that should be given to national planning policies.</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> |
|----|--|

**Additional comments:**

We have recently responded a Welsh Government consultation on PPW Chapter 7. This included provision for Local Planning Authorities to look favourably on applications for economic development not in accordance with the development plan (Paragraph 7.6.2 of Welsh Government consultation WG14092 “Revision of Chapter 7 of Planning Policy Wales - Securing the Economy”). This does not appear consistent with this current consultation which stresses that “a plan-led approach is the most effective way to secure the presumption in favour of sustainable development at the local level” (proposed paragraph 4.2.5).

Recommendation: Welsh Government should ensure that the proposed changes set out in the current consultation on the presumption in favour of sustainable development are used to inform other emerging policy and legislation, such as PPW Chapter 7 and the proposed associated Technical Advice Note, the Planning Bill, the SD Bill and the Environment Bill.

Whilst we support the plan-led system, we believe that planning decisions need to be taken at the most appropriate spatial scale in order to deliver SD. All plans or decisions at any spatial scale would need to be subject to SD decision-making principles and processes, for example, Sustainability Appraisal and Strategic Environmental Assessment.

Should national or regional plans be produced, we believe these would need to be given weight in the local decision-making process.

Recommendation: PPW would need to reflect the weight to be given to any national and regional tiers of planning.

**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: ☐



The Law Society

WG14377  
Presumption consultation  
Planning Division  
Welsh Government  
Cathays Park  
Cardiff CF10 3NQ

8<sup>th</sup> May 2012

Dear Sirs

**Re: Planning for Sustainability: the presumption in favour of sustainable development**

The Law Society is the representative body of over 140,000 solicitors in England and Wales. The Society negotiates on behalf of the profession and lobbies regulators, governments and others. This consultation response has been prepared by members of the Law Society's Planning & Environmental Law Committee. The Committee comprises 20 practitioners expert in these areas of law from a cross section of the profession, both public and private sectors, and from across the UK nations.

**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?**

Yes we agree with the objective of re-enforcing the presumption in favour of sustainable development in Planning Policy Wales (PPW). However, we are slightly concerned that the new section 4.2 could be seen as providing a further formulation of the meaning of sustainable development. We would suggest ensuring that there is consistency throughout the Welsh Government's planning policy guidance for the sake of clarity and that section 4.2 reflects this. The Welsh Sustainable Development Bill currently being drafted is expected to provide a consistent definition to inform other Welsh legislation. It will be necessary to ensure that PPW tallies with the definition in that Bill. We are aware that uncertainty over the definition of the sustainable caused considerable controversy during the consultation over the National Planning Policy Framework for England.

We very much welcome the emphasis that the draft places on the plan-led approach and the need for authorities to have up to date development plans.

**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?**

Yes we agree that authorities should give diminishing weight to outdated dated or superseded development plan policies in favour of other material considerations including national planning policy and hence the presumption in favour of sustainable development. We would hope that one of the indirect benefits of that revision will be to incentivise authorities to ensure that they do have up to date development plans.

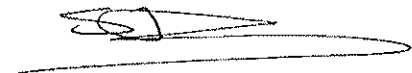
In paragraph 26 reference is made to plans that did not proceed to full adoption. As it points out some LPAs "adopt " these for development control purposes. These LPAs may be some way from adopting the new style local development plans. It would be helpful if PPW could make clear what weight, if any, should be given to such documents. Indeed guidance is needed on when a plan becomes "outdated" or "superseded".

The suggested addition to paragraph 2.6.2 of PPW (at paragraph 27 of the consultation document) says that National Planning Policy "can" also be a material consideration. We would suggest that this should be "will" as the plan has to have regard to national policy and if departing from, it must be justified.

**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 have no other comments.

Yours faithfully

A handwritten signature in black ink, appearing to be 'S Durno', with a long horizontal line extending to the right.

Steven Durno, Policy Officer

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Miss Rachael A. Bust - Chief Planner/Principal Manager - Planning & La Liaison   |                                     |
| <b>Organisation</b>   | The Coal Authority (Non Departmental Public Body)  |                                     |
| <b>Address</b>  | 200 Lichfield Lane<br>Berry Hill<br>MANSFIELD<br>Nottinghamshire<br>NG18 4RG   |                                     |
| <b>E-mail address</b>   | planningconsultation@coal.gov.uk   |                                     |
| <b>Type</b><br>(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?<br>[New section 4.2] | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|           |   | Please select                       |                          |

**Additional comments:**

The Coal Authority considers that the change proposed to introduce a presumption in favour of sustainable development would represent a welcome addition to Planning Policy Wales. It will assist in providing a clear overarching focus to National Planning Policy and will ensure that PPW retains its commitment to being continuously updated to respond to necessary issues that arise.

| 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?<br><br>[New section at 2.7] | Yes  | No                       |
|--|---|--|--------------------------|
|  |   | <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |
|  |   | Please select                              |                          |
| <p><b>Additional comments:</b></p> <p>The Coal Authority, like WAG is committed to a plan-led planning system and as such welcomes and supports the efforts of the Welsh Local Authorities in developing their LDPs. However it is important to recognise that dated plans produced some time ago do not reflect up-to-date National Planning Policy that has often been introduced to set out a different policy direction which is designed to respond to modern planning circumstances. Whilst it is inevitable that some time-lag will always occur between National Policy changes and their incorporation into LDPs, The Coal Authority would agree that dated development plan policies need to be considered in the context of more recent National Planning Policy.</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> <p>The Coal Authority has no other comments to make.</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> |

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Mark Hand  |                                     |
| <b>Organisation</b>   | Newport City Council   |                                     |
| <b>Address</b>  | Regeneration and Regulatory Services<br>Development Services<br>Civic Centre<br>Newport  |                                     |
| <b>E-mail address</b>   | mark.hand@newport.gov.uk   |                                     |
| <b>Type</b><br>(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: |  |                                     |                          |
|                      |  |                                     |                          |

| 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?<br><br>[New section at 2.7] | Yes                                 | No                       |
|---|---|-------------------------------------|--------------------------|
|   |   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|   |   | Please select                       |                          |
| <p>Additional comments:</p> <p>it makes sense that more weight is given to the latest planning policy at a national level, for certain developments (e.g. Gypsy and Traveller provision referring to Circular 30/2007), if the local planning policy is clearly outdated/superseded. The national planning policy must clearly supersede the local policy though.</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>Additional comments:</p>   |

| Confidentiality   |
|---|
| <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> |

## **CONSULTATION FORM**

### **Planning for Sustainability**

#### **The presumption in favour of sustainable development**

We want your views on an approach to measure the contribution the planning system makes to our vision of a sustainable Wales.

Please submit your comments by 25 May 2011.

If you have any queries on this consultation, please email:  
planconsultations-C@wales.gsi.gov.uk or telephone: 029 2082 3869

| <b>Data Protection</b>  |
|---|
| <p>Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.</p> <p>The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.</p> <p>Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.</p> |

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Dr Michael Gandy   |                                     |
| <b>Organisation</b>   | Celtic Energy Ltd  |                                     |
| <b>Address</b>  | 9, Beddau Way, Castlegate Business Park, Caerphilly, CF83 2AX  |                                     |
| <b>E-mail address</b>   | mgandy@coal.com  |                                     |
| <b>Type</b><br>(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:**

Whilst the answer is Yes, it is a qualified affirmative for the following reasons, which Celtic Energy would wish to be taken into account.

The first point is that Celtic Energy supports a "Presumption in favour of Sustainable Development"

Going on from that statement, Celtic Energy notes that Planning Policy Wales was updated in February 2011. That document dealt specifically with Sustainable Development in Chapter 4 and the principles therein are supported. What is more, they appear to cover the essence of what is now being proposed in this new Consultation Document. The question that arises is whether the new consultations embrace or seeks to amend those principles. If it is the former then Celtic Energy would have no issue, but if amendments were being considered, then the proposals may well be unacceptable. Stangely and rather worryingly, it seems that the new PPW (February 2011) did not take account of the findings of the NAW "Inquiry into Planning in Wales" in spite of its publication in the preceding month. That suggests a lack of cross reference or accountability.

The Consultation document (paragraph 11) recognises the objectives and principles in PPW and concentrates specifically on the Development Plan system. It identifies (in paragraph 13) that every Local Planning Authority in Wales must prepare a Development Plan, which is of course a fundamental requirement of the 2004 Act. Celtic Energy along with many other development companies, is concerned about the lack of progress with the preparation of Development Plans. Annex 5 shows the current position. It seems that the causes (variability in strategy, vision, political prospectus, staffing and so-on) are manifold, whilst the possible remedies (intervention, enforcement or sanction by Welsh Government) are not pursued so readily. Introduction of a new policy is hardly likely to lead to a rush of plans.

In paragraph 22, it is suggested that presumption in favour of sustainability "reiterates the need to have an adopted plan in place". Celtic Energy does not necessarily accept that point and expands its view in the response to Question 3. That being said, the suggestion of replacing the existing PPW paragraph 4.1.6 with a new Section 4.2 (with consequential changes) is reasonable and supported. Perhaps some indication of timescale of preparation should be included alongwith a threat of action should that timescale not be met (exceptional circumstances recognised).

|           |   |                          |                                     |
|-----------|---|--------------------------|-------------------------------------|
| <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 type="checkbox"/> | <input checked="" type="checkbox"/> |
|           | [New section at 2.7]  | Please select            |                                     |

**Additional comments:**

The first point arising from this question is: When is a Development Plan policy considered to be outdated? If a plan is prepared for a given period and adopted accordingly, then it should under normal circumstances be valid for that period unless material considerations determine otherwise. If it becomes clear that matters outside the control of the LPA warrant changing a policy, then Supplementary Development Plan Policy should be prepared (rather like the amendments now being proposed to the February 2011 version of PPW). At least that would give local people the chance to debate the amended policy in the correct forum with an Inspector determining the merits or otherwise of any change. Adoption of extant national policy would not allow that to happen.

What is potentially worrying is the reference to "decreasing weight in favour of other considerations such as national planning policy". What does 'such as' mean? The implication is that it could be something other than national policy. Secondly, what is the situation if national policy itself is not up to date? Thirdly, and perhaps the most importantly is that NO overriding role should be attached to Advice and Guidance such as Technical Advice Notes. They are what they are, namely non-policy documents, which do not and should not take precedence over statutorily approved Development Plans.

|           |   |
|-----------|---|
| <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:**

If Planning for Sustainability is to embrace 'the need to have an adopted development plan in place' (paragraph 22) then that plan must be fit for purpose. What is at the heart of the concern about Development Plans is the variability in approach and timescale for adoption. There is also a fundamental conflict in dealing with Strategic and Local issues in the same Local Development Plan. Strategic Issues are by definition something far more significant and wider in application than local matters, and what is needed here is a radical re-think of policy formulation in Local Government in Wales. Either strategic issues should be dealt with by regional arrangements or on an all-Wales basis. Only then would sustainability be addressed in a meaningful and fruitful way.

|  |
|--|
| <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"/> |

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Vicki Hirst  |                                     |
| <b>Organisation</b>   | Welsh Local Government Association   |                                     |
| <b>Address</b>  | Local Government House<br>Drake Walk<br>Cardiff<br>CF10 4LG  |                                     |
| <b>E-mail address</b>   | Vicki.Hirst@wlga.gov.uk  |                                     |
| <b>Type</b><br>(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 type="checkbox"/> | <input checked="" type="checkbox"/> |
|           | [New section 4.2]  | Please select            |                                     |

**Additional comments:**

A number of definitions of sustainable development (SD) have been used in the past and each interpretation is slightly different and open to some subjective interpretation. The definition within this consultation differs slightly to others that have been issued by the WG and as such introduces some uncertainty and confusion. Notwithstanding the above, defining SD is by its nature difficult, and it is not possible to be prescriptive. As such, it is very difficult to pinpoint exactly what SD should be and giving a presumption in its favour is open to some interpretation, thus reducing transparency, assurance and public accountability.

The existing system requires LPAs to prepare local development plans with a full Sustainability Appraisal to ensure that the policies are focussed on the delivery of SD. As such, where LDPs are current there seems no need to introduce a presumption in favour of SD as this will be the central principle of the Development Plan. It is submitted that providing a further statement to give a presumption in favour would cause confusion and suggest that this should override plan policies.

It is accepted however that older plans may not achieve the principle of SD and therefore should have a lesser weight (see Q2). In these circumstances, it is suggested that PPW should be amended to give greater weight to national policy as an other material consideration rather than proposing a presumption in favour of SD. This would enable all decisions to be taken with regard to policy (whether through an LDP or national policy) rather than each LPAs individual interpretation of SD.

| 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? | Yes  | No                       |
|---|---|--|--------------------------|
|   |   | <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |
|   | [New section at 2.7]  | Please select                              |                          |
| <p>Additional comments:</p> <p>See answer to Q1 above. In addition, however, it is considered that increasing weight should be given to emerging LDPs depending on their stage of preparation. This would enable emerging plans that have been prepared with an accompanying Sustainability Appraisal to be given weight in decision making and provide some assurances and transparency to developers/general public on the outcomes of development proposals.</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>Additional comments:</p> |   |

| Confidentiality   |
|---|
| <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> |

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development<br>2 March – 25 May 2012 |  |                          |
|--|--|--------------------------|
| <b>Name</b>  | Martina Dunne  |                          |
| <b>Organisation</b>  | Pembrokeshire Coast National Park Authority  |                          |
| <b>Address</b>   | Llanion Park<br>Pembroke Dock<br>Pembrokeshire<br>SA72 6DY   |                          |
| <b>E-mail address</b>  | martinad@pembrokeshirecoast.org.uk   |                          |
| <b>Type</b><br>(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 type="checkbox"/> |

|           |   |                          |                          |
|-----------|---|--------------------------|--------------------------|
| <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?<br><br>[New section 4.2] | <input type="checkbox"/> | <input type="checkbox"/> |
|           |   | Please select            |                          |

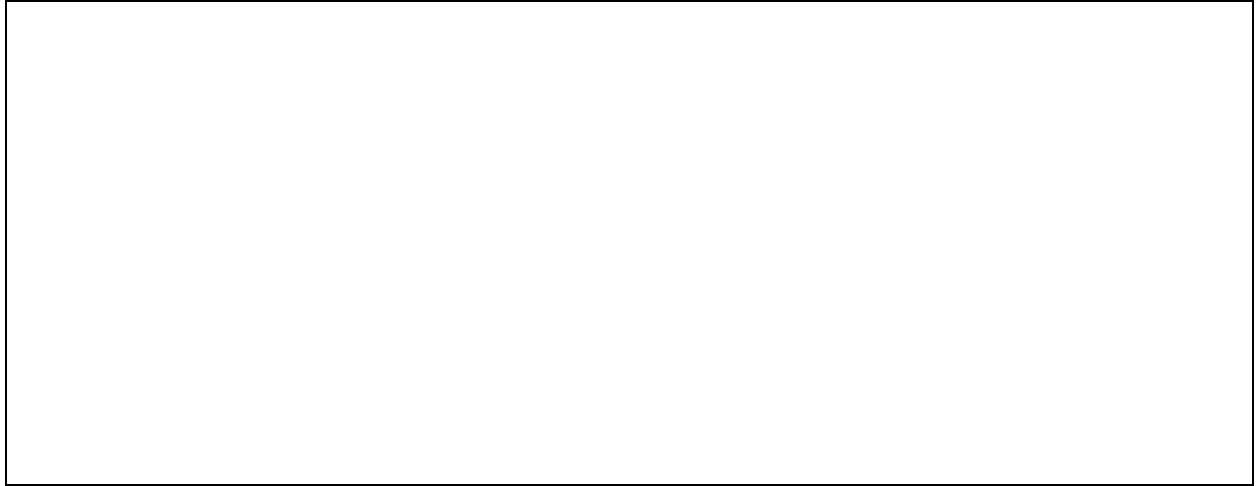
### Additional comments:

"The Authority fully supports sustainable development but does not agree with giving this a presumption in favour....."

The existing system requires LPAs to prepare local development plans with a full Sustainability Appraisal to ensure that the policies are focussed on the delivery of SD. As such, where LDPs are current there seems no need to introduce a presumption in favour of SD as this will be the central principle of the Development Plan. It is submitted that providing a further statement to give a presumption in favour would cause confusion and suggest that this should override plan policies when determining individual applications - new paragraph 4.3.4.

It is accepted however that older plans may not achieve the principle of SD and therefore should have a lesser weight (see Q2). In these circumstances, it is suggested that PPW should be amended to give greater weight to national policy as an other material consideration rather than proposing a presumption in favour of SD. This would enable all decisions to be taken with regard to policy (whether through an LDP or national policy) rather than each LPAs individual interpretation of SD.

To support Planning Policy Wales, as a vehicle for expressing the government's sustainability agenda in planning terms it would need to be accompanied by a published sustainability appraisal showing how the policies have been drafted and performance improved in terms of the delivery of sustainable 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? | <input type="checkbox"/> | <input type="checkbox"/> |
|           |   |                          |                          |
|           | [New section at 2.7]  |                          | Please select            |

**Additional comments:**

See answer to Q1 above. Some guidance on what are likely to be 'other material considerations' would be helpful. Can they only be taken into account if they contribute to the achievement 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. |
|-----------|---|

**Additional comments:**

□□□□□

|  |
|--|
| <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"/> |

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Peter Hayne  |                                     |
| <b>Organisation</b>   | Arqiva Ltd   |                                     |
| <b>Address</b>  | Black Hill Transmitting Station, Salsburgh, Shotts, North Lanarkshire, ML7 4NZ   |                                     |
| <b>E-mail address</b>   | peter.hayne@arqiva.com   |                                     |
| <b>Type</b><br>(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                       |                          |
| <b>Additional comments:</b><br>Please see Arqiva's separate supporting statement |  |                                     |                          |

| 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?<br><br>[New section at 2.7] | Yes                                 | No                       |
|--|---|-------------------------------------|--------------------------|
|  |   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  |   | Please select                       |                          |
| <p>Additional comments:</p> <p>Please see Arqiva's separate supporting statement</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>Additional comments:</p> <p>Please see Arqiva's separate supporting statement</p>  |

| Confidentiality   |
|---|
| <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> |



## **Consultation Document – Planning for Sustainability**

### **Additional comments/amplification to Consultation Questions by Arqiva Ltd**

#### **About Arqiva**

1. Following approval by the Competition Commission, Arqiva (formerly NTL Broadcast) merged with National Grid Wireless (formerly Crown Castle UK Ltd) towards the end of 2008 and the combined entity trades under the Arqiva name.
2. Arqiva is an electronic communications company with its headquarters in Hampshire and other major UK offices in Warwick, London, Buckinghamshire and Yorkshire. It now has 8 international satellite teleports, over 70 other manned locations, and around 8000 shared radio sites (586 of which are electricity pylons) throughout the UK and Ireland including masts, towers and rooftops from under 30 to over 300 metres tall.
3. The company is owned by a consortium of long-term investors led by the Canadian Pension Plan Investment Board (CPPIB) and has 3 operating divisions: Broadcast and Media, Government, Mobile and Enterprise and Business Operations.
4. Arqiva is technology and service neutral and operates at the heart of the broadcast and mobile communications industry providing shared infrastructure solutions to facilitate the cost effective deployment of nationwide communications services - our sites or networks are used by almost every electronic communications system in the UK.
5. We are at the forefront of network solutions and services in an increasingly digital world. The company provides much of the infrastructure behind television, radio and wireless communications in the UK and has a growing presence in Ireland, mainland Europe and the USA.
6. Arqiva is a founder member of Freeview (Arqiva broadcasts all 6 Freeview multiplexes and is the licensed operator of 2 of them) and was a key launch technology partner for Freesat. Arqiva is also the licensed operator of the Digital One national commercial DAB multiplex.
7. Alongside the BBC, Arqiva's Spectrum Planning Group plays a critical role in planning Digital Switch Over (DSO) and making the necessary physical transformation to the television broadcast network. In similar fashion, we are also expanding the Digital Audio Broadcast network.
8. In the communications sector the company supports cellular, wireless broadband, video, voice and data solutions for the mobile phone, public safety, public sector, public space and transport markets.

9. Major customers include the BBC, ITV, Channel 4, Five, BSkyB, Classic FM, the four UK mobile operators, Viacom, Turner Broadcasting, Central and Local Government, the Metropolitan Police and RNLI.
10. All our sites are available for sharing and to support future electronic services which might include rural broadband, smart metering or 4G.
11. Arqiva appreciates the opportunity to respond to this exciting consultation. We respond from the standpoint of an organisation with considerable experience in the town planning systems across the UK and because our services, which clearly enhance the economic, social and environmental wellbeing of people and communities, will contribute significantly to the Welsh Governments commitment to sustainability.

### **General Observation**

12. In general, Arqiva supports the need to update Planning Policy Wales to better reflect the aspirations of the Welsh Government towards a presumption in favour of sustainable development. Furthermore, we support the Government's view that where existing Development Plans are outdated, national guidance should become a greater factor in planning decisions, especially where Development Plans do not properly reflect the Government's objective of achieving sustainable development.
13. However, with this in mind and the greater reliance that is intended to be placed on national policy in determining planning applications, we consider that it is appropriate at this stage to reinforce the importance of modern electronic communications in all their forms and how this could potentially be reflected in changes to Planning Policy Wales.

### **Contribution to sustainable economic growth**

14. The electronic communications sector in all its forms, from public broadcasting, wireless broadband provision, support services such as Data Centres and a whole myriad of spin off businesses, will be a critical to the Digital Economy within Wales and sustainable economic growth.
15. In March 2012 we made written representations to the Welsh Government in relation to the proposed revision of Chapter 7 of Planning Policy Wales – Supporting the Economy. We explained that the revisions did not properly reflect the importance of the digital economy.
16. Reflecting the Government's intended presumption in favour of sustainable development, our observations about the importance of electronic communications infrastructure as a key element of achieving a sustainable Welsh economy now merits further consideration.
17. The DCMS issued the Digital Britain Report in 2009 which formed part of the Government's Building Britain's Future plan and legislative framework. Building

Britain's Future sets out three clear priorities and the most pertinent to the current consultation is the commitment to recovering and growing the Welsh economy, now with the greater emphasis on achieving this in a sustainable manner.

18. Central to any sustainable economic growth will be modern and future communications. Paragraph 1 of the Digital Britain Report states:

*"The communications sector underpins everything we do as an economy and society, to a degree few could have imagined even a quarter of a century ago."*

19. At paragraph 9 it states that:

*"A sector that underpins so much of our collective and individual lives is a significant industry in its own right. Its precise scale is evolving continually.....on current definitions, the Digital Britain sectors account for nearly £1 in every £10 that the whole economy produces each year."*

20. These statistics are very significant. It is one of the major growth sectors on which the UK economy depends. The Report states that we are in an inflection point in technology, in capability and demand. Those countries and government's that strategically push forward their digital communications sector will gain substantial and long lasting competitive advantage and by result sustainable economic growth. Hence if there is any sector that is likely to sustain the Welsh economy, it is likely to be the digital communications sector.

### **Contribution to social well-being, inclusion and equality of opportunity**

21. Current Planning Policy Wales advises that adequate and efficient infrastructure, including services such as electronic communications, are *"crucial for the economic, social and environmental sustainability of all parts of Wales"* (paragraph 12.1.1).
22. Modern communications have a significant societal role to play in terms of their social and entertainment roles, as well as the huge convenience they bring. This is further illustrated by the following examples:
- Extending economic opportunity through faster and more flexible means of communications capable of handling large volumes of data and for example, being a platform to sustain rural 'digital' economies. This is particularly important to those who live in remote areas, where economic opportunities might be more limited particularly amongst the more socially disadvantaged, with poorer access to transport.
  - Helping to support equality by enabling flexible forms of working that provide opportunities to working parents or carers and help them achieve a better work life balance with both family and community benefits.
  - The provision of digital television services, which provide a wide range of new services such as Internet access and home shopping services. These tend to

be more accessible to poorer sectors of the population who cannot afford or do not want personal computers.

- By providing means of communication that improve convenience and enhance personal safety and security. This is especially important to vulnerable groups who may otherwise feel unable to participate in certain activities.
  - By improving radio communications between fire and rescue divisions and personal ability to make 'on the spot' 999 calls. Modern communications allow quicker response and rescue times and in turn save lives.
23. It is essential that modern electronic communications are recognised as a key contributor to sustaining and growing Welsh communities and this is fully reflected in any changes to Planning Policy Wales. Modern communications underpin opportunities for households and businesses to achieve more socially desirable ways of living and working and will continue to facilitate social inclusion. As time passes, our communities use, reliance and expectations of electronic communications increases and that will continue to rise.

#### **Contribution to environmental sustainability**

24. Modern communications provide effective protection of the environment by helping reduce the need to travel by enabling modern working practices such as greater home working and the increased use of call and video conferencing facilities. Such practices reduce the need for travel and can alleviate the pressure for new commercial development such as offices, through more efficient and flexible use of existing accommodation. Indeed the adoption of these practices has a far greater effect in reducing travel than the blunt instrument of planning policy trying to encourage behavioural changes.
25. For the same reasons, modern communications helps ensure the prudent use of natural resources.

#### **Supporting high quality communications infrastructure**

26. The Welsh economy is therefore likely to see a number of changes to the communications sector which will support competitive advantage, recovery, growth, social inclusion and environmental management, all key threads of the intended presumption in favour of sustainable development. Over the next few years and helping to underpin the Governments vision of a sustainable Wales, the following are likely to occur:
- **Enhanced Rural Broadband** – coverage improvements which may open up opportunities for sustainable rural economies and allow local people to remain in the area without having to travel distances to new places of work, which in turn promotes sustainable travel patterns and movements. Available communications will help foster better education facilities in schools, inclusion through remote and virtual learning and help empower and provide the

necessary skill sets for the future workforces which will maintain the Welsh economy.

- **Digital Radio Upgrade** – this offers a number of possibilities for radio to grow such as the delivery of new content and functionality such as scrolling text, one-to-one traffic information, provide gateways into online businesses and open up new revenue streams to the Welsh and UK commercial market.
- **Digital Switchover of Public Services** – providing greater enhancements to administration, cost and delivery of public services (such as Council's / NHS), allowing public monies to be utilised elsewhere such as on infrastructure improvements that might attract and sustain new economic growth. Also changes will allow, for example, easier access to publicly available data that might assist new and old businesses reliant on such data and allow easier access to information by the public at large.
- **Growth of Creative Industries** – the growth of creative businesses is now deep rooted in the opportunities afforded by connectivity. This can be a vast area, but museums, art centres, theatres and music venues will benefit from digital connectivity and media and which in turn support the Welsh economy through spending, investment and new tourist attraction opportunities and promote social inclusion.
- **New Communication Services from the Digital Dividend Review** – spectrum released from digital television switchover will allow for the next generation of wireless communications that have already had a profound influence on business growth, diversity and social interaction within Wales. This might include further television services, 4G mobile communications, and advanced Wi-max connectivity as examples. Such communications will all add to the connectivity and services available to new businesses to support sustainable economic growth within Wales.
- **Service Sectors** – the digital economy will provide opportunity for key support sectors, particularly those relating to data storage. This might include new Data Centre developments to serve existing or remote businesses. Data Centres are often significant investments and indirectly have significant spin offs for the longer term growth of the Welsh economy, through the attraction of new businesses dependant on their availability.
- **Smart Metering** – the provision of smart gas and electricity meters to all domestic and non-domestic properties as part of a new UK smart metering network. This will allow businesses to better manage and utilise power and consumption, invest in new equipment which is more efficient or modify working practices, which in turn might enable businesses to be more competitive and sustainable.

## Conclusion

27. The growth of the digital economy and new services outlined above will help underpin the Government's objective of a sustainable Wales. There should therefore be a presumption in favour of modern high quality communications

infrastructure that will clearly enhance the economic, social and environmental well being of people and communities within Wales.

28. However, the provision of new connectivity and digital services will require a network of supporting infrastructure which might include radio masts, rooftop installations and the use of other facilities as reflected in other planning guidance such as TAN 19.
29. As with the provision of any new services, there will be some inevitable environmental impact associated with their delivery. Accordingly, the statutory and policy framework for supporting a sustainable Wales as proposed in the revision to Planning Policy Wales, should fully take into account that the digital economy will need to rely on, where available or suitable, existing communications network infrastructure to minimise such environmental impact. The use of existing electronic communications facilities is already the key objective of TAN 19 and with its extensive portfolio of communications installations across Wales, including our large broadcasting installations, Arqiva is well placed to help deliver new electronic services to support sustainability objectives.
30. We hope that our response is a helpful contribution to your consultation and we would be pleased to discuss any aspect of this important matter if that would assist further.

**Arqiva Ltd**

**May 2012**

| Planning for Sustainability<br>The presumption in favour of sustainable development<br>2 March – 25 May 2012 |  |  |
|--|--|--|
| Name   |  |  |
| Organisation   |  |  |
| Address  |  |  |
| E-mail address   |  |  |
| Type<br>(please select one from the following)   | Businesses   |  |
|  | Local Planning Authority   |  |
|  | Government Agency/Other Public Sector  |  |
|  | Professional Bodies/Interest Groups  |  |
|  | Voluntary sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations) |  |
|  | Other (other groups not listed above)  |  |

|   | 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?<br>[New section 4.2]  |     |    |
| Please select   |     |    |
| <p>Additional comments:</p> <p>Ideally, all new developments in Wales would be done with a sustainable focus. It need not cost extra, and can include solar panels on homes and other sustainable energy resources, as well as other sustainable methods.</p> <p>More ease would be beneficial for the creation of sustainable projects (financially and bureaucratically).</p> <p>The encouragement of stock-free organic growing would also be beneficial for the environment, farmers/growers selling their organic food ought not to have to pay to get the organic standard certificate, it ought to be provided for free when they have worked to prove that their growing is meeting TAN6 would be beneficial, rather than the weighing of food to prove 75%, more flexibility is needed, while also ensuring that the project is sustainable in its own way.</p> <p>Living and working projects can be screened from the view by trees, so as not to blot the landscape. this is more visually aesthetically pleasing too than bare fields for example.</p> |     |    |

|  |
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|  |
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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?<br>[New section at 2.7] | <b>Yes</b>    | <b>No</b> |
|           |   |               |           |
|           |   | Please select |           |

Additional comments:

*when it comes to sustainable, fair developments for affordable homes and workplaces, that can be screened from view by trees etc, blending into the environment.*

|           |   |
|-----------|---|
| <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:

The TAN 6 is great, but does not allow for careers that are not deemed land based livelihoods to live and source from the land for themselves, while participating in their careers.

There is a danger that all the hoops put people off extremely valuable projects that could benefit Wales so much.

More support and advice would be useful.

Making it easier for those that wish to live from the land to support themselves while also working their career would be useful. Scotland has encouraged somewhat the bringing back the land to the people. ie. rather than one family owning 1000 acres, a large number of families could be living from the land, reducing wales carbon footprint, reducing vastly the need for benefits, encouraging employment, and living in nature can improve health and wellbeing too, freeing more nhs resources.

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**From:** [REDACTED]  
**Sent:** 20 May 2012 17:21  
**To:** planconsultations-c  
**Subject:** sustainable eco housing in Wales

Hello!

I am very interested in legislation designed to provide further opportunities to people such as myself who desire to live in an eco dwelling in Wales. So far I have been extremely impressed by what I see as Wales' commitment to protection of the environment and sustainable living. I have been inspired by developments such as Lammas eco village and [REDACTED] as soon as it becomes available to me. Unlike the Lammas people, I am not someone who plans to live off the land in that precise way. I am motivated by creativity, an interest in doing my bit to create a better world in whatever way I can and by a pressing need (health reasons) to live closer to nature. I am an artist/designer/musician educated to degree level. Due to health problems I have had to spend a year confined pretty much to my bedroom and that has given me a lot of time to think about the sustainability of my own lifestyle as much as sustainable living on a larger scale. It has become time for me to learn to safe guard my health by living in a different way from now on.

What I would like to do is build my own home out of recycled materials, cob (clay soil mix) and straw bales. I am not interested in 'owning property' per se, and certainly not interested in selling whatever home I build, it is all about having the security of living in my own self-designed home for a minimum of five years. I am not a farmer, just an ordinary person who believes that it would be healthier for me to go out collecting fire wood than it would be to attempt to hold down a job that could make me ill again in order to pay heating bills if that makes sense. I have experienced being homeless and living in a night shelter before and this experience has taught me a lot about the stress that accompanies a life without foundation. I want to express my potential and contribute to society and I believe that having a home of my own would enable me to do so.

I would like to propose that Wales considers the health benefits of eco-living and begins to look at potential ways for people with mental health issues to get involved in this sort of lifestyle on the grounds that such people can benefit greatly from this slower, simpler way of life close to nature. I believe that it could be a way to independence for vulnerable people and have a transformational effect on people's lives.

I would like to see some policy that encourages people such as myself to eco-build and grant 'allotments' of land on which to do so. Such buildings seem to cost £3000-£5000 according to people who have already achieved them. I think this is a greater use of resources than handing out housing benefit in certain cases. Also, someone like me hasn't got a hope of being able to buy a house with a mortgage. That system won't work for the more fragile and vulnerable members of society. Not everyone is going to want to live in a straw bale round house like I do, but I am asking if there is anything you can do to make it a more accessible option for those that do?

If there was an initiative in place, materials such as car tyres could be used as foundations for such buildings, and local councils could organise things so that

materials useful to such building styles were granted to the people willing to build this way, cutting down the refuse disposal costs, making this financially sustainable for councils as well. As far as I know, it costs a garage approx £2 per tyre to have them disposed of. A typical eco home for 1-2 people could use approx 100 of these tyres. That's £200 that a garage would pay you per house. That money could be in the council's pocket.

Please advise me as to who I need to approach about this proposed initiative, given that it is planning approval linked to improving and maintaining sound mental health for people.

Thank you for taking the time to give this idea some thought.

All the best,



*~ Follow your heart and you will find yourself happy ~*



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

25 May 2012

**By email to [planconsultations-C@wales.gsi.gov.uk](mailto:planconsultations-C@wales.gsi.gov.uk)**

Dear Sir / Madam,

## **PLANNING FOR SUSTAINABILITY: A PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT**

ScottishPower Renewables (SPR) is the largest operator of onshore windfarm assets in the UK and the UK's leading developer with over 1,300MW of consented projects and a large pipeline of future projects. We have a significant interest in offshore wind and we are a leader in the development of new marine technologies. We therefore welcome the opportunity to feed into this consultation process.

### **Presumption in Favour of Sustainable Development**

We strongly support the presumption in favour of sustainable development. This is especially important in the absence of local renewable energy targets and is critical to encouraging local authorities to support the development of appropriate and sustainable energy projects. Not only will this help facilitate the much needed investment and subsequent deployment of the sustainable energy infrastructure needed to ensure security of supply, but at the same time it can minimise cost volatility for the consumer and ultimately lead to an overall reduction in carbon intensity of the energy sector. Local authorities should be expected to contribute to the delivery of the UK and Welsh Government energy policy goals and be incentivised to do so.

### **Relationship with National Policy**

It is important that *Planning Policy Wales* is consistent with both Welsh and UK government policy including the National Policy Statements (NPS). The Overarching National Policy Statement for Energy (EN1) states:

*1.2.1 In England and Wales this NPS is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended).*

<sup>S</sup> ScottishPower Renewables Cathcart House, Spean Street, Glasgow G44 4BE  
Telephone 0141 568 2922, Fax 0141 568 4450  
[www.scottishpowerrenewables.com](http://www.scottishpowerrenewables.com)

We believe this link should be made explicit and we ask that PPW be re-drafted to stipulate that the NPSs are a material consideration in decision-making within the Town and Country Planning Act (TCPA) and the Planning and Compulsory Purchase Act (PCPA) regimes, in order that this requirement is clear for local planning decisions. It is also important that that PPW is consistent with the NPSs and that it makes clear the primacy of the NPSs for energy developments.

### **Local Development Planning**

Onshore wind developments in Wales generating more than 50MW are classed as Nationally Significant Infrastructure Projects (NSIPs) and as of April 2012 will be determined by the national infrastructure directorate (NID) of the Planning Inspectorate, in accordance with the UK's National Policy Statements (NPS) and Welsh Government policy on renewable energy.

Local authorities are not required to generate policy to guide the development of NSIPs but when they do consider them within their Local Development Plans (LDPs), it is important that they do not conflict with or undermine national policy, for example as set out in the NPS or TAN8. Ensuring consistency with national policy is vital if LDPs are to facilitate the effective deliver of our renewable energy aspirations. The consultation document rightly recognises that the best way to ensure that sustainable planning decision are taken is to ensure that an up-to-date development plan is in place (Para. 8). Any contradiction with national policy may result in an uncoordinated policy framework being presented to developers, who require a stable and certain policy context within which to make investment decisions.

LDPs should also recognise the economic, social and environmental benefits (as well as potential impacts) of renewables on a local and regional/national scale. This will help ensure that decisions on applications are made within the correct policy framework.

I hope these comments are of use and please feel free to contact me on 0141 568 2992, or at [rfurlong@scottishpower.com](mailto:rfurlong@scottishpower.com) should you require any additional information.

Yours faithfully,

Rachel Furlong  
Policy Manager (Environment)

## **Annex 1: ScottishPower Renewables (SPR) comments on the Consultation Questions**

### **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?**

We strongly support the presumption in favour of sustainable development. This is especially important in the absence of local renewable energy targets and is critical to encouraging local authorities to support the development of appropriate and sustainable energy projects. Not only will this help facilitate the much needed investment and subsequent deployment of the sustainable energy infrastructure needed to ensure security of supply, but at the same time it can minimise cost volatility for the consumer and over time lead to an overall reduction in carbon intensity of the energy sector. Local authorities should also be expected to contribute to the delivery of the UK's energy policy goals and be incentivised to do so.

Please see below for our comments on the proposed text:

#### **4.2 The role of the planning system in delivering Sustainable Development**

##### *Presumption in favour of sustainable development*

- 4.2.1 Sustainable development in the planning system is development which integrates economic, social and environmental objectives. The planning system should promote development that supports the move towards a more economically, socially and environmentally sustainable society.**
- 4.2.2 The planning system has a fundamental role in delivering sustainable development. It must provide for homes, infrastructure, investment and jobs in a way which is consistent with our sustainability principles (see section 4.3) and our key policy objectives (see section 4.4).*
- 4.2.3 Local planning authorities should exercise their planning functions with the objective of contributing to the achievement of sustainable development. 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 long term (sustainable development) (see Section 4.1).*
- 4.2.4 The presumption in favour of sustainable development is expressed through the key policy objectives set out at section 4.4 below\*. It will be for the decision-maker to balance and reconcile these key policy objectives when planning for their area (see Chapter 2) and in taking decisions on individual applications (see Chapter 3).*
- 4.2.5 A plan-led approach is the most effective way to secure the presumption in favour of sustainable development at the local level. Development Plans, when adopted (or approved by the Welsh Ministers), provide the basis for this presumption to be exercised when determining individual applications (see para 2.7).*

\* We support the current wording of section 4.4 which includes reference to “the need

*to tackle the causes of climate change by moving towards a low carbon economy. This includes facilitating development that reduces emissions of greenhouse gases in a sustainable manner, provides for renewable and low carbon energy sources at all scales and facilitates low and zero carbon developments.” It is important that the reference renewable energy and its link to climate change mitigation remains in any revision of PPW, especially if the presumption in favour of sustainable development proceeds.*

**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?**

Yes, we support this principle. Given that urgent action is needed to deliver our international renewable energy obligations and climate change targets, it is particularly important that development management decisions are taken in accordance with national planning policy where the development plan is outdated or superseded.

Planning and decision-making in Wales should be consistent with all tiers of national planning policy, including the Planning Act 2008, [UK] Overarching National Policy Statement for Energy (EN-1)<sup>1</sup> and the [UK] National Policy Statement for Renewable Energy Infrastructure (EN-3)<sup>2</sup>. If the principle to favour national policy where development plan policies are outdated or superseded proceeds, then the Welsh Government should ensure that local authorities refer to the most relevant and updated to date national planning policy and guidance. In addition to this, clarity is required where LDPs are not technically outdated but are not in accordance with current national policy such as the NPSs.

It should also be made clear that for NSIP projects in particular, the NPSs provide the key policy framework and this should be recognised in PPW.

Please see below for our comments on the proposed text:

## **2. Development Plans**

2.6 *What happens when a development plan has not yet been adopted?*

2.6.2 *National planning policy **at Welsh and UK level** should also be a material consideration in these circumstances.*

2.7 *What happens when development plan policies are outdated or superseded?*

2.7.1 *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 **at Welsh and UK level** in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (see paragraph 1.1.4 and [new] section 4.2).*

<sup>1</sup> National Policy Statement: [EN-1 Overarching Energy NPS](#).

<sup>2</sup> National Policy Statement: [EN-3 Renewable Energy Infrastructure NPS](#)

2.8 PPW Policy Statements

2.8.4 *National development control policies set out here should, where appropriate, be considered in the determination of individual applications, particularly where **at Welsh and UK level** national planning policy provides for a more up-to-date policy on a certain topic (see paragraph 2.7 and section 4.2).*

**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.**

The presumption in favour of sustainable development should also cover development associated with sustainable development. For example, grid and transport infrastructure which are necessary to facilitate the delivering of renewable energy projects such as onshore wind energy.

# **PLANNING FOR SUSTAINABILITY: THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT**

## **CONSULTATION RESPONSE ON BEHALF OF BARRATT DEVELOPMENTS PLC**

### **INTRODUCTION**

1. This submission is made on behalf of Barratt Developments Plc who trade under the names of Barratt/David Wilson Homes, Ward Homes and Wilson Bowden Developments.
2. Barratt is Britain's best known housebuilder and has sold over 350,000 new homes around the country and is one of the leaders in terms of low carbon design, urban regeneration and social housing provision, in addition to its mainstream market housing activities.
3. The Company's results for the year ending 30 June 11 showed we completed almost 11,200 dwellings despite the challenging economic background of which 23.5% were social housing. The Company is building on over 375 sites in England, Wales and Scotland. It re-entered the land market in 2009 and has an owned landbank of about 47,900 plots. The Company also holds about 11,000 acres of strategic land whereby sites are pursued for allocation in the development plan system before a planning application is made.
4. The Company has two Regions that cover the whole of Wales and had an interest in 2011 in some 32 sites across Wales with a total capacity of almost 3,400 plots. Consequently, the Company has significant interest in the operation of the planning system in Wales. In addition the Company has been heavily involved in responding to the Localism Act as it went through its stages in Parliament and has made a number of submissions on the National Planning Policy Framework which will provide the guidance for planning policy in England, which contains a presumption in favour of sustainable development. Therefore, that experience is drawn upon in making this response.
5. It is noted that the consultation provides a list of bodies invited to respond to this consultation but given that the consultation is also on the Welsh Government website, it is assumed that other bodies can respond and have their views taken into account.

### **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?**

6. Whilst amending Planning Policy in Wales to include a clear statement on the presumption in favour of sustainable development is welcome, Barratt Developments Plc do not feel the amendment is sufficient.
7. The consultation introduces some amendments to Planning Policy Wales which do not appear to add significantly to the way in which planning functions are exercised nor is it clear to what extent decisions will be made differently.
8. The consultation rightly sets the context of this issue to the report 'Inquiry into Planning in Wales' (January 2011) and the Ministerial Statement of June 2011. However, the context for recommendation 8 of the Inquiry was 'the introduction of some of 'presumption' in favour of certain types of development to help achieve the right balance between policy objectives' (para 50). Equally the context of the Ministers Statement was 'Utilising the potential of the planning system, we can guide the right developments to the right

locations' and 'for authorities without an up-to-date development plan national planning policy becomes an increasingly important consideration when making decisions on planning applications'. There is nothing in this proposed amendment which gives guidance to decision making in the absence of a plan nor does it guide plan making as such. Rather the guidance refers decision making to others, which leaves the question of the effect and effectiveness of this amendment.

9. Furthermore, it is unclear as to how the presumption will operate which sites in contrast to the presumption in favour of sustainable development in England as set out in the National Planning Policy Framework. This states that:

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **plan-making** this means that:

- Local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - Specific policies in this Framework indicate development should be restricted.

For **decision-taking** this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - Specific policies in this Framework indicate development should be restricted.

10. In contrast, this consultation proposal merely says that decisions should support sustainable development which is a statement of little meaning.

11. The fact that a plan led approach will be an effective way of securing sustainable development is self-evident. All plans have to undergo a Sustainable Environmental Appraisal under EU Directive 2001/42/EC and so would not be adopted unless they demonstrate sustainability accordingly.

12. On 17 January 2012, the Minister made a statement to the Assembly regarding the Planning Policy for Economic Development. In that statement he referred to the Roger Tym report (which the Government had previously accepted) which highlighted the perception that the economic component of sustainable development has been overlooked in the decision making process but this consultation amendment says nothing about any rectification of this perception but merely states that social, economic and environmental issues should be considered at the same time and it is a matter for decision makers to

strike the balance. If decision makers have been striking the balance against economic development, then this amendment to Planning Policy Wales does nothing to change that situation.

13. Barratt Developments Plc consider that there should be substantial amendments to the proposed text and would recommend something along the lines of that within the National Planning Policy Framework for England.

Question 2 – Do you agree that where the 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?

14. Until a Welsh Planning Act is on the statute book, the legal basis of planning law will be as set out in Chapter 1 of Planning Policy Wales. The operation of such planning law has been interpreted from time to time by the Courts. The Courts have held that the Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications.
15. Furthermore, the wording in paragraph 2.6.3 to 2.6.6 is almost the same as that in paragraphs 17 to 19 of the Planning System: General Principles issued by the office of the Deputy Prime Minister in 2005.
16. Therefore, the materiality of national statements and the declining importance of plans which are not up to date is a long standing basis of decision making in planning.
17. In terms of the words used in the proposed amendments, it is suggested that in 2.6.2 'are' should be substituted for 'can' to give the proper weight to be attached to a national planning policy statement.
18. The amendment does little to give any guidance about the way in which the presumption should operate in relation to the status of the development plan. It gives almost no basis for a decision maker to determine the weight to be given to the presumption in particular circumstances. This sits in contrast to the presumption in favour of sustainable development within the National Planning Policy Framework. In England, the Inspectorate have published a policy they require to be inserted into plans to make them sound. Whilst this is intended to apply to development plans coming forward, it can equally be used as a test in relation to existing plans.
19. The Inspectorate policy wording reads:

***National Planning Policy Framework – Presumption in Favour of Sustainable Development***

*When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

*Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

- a) *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- b) *Specific policies in that Framework indicate that development should be restricted.*

20. Barratt Developments Plc consider that the amendments to paragraph 2.8.4 should be expanded considerably to incorporate the wording (or something very similar) to that of the Inspectorate policy in England.

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.

21. Barratt Developments Plc consider the amendments to be vague and insufficient to provide proper guidance. A number of changes have been suggested and without such strengthening the concept of incorporating a presumption in favour of sustainable development (which is supported in principle) will be ineffective in changing the basis of decision making.

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Pat Mears  |                                     |
| <b>Organisation</b>   | Caerphilly County Borough Council  |                                     |
| <b>Address</b>  | Planning Division<br>Ty Pontllanfraith<br>Pontllanfraith<br>Blackwood<br>NP12 2YW  |                                     |
| <b>E-mail address</b>   | mearsp@caerphilly.gov.uk   |                                     |
| <b>Type</b><br>(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:**

Justification needs to be given as to why such a presumption is necessary. Indeed, the consultation document explains the existing processes by which the requirement for sustainable development is incorporated within the planning system at both the national and local levels. Practitioners at local authority level understand very well the concepts of sustainability and sustainable development and are experienced in terms of arriving at decisions that take proper account of such contributory factors, be it in terms of plan preparation or the interpretation of policy when determining applications.

Clarification is needed in terms of what such a presumption actually amounts to in practical terms - is it an attempt to bring together existing relevant national policy into a single section of PPW, or is it seeking to add an additional barrier against unsustainable development? Although either of these would be well-intentioned, there is some concern that the introduction of such a presumption would reduce the flexibility of local practitioners in terms of properly weighing up those national and local policies that already seek to foster the concept of sustainable development.

| 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?<br><br>[New section at 2.7] | Yes                      | No                                  |
|--|---|--------------------------|-------------------------------------|
|  |   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|  |   | Please select            |                                     |
| <p><b>Additional comments:</b></p> <p>Again, further clarity is required. Obviously, development plans decrease in relevance over time but the point at which they cease to be useful tools in the development control process is open to interpretation. However, the same is true of national policy and it cannot be assumed that just because local policy may happen to be out-of-date, that a relevant area of national policy will be able to fill the void. The existing LDP review process, as framed by the regulations, must be viewed as being a robust system of ensuring that LDPs are kept up-to-date, especially before it has been tried and tested.</p> <p>There is concern that a presumption of the type proposed would give developers carte blanche to undertake development where it could be interpreted (possibly at appeal) as being "sustainable", regardless of policy content in any adopted LDP. A plan that is "sound" must be taken to have the concept of sustainable development at its heart and therefore it is of vital importance that no element of national policy, including this proposal, is framed in such a way as to render any policy of a "sound" LDP redundant.</p> <p>The potential result of this is a greater level of uncertainty within the planning system. Planning by appeal could become more commonplace, local practitioners would lose a degree of flexibility and LDPs would consequently need to be reviewed more frequently in order to take account of changing interpretations of sustainable development.</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. |
|-----------|---|

Additional comments:

### **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: ☐

---

**From:** [REDACTED]  
**Sent:** 22 May 2012 19:32  
**To:** planconsultations-c  
**Cc:** [REDACTED]  
**Subject:** WG14377 Presumption statement Planning for Sustainability Consultation

Consultation Response on Planning for Sustainability by May 25th 2012 although the form says 2011.

Q1 Strengthening National Planning Policy by a clear presumption in favour of sustainable development

The statement in para 6 reads 'the aim of the planning system is to find land for homes, infrastructure, investment and jobs in a way that helps to reduce our ecological footprint'. By our ecological footprint do you mean the impact on the natural and semi natural environment?

The presumption in favour of Sustainable Development is against the principles of National Park designation which puts the protection of that nationally important environment before development. So we object to the presumption in National Parks and other protected areas.

We agree to the need for Sustainable development as against unsustainable development but not to the presumption in its favour. Sustainable development of housing should include housing fit to live in, well planned with facilities for play and recreation. It should also have safe access by foot and cycle which is at present too often missing from consents. It should not be built on the better agricultural land which should be protected for food security reasons. However both the Pembrokeshire Coast National Park LDP which the Welsh Government accepted and Pembrokeshire County Council deposit LDP which is due to go to Public Hearing in September this year, allocate quantities of the better agricultural land for housing. This is unsustainable, once built over it can no longer be quickly brought under cultivation. This is short termism on the part of the Welsh Assembly Government and a contradiction of this paper. There is insufficient good land in Wales to feed us all. Why are you destroying it?

Sustainable development also has to develop around habitats rather than destroy them. We should be leaving hedges in front of developments. Hedges and their banks ; trap the movement of water carrying silt from fields into water courses, they therefore help to prevent flooding and silting downstream; they provide habitats for flora and fauna; they absorb CO2 from vehicles; they protect footpaths, cyclists and babies in prams from roadside emissions; they baffle noise and yet they are not properly protected. Agricultural practice often degrades them and developers rip out banks and hedges and replace them with unsustainable fencing and hard engineering like walls. This year land owners in our area have begun to fence the road side verge in (the highways dept of the County council only protects a small verge). This will lead to the loss of four wonderful spring flowers and the degrading of hedges as the outer fence will form the new boundary. This is in spite of the fact that generations of the public have used the verges for recreation and for grazing their own animals. Apparently the presumption is in favour of the landowner in law but it

should be challenged. This is a land grab from ordinary people who have no land other than public verges. And this is being done under a Labour administration. Shame on you.

We are concerned that the clear presumption you ask for will lead to development anywhere without protection for the environment. We have no confidence our government can deliver a planning system with integrity in our county. Everywhere we look at planning applications we find people and their property badly damaged by unsympathetic planning decisions, by lack of conditions, by lack of enforcement and by failure to apply Human Rights Law to planning.

Therefore we oppose this until such times as planning is delivered fairly and justly in Pembrokeshire.

Q2. Do you agree that National Planning Policy should carry more weight in planning decisions than development plan policies which are outdated and superseded. .

No. We don't want a planning dictatorship. The Government may not like what is decided locally and neither do we like it all, but it is called democracy and even governments with huge mandates must live with it. We contributed to the Unitary Development Plan and stand by our contributions. . We contributed to the PCNPA LDP. We gave less to the Pembs CC LDP deposit plan because they refused to include us as Stakeholders even though no other third party represented the same interests as ourselves. The Unitary Policies are not outdated and are clearly reflected in the LDP plans. This is very disturbing for people. They are consulted and plans are drawn up then when the government doesn't like them any more they are deemed to be outdated and the Government steps in to dictate centrally. This is not on.

Q3 Other issues

Human Rights are not incorporated into Planning. Conditions on consent are not set to reflect genuine concerns. People are left with damaged properties and degraded lives as a result of decisions made by planners. Planners accept incorrect, unfit for purpose and misleading information from developers. They accept insufficient information and yet determine applications. There is insufficient enforcement of conditions. People are left fighting for their own property in law because planners ignore their human rights to have planning delivered in such a way it protects third parties. If we had Third Party right of Appeal then developers would improve the information they supply and planners would be more thorough in the way they deal with neighbours to a development and applicants. The whole system would be upgraded. Ignore the developers wailings about it wasting time. It could take the form of an arbitration or short tribunal or written Appeal.. We see the devastation wrought in people's lives by the poor delivery of planning. People have a right to be able to take action but are outside the law because it is too expensive a tool to use especially when it is so uncertain. The fairness in the planning system has been lost.



## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Kate Ashbrook  |                                     |
| <b>Organisation</b>   | Open Spaces Society  |                                     |
| <b>Address</b>  | 25A Bell Street<br>Henley-on-Thames<br>RG9 2BA   |                                     |
| <b>E-mail address</b>   | hq@oss.org.uk  |                                     |
| <b>Type</b><br>(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 checked="" 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:**

We fear that development could still be at the expense of the environment. It would be better to say 'If it is to provide for homes, infrastructure, investment and jobs it must do so in a way which is consistent with out sustainability principles...'

4.2.3 should say 'There will be a strong presumption in favour of..

| 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? | Yes                                 | No                       |
|-----------------------------|---|-------------------------------------|--------------------------|
|                             |   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|                             | [New section at 2.7]  | Please select                       |                          |
| <p>Additional comments:</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>Additional comments:</p> <p>The presence of registered common land or village green should be a material consideration in planning decisions, there should be a compulsory question on the planning application form: 'Does the application affect any registered common land or village green?' If it does affect a registered common or green there should be a presumption against the development.</p> |   |

| Confidentiality   |
|---|
| <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> |

## CONSULTATION FORM

| Planning for Sustainability<br>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><br>(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:**

welcome the proposal to strengthen the national planning policy to ensure there is a presumption in favour of sustainable development. This presumption in favour provides clear guidance to the development sector in relation to the potential for delivery of sustainable development schemes throughout Wales. It is especially important in relation to the delivery of growth and economic development which will meet the social, economic and environmental needs of Wales and its communities.

The presumption in favour will ensure that where there is a local planning policy vacuum, sustainable development will not be hindered thus ensuring that economic growth in Wales continues. This aspect is especially important where there is a lack of a 5 year housing land supply and where there is a need for the social and economic benefits associated with the proposed development.

The presumption in favour of sustainable development will also strengthen the principle of sustainable development throughout Wales.

| 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? | Yes                                 | No                       |
|---|---|-------------------------------------|--------------------------|
|   |   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|   | [New section at 2.7]  | Please select                       |                          |
| <p><b>Additional comments:</b></p> <p>agree that where development plan policies are outdated or superseded, limited weight should be given to them and the onus instead placed on upto date national planning polices. is happy to see this prinicple being reinforced through this amendment in national policy.</p> <p>In order to ensure that economic growth is not curtailed when development accords with sustainable development principles it is essential that LPA's seek to apply the most up to date policies to ensure growth.</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> <p>A whole culture change is required to deliver development and this proposed amendment is a positive force for change. Greater recognition is required from decision makers of the need to plan positively for change and recognise the benefits arising from well considered development.</p> <p>believe that through this change Welsh Government can assist in the timely delivery of new homes, jobs, social and environmental benefits and create a truly sustainable Wales.</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 checked="" type="checkbox"/></p> |

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Steve Lucas  |                                     |
| <b>Organisation</b>   | Bat Conservation Trust (Cymru)   |                                     |
| <b>Address</b>  | c/o Environment Centre<br>Pier Street<br>Swansea<br>SA1 1RY  |                                     |
| <b>E-mail address</b>   | slucas@bats.org.uk   |                                     |
| <b>Type</b><br>(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 checked="" 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:**

The basic idea of a Presumption in Favour of Development is an attractive concept however, we would query the necessity for such a statement as SD principles should be integrated into planning as a matter of course. Nonetheless, it is not immediately obvious what is intended or meant by a presumption in favour of sustainable development and what the strategic implementation of such a policy might be. It is not clear if this is ultimately intended to speed up the planning process so that developments that are indicated as falling within the definition of sustainable development will automatically receive planning consent. Any presumption is also based on the definition of sustainable development which in our view, does not give adequate consideration of the natural environment.

We are of the view that any presumption in favour of sustainable development must clearly reinforce and not undermine the plan-led system of development management and that it should only favour development proposals that are clearly shown to be sustainable. The presumption must express commitment to, and the requirement for, achieving sustainable development rather than simply being a presumption in favour for such development.

It could be strongly argued that there should be a presumption against development where a development proposal does not respect all five principles as set out in the UK Sustainable Development strategy. A plan-led system must be predicated on the ability of planning authorities to refuse development that sits outside the policies of the 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?<br><br>[New section at 2.7] | Yes  | No                       |
|--|---|--|--------------------------|
|  |   | <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |
|  |   | Please select                              |                          |
| <p><b>Additional comments:</b></p> <p>We are concerned that where a plan is outdated there will be scope to bypass local authority decisions and proper consideration of the merits of development proposals. This process would undermine the democratic process by which a plan has been produced and could be used to over-ride local issues although this could be beneficial. Local Planning Authorities should be required to produce and publish, and retain up to date development plans which should be reviewed periodically in line with new thinking, policy and knowledge. Where they are not up to date, development proposals should be considered in the context of Planning Policy Wales and relevant Technical Advice Notes.</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> <p>A spatial planning approach should be at the heart of planning for sustainable development. 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.</p> <p>It will also be vital for sustainable development for planning to take full account of the range of effects of development on society and the natural environment as well as the economy, ensuring that plans and decisions are properly based on evidence, analysis, and soundly based judgement and that there is a need for transparency, information and participation. This should demand integration between economic, social and (natural) environment outcomes and find solutions to satisfy all these factors rather than to balance one against the other.</p> |

**Confidentiality**

---

**From:** [REDACTED]  
**Sent:** 23 May 2012 21:50  
**To:** planconsultations-c  
**Subject:** WG14377 Presumption Statement

Dear Sir

These proposals cover a number of issues and will undoubtedly have major ramifications for the future.

My greatest concern would be an unrestricted and potentially damaging invasion of the countryside which is already under serious threat as it continues to disappear at an alarming rate. A presumption of sustainable development will undoubtedly exacerbate the problem and will allow "big business" to override the feelings of the local community which at this point, are safeguarded (to a degree) by current Planning procedure. In consequence I feel I can only support the presumption of sustainable development for those areas designated as "brownfield" sites.

Yours faithfully

[REDACTED]

---

**From:** [REDACTED]

**Sent:** 24 May 2012 08:58

**To:** planconsultations-c

**Cc:** [REDACTED]

**Subject:** Release-authorised-20120524-Welsh Government Consultation-Planning For Sustainability-U

With reference to the above consultation on Planning for Sustainability – The presumption in favour of sustainable development”, I can confirm that the [REDACTED] [REDACTED] is fully supportive of this approach and will continue to work collaboratively with the Welsh Government to implement these proposals.

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Gwynedd Response to WG14377

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?

Q1 Response:

If the message about the role of the planning system in respect of ensuring sustainable development needs to be strengthened, introducing an additional concise section would be a good way of doing that.

There is some difference between the Welsh and the English version. The English refers to the need to consider the sustainability issues "at the same time" – this is not reflected in the Welsh version. We take it that the English refers to the need to pay the same due attention to the issues. If that is the case, the wording should be changed to this: "4.2.1 Sustainable development in the planning system means that social, economic and environmental issues are considered at the same time when plans are being drawn up and decisions are being taken for the future".

We also suggest that there might be a need for a small additional resultant change, ie change the title of section 4.1 so that it is clear that it refers to the Welsh Government's commitment, eg. "Welsh Government's commitment to sustainable development."

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?

Q2 Response:

The document notes: "..... local planning authorities should give decreasing weight to development plan policies ....." Would including such a strong statement about the emphasis that should be put on development plans which become outdated go against legislation, which notes the need to make decisions in accordance with the development plan unless relevant planning considerations state otherwise? Does it suggest that that a decision, that should be made by the Local Planning Authority, through a Committee, concerning how much weight to give different issues, has already been made? Would it be better to use wording that is similar to the wording used in paragraph 2.6.2 that refers to the development of a LDP and the weight that can be given to it?

Is the situation as black and white as is suggested re the uncertainty concerning whether a development plan that wasn't adopted would be as

beneficial to sustainable planning as a plan that was adopted? For example, although Anglesey's UDP wasn't adopted it was the subject of a Public Enquiry and the document that was adopted by the Local Planning Authority for the purposes of development control included the Inspector's recommendations. It was prepared within the context of PPW since 2002. It is a relevant planning consideration that could be emphasised.

The proposed text refers to "decreasing weight to development plan policies where they are outdated or superseded in favour of other material considerations such as national policy." Is this statement too open ended/open to be misinterpreted? Other relevant planning considerations could include a CCA that would be based on policies within the adopted development plan, or policies in a local development plan that is being prepared. Would it be better to refer to national planning policy statements and a local development plan which are being prepared, but which are subject to paragraph 2.6.2 alone?

To ensure consistency with paragraph 2.8.4 should the text in 2.7.1 refer to "policy statements – Planning Policy Wales" rather than "national planning policy." Also, to ensure consistency should the text in 2.8.4 refer to "national planning policy statements" rather than "national planning policy."

An additional comment re the proposed change to paragraph 2.6.2 – may we suggest an alternative version - "The policies' compliance with national planning policies could also be a relevant consideration under these circumstances."

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.

Q3 Response:

No additional comments

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Rachel Jones   |                                     |
| <b>Organisation</b>   | Monmouthshire County Council   |                                     |
| <b>Address</b>  | @Innovation House<br>PO Box 106<br>Caldicot<br>NP26 9AN  |                                     |
| <b>E-mail address</b>   | racheljones@monmouthshire.gov.uk   |                                     |
| <b>Type</b><br>(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:**

Agree, however, the proposed amendments appear to clarify current guidance /practice rather than introducing significant changes – it is therefore unclear what real changes the proposed amendments will have for those LPAs with adopted UDPs /LDPs in place.

The proposed changes appear to be targeted at LPAs who do not have an adopted up-to-date development plan. Adopted LDPs and UDPs have been prepared against sustainable development requirements. For LPAs with adopted LDP/UDP in place, the presumption as set out does not appear to be necessary.

It would, however, be beneficial if the proposals could be supported by a clearer definition of sustainable development which is more focused on land use planning / provide greater clarity of terminology.

| 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?<br><br>[New section at 2.7] | Yes  | No                       |
|--|---|--|--------------------------|
|  |   | <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |
|  |   | Please select                              |                          |
| <p><b>Additional comments:</b><br/>         Agree, however, this is good practice which is already applied at the local level – national planning policy is always a material consideration, it is the weight given that is important.</p> <p>There is a need for consistency across national planning policy documents. The consultation assumes that national policy is up to date and reflective of sustainable development, however, some TANs pre-date the first edition of PPW which relates to planning for sustainability. Consideration should therefore be given to updating / amending TANs and Circulars, as well as PPW, to reflect the proposed presumption in favour of sustainable development, as collectively these documents make up the national planning policy framework in Wales.</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>   |
|--|
| 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"/> |

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Tim Howard   |                                     |
| <b>Organisation</b>   | Institute for Archaeologists (IfA)   |                                     |
| <b>Address</b>  | SHES, University of Reading<br>Whiteknights, PO Box 227<br>Reading, RG6 6AB  |                                     |
| <b>E-mail address</b>   | tim.howard@archaeologists.net  |                                     |
| <b>Type</b><br>(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:**

Provided that the historic environment remains at the heart of sustainable development in Wales.

IfA supports the increased emphasis upon a plan-led system and does not object to a presumption in favour of sustainable development which balances in an even-handed way social, economic and environmental considerations. The management and protection of the historic environment is an integral part of sustainable development (in line with the definition of sustainable development in One Wales: One Planet - The Sustainable Development Scheme of the Welsh Assembly Government 2009) and it would be helpful in this regard if the principles set out in section 4.3 of Planning Policy Wales were amended explicitly to refer to the management and protection of the historic environment.

| 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?<br><br>[New section at 2.7] | Yes  | No                       |
|--|---|--|--------------------------|
|  |   | <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |
|  |   | Please select                              |                          |
| <p><b>Additional comments:</b><br/>         Provided that national policy is clear as to the central role of managing and protecting the historic environment in the promotion of sustainable development and that the plan-led system generally is not undermined by the creation of a wide-ranging 'vacuum' in development plan policy. It will be necessary to ensure that up-to-date and pertinent policies are approved and adopted as quickly as possible.</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><br/>         No further comment.</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"/> |

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Kate Cubbage   |                                     |
| <b>Organisation</b>   | Royal Society of Architects in Wales   |                                     |
| <b>Address</b>  | 4 Cathedral Road<br>Cardiff<br>CF11 9LJ  |                                     |
| <b>E-mail address</b>   | kate.cubbage@riba.org  |                                     |
| <b>Type</b><br>(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:

The RSAW is broadly supportive of introducing a presumption in favour of sustainable development. However for the presumption to have a positive impact it is essential that the importance of good design is not overlooked. A good design process is an essential part of any methodology through which the social, economic and environmental objectives of the planning system can be reconciled and met. There is no necessary contradiction between increased levels of development and protecting and enhancing the environment, as long as development is planned and undertaken responsibly. The planning system must play an active role in guiding development to sustainable solutions. Sustainability must be clearly and simply defined and policy written to ensure consistent practical application.

The consultation points to the fact that LDPs must, by statute, contribute to the achievement of sustainable development as outlined in Section 39 of the PCPA 2004, they also must (in particular) have regard to the desirability of achieving good design as outlined in the same section, thereby demonstrating the intrinsic link between the two and in achieving the same goal.

If we are to achieve a sustainable built environment it is important that design quality is embedded in the process of developing all new buildings in Wales.

It is important that the Welsh Government ensures a cohesive approach to sustainability through the Housing, Sustainability and Planning Bills as well as planning policy. If the importance of sustainability within the planning system is to be elevated it is essential that a long term approach is taken in identifying what exactly makes a building sustainable.

When assessing whether a presumption in favour of sustainability in practice sufficient weight must be given to delivering well sized, extremely low energy demand building unencumbered by internal structural barriers. This would ensure that homes can be easily adapted to meet changing needs. Inflexible housing inhibits adaptation and alteration which in turn tends to shorten the life of the housing making it less sustainable.

As well as a need to embed good design in the process it is crucial for “sustainable development” to be defined in such a way as to make its applicability easy to determine. The consultation document fails to identify what a presumption in favour of sustainability would constitute in practical terms. It is crucial to set out at this stage how sustainability would be assessed as part of the planning process.

The presumption should actively promote the development of buildings that have a low energy demand. We are concerned that, in its current format, buildings with a relatively high energy demand could be classified as sustainable simply because they generate significant energy onsite.

We would anticipate that there would be a benefit in setting a threshold which determines that in order for a development to qualify to benefit from the presumption in favour, the scheme ought to achieve at least 25% less energy demand than the Building Regulations require at the time of application. This would be a tangible measure and would guard against the potential problem set out above

To ensure that the proposed changes function on a practical level, the wording proposed needs to be tightened, to minimise the likelihood of inconsistent interpretation. We are keen to avoid the need for working definitions to be fleshed out through appeals processes rather than enshrined in clear policy and guidance in the first instance. Further to this if the language used gives too much latitude its interpretation will be open to influence.

The intention to include the presumption that planning decisions ought to ensure that developments are “contributing to the achievement of sustainable development” is too broad and seemingly unquantifiable. There is significant risk that local planning authorities may feel obliged to approve planning applications that are of a poor quality, simply because it can be argued they “contribute to the achievement of sustainable development”. This will inevitably have a negative impact on the economic development of an area, its environmental soundness and on the social development and well being of residents and visitors.

In order to ensure consistent support of this ambition, we question the appropriateness of including a new Section 4.2 in Planning Policy Wales. Perhaps the whole section could be reconfigured under the title ‘Sustainability’ in order to avoid obfuscation and confusion.

The proposed changes rely heavily on individual Planning Officer's to determine whether something is sustainable or not. We are mindful that education and training issues already exist and adequate support needs to be put in place to ensure that Planning Officers are enabled to focus on intrinsic design details and envelope rather than interpreting unclear guidance.

One of the major problems members of the RSAW have identified is a lack of investment and training in the understanding of sustainable design within LPAs. This has serious implications for planners and local authority officers and it is difficult for informed dialogue between officers, applicants and their agents to take place, to agree an appropriate level of sustainable design within the planning framework. We hope that this policy will offer greater support to LPA's rather than increase their burden.



| 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? | Yes  | No                       |
|--|---|--|--------------------------|
|  |   | <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |
|  | [New section at 2.7]  | Please select                              |                          |
| <p><b>Additional comments:</b></p> <p>In principle the RSAW is in agreement with the above statement on the proviso that a clear definition is introduced regarding what current guidance constitutes. This should mitigate the risk of creating a system with too much flexibility in determining what does, and does not apply.</p> <p>We would advocate that the Planning Policy Wales amendment sets out a hierarchy which makes clear that the “most local” policy applies first unless it is not formally adopted or has been rescinded.</p> <p>Policies ought to apply in order of increasing geographical impact ultimately ending in Planning Policy Wales. In order to achieve clarity as to which documents are ‘live’ we would like to see Councils obliged to formally rescind outdated documents by issue of a public notice</p> <p>The RSAW considers that it would be appropriate to remove all references to ‘outdated planning policies’ as this provides the opportunity for deviation away from the objectives of this policy.</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. |
|-----------|---|

**Additional comments:**

The Royal Society of Architects in Wales (RSAW) is the voice of the Royal Institute of British Architects (RIBA) in Wales. Amongst other things we work with a range of stakeholders to improve the design quality of public buildings, new homes and new communities.

The RSAW applauds the Welsh Government for seeking to secure greater certainty when it comes to planning applications. In principle, we support progress towards increasing clarity within the planning system through the prioritisation of sustainable outcomes

Planning is a major step in any development's progression. Before planning permission is achieved the risk of not gaining permission can act as a disincentive to sufficient investment in the design and development of schemes. We hope that the presumption in favour of sustainable development will be one of the ways in which levels of certainty within the planning system could be improved which would, in turn, give developers the confidence to invest adequate time early on in the design and development process. This could improve the frequency and quality of pre-application discussions which would reduce the chances of the need to go to appeal thereby using less resources in both time and money for the developer, architect and local authority.

As the RSAW has already fed into the Planning Independent Advisory Group's review of the Planning system, we remain concerned that the current planning system fails to deliver reliable outcomes. We also believe that the quality of good, appropriate design is not given adequate weight when planning applications are considered. The adoption of enhanced LDPs that give guidance on acceptable scale and massing of developments, energy use targets, materials usage, transport impacts and many other similar quantifiable elements would allow a more practical application of presumed consent and could be used to underpin sustainability aims.

With many authorities operating without LDPs and an imminent Planning Bill, an upfront emphasis on the presumption in favour of sustainable development may, during a time of potentially significant change, unintentionally undermine other equally important considerations. However, we hope that if drafted correctly the presumption in favour of sustainable development will function as a step forward in providing certain criteria that could streamline the decision process, increasing the number and speed of approvals. With thought, this is achievable without negatively impacting on design quality which is in and of itself a crucial element of sustainable development.

**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**

We want your views on an approach to measure the contribution the planning system makes to our vision of a sustainable Wales.

Please submit your comments by 25 May 2011.

If you have any queries on this consultation, please email:  
planconsultations-C@wales.gsi.gov.uk or telephone: 029 2082 3869

| <b>Data Protection</b>  |
|---|
| <p>Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.</p> <p>The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.</p> <p>Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.</p> |

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Rhidian Clement  |                                     |
| <b>Organisation</b>   | Dwr Cymru/Welsh Water  |                                     |
| <b>Address</b>  | Dwr Cymru Welsh Water, Developer Services, PO Box 3146, Linea, Fortran Road, Cardiff CF30 0EH  |                                     |
| <b>E-mail address</b>   | Rhidian.Clement@dwrcymru.com   |                                     |
| <b>Type</b><br>(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:**

We fully support this statement. In addition the Flood and Water Management Act 2010 will go a long way to managing sustainable development whereby developers are required to demonstrate that sustainable practices will work. The setting up of a SuDS Approving Body (SAB), with the relevant expertise will enable qualitative representation to be made at planning. It is proposed that the SAB be given statutory consultee status for all matters appertaining to the vetting of surface water drainage for new development to ensure sustainable drainage facilities are utilised. This therefore, leaves matters of foul drainage which currently is the responsibility of water companies. It therefore seems a sensible action to make water and sewerage undertaker a statutory consultee in development control.

Water efficiency, water conservation and sustainable drainage should be at the forefront of all developments in order to meet government sustainable objectives

| 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?<br><br>[New section at 2.7] | Yes                                 | No                       |
|---|---|-------------------------------------|--------------------------|
|   |   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|   |   | Please select                       |                          |
| <p><b>Additional comments:</b></p> <p>We fully support this view. National policy and the planning system has an important part to play in ensuring the infrastructure on which communities and businesses depend on is adequate to accommodate proposed development. The importance of utility services for the promotion of new development and their sustainability is referenced in Planning Policy Wales.</p> <p>As a Statutory Water and Sewerage Undertaker, we always try to ensure that sufficient infrastructure exists for domestic developments. However, where such facilities may be deficient, Capital Investment under our 5 year Investment Plans usually remedy the problem. Our planned investment is dictated by our Regulators, Ofwat and the Environment Agency in terms of the funding received, the environmental standards and the timing of our planned Regulatory work. Therefore there may be instances where a developers' needs may not coincide with the timing of our planned investment, in particular where "lead in" times are required.</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> <p>We have on a number of occasions made representation around water and sewerage undertakers being accorded "statutory consultation" status and set out at length we believe that this should be so. This is an important issue for us and with the adequacy of water supply and sewerage infrastructures being material considerations in the determination of planning applications and appeals, formalising the arrangement will help ensure that due regard is given to such matters as capacity of the systems to accommodate growth and the implications of developments and that we are able to give considered and measured views as part of the planning process. We therefore reiterate our request that sewerage and water undertakers operating in Wales are afforded this status..</p> |

## CONSULTATION FORM

| Planning for Sustainability<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Anne Meikle  |                                     |
| <b>Organisation</b>   | WWF Cymru  |                                     |
| <b>Address</b>  | Baltic House<br>Mount Stuart Square<br>Cardiff<br>CF10 5JH   |                                     |
| <b>E-mail address</b>   | ameikle@wwf.org.uk   |                                     |
| <b>Type</b><br>(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 checked="" 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:**

WWF welcomes the recognition from the Welsh Government of the important role that planning plays in helping to deliver sustainable development on the ground. We agree with the intention to seek to strengthen that role and make it clear in Planning Policy Wales (PPW). However, we have some concerns that the proposed draft presumption in favour of sustainable development may lead to unintended consequences through uncertainty and confusion and simply reinforce the same behaviour that is currently inadequate in terms of actually achieving sustainable development.

From reading the consultation paper, it appears that the real intention of the Welsh Government is to create a clear purpose for the planning system. For instance, the wording of paragraph 4.24 in the consultation document indicates that, in seeking to fulfil the statutory duty to contribute to the achievement of sustainable development, planning authorities are to apply the key policy objectives outlined in section 4.4 of PPW in developing planning policy and making planning decisions. In doing so, planning authorities will ensure that their local planning policies and decisions are satisfying the overall purpose of the planning system.

It is important to distinguish the purpose of planning to contribute to the achievement of sustainable development from a presumption in favour of sustainable development. We understand that a presumption is a policy instrument designed to act as an incentive to development, whereby development is to be permitted in prescribed circumstances. On the other hand, the sustainable development purpose is more a goal or objective which expresses what the planning system as a whole is intended to achieve. Although it is not sufficient in itself to ensure that planning delivers sustainable development, a purpose sends a strong signal to those involved in making plans or decisions that they should be framed with this goal in mind. If it is indeed the intention to establish a clear purpose for the planning system in Wales, then a presumption may not actually be the appropriate, or necessary, mechanism as proposed in the consultation document. A clear policy statement outlining a purpose of the planning system would suffice, and we would recommend that the references to a presumption are removed. In addition, it should be made clearer that new paragraphs are stating the purpose for the planning system in order to help planning authorities fulfil their statutory duty and this should include additional guidance on how that purpose can be fulfilled (i.e. by applying the key policy objectives in making planning policy and decisions).

However, if it is the intention to introduce a mechanism for incentivising development of a particular (sustainable) type, and a process for granting permission that differs from the normal application of the development plan, then greater consideration must be given to the wording of the draft presumption and how it is meant to apply. Any policy presumption in favour of sustainable development must be consistent with the current legal duty to take decisions in accordance with the development plan unless material considerations indicate otherwise (also known as the 'plan-led system' of development management), and with the long-established principle that planning operates in the public interest. Local planning authorities must be encouraged to undertake a thorough, transparent and inclusive process of planning for their area in order to ensure that the public interest is properly represented and that planning decisions are decided on their merits.

WWF supports the current plan led presumption – a presumption in favour of development which is in accordance with the development plan, unless there are material considerations as to why development should not be approved. We do not support a presumption that applies in the absence of a plan or one that provides permission through omission (i.e. automatic permission to development that is not specifically ruled out by planning policy). The plan led approach provides greater certainty within the planning system, with a clear framework to establish the manner in which the presumption can be applied. It avoids the difficulties of different interpretations and vagueness where there is no plan or agreed criteria to be applied. It also ensures that local communities are involved from the beginning, through the plan making process, in deciding what sustainability criteria are relevant for their area as well as what development is needed and should be approved.

If a presumption in favour of sustainable development is to be used, it must be defined with clear parameters for its application in the context of the framework set by the general purpose of planning for sustainable development. In particular:

1. There should be clear criteria to determine:
  - (a) when the presumption will apply instead of the development plan,
  - (b) whether a particular development is sustainable and should benefit from the presumption to receive permission, and
  - (c) any particular restrictions on the application of the presumption such as when a development would be unsustainable.
2. The presumption should be a mechanism which is only triggered as a measure of last resort and should only be applicable in exceptional circumstances where there are no other policies or evidence against which an application can be assessed. It should not be used as a tool for developers to inflict environmental damage or override the desire of local communities or the general public to protect important environmental assets and/or secure new development of a high quality.
3. There must be recognition of the need to live within environmental limits, both local and global, because growth that is not within environmental limits cannot be sustainable.
4. The precautionary principle should be included as a key consideration within the presumption. This would allow local authorities to exercise caution and act in the public interest where there are uncertainties as to the impacts or risks that may be created by proposed development.

WWF is also concerned with some of the wording and framing of the draft presumption which may impact on its practical application. We welcome the clear identification of the meaning of sustainable development in the consultation document (taken from One Wales: One Planet and which is also currently within Chapter 4: Planning for Sustainability of PPW) and the reference to the principles and key policy objectives already existing within PPW, as a presumption without a strong, enforceable, legal definition of sustainable development would simply

| 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? | Yes                                 | No                       |
|---|---|-------------------------------------|--------------------------|
|   |   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|   | [New section at 2.7]  | Please select                       |                          |
| <p><b>Additional comments:</b></p> <p>WWF agrees with the proposal to include clearer policy within PPW on the weight to be given to policies that may be considered as out of date or superseded. However, we are concerned that there may be some uncertainty created in relation to how this is to be interpreted and applied.</p> <p>In particular, it is not completely clear what is meant by 'outdated' or 'superseded'. For instance, it cannot be assumed that a local planning policy will be out of date simply because a national policy has been developed and adopted at a later date. The local policy may be older, but it may still be consistent with the national policy and/or supported by evidence at the local level which justifies its continued use. It may actually be better to use inconsistency with national policy as the test. This is already used in undertaking the test of soundness for local development documents, which seeks to avoid inconsistencies between the plan and national policy. There are also existing legal tests and case law regarding 'inconsistency' that would aid its interpretation in practice.</p> <p>Having said that, if the clear purpose is for planning authorities to give lesser weight to policies in plans that are not Unitary Development Plans or Local Development Plans, then the policy should simply say this (supported by evidence as to why). Alternatively, it should provide clearer advice on the criteria that should be applied to determine when a policy is out of date.</p> <p>Further, it is not clear how or by what a policy would be superseded. Use of the term 'superseded' suggests that the policy has been replaced by a newer version. This in itself implies that the replaced policy would no longer be extant or relevant for a planning decision in any event, which would particularly be the case if the policy had been the subject of review and replacement by a planning authority seeking to update its planning policy. It is also not clear what the differences may be between an 'outdated' policy compared to a 'superseded' one. In both cases it would seem that the intention is to give greater weight to a newer national policy that addresses the same issue as an existing local policy. However, the circumstances in which this would arise are not made clear within the draft policy.</p> <p>WWF strongly recommends that greater consideration is given to the wording of paragraph 2.7.1 in particular to ensure that it is actually achieving the desired purpose. It must also be capable of being clearly understood and applied by planning authorities in a practical situation without the need to resort to time consuming, and potentially costly, arguments about differences in opinion of when a policy is 'outdated or superseded'.</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. |
|-----------|---|

Additional comments:

### **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<br>The presumption in favour of sustainable development |  |                                     |
|---|--|-------------------------------------|
| 2 March – 25 May 2012   |  |                                     |
| <b>Name</b>   | Jonathan Pritchard   |                                     |
| <b>Organisation</b>   | Stride Treglown  |                                     |
| <b>Address</b>  | Promenade House, The Promenade, Clifton, Bristol, BS8 3NEO   |                                     |
| <b>E-mail address</b>   | jonathanpritchard@stridetreglown.com   |                                     |
| <b>Type</b><br>(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                       |                          |
| <b>Additional comments:</b><br>Agree with approach but definition skewed towards environmental/social and not balanced as it should be with recognition of economic wellbeing. |  |                                     |                          |

| 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? | Yes                                 | No                       |
|---|---|-------------------------------------|--------------------------|
|   |   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|   | [New section at 2.7]  | Please select                       |                          |
| <p><b>Additional comments:</b><br/>         Agree, however, this is likely to lead to an increased number of appeals resulting from sites put forward as part of the LDP process being fast tracked. The ultimate impact being that the LDP process is disrupted and delayed further.</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><br/>         Timescales imposed by the TAN 22 example conditions remain restrictive and unreasonable as it takes a minimum of 3 months to complete Design Stage and Post Construction Stage Assessments.</p> <p>A presumption in favour of sustainable development is all very well but if the mechanism for delivering sustainable buildings i.e. BREAAAM/CfSH assessments are not appropriately timed then there is a clear problem that needs to be addressed.</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"/> |