

Number: **WG21134**



Llywodraeth Cymru  
Welsh Government

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Welsh Government

## Consultation responses – Part 2

### Permitted development rights

Industrial and Warehouse Development  
Schools, Colleges, Universities and Hospitals  
Office Buildings  
Shops, Financial and Professional Services

Date of issue: **April 2014**



Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
Name	Details removed at respondent's request	
Organisation	Torfaen County Borough Council	
Address	Details removed at respondent's request	
E-mail address	Details removed at respondent's request	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO, as described in Table 1 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

**Whilst a restriction on hardsurfacing is welcome to help combat surface water flooding problems, no guidance is given on how to assess whether or not there is a risk to groundwater contamination. Removing any right to replace any existing hardsurfacing will be a burden on businesses but essential if the effects of run-off are to be tackled and, ideally, reversed.**

**As with Parts 32 & 41, it would make more sense to amend the criteria if within 10m of boundary so as to not exceed 5m 'or the height of the existing building, whichever is the lesser', otherwise you could have a 5m building erected that is higher than the remainder of the existing buildings on the site.**

**Removal of condition A1(f) is welcome in principle as the current wording allows too much subjectivity, however this should be replaced with a condition requiring similar materials to be used whether it is on Article 1(5) land or not, as per condition A2 of Part 32 which is being retained.**

**Please refer to the comments to Part 41 (Q6 response below) regarding the confusion over the inclusion of R&D facilities without any corresponding amendment to Class B1, given that, in Wales (and unlike England), no distinction is made between offices, R&D and light industrial uses.**

Consultation reference: WG 15462

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<b>Q2a</b>	Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:  
**Whilst a restriction on hardsurfacing is welcome to help combat surface water flooding problems, no guidance is given on how to assess whether or not there is a risk to groundwater contamination. Removing any right to replace any existing hardsurfacing will be a burden on businesses but essential if the effects of run-off are to tackled and, ideally, reversed.**

<b>Q2b</b>	Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

<b>Q3</b>	Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:  
**Good idea to increase what is an arbitrary/historic figure. However doubling the number is equally arbitrary. Why not 'round up' the figure to 500sqm which is consistent with what you can erect/extend under Part 8 anyway. This will give firms greater flexibility to build/extend or change the use their floorspace in combination.**

Consultation reference: WG 15462

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
<p>Comments:  <b>See Q3 response above.</b></p>	

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>Harmonising the 5m distance from boundaries for Parts 8, 32 and 41 simplifies the existing system and is welcome in principle subject to safeguards over playing fields and choice of materials in all cases (i.e. and not just on Article 1(5) land) to avoid cash-strapped educational authorities from relying on poor quality constructions and/or selling off of pitches.</b>  <b>As with Part 41, it would make more sense to amend the criteria if within 10m of boundary so as to not exceed 5m ‘or the height of the existing building, whichever is the lesser’, otherwise you could have a 5m building erected that is higher than the remainder of the existing buildings on the site.</b></p>				

<b>Q6</b>	Should new permitted development rights for offices be introduced to the GPDO, as detailed in paragraph 3.22 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>There is no Class B1(a) in Wales, only B1 which also includes all forms of light industry and Research &amp; Development (R&amp;D). Given proposed changes to Part 8 as set out above, R&amp;Ds would have PDRs under both Parts 8 and 41 - a consequence which does not appear to be what is intended. What about other ‘clean’ B1 uses e.g. photographers studio - are they too to have PDRs under Part 8, Part 41, both or neither? For these proposals to make sense the Use Classes Order in Wales would need to be amended to the same as in England where they already distinguish between different B1 uses (a, b &amp; c).</b>  <b>It would make more sense to amend the criteria if within 10m of boundary so as to not exceed 5m ‘or the height of the existing building, whichever is the lesser’, otherwise you could have a 5m building erected that is higher than the remainder of the existing buildings on the site.</b></p>				

Consultation reference: WG 15462

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<b>Q7</b>	Should new permitted development rights for shops and financial/professional services be introduced to the GPDO, as detailed in paragraph 3.30 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q8</b>	Should new permitted development rights for trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				
<p><b>No guidance is given on how to deal with the use of these buildings in the event they are no longer required for storing trolleys, refuse or bicycles in the longer term, e.g. by a future occupier. Could developers lawfully use them for some other incidental use or even the primary use of the business without further permission?</b></p> <p><b>Having to calculate whether any building within 20m falls within any of the Class C use classes is unnecessarily cumbersome - would a change to Class C3 dwellinghouses only suffice perhaps?</b></p> <p><b>Having different criteria for trolley stores compared to refuse/cycle stores is unnecessarily complicated for both developers and local authorities - why not have same criteria for both (e.g. not on Article 1(5) land and no loss of parking/turning space for vehicles for both types of development rather than just one as proposed). Also there should be an additional criterion requiring them to be erected within the curtilage of the existing building. It is assumed that the reference to 2.5sqm high for refuse/cycle storage is a typographical error and it should state 2.5m high.</b></p>				

<b>Q9</b>	Should new permitted development rights for new buildings to store refuse and/or bicycles, as outlined in paragraph 3.37 of the consultation paper, be introduced?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				
See Q8 response above.				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
<p>Comments:</p> <p><b>This process seems convoluted, and could be difficult to regulate and explain to members of the public. In many ways it would seem better to leave the current system in place, if nothing else but for clarity. Some relaxation of the rules would seem appropriate, but this prior approval system could well confuse things as much as simplify them, and not represent any real reduction in workload for officers or more freedom for businesses.</b></p>	

<b>Q11</b>	Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p><b>It is not clear from the consultation document whether the proposed change to include WHS within the definition of Article 1(5) land will only apply to the parts of the GPDO being changed or to the GPDO as a whole. Either way, and whilst additional planning protection to WHS is generally welcome, the current proposals will have a significant impact on the residents and businesses in Blaenavon given that the whole of the built-up area would be designated as Article 1(5) land. Many of the existing PDRs available to those residents and businesses would be removed as a consequence of the proposed change. Without any increase in resources to deal with the matter, Torfaen County Borough Council will potentially see a significant increase in the number of planning applications that need to be submitted in Blaenavon and/or a rise in the number of breaches of planning control being identified if residents or businesses are not aware that certain developments which previously did not require permission will now require the submission of a planning application if the new designation comes into effect. This significant impact will be unique to Torfaen in that the other WHSs in Wales (King Edward Castle &amp; Pontcysyllte Aqueduct) are not inhabited by living and working communities.</b></p>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
<p>Comments:</p> <p><b>The changes to the PDRs are likely to require an increased level of knowledge</b></p>	

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**for officers, and are likely to increase the numbers of pre-application enquiries without providing a substantial reduction in application numbers, especially having regard to the implications for the heavily built-up and populated Blaenavon WHS as outlined above.**

**The proposed alterations could allow developments to be built in flood zones, where the local planning authority and/or Environment Agency would normally resist developments on the grounds of loss of floodplain capacity. This may offset any ‘gains’ in terms of control over hardsurfacing to combat surface water flooding problems. What about PDRs for hardsurfacing for Parts 32, 41 and 42? Can Part 2 (Minor Operations) be amended in any way to help economic recovery, e.g. by extending definition to include such things as air conditioning units as they have in England?**

**Draft Regulatory Impact Assessment**

<b>Q13</b>	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			



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**General****Q14**

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

The local ward member for Blaenavon WHS makes the following comments: 'I wish to register my very real concerns in relation to the proposed changes to the consultation document, I feel the proposal is unclear in its definition of who will or won't be affected by the proposal. Does it affect domestic applicants along with industrial and commercial, either way I feel that these proposals will put pressure on industry at what is already a difficult time. I am also acutely aware that if these proposals are agreed it will increase the workload of the planning department and most probably the enforcement team in the future. While I can see the logic of improving the planning process I remain unconvinced that these measures will help the residents and businesses in my ward.

Our Members are extremely concerned about the potential negative impact on residents and businesses in the Blaenavon World Heritage Landscape as a consequence of proposed change to the definition of Article 1 (5) land and are concerned that businesses will struggle to compete with other areas if the change goes ahead.

It is not clear from the consultation document whether the proposed change to the definition of Article 1(5) land is to apply only to those parts of the GPDO being changed in the document or to the GPDO as a whole. The impact will be increased considerably if the change applies to all parts of the GPDO, e.g. including householder developments, given the size of population that inhabits the Blaenavon WHS.

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



# Blaenavon Town Council

WG-15462-023

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BLAENAVON  
Torfaen

09 January 2013

Non Domestic PDRs Consultation  
Development Management Branch  
Planning Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Dear Sir/Madam

CONSULTATION DOCUMENT WG15462: PROPOSED CHANGES TO NON-DOMESTIC PERMITTED DEVELOPMENT RIGHTS

Members of Blaenavon Town Council have requested I relay their comments in respect of the above.

Members have expressed extreme concern regarding the potential negative impact on both residents and businesses within the Blaenavon World Heritage Landscape if development rights are changed, businesses will struggle to compete if the proposed change is implemented, Blaenavon already has a high number of unemployed and this will further increase with a change of rights.

There is also concern regarding the interpretation and lack of clarity of Article 1 (5) land in the document, and if the proposed changes will include residential land and dwellings and if this is the case now, or in future, this will also have a hugely negative impact on residents, discouraging growth of the town.

In addition Members are concerned that the above document was brought to their attention at a late date and ask that any future documents that include the Blaenavon area be brought to the Council's attention in the first instance.

Hoping the above comments will be taken into consideration.

Yours faithfully

[REDACTED]

## INTRODUCTION

WG-15462-024

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities and the three fire and rescue authorities.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. WLGA welcomes the opportunity to comment on proposed changes to Non-Domestic Permitted Development Rights. Responses are offered against specific questions posed in the consultation document. WLGA does not have comments on the more technical details of the consultation.
4. WLGA recognises that this consultation forms part of Welsh Government's programme of measures to improve the planning application process in order to assist with economic development of an area. These changes should however be considered in the context of declining incomes to LPAs as a result of a decrease in the number of planning applications received following the slow down of the economy. It is anticipated that initially there will be a cost as local planning officers are engaged in discussions with business owners and agents to explain the changes.

### **Q1 Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO.**

Yes. These amendments will assist local businesses but it should be recognised that there will be a drop in planning fees as a result.

### **Q2a Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended**

There is scope for Part 8 Class C of Schedule 2 to be amended in order to require all new hard surfaces to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building however:

- There is a need to highlight where such a requirement would be beneficial. For example, if the underlying geology is non-porous i.e. clay it would seem inappropriate to require the use of porous or permeable materials and equally in areas of limestone which is prone to erosion.
- Redirecting surface water run-off will need to take into consideration possible impacts. For example, if the chosen area is already receiving surface water run-off, would a sudden increase of water to this area create over capacity and future flooding?
- The creation of SUDs as another option to redirect surface water run-off.
- Clarity is required on who is to advise on the acceptability of porous or permeable soakaways within sites. This could place an undue burden and liability on local authorities.
- There are many land uses in this category that generate contaminated surface water run-off which are generally controlled at the present time by submission and approval of surface water schemes and are often subject to EAW approval. Clarity is sought on whether these controls will continue.

### **Q3,4**

The increase in the 235 sq m threshold to 470 sq m may be a modest increase in an urban context but this may not necessarily be the case in rural areas, consideration should be given to a more modest threshold.

### **Q5,6**

The consultation document proposes that development would not exceed 25% of the original building. It is worth noting that many institutions such as schools, hospitals are in older buildings and as a result development may have already taken place to accommodate the work of the organisation. In these circumstances, it is likely that the original building has already been extended by the threshold being proposed. Therefore the GPDO needs to be clear on the definition of original building.

Increasing the threshold may also have implications for institutions already located in vulnerable areas to expand into C2 flood areas.

**Q10 What are your views on the prior approval process?**

Currently there are limited developments subject to the prior approval regime however expansion of this regime is likely to have resource implications for LPAs as officers will be required to assess the impact of prior approval applications. WLGA would welcome further discussions on whether the expansion of the prior approval process is appropriate as the process outlined in paragraph 3.39 raises a number of issues which require further consideration.

Criticism could be voiced by organisations active in improving town and village centres over what may be considered a lack of transparency on issues that could have a significant impact on a town/village centre. This could lead pressure being applied to LPAs to publicise proposals and seek comments. In these instances the 28 day deadline is not appropriate and the fee would need to reflect these unforeseen duties.

Also it is not clear whose responsibility it would be to consult with other interested parties. It is noted in the proposal that there would be no requirement to consult but in some cases such as the siting of ATMs it would be expected that the Police may wish to comment as poor surveillance of ATMs may result in an increase of crime and there may be Highway issues relating to on street parking /waiting restrictions. For these reasons, ATMs should continue to be subject to a planning application.

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**For further information please contact:**

Details removed at respondent's request

Details removed at respondent's request

Tel: Details removed at respondent's request



WG-15462-025

Alan Groves  
Non-Domestic PDRs Consultation  
Development Management Branch  
Planning Division  
Welsh Government  
Cathays Park  
Cardiff, CF10 3 NQ

10 January 2013

Dear Mr Groves,

## **Consultation on Proposed Changes to Non-Domestic Permitted Development Rights**

Thank you for the opportunity to comment upon this consultation.

### **The Institute for Archaeologists**

The Institute for Archaeologists (IfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

IfA has over 3,200 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors. IfA's Wales / Cymru Group has over 100 members practising in the public, private and voluntary sector in Wales.

Furthermore, the IfA is a constituent member of the Archaeology Forum (TAF), a grouping of independent bodies concerned with archaeology, and works closely with other bodies in the sector such as the Association of Local Government Archaeological Officers (ALGAO) and the Council for British Archaeology (CBA).

## **Proposed Changes to Non-Domestic Permitted Development Rights**

### **General Comments**

The Institute supports Welsh Government's continuing desire to improve the operation of the planning application system. An effective planning system is one where the management and protection of the historic environment is part of the solution and not part of the problem, contributing to, rather than compromising, sustainable development. This is particularly important for that part of the historic environment which is undesignated and whose only protection comes from the planning regime.

However, there are concerns in relation to the extension of permitted development rights particularly where operational development involves ground disturbance. Buried remains of archaeological significance (of medieval or earlier origin) are often to be found in settlements on land which is not designated and such remains (including human remains) are discovered in the course of development in such settlements. Such assets are vulnerable to small-scale development and the gradual erosion of the archaeological resource through the cumulative effects

of development.

The presence of such assets would not necessarily prevent development. However, where areas are not currently protected by formal historic environment designation (for instance, by the scheduling of monuments or the listing of buildings), significant damage would be likely to occur if the ability, where appropriate, timeously to investigate, record and increase our understanding of the past through the provisions of the current planning system were lost or compromised. Furthermore, the provision of an efficient mechanism to manage this impact would in many instances expedite the development process where remains (including human remains) would otherwise be found in the course of works.

Current permitted development rights already carry some risks for the historic environment, but it is necessary to ensure that any extension of those rights would not increase that risk to an unacceptable degree given the larger areas and volumes of archaeological deposits at risk and the consequent, potentially greater and irretrievable loss of understanding of their significance. Regulatory mechanisms already exist to address these concerns though the current planning system and other statutory provisions. These include

- designating known heritage assets in these areas as Scheduled Monuments (Scheduling) under Part I of the Ancient Monuments and Archaeological Areas Act 1979. However, there are more proportionate alternatives to the large-scale national designation of assets that this would entail. Moreover, this would not protect as yet unknown assets in areas of high archaeological interest.
- using 'sites of archaeological interest' as defined in the article 1(2) of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) as the basis (possibly subject to additional criteria) for excluding land from the benefit of the permitted development rights in question or requiring prior approval for their exercise. This is an approach increasingly adopted to the protection of archaeological interests in the permitted development regime in Scotland.
- using 'Areas of Archaeological Importance' as defined in Part II, section 33 of the Ancient Monuments and Archaeological Areas Act 1979 to exclude such areas from the benefit of the permitted development rights in question. Currently, Areas of Archaeological Importance (AAIs) have only been designated in five historic town centres. However, the 1979 Act gives local authorities the power to designate AAIs and, provided that adequate resources are available to local authorities, further areas could be designated where there is a lack of protection as outlined above.
- using the mechanisms in Part II of the 1979 Act (without excluding the areas in question from permitted development rights) to allow investigation, recording and enhancement of public knowledge in newly designated AAIs in advance of development. Those mechanisms might need to be adapted to reflect current conditions (for instance, with regard to the role of the investigating authority), but one of the major benefits of AAI designation to date (in England) has been the facilitation of development by statutory undertakers in pursuance of permitted development rights (and the associated benefits for the historic environment). However, without steps to ensure that AAIs are designated in Wales, any solution involving AAIs would be theoretical rather than real.
- using Article 4 directions to exclude specific areas from the benefit of permitted development rights on grounds of archaeological impact. However, local authorities are often reluctant to issue Article 4 directions viewing them as costly, cumbersome and time-consuming. There have been very few, if any, Article 4 directions on archaeological grounds and we would be concerned if this were to be adopted as the answer to this problem without any steps to ensure that Article 4 directions would actually be made in appropriate cases.

There are issues to be addressed with each of these potential solutions, but IfA firmly believes that such a solution can be found utilising one or more of the above mechanisms. We would be happy to work with Welsh Government to refine such a response.

Other, more general, issues are identified in response to specific questions.

## **Specific Questions**

### **Question 1: Do you agree with the above proposed amendments to Part 8 of Schedule 2 to the GPDO?**

1.1 Only if adequate and effective safeguards are introduced to manage archaeological remains in the circumstances outlined above.

1.2 Although the limits on floor space for extensions and alterations (1,000sqm or 500 sqm if located on article 1(5) land) are proposed to stay the same under Class A1(e) (and would be subject to a further limitation), the removal of the requirement under A1(f) that development should not materially affect the external appearance of the premises means that, in practice, there would be much more scope to develop relatively large areas of land representing a potentially very large increase in the area and volume of archaeological deposits at risk.

1.3 In addition, the proposal to allow the construction of new buildings up to 100sqm gross floor space would increase that risk.

1.4 For these reasons, while IfA welcomes the proposal to exclude permitted development rights within the curtilage of a listed building, it would also wish to see this exclusion extended to article 1(5) land and to sites of archaeological interest as defined in article 1(2) of the GPDO. It is not sufficient, without more, to say that these concerns can be dealt with by the use of Article 4 directions. In practice, those powers are not consistently used and, in the context of archaeological concerns, are rarely used.

1.5 One further area which is not specifically (or comprehensively) addressed in the consultation is the impact of development on the setting of heritage assets (including listed buildings and scheduled monuments).

**Question 2: (a) Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination?**

**(b) Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?**

2.1 (a) Yes. Any permitted development rights in this regard should also contain adequate safeguards for the historic environment (see above) since hard surfacing can cause significant harm to archaeological remains.

2.2 (b) Only if there are adequate safeguards for the historic environment.

**Question 3: Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?**

3.1 No comment.

**Question 4: If so, is 470m<sup>2</sup> the correct threshold, or should the increase be larger or more modest?**

4.1 No comment.

**Question 5: Do you agree with the above proposed amendments to Part 32 of the GPDO?**

5.1 Only if there are adequate safeguards for the historic environment (see above for concerns and suggested safeguards and, in particular, paragraph 1.4).

**Question 6: Should new PDRs for offices be introduced to the GPDO as detailed above?**



6.1 Only if there are adequate safeguards for the historic environment (see above for concerns and suggested safeguards). We note that there is no proposal to introduce permitted development rights to erect freestanding office accommodation and that there is a proviso that the gross floor space of the original building is not to be exceeded by more than 25% or 50sqm, whichever is the lesser. We also welcome the exclusion of permitted development rights within the curtilage of a listed building and on article 1(5) land (save in the latter case for the erection of new refuse storage buildings which is addressed under question 9). However, IfA would wish to see this exclusion extended to sites of archaeological interest as defined in article 1(2) of the GPDO. It is not sufficient, without more, to say that the concerns with regard to the historic environment can be dealt with by the use of Article 4 directions. In practice, those powers are not consistently used and, in the context of archaeological concerns, are rarely used.

**Question 7: Should new PDRs for shops and financial/professional services establishments be introduced to the GPDO, as detailed above?**

7.1 Only if there are adequate safeguards for the historic environment (see above for concerns and suggested safeguards). We note the proposed limitations and exclusions but would wish to see the exclusion of permitted development rights extended to sites of archaeological interest as defined in article 1(2) of the GPDO. It is not sufficient, without more, to say that the concerns with regard to the historic environment can be dealt with by the use of Article 4 directions. In practice, those powers are not consistently used and, in the context of archaeological concerns, are rarely used.

**Question 8: Should new PDRs for trolley stores be introduced to the GPDO, as detailed above?**

8.1 Although the development area is likely to be small compared to some other development carried out under permitted development rights, heritage assets are still vulnerable to small-scale development. IfA welcomes the exclusion of permitted development rights within the curtilage of listed buildings and in conservation areas and would like to see this exclusion extended to all article 1(5) land and sites of archaeological interest as defined in article 1(2) of the GPDO.

**Question 9: Should new PDRs for the construction of new buildings to store refuse and/or bicycles be introduced to the GPDO, as detailed above?**

9.1 Although the development area is likely to be small compared to some other development carried out under permitted development rights, heritage assets are still vulnerable to small-scale development. IfA welcomes the exclusion of permitted development rights within the curtilage of listed buildings and on article 1(5) land and would like to see this exclusion extended to sites of archaeological interest as defined in article 1(2) of the GPDO.

**Question 10: What are your views on the above prior approval process?**

10.1 IfA supports the use of the prior approval process as a means (amongst other things) to safeguard the historic environment (provided always that there are sufficient resources to allow LPAs effectively to consider applications and the issues which they may raise within given timescales). With regard to shopfronts and ATMs IfA supports the proposal to retain the need to apply for planning permission on article 1(5) land and on/within the curtilage of listed buildings.

**Question 11: Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?**

11.1 Yes. IfA would strongly support the amendment of the definition of article 1(5) land to include World Heritage Sites.

**Question 12: Are there any other amendments to the GPDO that you would like to suggest?**

12.1 There are no specific amendments, but IfA and its Wales / Cymru Group would be happy further to discuss these issues with Welsh Government with a view to facilitating sustainable development which delivers public benefit both economically and culturally.

In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours sincerely,

Details removed at respondent's request

Details removed at respondent's request

Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Details removed at respondent's request	
<b>Organisation</b>	Details removed at respondent's request	
<b>Address</b>	Details removed at respondent's request	
<b>E-mail address</b>	Details removed at respondent's request	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/Planning Consultants	<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, social enterprises, religious, and not for profit organisations)	<input checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO, as described in Table 1 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2a	Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG 15462

<b>Q2b</b>	Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

<b>Q3</b>	Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
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Comments:

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Consultation reference: WG 15462

<b>Q6</b>	Should new permitted development rights for offices be introduced to the GPDO, as detailed in paragraph 3.22 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q7</b>	Should new permitted development rights for shops and financial/professional services be introduced to the GPDO, as detailed in paragraph 3.30 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q8</b>	Should new permitted development rights for trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q9</b>	Should new permitted development rights for new buildings to store refuse and/or bicycles, as outlined in paragraph 3.37 of the consultation paper, be introduced?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
Comments:	

<b>Q11</b>	Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
<p><b>I believe it would be inappropriate to enforce blanket regulations on the town's built environment, as this could deter manufacturing companies from locating/remaining in Blaenavon.</b></p> <p><b>I would also like to note that the Blaenavon World Heritage Site covers a much larger area than Wales' other World Heritage Sites, and contains buildings of significantly varying historical importance. I would therefore encourage the Welsh Government to take a more nuanced approach when considering future planning regulations.</b></p>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
Comments:	

**Draft Regulatory Impact Assessment**

<b>Q13</b>	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments:			

Consultation reference: WG 15462

**General**

<b>Q14</b>	We have asked a number of specific questions throughout this consultation. If you have any related queries or comments which we have not specifically addressed, please use this space to report them:

I do not want my name/or address published with my response (please tick) <input checked="" type="checkbox"/>
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Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Ian Sharrock	
<b>Organisation</b>	Health & Safety Executive	
<b>Address</b>	Redgrave Court, Bootle, Merseyside. L20 7HS	
<b>E-mail address</b>	ian.sharrock@hse.gsi.gov.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/Planning Consultants	<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, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO, as described in Table 1 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b> <b>The Health &amp; Safety Executive (HSE) has no comments except to highlight that where the erection of new buildings, extensions or alterations and an increase in floorspace takes place within the consultation distances of a major hazard site or pipeline such changes could adversely affect public safety.</b>				

Q2a	Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Consultation reference: WG 15462

Comments:  
**HSE has no comment.**

<b>Q2b</b>	Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**HSE has no comment.**

<b>Q3</b>	Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**The HSE has no comments except to highlight that where size thresholds increase for changes of use of take place within the consultation distances of a major hazard site or pipeline such changes could adversely affect public safety.**

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
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Comments:  
**HSE has no comment.**

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG 15462

Comments:  
**The HSE has no comments except to highlight that where the erection of new buildings, extensions or alterations takes place within the consultation distances of a major hazard site or pipeline such changes could adversely affect public safety.**

<b>Q6</b>	Should new permitted development rights for offices be introduced to the GPDO, as detailed in paragraph 3.22 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**The HSE has no comments except to highlight that where extensions or alterations take place within the consultation distances of a major hazard site or pipeline such changes could adversely affect public safety.**

<b>Q7</b>	Should new permitted development rights for shops and financial/professional services be introduced to the GPDO, as detailed in paragraph 3.30 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**The HSE has no comments except to highlight that where extensions or alterations take place within the consultation distances of a major hazard site or pipeline such changes could adversely affect public safety.**

<b>Q8</b>	Should new permitted development rights for trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**HSE has no comment.**

<b>Q9</b>	Should new permitted development rights for new buildings to store refuse and/or bicycles,	Yes	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG 15462

	as outlined in paragraph 3.37 of the consultation paper, be introduced?	(subject to further comment)		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Comments: <b>HSE has no comment.</b>				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
Comments: <b>HSE has no comment.</b>	

<b>Q11</b>	Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>HSE has no comment.</b>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
Comments: <b>HSE has no comment.</b>	

**Draft Regulatory Impact Assessment**

<b>Q13</b>	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>HSE has no comment.</b>			

Consultation reference: WG 15462

**General**

<b>Q14</b>	We have asked a number of specific questions throughout this consultation. If you have any related queries or comments which we have not specifically addressed, please use this space to report them:

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Marcus Goldsworthy	
<b>Organisation</b>	Vale of Glamorgan Council	
<b>Address</b>		
<b>E-mail address</b>	mjgoldsworthy@valeofglamorgan.gov.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO, as described in Table 1 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

**Some concerns are expressed about the possible impacts of new build on neighbours especially those in class C (residential).**

**Concerns that materials to be used should be similar only in article 1(5) areas, Council consider that this requirement should apply to all developments as the term 'similar' is vague enough to at least ensure some consistency while not being overly onerous.**

Q2a	Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to either be constructed of porous or permeable materials or to direct run-off to a permeable or	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG 15462

	porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination?			
<p>Comments:  <b>This is a welcome change. However, some concerns about monitoring of development.</b></p>				

<b>Q2b</b>	Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>A minimal area of 10sqm where the impact would be insignificant.</b></p> <p><b>Patial replacement would have to be very carefully considered to ensure that this approach did not lead to a whole surface replacement by stealth.</b></p>				

<b>Q3</b>	Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>Some increase is appropriate, however the implication of losing large areas of industrial B1 and B2 space to storage and distribution must be fully considered especially given the likely difference in the job creation prospects of each of these uses (B8 being much less than manufacturing).</b></p>				

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?			
<p>Comments:  <b>A lesser area of 350 m2 may be more appropariate combined with a prior notification type approach?</b></p>				

Consultation reference: WG 15462

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>As more development is now permitted, the material to be used need to be controlled outside of article 1(5) land.</b></p> <p><b>Reference to playing fields should also include hard surfaced open play areas or surfaces.</b></p> <p><b>Concerned that the distance to boundaries being reduced to 5 metres as this could lead to complaints from neighbouring residential properties.</b></p>				

<b>Q6</b>	Should new permitted development rights for offices be introduced to the GPDO, as detailed in paragraph 3.22 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>There should be no development on parking and manovering areas and development should not take place within 10 metres of the boundary.</b></p>				

<b>Q7</b>	Should new permitted development rights for shops and financial/professional services be introduced to the GPDO, as detailed in paragraph 3.30 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>No problems are foreseen with the PD rights proposed, but given the limitations (e.g. no alterations or replacement of shopfronts, or insertions of ATMs) it is hard to see what real benefit will be derived for these premises.</b></p>				

<b>Q8</b>	Should new permitted development rights for trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Consultation reference: WG 15462

			comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>This needs to be tempered so that the trolley stores are located further away from class c properties and they should not be built on existing parking or manovering areas.</b></p>				

<b>Q9</b>	Should new permitted development rights for new buildings to store refuse and/or bicycles, as outlined in paragraph 3.37 of the consultation paper, be introduced?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>No objections</b></p>				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
<p>Comments:</p> <p><b>There are very real concerns that such a process would place additional burdens upon LPAs to consider such prior approval applications within 28 days and therefore prioritise this work above other planning applications to the detriment of service delivery for other applications. This would appear to be unfair and potentially harmful with very little benefit.</b></p>	

<b>Q11</b>	Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>N/A</b></p>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
<p>Comments:</p> <p><b>N/A</b></p>	

### **Draft Regulatory Impact Assessment**

<b>Q13</b>	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p><b>N/A</b></p>			

Consultation reference: WG 15462

**General**

<b>Q14</b>	We have asked a number of specific questions throughout this consultation. If you have any related queries or comments which we have not specifically addressed, please use this space to report them:
N/A	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	John Lock	
<b>Organisation</b>	City & County of Swansea	
<b>Address</b>	Civic Centre, Swansea SA1 3SN	
<b>E-mail address</b>	john.lock@swansea.gov.uk	
<b>Type</b> (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO, as described in Table 1 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2a	Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG 15462

<b>Q2b</b>	Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

<b>Q3</b>	Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
Comments: The principle of an increase is supported, & no data are held to question the proposed figure.	

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The reduction of the minimum distance of an extension or new building from 20 metres to 5 is considered too great a relaxation; & a distance of 10 metres is recommended in line with many Authorities' guidelines that address issues of overbearance.				

Consultation reference: WG 15462

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<b>Q6</b>	Should new permitted development rights for offices be introduced to the GPDO, as detailed in paragraph 3.22 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**Comments:**  
 The provision would allow extensions that could materially harm the street scene of business parks where frontage landscaping provision would cause compliance with the boundary limits of 5 & 10 metres. However, this could be addressed through the approach adopted in householder p.d. rights re principle elevations & fronting highway etc.

<b>Q7</b>	Should new permitted development rights for shops and financial/professional services be introduced to the GPDO, as detailed in paragraph 3.30 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**Comments:**  
 The provision would allow extensions that could materially harm the street scene of retail parks etc. where frontage landscaping provision would cause compliance with the boundary limits of 5 & 10 metres. However, this could be addressed through the restriction extension beyond "shop front" to refer to princilpe elevations & fronting a highway etc.

<b>Q8</b>	Should new permitted development rights for trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

<b>Q9</b>	Should new permitted development rights for new buildings to store refuse and/or bicycles, as outlined in paragraph 3.37 of the	Yes	Yes (subject to	No
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Consultation reference: WG 15462

consultation paper, be introduced?	further comment)		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
<p>Comments:</p> <p><b>Opposed.</b> The potential disbenefits such as a reduction in public involvement in the visual planning of the High St (no consultation in 28 day period) would outweigh any benefits from an actual or perceived speedier process.</p>	

<b>Q11</b>	Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
<p>Comments:</p> <p>No</p>	

**Draft Regulatory Impact Assessment**

<b>Q13</b>	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>			



Consultation reference: WG 15462

**General**

<b>Q14</b>	We have asked a number of specific questions throughout this consultation. If you have any related queries or comments which we have not specifically addressed, please use this space to report them:
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I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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<b>Proposed Changes to Non-Domestic Permitted Development Rights</b>		
<b>Date of consultation period: 3/10/2012 – 11/01/2013</b>		
<b>Name</b>	Ms Sue Evans	
<b>Organisation</b>	<p>Country Land &amp; Business Association</p> <p>The CLA represents over 35,000 members in England and Wales. Our members both live and work in rural areas; they operate a wide range of businesses including agricultural, tourism and commercial ventures - at the last count the CLA represents some 250 different types of rural businesses.</p> <p>The quality of the countryside is of vital importance to our members. The three main drivers - economic, social and environmental - rely on landowners and managers for their success, and thus the CLA has a special focus on such matters.</p> <p>The rural economy makes an important contribution to the national economy: land-based businesses, within the rural economy, provide the environmental and recreational benefits in the countryside that are valued by the population as a whole. The best security for rural areas is a successful and sustainable rural economy.</p> <p>We have pleasure in setting out our response to the consultation below.</p>	
<b>Address</b>	Unit 8, Broadaxe Business Park Presteigne Powys, LD8 2LA	
<b>E-mail address</b>	sue.evans@cla.org.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/Planning Consultants	<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, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

<b>Q1</b>	Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO, as described in Table 1 of the consultation paper?	Yes	Yes (subject to further	No
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Consultation reference: WG 15462

		<input type="checkbox"/>	comment)	<input type="checkbox"/>
	<p>Comments:</p> <p>CLA welcomes the simplification and relaxation proposed in the amendments made to Part 8. We believe that this will help businesses develop without time delays and costs which would be incurred if planning permission is required. CLA Wales particularly believes that the ability for businesses to develop without unnecessary time delay is of significant importance.</p> <p>A1.(e) provides additional restrictions in what otherwise seems to be a relaxation of planning policy. Are there many instances where the original policy has caused hardship in any way? We suspect not, and therefore CLA Wales questions the need to include this additional restriction.</p> <p>A1. (f) CLA Wales is always looking for ways to improve the appearance of buildings and questions whether a simple prior approval process for any change of material which could potentially enhance the appearance of the building would encourage improvements to be made to the visual impact of industrial buildings.</p> <p>Listed Buildings - Restricting PD rights has potential benefits but also costs, in the form of many extra planning applications, impacting on LPAs etc and on applicants. The benefits must clearly outweigh the costs if the change is to be justified. Sometimes that will clearly be the case, but where it is not, then either PD rights should remain, or a more targeted approach should be used, probably using Article 4 directions rather than blanket removal of all PD rights. We would ask that an estimate of the number of additional planning applications is calculated to show that these is good reason to make this change.</p> <p>Part 8 A2. Again, we see additional restrictions coming in and would question the necessity for this.</p> <p>In conclusion, what at first seems to be a relaxation of PDR for non-domestic property, on balance seems to make as many additional requirements. At a time when business growth is sought to boost our economy, additional restrictions discourage investment. Many CLA business members have said that had they been aware - before beginning their planning application process - of the obstacles to and extra costs of making an application, they would not have begun the process in the first place.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Q2a</b>	Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where	Yes <input type="checkbox"/>	Yes (subject to further comment) <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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there is a risk of groundwater contamination?			
<p>Comments:</p> <p><b>We believe that in most instances the laying down of porous hardstanding is not adequate to withstand industrial requirements. CLA Wales believes that industrial sites need to be able to at least replace like with like (where a concrete base already exists it can be replaced by a new concrete base). The paragraph should also read that a requirement to drain to a porous area or recognised drain within the "site" rather than "building"...</b></p>			

<b>Q2b</b>	Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>Existing hardstanding should be allowed to be replaced.</b></p>				

<b>Q3</b>	Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>Greater flexibility in this case would be welcomed.</b></p>				

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
<p>Comments:</p> <p><b>We question whether there needs to be a limit, as we cannot see any potential hardship caused by a change of use.</b></p>	

Consultation reference: WG 15462

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
<b>No Comment</b>				

<b>Q6</b>	Should new permitted development rights for offices be introduced to the GPDO, as detailed in paragraph 3.22 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				
<b>We question the need for 50 sqm maximum area extension and propose that 25% be left as the area not to be exceeded on its own.</b>				
<b>When there is a height restriction, why then is there a need to say no "alterations above ground floor"? If offices are on the first floor they could still come within the height limit and would not incur any additional hardship. Therefore we propose that the ground floor only rule be removed.</b>				

<b>Q7</b>	Should new permitted development rights for shops and financial/professional services be introduced to the GPDO, as detailed in paragraph 3.30 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				
<b>Again we question the need for a 50sqm limit which seems a very small area. Will a prior notification system be introduced for alteration or replacement of existing shop fronts? We believe that this would be a good move.</b>				

<b>Q8</b>	Should new permitted development rights for	Yes		No
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Consultation reference: WG 15462

	trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>No Comment</b></p>				

<b>Q9</b>	Should new permitted development rights for new buildings to store refuse and/or bicycles, as outlined in paragraph 3.37 of the consultation paper, be introduced?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
<p>Comments:</p> <p><b>CLA Wales would welcome the additional use of a prior approval process in this instance and as mentioned before in Question 1 where there is the potential to improve the visual impact of any development or make sensible changes.</b></p>	

<b>Q11</b>	Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p><b>However, should you decide to continue with this additional regulation, it is of paramount importance that guidance be issued stating that change in WHS's is not automatically stating that planning permission should not be approved. Just because planning permission is needed for something (which outside a WHS would NOT require planning permission) does not mean that permission should be refused without good reason. If it is widely believed that it is impossible or unreasonably difficult to get planning permission in a WHS, people are less likely to want to live, work, invest, or buy land or property there. Rental and capital values will fall (at least relative to other areas outside the WHS), and the maintenance of buildings and landscapes will be curtailed. However "well-protected" the WHS may seem on paper, its real protection will actually have decreased.</b></p>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
<p>Comments:</p>	

**Draft Regulatory Impact Assessment**

Consultation reference: WG 15462

Q13	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>We support the paragraph below, taken from the SI but question whether there has been enough simplification proposed as much more regulation has been added.</b></p> <p><b>"The DCLG 2008 report recommends a number of measures which would provide greater permitted development rights (PDRs) for non-householder development in cases where there would no adverse impacts on neighbours or the environment. The report states that extended PDRs, especially for small and medium sized businesses, can help stimulate economic recovery or innovation by reducing unnecessary regulation."</b></p> <p><b>There is no quantification in the SI of the costs made by the proposed additional regulation. We would like to see these figures.</b></p>			



Consultation reference: WG 15462

**General**

**Q14**

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

**There seems to be quite a lot of additional regulation proposed. We would like to see calculations made regarding the additional costs caused by any extra proposed regulation.**

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

January 2013

# Submission to the Welsh Government

in response to

## Consultation Document 15462

# Proposed Changes to Non- Domestic Permitted Development Rights



**cyfeillion  
y ddaear  
cymru**  
**friends of  
the earth  
cymru**

### Summary

While many of the proposals are sensible and welcome additions to planning law, we have concerns that others do not fully incorporate the Welsh Government's sustainability objectives. Some relatively simple modifications could be made to strengthen the social and environmental performance of planning.

The point of the planning system is to ensure that the right development is in the right place and permitted development could have unforeseen impacts and risk a legacy of poor development.

## Comments

We welcome the changes to permitted development that restrict this within the curtilage of a listed building. We also welcome the increased emphasis for permeable surfaces given the issues of flooding and surface run off which will become ever more acute as the climate changes and which address one of the adaptation priorities for the Welsh Government.

We also welcome the recognition of World Heritage Sites and the permitted development for cycle storage facilities: much needed encouragement is required to massively expand the use of cycling in urban areas in Wales.

However, permitted development should be as 'green' as possible in keeping with the Welsh Government's sustainable development duty. Cities such as Hamburg in Germany require new warehousing development to include green roofs or solar as a matter of course. The Government should not introduce changes to permitted development until it has examined how building regulations can be improved to ensure that green building techniques are promoted by permitted development, in particular the use of green materials for building and the incorporation of green roofs, wildlife areas, and incorporating water conservation. Where permitted development applies to institutions this is even more pertinent given the forthcoming Sustainable Development Bill. Public authorities will want to ensure that they are building the best and greenest extensions possible and permitted development should encourage that. In addition innovative, creative and unique designs drawing on the vernacular style of the area as well as its heritage should be encouraged. As building regulations will still apply to permitted development it is hard to see how a consistent approach is emerging from Government.

The limited extension of permitted development for retail is contentious. While the White Young and Green report identifies some of the issues at stake, there is no mention of the extremely contentious nature of the spread of chain supermarkets and express stores throughout the towns of Wales.

These stores threaten locally owned shops that have been proven to provide far more to the local economy. Today, the 'big four' supermarkets – Tesco, Asda, Sainsburys, Morrisons – control over  $\frac{3}{4}$  of the annual £110 billion spent annually on groceries in the UK<sup>1</sup>. Tesco alone controls 31%. And the expansion is not stopping. Supermarkets claim that when they come to town they bring choice, cheap food, and jobs. But by dominating food sales, supermarkets take away choice by closing down existing shops. In recent years, more than 2,000 independent stores have closed every year<sup>2</sup>.

Small and independent stores have struggled in the recession while supermarkets continue to gain market share and post record profits. The Local Data Company reported in July 2009 that 12,000 independent stores had closed in the first half of 2009 alone<sup>3</sup>. Supermarkets may sell certain items at knock-down prices, but fresh and healthy food is often cheaper in markets and local shops, while the profits the supermarkets make are siphoned away from communities to distant shareholders. And while they may bring

<sup>1</sup> Competition Commission, 2008, *The supply of groceries in the UK market investigation final report*

<sup>2</sup> Institute of Grocery Distribution, 3 May 2005, *Convenience retailing 2005*

<sup>3</sup> BBC Online, 31 July 2009. 19,000 shops 'closed this year'. <http://news.bbc.co.uk/1/hi/business/8177502.stm>

in some employment in the supermarket, they also drive other jobs away – with a net loss of 276 per new superstore, according to one study<sup>4</sup>.

While we understand that the Welsh government wishes to help small businesses, we are concerned that others with far more access to capital and funds will take advantage, and that actually what is preventing small businesses from expanding is lack of access to finance. To again use a German example, one suggestion of an action the Welsh Government could take is to introduce a ‘Sparkasse’ model of banking which is a local bank, invested in and providing loans locally.

We therefore consider that the proposed changes to **permitted development should be limited to class A1 establishments below a floor area threshold** (e.g. 280sqm) that would preclude supermarkets from taking advantage of 50sqm extensions that would further enhance their competitiveness against small independent traders.

Finally, we note the recommendations against permitted development to homes in England, particularly by the Communities and Local Government Select Committee who state:

*“2. We regret that the Government has failed to address or evaluate the social and environmental arguments put forward against the proposed changes to permitted development rights for domestic extensions. Its approach has disregarded two of the components of sustainable development: the social and environmental impact.*

*3. If the change to permitted development rights is worth making, it should be permanent. If it is not, the change should not be made. The proposed changes need to be subject to a thorough and rigorous examination, which the consultation initiated on 12 November 2012 is not. Temporary changes can cause confusion and create uncertainty both at the inception of the change and in the period before its conclusion. Given the indication that the changes may be permanent, and that the Government would consider an extension less than doubling the current depth dimensions, we recommend that the Government complete a comprehensive assessment of the social, environmental and economic impact as well as a comprehensive economic assessment, and that it carry out a fresh and extensive consultation with a range of options for change should it decide to make a permanent alteration.<sup>5</sup>”*

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<sup>4</sup> National Retail Planning Forum, 1998, *The impact of out of town food superstores on market towns and district centres*

<sup>5</sup> <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmcomloc/830/830.pdf>, p. 18

Dear Sirs

I refer to the above consultation and would like to respond on behalf of Arqiva Ltd to:

**Q.12 - Are there any other amendments to the GPDO that you would like to suggest?**

Yes - the Part 24 rights granted to Telecommunications Code Systems Operators set out in Schedule 2 of the GPDO should be amended.

Arqiva is a code systems operator and amongst other things, we own and operate the terrestrial television broadcast network and a large part of the radio broadcast networks. The Part 24 rights are necessary to help facilitate the continued development and improvements to the broadcast and other vital communications networks.

As you may be aware the Government in England is making changes to the equivalent rights - with changes to help fixed networks under consultation, with a further consultation relating more to wireless networks anticipated shortly. The changes being instigated reflect the ever- growing importance on the digital economy and the networks that underpin them and the concern that unnecessary, unduly complicated and onerous town planning restrictions are fettering growth.

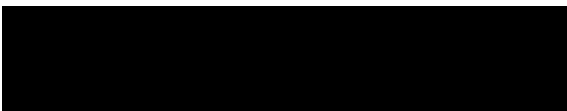
Similar issues apply in Wales with, if anything greater force, given the geographical disadvantages, i.e. a remote area with difficult radio terrain.

We consider therefore that Wales should bring about similar changes at least to ensure that the economy and local population in Wales are not placed at a greater disadvantage.

In due course, we would be pleased to work with the Welsh Assembly to help identify a package of changes suited to Wales that would better optimise the balance between operational requirements and the need to have reasonable environmental checks.

I hope this is a helpful contribution, but if you have any queries, please do not hesitate to contact me.

Yours faithfully



[www.arqiva.com](http://www.arqiva.com)

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Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Dr Helen Mounsey - Non Executive Chairman	
<b>Organisation</b>	The Coal Authority	
<b>Address</b>	200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG	
<b>E-mail address</b>	planningconsultation@coal.gov.uk	
<b>Type</b> (please select one from the following)	Businesses/Planning Consultants	<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, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO, as described in Table 1 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

#### BACKGROUND ON THE COAL AUTHORITY

The Coal Authority is a Non-Departmental Public Body sponsored by the Department of Energy and Climate Change (DECC). We were established by Parliament in 1994 to undertake specific statutory responsibilities associated with the licensing of coal mining operations in Britain; handle subsidence claims which are not the responsibility of licensed coalmine operators; deal with property and historic liability issues; and provide information on coal mining.

We made the decision to actively participate again within the three planning systems across England, Scotland and Wales. Our main areas of planning interest relate to:

- the safeguarding of coal as a mineral in accordance with the advice contained in Planning Policy Wales with Minerals Planning Policy Wales and Minerals Technical Advice Note (MTAN2); and
- ensuring that future development is undertaken safely and reduces the

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future liability on the tax payer for subsidence and other mining related hazards claims arising from the legacy of coal mining in accordance with the advice in Planning Policy Wales with Minerals Planning Policy Wales and Minerals Technical Advice Note (MTAN2).

In our capacity as a statutory consultee we currently operate a risk based approach to development management. The coalfields have been divided into categories of either high risk or low risk of land instability from former coal mining activity and these areas have been published on-line. The corresponding consultation responses which we give are either bespoke or subject to published Standing Advice/Informative Notes. Non-householder development in High Risk Areas requires a desk based assessment which identifies what the coal mining risks are within the site and evaluates their impact on the proposed development with the broad approach for the impact mitigation set out. This is to ensure that in principle, the site can be developed and how it is to be made safe and stable in accordance with Welsh Planning Policy. As the relevant statutory consultee we review the submitted assessment reports and provide specific advice to the decision maker on the appropriateness of the mitigation strategy proposed.

The Coal Authority owns the coal on behalf of the nation and therefore we have a property management role. Where development activity in the high risk areas requires intrusive site investigations and treatment of any on-site mining legacy features, for example mine entries (shafts and adits) then these activities require a Permit from the us. The Permit process ensures that the specific details of the methods of investigation and treatment are appropriate in the context of public safety.

COMMENT - The Welsh Government's drive towards streamlining the planning system is accepted, however, for consistency we have to maintain our concerns about public safety in areas of recorded risk from coal mining legacy. Permitted development removes the known and established mechanism (i.e. obtaining planning permission which has statutory consultation) by which applicants can fully understand the risks to their development proposal.

We expressed similar potential concerns about public safety through similar consultation processes in England on the introduction of non-domestic permitted development rights. The removal of any type of physical development from the planning system in the high risk coalfield areas, as even 'small' extensions or new buildings, could give rise to public safety issues.

The removal of these proposals from the planning system places the responsibility for public safety on developers.

The published Coal Authority Development High Risk Areas contain recorded coal mining legacy information. If developers are unaware, or choose not to be aware, of the ground conditions then they are placing both the construction workers and final occupiers at risk from public safety hazards due to recorded historic coal mining, e.g. ground collapse, mine gas emissions. The responsibility for remediation then falls to the tax payer. This financial burden on public funds is avoidable if there are sufficient checks and balances which is the role of the planning system. The building control regime operates in a competitive



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environment which naturally has the potential for variations in practice since the competitive nature of the process will influence the ability for Inspectors to go beyond the minimum standard.

<b>Q2a</b>	Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
We have no comments to make

<b>Q2b</b>	Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
We have no comments to make

<b>Q3</b>	Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:  
The Welsh Government's drive towards streamlining the planning system is accepted, however, for consistency we have to maintain our concerns about public safety in areas of recorded risk from coal mining legacy. Permitted development removes the known and established mechanism (i.e. obtaining planning permission which has statutory consultation) by which applicants can fully understand the risks to their development proposal.

We expressed similar potential concerns about public safety through similar consultation processes in England on the introduction of non-domestic permitted development rights. The removal of any type of physical development from the

Consultation reference: WG 15462

planning system in the high risk coalfield areas, as even 'small' extensions or new buildings, could give rise to public safety issues.

The removal of these proposals from the planning system places the responsibility for public safety on developers.

The published Coal Authority Development High Risk Areas contain recorded coal mining legacy information. If developers are unaware, or choose not to be aware, of the ground conditions then they are placing both the construction workers and final occupiers at risk from public safety hazards due to recorded historic coal mining, e.g. ground collapse, mine gas emissions. The responsibility for remediation then falls to the tax payer. This financial burden on public funds is avoidable if there are sufficient checks and balances which is the role of the planning system. The building control regime operates in a competitive environment which naturally has the potential for variations in practice since the competitive nature of the process will influence the ability for Inspectors to go beyond the minimum standard.

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
Comments: We have no comments to make	

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The Welsh Government's drive towards streamlining the planning system is accepted, however, for consistency we have to maintain our concerns about public safety in areas of recorded risk from coal mining legacy. Permitted development removes the known and established mechanism (i.e. obtaining planning permission which has statutory consultation) by which applicants can fully understand the risks to their development proposal.  We expressed similar potential concerns about public safety through similar consultation processes in England on the introduction of non-domestic permitted development rights. The removal of any type of physical development from the planning system in the high risk coalfield areas, as even 'small' extensions or new buildings, could give rise to public safety issues.				

Consultation reference: WG 15462

The removal of these proposals from the planning system places the responsibility for public safety on developers.

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Q6	Should new permitted development rights for offices be introduced to the GPDO, as detailed in paragraph 3.22 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The Welsh Government’s drive towards streamlining the planning system is accepted, however, for consistency we have to maintain our concerns about public safety in areas of recorded risk from coal mining legacy. Permitted development removes the known and established mechanism (i.e. obtaining planning permission which has statutory consultation) by which applicants can fully understand the risks to their development proposal.

We expressed similar potential concerns about public safety through similar consultation processes in England on the introduction of non-domestic permitted development rights. The removal of any type of physical development from the planning system in the high risk coalfield areas, as even ‘small’ extensions or new buildings, could give rise to public safety issues.

The removal of these proposals from the planning system places the responsibility for public safety on developers.

The published Coal Authority Development High Risk Areas contain recorded coal mining legacy information. If developers are unaware, or choose not to be aware, of the ground conditions then they are placing both the construction workers and final occupiers at risk from public safety hazards due to recorded historic coal mining, e.g. ground collapse, mine gas emissions. The responsibility for remediation then falls to the tax payer. This financial burden on public funds is avoidable if there are sufficient checks and balances which is the role of the planning system. The building control regime operates in a competitive environment which naturally has the potential for variations in practice since the competitive nature of the process will influence the ability for Inspectors to go beyond the minimum standard.

Consultation reference: WG 15462

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Q7	Should new permitted development rights for shops and financial/professional services be introduced to the GPDO, as detailed in paragraph 3.30 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The Welsh Government's drive towards streamlining the planning system is accepted, however, for consistency we have to maintain our concerns about public safety in areas of recorded risk from coal mining legacy. Permitted development removes the known and established mechanism (i.e. obtaining planning permission which has statutory consultation) by which applicants can fully understand the risks to their development proposal.

We expressed similar potential concerns about public safety through similar consultation processes in England on the introduction of non-domestic permitted development rights. The removal of any type of physical development from the planning system in the high risk coalfield areas, as even 'small' extensions or new buildings, could give rise to public safety issues.

The removal of these proposals from the planning system places the responsibility for public safety on developers.

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Q8	Should new permitted development rights for trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

We have no objection to these proposals as they will not involve substantial ground works and will not therefore raise public safety concerns

Consultation reference: WG 15462

<b>Q9</b>	Should new permitted development rights for new buildings to store refuse and/or bicycles, as outlined in paragraph 3.37 of the consultation paper, be introduced?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:                  We have no objection to these proposals as they will not involve substantial ground works and will not therefore raise public safety concerns</p>				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
Comments: We have no comments to make	

<b>Q11</b>	Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: We have no comments to make				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
Comments: No	

**Draft Regulatory Impact Assessment**

<b>Q13</b>	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: We have no comments to make			

Consultation reference: WG 15462

**General**

<b>Q14</b>	We have asked a number of specific questions throughout this consultation. If you have any related queries or comments which we have not specifically addressed, please use this space to report them:
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We have no additional comments to make
--

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Mr. Rhodri Davies (Principal Planning Officer (DC))	
<b>Organisation</b>	Brecon Beacons National Park Authority	
<b>Address</b>	Plas y Ffynnon Cambrian Way Brecon Powys LD3 7HP	
<b>E-mail address</b>	rhodri.davies@breconbeacons.org	
<b>Type</b> (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO, as described in Table 1 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Under A1 (f) replace "Any new building, extension or alteration on article 1(5) land to be finished using materials which have a similar appearance to those used for the existing building/the building being extended or altered" with "Any new building, extension or alteration on article 1(5) land to be finished using matching finishes and materials to those used for the existing building/the building being extended or altered" to ensure a consistent appearance.



Consultation reference: WG 15462

<b>Q2a</b>	Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q2b</b>	Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: There is no real benefit in having an allowance as each case will be different and it would be better in visual terms to achieve a consistent surface/finish rather than a mix of porous/permeable material and an alternative hard surface.				

<b>Q3</b>	Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The proposed increase in the size thresholds is likely to be generally acceptable in planning terms for changes of use from B8 to B1 or B2 floorspace and from B2 to B8 floorspace.  However, B1 (Office) units are often within or close to residential areas and there is a risk that the proposal to allow a permitted change of use from B1 (Offices) to B8 (Storage and Distribution) for larger buildings with more than 235 sq. m. of floorspace could have a negative impact on residential amenity in some cases due to increased traffic levels, larger vehicles and a change in operating hours etc. It is considered that it would be prudent to either remove the potential permitted change from B1 to B8 or retain the existing threshold for this change of use only.				

Consultation reference: WG 15462

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
Comments:	

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q6</b>	Should new permitted development rights for offices be introduced to the GPDO, as detailed in paragraph 3.22 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q7</b>	Should new permitted development rights for shops and financial/professional services be introduced to the GPDO, as detailed in paragraph 3.30 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				
<p><b>It is noted that it is proposed to exclude article 1(5) land (including National Parks) from benefitting from the new permitted development rights for shops and financial/professional services. The BBNPA concurs with this recommendation and would expect this to be carried through to the finalised set of amendments to the GPDO in order to retain control over development within the urban areas of the National Park.</b></p>				

Consultation reference: WG 15462

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<b>Q8</b>	Should new permitted development rights for trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>Subject to the addition of the following caveat "No development on article 1(5) land" to match the advice for Conservation Areas and the controls over extensions and alterations to A1 or A2 establishments.</b></p>				

<b>Q9</b>	Should new permitted development rights for new buildings to store refuse and/or bicycles, as outlined in paragraph 3.37 of the consultation paper, be introduced?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>It is noted that it is proposed to exclude article 1(5) land (including National Parks) from benefitting from the new permitted development rights for shops and financial/professional services. The BBNPA concurs with this recommendation and would expect this to be carried through to the finalised set of amendments to the GPDO to retain control over development within the urban areas of the National Park.</b></p>				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
<p>Comments:</p> <p><b>The fact that the prior approval process would not apply in National Parks (shopfront alterations and the insertion of ATM's on Article 1(5) land will still require planning permission) is welcomed.</b></p> <p><b>In terms of the prior approval process for other LPA's it is considered that the details required to be submitted with an application for prior approval should be clearly defined in the updated General Permitted Development Order.</b></p>	

<b>Q11</b>	Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
<p>Comments:</p>	

**Draft Regulatory Impact Assessment**

<b>Q13</b>	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>			

Consultation reference: WG 15462

**General**

**Q14**

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

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

Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Rhidian Clement	
<b>Organisation</b>	Dŵr Cymru Welsh Water	
<b>Address</b>	Dŵr Cymru Welsh Water Developer Services PO Box 3146 Linea Fortran Road Cardiff CF30 0EH	
<b>E-mail address</b>	rhidian.clement@dwrwymru.com	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/Planning Consultants	<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, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO, as described in Table 1 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2a	Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG 15462

<p>there is a risk of groundwater contamination?</p> <p>Comments:</p> <p>As an advisory body to all Local Planning Authorities within Wales and parts of England we are afforded the opportunity to comment on planning applications under the Town and Country Planning Act 1990.</p> <p>This provides us as a statutory undertaker the opportunity to consider whether new development would cause any detrimental harm to our existing assets and networks, in the context of protecting the environment and services to existing customers. We are thereby able to recommend that Local Planning Authorities attach suitable conditions to any planning permission awarded, to ensure that there is no detriment to our existing assets.</p> <p>This was also reinforced in the Supreme Court between 'Barratt Homes Limited v Dŵr Cymru Cyfyngedig' Dec2009. The case centred on whether the provisions of the Water Industry Act 1991 (WIA91) provided certain controls to the Sewerage Undertaker for those who wished to connect to the public sewer. The respective courts found that under section 106 WIA91 a right to connect was generally established with little control being available to the sewerage undertaker to prevent adverse consequences, e.g. flooding and pollution occurring.</p> <p>However, both courts were concerned that control of such matters must be obtained elsewhere, the conclusion of which resulted in a sewerage undertaker being afforded such protection through the planning process.</p> <p>In terms of advising the LPA to discharge planning conditions relating to the management of surface water, we request that the developer provides us with sufficient evidence that all sustainable options have been explored and discounted in accordance with Part H 3.2-3.4 of the Building Regulations 2000.</p> <p>Whilst we agree with the principle that the surface water runoff should be dealt with sustainably we would have concerns that without relevant drainage related planning conditions to control communication with the public sewerage network, the changes to the GPDO could lead to an increase in uncontrolled and potentially contaminated surface water communicating directly or indirectly with the public sewerage system. As a consequence, we would welcome reassurance that through the introduction of the SuDS Approving Bodies (SABs), the local authority will ensure that all methods of sustainable surface water drainage have been comprehensively explored prior to any application to communicate surface water flows with the public sewerage system under Section 106 of the Water Industry Act 1991. We would also recommend that the Environment Agency is informed in instances where the surface water runoff from a development is reported to cause a risk of groundwater contamination.</p> <p>In order to provide sustainable surface water drainage solutions, natural cycles must be replicated, this can be achieved by introducing infiltration methods such as soakaways and permeable paving which allows any surface water to be absorbed into the ground and subsequently not enter the public sewerage system.</p>			
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Consultation reference: WG 15462

**Uncontrolled surface water communications with the public sewerage system will result in an increase in hydraulic overloading of sewers and place increased stress on the capacity at receiving Waste water Treatment Works (WwTW).**

**The proposed changes to the GPDO would allow developments that could potentially stimulate economic growth to progress without the need to apply for planning permission under the Town and Country Planning Act 1990. This would remove our opportunity as a statutory undertaker to ensure appropriate planning conditions are in place to protect the integrity of the public sewerage system, the environment and our existing customers.**

<b>Q2b</b>	Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:  <b>All hard surfacing associated with Permitted Development should be replaced with permeable paving or other Engineered Solutions introduced such as SuDS techniques in order to offset the potential loss of permeable areas</b></p>				

<b>Q3</b>	Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>We agree with the principle of increasing relevant thresholds, however this may have a direct impact on the level of discharge to the public sewerage system.</b></p>				

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
<p>Comments:  <b>n/a.</b></p>	



Consultation reference: WG 15462

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<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <b>We agree in principle, however we would request that in these matters our comments made to Q2a be considered</b>				

<b>Q6</b>	Should new permitted development rights for offices be introduced to the GPDO, as detailed in paragraph 3.22 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <b>We agree in principle, however we would request that in these matters our comments made to Q2a be considered</b>				

<b>Q7</b>	Should new permitted development rights for shops and financial/professional services be introduced to the GPDO, as detailed in paragraph 3.30 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <b>We agree in principle, however we would request that in these matters our comments made to Q2a be considered</b>				

<b>Q8</b>	Should new permitted development rights for trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <b>We agree in principle, however we would request that in these matters our comments made to Q2a be considered</b>				

Consultation reference: WG 15462

Q9	Should new permitted development rights for new buildings to store refuse and/or bicycles, as outlined in paragraph 3.37 of the consultation paper, be introduced?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>We agree in principle, however we would request that in these matters our comments made to Q2a be considered</b></p>				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
Comments: <b>We agree with the principle as set out in the proposals, however we would request that in these matters our comments made to Q2a be considered</b>	

<b>Q11</b>	Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>N/A</b>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
Comments: <b>N/A.</b>	

### **Draft Regulatory Impact Assessment**

<b>Q13</b>	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			

Consultation reference: WG 15462

**General**

<b>Q14</b>	We have asked a number of specific questions throughout this consultation. If you have any related queries or comments which we have not specifically addressed, please use this space to report them:
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I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Richard Kevern	
<b>Organisation</b>	Cadw	
<b>Address</b>	Plas Carew Parc Nantgarw Cardiff CF15 7QQ	
<b>E-mail address</b>	richard.kevern@wales.gsi.gov.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/Planning Consultants	<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, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO, as described in Table 1 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>We are content that the change will support the control of inappropriate works</b>				

Q2a	Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG 15462

<b>Q2b</b>	Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

<b>Q3</b>	Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
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Comments:

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**Cadw is content with the change**

Consultation reference: WG 15462

<b>Q6</b>	Should new permitted development rights for offices be introduced to the GPDO, as detailed in paragraph 3.22 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>We are content with the greater restrictions imposed for office buildings, given that it is more likely that buildings in this use will typically form part of the townscape of a conservation area, and not stand separately in their own plots like industrial buildings, and so can be more sensitive to change.</b></p>				

<b>Q7</b>	Should new permitted development rights for shops and financial/professional services be introduced to the GPDO, as detailed in paragraph 3.30 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>Support as above</b></p>				

<b>Q8</b>	Should new permitted development rights for trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>Support</b></p>				

<b>Q9</b>	Should new permitted development rights for new buildings to store refuse and/or bicycles, as outlined in paragraph 3.37 of the consultation paper, be introduced?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>Support</b></p>				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
<p>Comments:</p> <p><b>Cadw supports the proposal not to introduce a prior approval process as our view is that a relaxation of planning rules in this way could adversely affect the historic environment.</b></p>	

<b>Q11</b>	Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>We would support the change strongly and which will bring planning rules in Wales in line with those already in place in England.</b></p>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
<p>Comments:</p>	

**Draft Regulatory Impact Assessment**

<b>Q13</b>	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>			



Consultation reference: WG 15462

**General**

<b>Q14</b>	We have asked a number of specific questions throughout this consultation. If you have any related queries or comments which we have not specifically addressed, please use this space to report them:

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Steven Durno, Policy Officer	
<b>Organisation</b>	Law Society of England and Wales	
<b>Address</b>	113 Chancery Lane London WC2A 1PL Capital Tower Greyfriars Road Cardiff CF10 3AG	
<b>E-mail address</b>	steven.durno@lawsociety.org.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/Planning Consultants	<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, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO, as described in Table 1 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The Welsh Government has the advantage of having seen similar changes to non domestic permitted development rights in operation in England. The Law Society welcomes the relaxation of permitted development rights as a means to facilitate development while focussing development management on those schemes with the greatest impact. Permitting the erection on new buildings as well as extensions to existing industrial buildings and warehouses subject to size restrictions; adding research and development facilities to the provisions governing new build and extensions and alterations; and proscribing development within the curtilage of a listed building are all to be welcomed.

Q2a	Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to	Yes	Yes (subject to further	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG 15462

	either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination?		comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>The increasing incidence of flooding only serves to emphasise the need for hard surfaces to be porous or permeable or run off to similar.</b>				

<b>Q2b</b>	Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>There does not appear to be the need for a limit to be placed on partial replacement of hard surfacing.</b>				

<b>Q3</b>	Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
Comments: <b>The figure of 470sqm is simply a doubling of the existing threshold. There does not appear to be any reason against a larger increase, perhaps 500sqm as a rounder figure.</b>	

Consultation reference: WG 15462

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Greater flexibility for institutions to undertake minor extensions or alterations to buildings is desirable.</b>				

<b>Q6</b>	Should new permitted development rights for offices be introduced to the GPDO, as detailed in paragraph 3.22 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q7</b>	Should new permitted development rights for shops and financial/professional services be introduced to the GPDO, as detailed in paragraph 3.30 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Limited new permitted development rights for shops and financial/professional services would be sensible.</b>				

<b>Q8</b>	Should new permitted development rights for trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG 15462

<p><b>Q9</b></p>	<p>Should new permitted development rights for new buildings to store refuse and/or bicycles, as outlined in paragraph 3.37 of the consultation paper, be introduced?</p>	<p>Yes</p>	<p>Yes (subject to further comment)</p>	<p>No</p>
		<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>Comments:</p>				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
Comments: <b>A prior approval process fro shopfronts and ATMs with a period of 28 days for the local authority to respond would be welcome.</b>	

<b>Q11</b>	Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
Comments: <b>No.</b>	

**Draft Regulatory Impact Assessment**

<b>Q13</b>	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			

Consultation reference: WG 15462

**General**

**Q14**

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

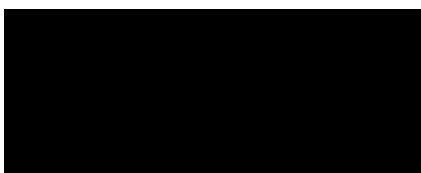
**The Law Society recommends that the Welsh Government should produce a consolidated stand alone Welsh General Permitted Development Order rather than continuing to rely on the 1995 Order.**

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

Dear Mr Groves

Sport Wales is the statutory consultee on planning applications affecting playing fields including school playing fields and as part of the above consultation proposing changes to non-domestic permitted development rights, it supports the proposed retention of Part 32 A.1 (e) which states that “no development where, as a result of the development, any land, used a playing field immediately before the development took place, could no longer be so used”.

Kind regards



[www.sportwales.org.uk](http://www.sportwales.org.uk) | [www.chwaraeoncymru.org.uk](http://www.chwaraeoncymru.org.uk)

**Sport Wales: Uniting a Proud Sporting Nation**

**Chwaraeon Cymru: Uno Cenedl sy'n Caru'r Campau**

***Sport Wales is the new brand name for the Sports Council for Wales***

***Chwaraeon Cymru yw enw newydd Cyngor Chwaraeon Cymru***

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Mae unrhyw wybodaeth a geir yn yr e-bost hwn, ac unrhyw atodiadau, yn gyfrinachol. Os derbyniwch yr e-bost hwn mewn camgymeriad, rhoch wybod i'r anfonwr os gwelwch yn dda a'i ddileu ar unwaith. Nid yw datgelu i unrhyw un ar wahân i'r sawl y cyfeirir yr e-bost ato, boed yn ddamweiniol neu fel arall, yn ildio cyfrinachedd yn fwiadol. Efallai y bydd Chwaraeon Cymru'n monitro ac yn cofnodi'r holl e-byst ar gyfer rheoli ansawdd ac at ddibenion hyfforddi. Ac eithrio pan anfonir yr e-bost hwn fel rhan o'n gwaith a'n busnes arferol, mae'r safbwyntiau a fynegir yn yr e-bost hwn yn perthyn i'r anfonwr ac nid i Chwaraeon Cymru. Nid yw Chwaraeon Cymru na'r anfonwr yn derbyn unrhyw gyfrifoldeb am firsau a'ch cyfrifoldeb chi yw sicrhau eich bod yn gwirio'r e-bost hwn ac unrhyw atodiadau am bresenoldeb firsau.

Chwaraeon Cymru yw enw brand Cyngor Chwaraeon Cymru ac mae ei gyfeiriad swyddfa cofrestredig yng Ngerddi Sophia, Caerdydd, CF11 9SW. Mae'n gwmni sydd wedi'i ymgorffori gan Siarter Brenhinol ac mae'n gofrestredig yng Nghymru ac yn Lloegr a'i rif cofrestru fel cwmni yw: RC000579.





Chairman: Peter Heard  
Tregynon  
Gwaun Valley  
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SA65 9TU

01239 820531

chairman@fnpn.org.uk

16 January 2013

Development Management Branch  
Planning Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3 NQ

**'Proposed Changes to Non-Domestic Permitted Development Rights Consultation – WG-15462'**

The Friends of the Pembrokeshire National Park [FPNP] is an independent voluntary charity committed to help protect, conserve and enhance the Pembrokeshire Coast National Park for all to enjoy. We welcome the opportunity to respond to the consultation on the proposed Changes to Non-Domestic Permitted Development Rights Consultation – WG-15462.

We are aware that our response is a few days late but, with the exception of emphasising the point below, at this stage we do not have anything further of substance to add to the response submitted by the Campaign for National Parks which we fully support.

However, in response to question 12, we do wish to emphasise the point made that we would like to see further amendments to the part 40 of the GDPO to remove the permitted development rights that were introduced in May 2012 relating to wind turbines up to 11.1m in height. AONBs, World Heritage Sites and SSSIs are all specifically excluded from these PD rights but not National Parks. We are very concerned about this decision to treat National Parks differently from AONBs and SSSIs as all three were created under the same legislation and should be granted the same level of protection. Welsh Government planning policy also emphasises that National Parks and AONBs have equivalent status. We would like to see part 40 amended so that National Parks are also excluded from these PD rights.

Yours faithfully,

Peter Heard  
Chairman

# Report

## Cabinet Member for Regeneration and Development

### Part 1

21 January, 2013

### Item No 1

## **Subject** CONSULTATION DOCUMENT: PROPOSED CHANGES TO NON-DOMESTIC PERMITTED DEVELOPMENT RIGHTS

**Purpose** To report the proposed response to the Welsh Government consultation paper relating to the proposed changes to the non-domestic permitted development rights and to seek endorsement of the response formally to the Welsh Government.

**Author** Development Services Manager

**Ward** All

**Summary** The Welsh Government's Consultation Paper proposes a programme of changes to seek to improve and streamline the planning application process. It would allow businesses, educational institutions and hospitals to make more improvements to their premises without needing planning permission.

The proposed changes would be delivered through changes to non-domestic permitted development rights (PDRs) in the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) with the aim of improving the operation of the planning application system and freeing up development from regulatory control.

The GPDO allows minor changes to be undertaken under a deemed grant of planning permission without the need to submit a planning application: this is known as permitted development.

The Welsh Government proposes changes to Part 3 (Changes of Use), Part 8 (Industrial and Warehouse development) and Part 32 (Schools, Colleges, Universities and Hospitals) of the GPDO. The proposed changes seek to expand, and in some cases tighten, PDRs in these particular classes. The proposals would require, in certain cases, new hard surfaces associated with industrial or warehouse development to be made of permeable material, and would provide greater protection for World Heritage Sites (there are none of these in Newport). The consultation paper also seeks responses on proposed new PDRs for office buildings, shops, and financial and

professional services establishments (use classes B1(a), A1 and A2 of the schedule to the Town and Country Planning (Use Classes) Order 1987) (the Use Classes Order).

**Proposal** To respond to the consultation by the Welsh Government on the basis indicated in the report.

**Action by** Head of Regeneration and Regulatory Services.

**Timetable** Immediate

This report was prepared after consultation with:

- Head of Finance
- Head of Law and Standards
- Head of Regeneration and Regulatory Services

**Signed:**

## 1. Background

- 1.1 The consultation is concerning the Government's proposed amendments to the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) in relation to non-domestic permitted development rights (PDR).
- 1.2 The consultation document can be viewed in detail at :  
<http://wales.gov.uk/consultations/planning/nondomopdrs/?lang=en>

## 2. Financial Summary:

- 2.1 There are no immediate cost implications, but changes to the permitted development rights could have future impact in relation to application fees lost due to the potential reduction in applications for minor development. There is also potential for additional queries from businesses, architects and agents asking whether or not planning permission is required: this entails extra work for which no fee income is received. Although reducing regulatory control may benefit businesses, by definition it removes control over the impacts of development which would no longer need planning permission. The changes may also therefore result in additional complaints from neighbours to new development, which again entails additional work for which no fee income is received.

## 3. Risks:

- 3.1 This is a response to a Welsh Government Consultation document.

<b>Risk</b>	<b>Impact of Risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect</b>	<b>Who is responsible for dealing with the risk?</b>
Loss of fee income	M	M	Considering removing free service PD enquiries, insisting on submission of Lawful Development Certificates	Development Services Manager
Loss of control over developments impacting upon amenity	M	M	Constructive responses to consultation document.	Development Services Manager
Impact upon street scene, visual amenities	L	L	Constructive responses to consultation document	Development Services Manager

\* Taking account of proposed mitigation measures

## 4. Relevant Issues and Options

- 4.1 The consultation paper set out the proposals in relation to the proposed changes to the non-domestic permitted development rights. To aid response a series of questions were supplied by the Welsh Government (WG). The consultation paper can be found in Annex 1 of this report and proposed responses can be seen in full in Annex 2 of this report. A summary of the issues is set out below.
- 4.2 The Welsh Government's review of the planning application process focused on the role of planning in facilitating economic recovery whilst maintaining the Welsh Government's

commitment to sustainable development. The review of the planning application process supports the Welsh Government's strategy for economic recovery, which places an emphasis on the role that the planning system has to play in supporting the growth of business.

- 4.3 It states that one measure that can improve the operation of the planning system is to reduce the number of minor, un-contentious planning applications. Extending PDRs for un-contentious applications would release limited resources to allow local planning authorities to concentrate on more complex applications and, especially for small and medium sized businesses, could help to stimulate economic recovery or innovation by reducing unnecessary regulation.
- 4.4 The consultation document is informed by a research report, undertaken by White Young Green Planning. The White Young Green report reviewed the operation of the GPDO, with evidence gained from a wide range of stakeholders and sources, including the Welsh Government and the Planning Officers' Society for Wales.
- 4.5 The White Young Green report reviewed the GPDO using an "impacts approach". In describing the impacts approach, the report noted that when planners consider a development proposal, their primary concern is to assess the impact of that development. However this approach is not reflected in the existing GPDO which controls development based on size or volume thresholds. The report stated that a more consistent approach would be to align the GPDO with planning practice by focusing on the impact that a development would have on its surroundings.
- 4.6 The Welsh Government's priority is to consult upon proposed changes to the GPDO that would most benefit business, industry and institutions
- 4.7 The intention is that the proposed changes would serve to reduce unnecessary regulation and costs on business by allowing minor extensions and alterations of premises to be undertaken without the need to submit formal planning applications. At the same time any potential adverse impacts such as overlooking, overshadowing and effect on the character of an area would be controlled. This consultation document proposes amendments and additions to the GPDO in respect of the following: industrial and warehouse development, educational institutions and hospitals, offices, shops and professional/financial services establishments.
- 4.8 The proposals contained in this consultation document build upon the changes introduced to the GPDO in England through UK Statutory Instrument 2010/654. The amendment order in England is itself informed by the findings of the White Young Green report.
- 4.9 The consultation paper proposes the following changes:
- 4.10 **A. Part 8 of Schedule 2 to the GPDO provides PDRs for industrial and warehouse Development:**
  - 4.10.1 Part 8 Class A.1 currently allows, subject to some restrictions, the extension and alteration of the floor space of existing buildings up to 1,000 square metres or up to 500 square metres when located on article 1(5) land (this includes Conservation Areas). This allowance is subject to the increased volume of the original building not being exceeded by more than 25%, or 10% when located on article 1(5) land.
  - 4.10.2 It does not permit the erection of new buildings and it was considered that some extension to the PDR should allow for this.
  - 4.10.3 It is proposed that:

- Any new building, extensions and alterations up to 100sqm, subject to a height restriction of 5m within 10m of the boundary, or in other cases the height of the building not to exceed 15m or the height of the highest part of the existing building.
- The study also supported the inclusion of research and development facilities within the definition of industrial and warehousing development. This would allow R&D facilities to benefit from the same Part 8 rights as industrial and warehousing development.
- Part 8 of the GPDO currently uses cubic content to measure the volume of permitted development in relation to industrial and warehouse development. The consultation document recommends the removal of cubic content as a threshold limit and a greater emphasis on height and distance as a means of setting PDR limits.
- A 1 (c) The height of the building as extended or altered shall not exceed 5m if within 10m of the curtilage of the premises, and all other cases, the height of the building being altered or extended.
- A 1 (d) referred to cubic content of building and is deleted
- A.1 (f) does not allow the extension or alteration of an industrial/warehouse building where it would materially affect the external appearance of the premises. The consultation document recommends that any new building, extension or alteration on article 1(5) land to be finished using materials which have a similar appearance to those used on the existing building being extended or altered.
- A 1 (g) states that there shall be no development within 5m of the boundary of the premises.
- A 1 (h) is retained and refers to no reduction in the parking and turning space available to vehicles.
- Part 8 Class A does not currently restrict PDRs for industrial and warehouse development within the curtilage of a listed building. It is recommended that such a restriction should be included.
- Part 8 Class C, allows the provision of a hard surface within the curtilage of an industrial building or warehouse. The unrestricted addition of hardstandings can have negative consequences for surface water runoff by increasing both the amount of water that flows through storm drains and the speed of runoff. The consultation document recommends that all hardstandings, including part or whole replacement to either be constructed in porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination.
- Parts B and D remain unchanged.

#### 4.11 **Permitted changes between industrial classes:**

Part 3 Class B of the GPDO currently allows the change of use of a building:

- (a) to a use for any purpose falling within Class B1 (business) of the schedule to the Use Classes Order from any use falling within Class B2 (general industrial) or B8 (storage and distribution) of that schedule; and
- (b) to a use for any purpose falling within Class B8 (storage and distribution) of that schedule from any use falling within Class B1 (business) or B2 (general industrial). However development is not permitted by Class B where the change is to or from a

use falling within Class B8 of that schedule, if the change of use relates to more than 235 sqm of floor space in the building.

The 235 sqm threshold is considered to be modest and the consultation paper proposes that the threshold be increased to 470 sqm within the building.

#### 4.12 **B. Schools, Colleges, Universities and Hospitals**

4.12.1 Part 32 of Schedule 2 to the GPDO currently provides PDRs for schools, colleges, universities and hospitals. It was considered that Part 32 of the GPDO does not provide institutions with sufficient ability to undertake minor extensions or alterations to buildings. It currently provides schools, colleges, universities and hospitals with PDRs to erect new buildings subject to the cumulative floor space being limited to 10% of the overall floor space of the original buildings with an overall volume limit of 250 cubic metres. The PDRs under Part 32 do not apply when any part of the building is located within 20m of the boundary of the site or where a proposal would prejudice the use of an existing playing field. The consultation paper proposes additional flexibility allowing alterations or extensions to buildings and proposes to make the following changes:

- Amend Part 32 to allow extensions and alterations as well as they erection of new buildings.
- A.1b No development permitted where the cumulative total floor space of any buildings erected, extended or altered on a particular site would exceed 25% of the total floor space of the original school, college, university or hospital buildings on that site or 100sqm, whichever is the lesser.

4.12.2 Remove reference to cubic content and instead:

- A.1c The height of any new build is not to exceed 5m. The height of any extension is not to exceed 5m if within 10m of the boundary of the curtilage of the premises or, in all other cases, the height of the building being extended;
- A.1d No part of the development to be within 5m of the boundary of the curtilage of the premises.
- That a restriction on development within the curtilage of a listed building be introduced.

#### 4.13 C. Office Buildings

4.13.1 There are currently no specific PDRs for alterations or extensions to buildings used for purposes in B1(a) (an office other than that which falls within class A2 (financial and professional) of the schedule to the Use Classes Order). The consultation paper recommends that minor alterations and extensions to such office buildings should be permitted. No new PDRs for freestanding office accommodation were recommended.

4.13.2 The following new PDRs for offices used for purposes in use Class B1(a) of the schedule to the Use Classes Order are proposed.

- Extensions and alterations of existing office buildings allowed providing that the gross floor space of the original building is not exceeded by more than 25% or 50sqm, whichever is the lesser.
- Height of the extension to be no greater than the existing building, unless within 10 metres of a boundary, in which case the maximum height would be 5 metres.
- No development, except alterations, within 5 metres of the boundary of the curtilage of the premises.
- Alterations limited to the ground floor only.
- The use of any extended/altered floor space to only be used as part of, or for a purpose incidental to the office use of that office building.
- No extensions or alterations on article 1(5) land.
- No development within the curtilage of a listed building

#### 4.14 D. Shops and financial/professional services establishments

4.14.1 A relatively large number of minor applications are generated by retail proposals, including changes to external areas, small extensions, new shopfronts and ATMs (cash machines). Retail uses are commonly located in historic town centres, within conservation areas and can be accommodated in listed buildings. Therefore introducing PDRs for shops and service uses could generate some significant impacts on the town centre environment and need to be carefully considered. There may be different impact issues in other forms of retail development such as out of town centres or smaller shopping parades. Some forms of smaller scale development could impact upon the street scene and there are suggestions about using a prior approval mechanism. The consultation paper does not propose such a process at this time, but does seek views upon such a system.

4.14.2 The consultation paper recommends the following new PDRs in relation to shops (use class A1) and financial/professional services (use class A2) of the schedule to the Use Classes Order:

- Extensions and alterations of existing premises used for purposes in class A1 or A2 of the schedule to the Use Classes Order allowed providing the gross floor space of the original building would not be exceeded by more than 25% or 50sqm, whichever is lesser
- Any extension to be limited to a maximum height of 4m
- No part of the development, other than an alteration, to be within 2m of any boundary of the curtilage of the premises
- No development within the curtilage of a listed building
- No extensions or alterations on article 1(5) land (such as a conservation area)
- Development not to consist of or include the construction provision of a veranda, balcony or raised platform
- No development to extend beyond the existing shop front
- Development not to include the insertion or creation of a new shop front or the alteration or replacement of an existing shop front



- Development not to involve the installation or replacement of a security grille or shutter on a shop front
- Alterations limited to ground floor only
- Any extension or alteration to only be used as part of, or for a purpose incidental to, the use of the shop or financial/ professional services establishment.
- Development not to involve the insertion of ATMs.

#### 4.14.3 Trolley Stores

As in England, retailers have PDRs for the construction of trolley stores within the curtilage of shops, the following rights are therefore also proposed:

- Gross floor space of building or enclosure not to exceed 20sqm
- No part of the building or enclosure to be within 20m of the boundary of the curtilage of a building used for purposes in class C of the schedule to the Use Classes Order (ie hotels and hostels, residential institutions and dwellinghouses).
- No part of the building to be sited above or below a building used for any purpose in Part C of the schedule to the Use Classes Order (ie hotels and hostels, residential Institutions and dwellinghouses).
- Height of the building or enclosure not to exceed 2.5m
- No development in conservation areas
- No development within the curtilage of a listed building
- No development between a shop front and a highway where the distance between the shop front and the boundary of the curtilage of the premises is less than 5m.

#### 4.15 **E. Refuse Storage Facilities**

4.15.1 There is an increasing requirement for all types of commercial and institutional premises to store waste on site prior to collection for recycling or disposal due to tighter waste regulations. As a result there is increasing need for commercial and industrial premises to construct additional buildings for the storage, sorting and transfer of waste. It is recommended that new PDRs be introduced for all non-residential uses in order to allow construction of waste storage containers to accommodate up to 20 cubic metres of waste.

#### 4.16 **F. Cycle Storage Facilities**

4.16.1 The Welsh Government is committed to enhancing cycling provision across Wales and increasing the number of cycling facilities. There may be demand from both employees and employers for additional cycle storage, particularly given the increasing focus on the health and financial benefits of cycling. Any new PDRs for storage buildings could be extended to include cycle storage.

4.16.2 The Welsh Government proposes the provision of additional PDRs for new buildings to accommodate refuse and/or cycle storage. The PDRs would apply to Part 8 and Part 32 of schedule 2 to the GPDO, and the proposed new provisions for offices (use class B1(a)), shops (use class A1) and financial/professional services (use class A2).

4.16.3 New buildings for the storage of refuse and/or bicycles to be permitted subject to the following restrictions:

- the floor space of any new building not to exceed 20sqm
- the maximum height of any new building not to exceed 2.5m
- the building not to be within 10m of the boundary of the site
- not on article 1(5) land (such as a conservation area)
- not within the curtilage of a listed building
- no reduction in the space available for the parking or turning of vehicles

- no part of the building to be within 20m of the curtilage of a building used for any purpose in Part C of the schedule to the Use Classes Order (ie hotels and hostels, residential institutions and dwelling houses).
- no part of the building to be sited above or below a building used for any purpose in Part C of the schedule to the Use Classes Order (ie hotels and hostels, residential Institutions and dwelling houses).

#### 4.17 **G. Views on a prior approval process for shopfronts and ATMs**

4.17.1 The consultation paper does not propose that a new prior approval process should be adopted for shop front alterations or the installation of ATMs. However the consultation exercise provides an opportunity for comment. The prior approval process could operate as follows:

- Retain the need to apply for planning permission for new shopfronts and ATMs on article 1(5) land and on/within the curtilage of listed buildings.
- Retain the need to apply for planning permission for security shutters or security grilles.
- Deemed consent for shop front alterations (outside article 1(5) land and listed buildings) if no comment from the LPA within a 28 day period.
- Deemed consent for ATMs (outside article 1(5) land & listed buildings) if no comment from the LPA within a 28 day period.
- The 28 day period would allow the LPA to consider design, appearance and siting but not the principle of development.
- There would be no requirement for the Planning Authority to consult any third party during the 28 day period.
- Conditions could still be added by the LPA to any prior approval consent.
- A fee would be required with a standard prior approval application form.

#### 4.18 **H. Protection of World Heritage Sites**

4.18.1 A World Heritage Site is a place of special cultural or physical significance, as listed by UNESCO. There are 3 World Heritage Sites in Wales: Blaenavon Industrial Landscape, the Castles and Town Walls of King Edward in Gwynedd, and Pontcysyllte Aqueduct and Canal. In England, World Heritage Sites have been included in the definition of article 1(5) land. In Wales, World Heritage Sites are not included in the definition of article 1(5) land. Part 2 of Schedule 1 to the GPDO defines article 1(5) land, and such land includes National Parks, Areas of Outstanding Natural Beauty and conservation areas. Due to the sensitive nature of these areas, some parts of the GPDO limit PDRs on article 1(5) land. It is recommended that all references to article 1(5) land in the proposals of this consultation document include World Heritage Sites in addition to the existing GPDO definition

### **5. Links to Council Policies and Priorities**

- To make our City a better place to live for all our Citizens;
- To be good at what we do;
- To work hard to provide what our Citizens tell us they need.

### **6. Options available**

- 6.1 To approve the response to the Consultation Paper as provided at Appendix 1;
- 6.2 To submit an alternative response;
- 6.3 To not respond to the consultation.

## **7. Preferred Option and Why**

- 7.1 To approve the response to the Consultation Paper. The proposed response seeks to shape the proposed changes and suggest improvements. Not responding at all means the Council misses an important opportunity to shape planning legislation and protect the interests of our citizens and businesses.

## **8. Comments of Head of Finance - Chief Financial Officer**

- 8.1 There are no direct financial implications in this report. The financial implications of any changes to non-domestic permitted development rights will need to be considered when Welsh Government confirm what changes they are intending to make.

## **9. Comments of Head of Law and Standards - Monitoring Officer**

- 9.1 There are no legal implications arising from the Report at this stage as the Council is simply responding to the Welsh Government consultation paper, but any changes to the GPDO in due course will have implications for the Council. The proposed responses to the specific consultation questions are supported. The underlying principle of stimulating economic recovery by simplifying and streamlining the planning application process is to be supported. The proposed changes to the GPDO would allow businesses, educational institutions and hospitals to make minor improvements to their premises without needing express planning permission. However, the precise details of permitted development rights for specific alterations or additions to existing premises need to be carefully considered, to ensure that they are non-contentious in nature and do not give rise to planning enforcement issues. In theory, the reduction in smaller planning applications should free up resources within the Council to deal with more contentious applications. However, there is concern that more time will be spent in dealing with queries and providing informal advice about whether an application is required. If so, then the Council will need to charge for this advice service or insist that fees are paid for Lawful Development Certificates, to off-set the loss of planning application fees.

## **10. Staffing Implications-: Comments of Head of People and Transformation**

- 10.1 The proposed response to the consultation questions is supported - the principle of stimulating business by the streamlining of planning processes is in general supported, however, any changes to the GPDO will have implications for the Council as detailed by the Monitoring Officer in his comments. Issues relating to the introduction of charges to off-set the loss of income from planning application fees would need to be subject to separate consideration and evaluation.

There are no direct staffing implications arising from this report.

## **11. Local Issues**

- 11.1 This would affect the whole county borough.

## **12. Consultation**

- 12.1 Not applicable as this is a response to Welsh Government consultation.

**13. Consultation with Non Executive Members**

None received

**14. Background Papers**

A copy of the Welsh Government Consultation Document and the Council's draft response.

**Dated: 21 January 2013**

Consultation reference: WG 15462

Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
Name	Mark Hand	
Organisation	Newport City Council	
Address	Civic Centre Newport South Wales NP20 4UR	
E-mail address	mark.hand@newport.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO, as described in Table 1 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

It is logical to extend rights to include the erection of new buildings however clarification is required as to whether this a one off limit in relation to new build, or if multiple new buildings could be erected within the curtilage of the same site.

The regulations should state that these provision apply only to an existing lawful site.

No development permitted forward of or on a principal elevation.

A.1(c) A maximum height limit of 15m or the height of the existing building (whichever is lowest) should be imposed, to match the criteria for a new building. There are examples in Newport of 40m high buildings, and extensions over 15m in height should not be allowed as permitted development in order that the visual and amenity impacts can be properly addressed.

A.1(f) should apply in all circumstances (similar materials to the host building on all building work) not just works on article 1(5) land. This is especially important given the size and height of extensions that would become pd as a

Consultation reference: WG 15462

**result of the proposed changes.**

**A 1 (g) should be amended to provide a greater buffer distance of 10m from the boundary with a building used for purposes in class C of the schedule to the Use Classes Order (i.e. hotels and hostels, residential institutions and dwellinghouses) to protect privacy and amenity, or 5m in any other case.**

**A1 (e) It would be easier for practitioners if this limit were reworded to refer to the footprint of buildings on site and not gross floor space as the latter may be difficult to calculate in historic sites where there are no floor plans etc. Either option is likely to require the customer to provide the Council with up to date plans of the buildings on site in order to be advised if a proposal is pd (given that recent additions may have been added as permitted development so the LPA will not have any records of them). This is not ideal in terms of applying the pdrs with ease.**

**It may be necessary to limit the amount of curtilage that can be built upon, and to reduce the footprint limits from the figures given for gross floor area, should this suggestion be taken forward.**

**A 1 (h) re-word to "no reduction to the existing parking or turning area", otherwise any spare space may be deemed to be 'available' for parking /turning resulting in uncertainty for developers.**

**Add: Development not to consist of or include the construction or provision of a veranda, balcony or raised platform (except for a loading platform), to prevent the creation of staff room balconies etc for smokers, located close to the site boundary particularly near residential premises.**

<b>Q2a</b>	Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comments:**

**Avoid the use of the word porous, and refer to permeable materials only, however there should be a clear definition of what permeable material is. It may also be difficult to determine when or if there is a risk to ground water contamination. Given the industrial nature of the sites in question, or the high likelihood that parking areas will be used by HGVs and heavy equipment, there would seem to be a high likelihood of oils or diesel spills. The requirement for permeable surfaces will negate the operation of any oil interceptors fitted to existing drains. Does the clause re ground contamination negate the pdr (giving with one hand and taking away with the other)? The uncertainty surrounding this proposed change could leave Council's open to judicial review should ground contamination occur that was not foreseen. Given that the use of the site could**

Consultation reference: WG 15462

**change from a relatively innocuous industrial use to a heavy industry without the need for planning permission, unexpected ground contamination could easily occur. Is this something better controlled by other legislation? In which case, delete the reference to ground contamination altogether.**

<b>Q2b</b>	Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <b>50%</b> Needs to be explicit, what if the surface is merely being repaired a restriction in such cases would be onerous. If a surface is being repaired it would not necessarily be considered to be development and therefore could not be controlled.				

<b>Q3</b>	Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Where did the 235sqm and then 470 sq m derive from, it seems rather arbitrary? Concerned that this threshold could result in the total change of use of a small unit resulting in a loss of B1 and B2 units which may have economic implications. Concerned that a larger B8 unit may have implications in terms of deliveries and parking of such vehicles that may impact upon residential amenity and highway safety. A percentage of the overall floor space would provide a more appropriate threshold. 25% is suggested or a maximum of 500sqm whichever is the lower.				

**Q4** If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?

Consultation reference: WG 15462

Comments:  
**See above response. 470sqm is not the correct threshold.**

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:  
**Currently it is difficult to calculate what 10% of the floor space of the original building would have been. Instead of floor space use footprint as this is likely to be more easily calculated.**  
**100 sqm is not a large area, therefore the benefits of permitting this size are negligible.**  
**Concerned about permitting development closer to the boundary than the current 20m as this could lead to privacy issues, noise and disturbance to neighbouring properties. It could say :**  
**no part of the building to be within 10m of the curtilage of a building used for any purpose in Part C of the schedule to the Use Classes Order (i.e. hotels and hostels, residential institutions and dwellinghouses).**  
**It may be necessary to limit the amount of curtilage of the site that can be built upon (50%?). It would be irrational to require permeable hard surfaces, but total coverage in non-permeable buildings.**  
**Extensions/alterations should not be permitted development if forward of the principal elevation.**  
**It should be reworded to say "No reduction to the existing parking and turning areas." for the reason given above.**  
**A 2 should state that materials shall be of a similar appearance in all circumstances, not just Article 1(5) land, for the reasons given above.**  
**Add: Development not to consist of or include the construction provision of a veranda, balcony or raised platform (except for a loading platform) - for the reasons given above (q1).**

<b>Q6</b>	Should new permitted development rights for offices be introduced to the GPDO, as detailed in paragraph 3.22 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:  
**Generally accepted, Again it is suggested that the pdrs refer to building footprint and not gross floorspace.**  
**The 50 sqm limit is low and is unlikely to permit development in many cases.**



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**Consideration should be given to raising the threshold.**  
**The pdrs should be amended to state "No extension to be within 10m of the curtilage of a building used for any purpose in Part C of the schedule to the Use Classes Order (i.e. hotels and hostels, residential institutions and dwellinghouses)."**  
**It may be necessary to limit the amount of curtilage that can be built upon (suggest 50%).**  
**The pdr should be amended to preclude development forward of the principal elevation.**  
**Add: Development not to consist of or include the construction provision of a veranda, balcony or raised platform (except for a loading platform)**  
**There should be a statement about materials being of a similar appearance to those used on the existing building being extended or altered. This should apply in all cases, not just on article 1(5) land.**  
**The pdrs should be reworded to state "No reduction to the existing parking or turning areas" for the reasons given above.**

Q7	Should new permitted development rights for shops and financial/professional services be introduced to the GPDO, as detailed in paragraph 3.30 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Comments:</b>  <b>50 sqm limit is very low and is unlikely to permit development in many cases. However the creation of additional retail floorspace outside of town/city centres needs to be tightly controlled, as recognised in the Portas Review.</b>  <b>The cumulative effect of such alterations may be very harmful to the character and appearance of Conservation Areas. One option might be to preclude such extensions within Article 1(5) land where the extension would be visible from the public highway (using the wording for satellite dishes in Article 1(5) land).</b>  <b>It is suggested that a lower height limit of 3m be introduced for flat roof extensions.</b>  <b>The pdrs should be amended to preclude development forward of a shopfront/principal elevation, or closer to a highway.</b>  <b>A definition of what a shopfront is would be useful in the context of properties with side display windows.</b>  <b>There should be a statement about the materials being of a similar appearance to those use on the existing building being altered or extended.</b>  <b>No reduction to the existing parking and turning areas (reworded as above).</b></p>				

Q8	Should new permitted development rights for trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?	Yes	Yes	No
<p style="text-align: right;">(subject to further</p>				

Consultation reference: WG 15462

			comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>It is proposed that there be far more restriction on erecting a trolley store than there are for an office extension, industrial development or works to institutions.</p> <p>Require clarification as to whether the 20 sqm is a one off limit, if not there should be a cumulative limit/ limit on the amount of coverage by trolley stores. Clarification is sought for the 'above and below a building used for any purpose in Part C' maybe needed, presumably this relates to scenarios where shop car parks are above or below flats. In this case would the bin store be any more intrusive than the lawful use?</p> <p>Rather than preventing development where the distance from the shopfront to the highway is less than 5m, state that there shall be no development within 5m of the curtilage of the site.</p>				

<b>Q9</b>	Should new permitted development rights for new buildings to store refuse and/or bicycles, as outlined in paragraph 3.37 of the consultation paper, be introduced?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The restriction are stringent in relation to maybe more noxious development permitted by the existing/proposed Non Domestic PDRs, however if added to Part 8 etc need to specific that this is a building that can only be used as a cycle/refuse store.</p> <p>No reduction in existing parking and turning areas (reworded as above)</p> <p>Clarification is sought for the 'above and below a building used for any purpose in Part C' maybe needed, presumably this relates to scenarios where shop car parks are above or below flats. In this case would the bin store be any more intrusive than the lawful use?</p>				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
<p>Comments:</p> <p>Prior approval can be of benefit as it can speed up the process as long as the requirement that no consultations be carried out is retained.</p> <p>Remove deemed consent for ATMs as they can often have highway implications, or add highway safety to one of the considerations.</p> <p>Any submission should be subject to the submission of appropriate detail such as the proposed materials. Validation requirements must be unambiguous due to the tight turn-around timescale proposed.</p> <p>The ability to part-grant and part-refuse the application (as per advertisement consent applications) would be useful and would allow the acceptable part of a proposal to carry on whilst the other parts are subject to negotiation and a resubmission.</p> <p>The preferred operation of such a system would be akin to prior approval for telecom equipment, whereby prior approval can be given subject to conditions such as the finish colour of equipment cabinets. This works more effectively than, for example, agricultural pd rights, where if any aspect requires control, a subsequent application is required to obtain that information or provide a mechanism to impose conditions.</p> <p>Other than not having to send out consultation letters, the level of work required to determine such an application will not change, and therefore a prior approval application should require payment of an application fee, and this fee should not be significantly lower than the current full application fee. Suggest £150. The benefit to customers is the quicker turn-around time.</p> <p>If there is a right of appeal, which presumably there would be (and should be), it is suggested that this should be restricted to the fast-track case-review written reps appeal as introduced for householder appeals, as this system works very well.</p>	

<b>Q11</b>	Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG 15462

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
<p>Comments:</p> <p><b>Remove all subjectivity from the GPDO and provide definitions to provide clarity and certainty for developers and Local Planning Authorities.</b></p>	

### **Draft Regulatory Impact Assessment**

<b>Q13</b>	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		X <input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>Concerned about the cost implications due to reduction in planning application fees particularly when coupled with the recent cuts in funding from the Welsh Government. Queries regarding the need for planning permission will increase, which will not incur any fee income. LPAs will have to consider insisting on an application for a Lawful Development Certificate instead of giving such advice for free. This is not the type of customer service that we wish to provide, but reduced funding and reduced fee income without proportionate reductions in workload equates to higher service delivery costs that no Council can afford or sustain.</b></p>			

Consultation reference: WG 15462

**General****Q14**

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

**As per the proposed changes to householder pdrs, should changes go ahead for commercial pdrs, LPAs would benefit from a long lead-in time to enable staff training to be undertaken and appropriate document templates etc to be set up/amended. Any guidance notes for customers should be made available at the same time as the regulations come into force (not afterwards).**

**Appropriate 'interactive buildings' on the Planning Portal would assist customers, although it is accepted this is a 'wish list' item.**

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

Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Karen Maddock-Jones / Ian Gorton	
<b>Organisation</b>	Cyngor Cefn Gwlad Cymru / Countryside Council for Wales	
<b>Address</b>	Rhanbarth Gogledd Cymru / North Wales Region Cyngor Cefn Gwlad Cymru / Countryside Council for Wales Glan y Nant, Uned 19 / Glan y Nant, Unit 19. Parc Busnes Yr Wyddgrug / Mold Business Park. Ffordd Wrecsam / Wrexham Road. Yr Wyddgrug / Mold. Sir Y Fflint / Flintshire CH7 1XP	
<b>E-mail address</b>	i.gorton@ccw.gov.uk	
<b>Type</b> (please select one from the following)	Businesses/Planning Consultants	<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, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO, as described in Table 1 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Although generally supportive of the proposals, CCW has a number of concerns regarding the proposed amendments and Article 1(5) land.

We are particularly concerned about the proposed height of new buildings up to 15m allowed by Part 8 and the proposed allowance of 100 square metres of gross floorspace for them proposed by A.1(e). Because of the potential harm to the amenity and qualities of National Parks and Areas of Outstanding Natural Beauty (AONBs) caused through inappropriately designed and sited buildings of this size and scale, especially when the cumulative impacts of such proposals are considered, CCW consider that the new build allowances for height and floorspace should be restricted on article 1(5) land to a lower threshold. This would be consistent with other parts of the Development Order, and minimise harm to nationally protected areas.

Consultation reference: WG 15462

**Similarly, recognition is also required within the part 8 amendments of the potential impact of proposals upon ecologically sensitive areas or protected species to ensure consistency with the Conservation of Habitat and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).**

Q2a	Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**CCW agrees with this proposal to amend Part 8 Class C of Schedule 2 of the GPDO to require all new hard surfaces, including the part or whole replacement of hard surfaces, to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination.**

Q2b	Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**No comments**

Q3	Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**No comments**

Consultation reference: WG 15462

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<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
Comments: <b>No comments</b>	

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Similarly to the proposed changes to Part 8 above, CCW have concerns about the potential impact of the proposals for Part 32 on article 1(5) land, both alone and when considered cumulatively.  The only restriction proposed under part 32 for development on article 1(5) land is the retention of condition A.2. i.e. any materials used shall be of a similar appearance to those used for the original schools etc.  Whilst this is welcomed, to minimise harm to and significant impacts on protected landscapes CCW considers that additional restrictions are required in:-  (1) A1.(b) by allowing a lower floorspace threshold for new buildings/ extensions on article 1(5) land of 10%. This would be consistent with suggestions for part 8 and the new PD rights for offices. (2) A1( c) reducing the height allowed for extensions of buildings to 5m.  Similarly, recognition is also required within the Part 32 amendments of the potential impact of proposals upon ecologically sensitive areas or protected species to ensure consistency with the Conservation of Habitat and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).				

<b>Q6</b>	Should new permitted development rights for offices be introduced to the GPDO, as detailed in paragraph 3.22 of the consultation paper?	Yes	Yes (subject to further	No
			further	



Consultation reference: WG 15462

			comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>CCW supports the new PD rights for offices within the GPDO in principle. However, we note that no regard has been taken of the potential impacts of new development upon ecologically sensitive areas or protected species.(See response to Q1 and Q5 above).</b></p> <p><b>CCW welcomes the proposal that there should be no extensions or alterations on article 1(5) land.</b></p>				

<b>Q7</b>	Should new permitted development rights for shops and financial/professional services be introduced to the GPDO, as detailed in paragraph 3.30 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>The proposed changes are welcomed in principle, and CCW particularly welcomes the proposal that there should be no extensions or alterations on article 1(5) land. However, we note that there is no recognition of the potential impact upon ecologically sensitive areas or protected species. (See response to Q1 and Q5 above).</b></p>				

<b>Q8</b>	Should new permitted development rights for trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p><b>To minimise impacts on nationally protected landscapes, CCW consider there should also be a restriction in the provisions, to article 1(5) land and not just on Conservation Areas.</b></p>				

<b>Q9</b>	Should new permitted development rights for new buildings to store refuse and/or bicycles, as outlined in paragraph 3.37 of the consultation paper, be introduced?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Consultation reference: WG 15462

**Comments:**

**There is an inconsistency of approach between the new PD rights proposed for new trolley stores and the proposed PD rights for new buildings to accommodate refuse storage facilities and/or cycle storage. Whilst the proposed provisions for PD rights each relate to new buildings of a floorspace of 20 square metres, the approach taken to the restrictions on article 1(5) land of the respective new PD rights is completely different. CCW consider that similar restrictions upon new buildings on article 1(5) land should apply to new PD rights for trolley stores as well as for refuse storage facilities and/or cycle storage. CCW consider that design guidance should be issued to guide such developments.**

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
<p>Comments:  <b>CCW consider that it may be appropriate in some instances, and that it should be investigated further.</b></p>	

<b>Q11</b>	Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>CCW welcome this proposal.</b></p>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
<p>Comments:  <b>As outlined above, to ensure there is consistency between the GPDO and the Conservation of Habitat Regulations and Wildlife and Countryside Act (both as amended), and to provide greater certainty to applicants, we consider that conditions should be attached to each of the amended PD rights prohibiting new development where it is to be sited on or directly adjacent to protected ecological interests and/ or SSSI site/s, unless it is demonstrated to the competent authority through the submission of a proportionate appropriate ecological assessment that:-</b></p> <p><b>(i) proposals will not have a significant effect on the special interest of sites and maintain their integrity, and</b></p> <p><b>(ii) not result in any detriment to the favourable conservation status of statutorily protected species,</b></p> <p><b>unless the impact is adequately mitigated in accordance with statutory legislation protecting such interests.</b></p>	

**Draft Regulatory Impact Assessment**

Consultation reference: WG 15462

Q13	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>We have concerns about the accompanying Regulatory Impact Assessment of the proposals. Whilst it considers the impacts of the proposals on business and social groups, it does not address or consider the cumulative effects of the proposed amendments to PD rights, on recognised areas of landscape value or nature conservation interests. Particularly the report fails to address how a number of the Welsh Government’s duties with regard to the natural environment have been taken into consideration in the proposed revision to the PD rights. Notably,</b></p> <ul style="list-style-type: none"> <li>• <b>As a competent authority under the Habitat and Species Regulations 2010 (as amended);</b></li> <li>• <b>Their duty to have regard to the purpose for which National Parks were designated, ie conserving and enhancing their natural beauty, wildlife and cultural heritage, (Environment Act section 62),</b></li> <li>• <b>Their duty to have regard to the purpose of conserving and enhancing the natural beauty of Areas of Outstanding Natural Beauty ( Section 85 of the Countryside and Rights of Way Act)</b></li> <li>• <b>The duty to take reasonable steps consistent with the exercise of their functions to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest.</b></li> </ul> <p>The designated areas addressed by the above legislation have the potential to be impacted on by the proposed changes to PD rights. While individual proposals addressed by the changes might not be significant, cumulatively the changes have the potential to have significant impacts on the character or features of an area. As the environment is a fundamental part of sustainability and sustainable development, the failure to address the environment as part of the regulatory impact assessment appears to be serious omission. The consequences of this could be a failure to have regard to the above statutory duties relating to the environment.</p> <p>CCW would be happy to provide further advice and support on incorporation of environmental components to further develop and support the RIA process.</p>			

Consultation reference: WG 15462

**General**

**Q14** We have asked a number of specific questions throughout this consultation. If you have any related queries or comments which we have not specifically addressed, please use this space to report them:

The current General Permitted Development Order (GPDO) controls permitted development based on size or volume. The proposed changes are intended to move away from this to an impact based approach. Whilst this approach appears to generally be a positive one, we have concerns that as drafted the a number of the proposed amendments to the PD rights do not have sufficient regard to the protection of areas recognised for their landscape or nature conservation interests.

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