

---

**From:** Pippa Tee [REDACTED]  
**Sent:** 09 January 2015 14:52  
**To:** Planconsultations-a  
**Subject:** Responses to proposed planning amendments

Firstly, I have to say that the formatted questions do not cover what I wish to say, hence this e-mail; I have shown the references (in blue) for my comments (in black)

Secondly, these issues are relevant, and important, to most people - yet the wording is such that few would choose to wade through the documents.

Thirdly, if my attention had not been directed to these amendments, (by my MP) I would never have known that there Was a consultation process, for anything. This is not therefore a democratic process, since far fewer numbers of people than any quorum have any idea that these consultations exist.

Pippa Tee

[Proposed amendments to legislation on the power to override easements and other rights](#)

## 5. The Proposed Solution

5.1 We propose to make an order under section 203 of the Planning Act 2008 which will have an effect which corresponds to section 194(1) of, and Scheduled 9, to that Act.

5.2 This will introduce provisions in Wales, equivalent to those introduced under section 194(1) and schedule 9 of the Planning Act 2008 which:

- Introduces sub-paragraph 1A of paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980;
- Introduces sub-paragraph 1A of Section 19 of the New Towns Act 1981;
- Introduces sub-paragraph 1A of paragraph 5 of Schedule 10 to the Housing Act 1988; and
- Introduces sub-paragraph 1A of section 237 of the Town and

## Country Planning Act 1990.

This is wrong! If there are existing easements and other rights, if there are TPO's, if planning has been previously refused, there was presumably a reason for this.

If the circumstances have changed, which might mean new planning permission, then this surely has to be a matter for re-consultation with any persons affected (eg neighbours), any relevant organisations (eg environmental bodies).

Planning authorities should not have the power to ignore previous decisions, easements or rights, without this re-consultation.

Additionally, where new development is desirable, if planning consent is open-ended, developers can 'sit' on planning consent thus blocking other potential developers from getting on with the job. This is also unacceptable.

### [Planning committees, delegation and joint planning boards](#)

3.6 The Welsh Government consider that large planning committees are resource intensive, including administrative resources, as well as members requiring attendance at committees, training and preparation reading and absorbing the agendas. It can also diminish the valuable role of members because of the responsibilities which accompany planning committee membership. If they are not on the committee they may have a role, expressing support for a particular opinion in advance of the matter being considered by the planning committee and campaign in accordance with that opinion free of potential accusation of having a fixed view on the application, referred to as predetermination. Members, in their role as decision-maker as part of the planning committee, must not put themselves in a situation where they may be perceived as biased. Furthermore, whilst members have a responsibility to their constituents, in their role as a member of the planning committee, their overriding duty is to the wider community, that is to the whole authority. There can be tension can exist between the role of members upholding the wider public interest and their role as representing the views of the community.

Clearly, large numbers sitting on any sort of committee costs more in time and money - and sadly, many people get onto committees for their own personal reasons.

So yes, perhaps the numbers should be restricted as proposed, assuming that no decisions are made without a proper quorum, but it is the cross-section of people on these committees which is important;

Any group considering planning with environmental issues (and I would argue that Every proposal needs an EIA [1]) should have an independent, local, environmentalist in the group. Someone who knows the local wildlife, the ancient hedgerows, the archaeological interests, the natural water flow. This will not be achieved by centralised controls, but needs local knowledge. Obviously No group should have 'interested parties' involved with the planning application. [2]

1

[Frontloading the development management system](#)

Applications involving an Environmental Impact Assessment (EIA)

5.25 An EIA must be undertaken for projects likely to have significant effects on the environment by virtue of their nature, size or location. Such applications involve complex issues which require careful consideration by the LPA.

What are the criteria for 'significant effects'? Everything in the environment is inter-linked! Cut down a few trees on this hill, and that valley will have more flooding, that extra floodwater will put pressure on another community further down the line - and so on.

2

LPA employee/Council member has interest in application

5.27 The Welsh Government consider it important in the interests of transparency for the national scheme of delegation to include an exception for applications made by members or council staff involved in the planning decision making process. Proposals submitted by serving and former councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. Such proposals must be handled in a way that gives no grounds for accusations of favouritism.

How will this be achieved, ensured, in an area where most of the families are related? (as is the case in many rural areas)

Objection threshold

5.48 If it is accepted that it is the role of the planning committee to determine those applications where there is a community-wide interest (see paragraph 4.3), the Welsh Government consider that an objection threshold should be included within the national scheme of delegation and used to quantify the degree of

public interest. However it is important that, if there is to be an objection threshold, the level of objections required is set at a level that ensures there is a 20 genuine community-wide interest in a development which goes beyond protecting the private interests of one person, or group of people, over the activities of others.

5.49 It is suggested that 20 letters of objection from different people in different addresses should be required. With regard to petitions, it is suggested that a minimum of 30 signatures are required. This level of objection is considered to best represent genuine community-wide interest.

No!! If you refuse to protect the 'private interests of one person or group of people', you are disregarding, discounting and dismissing that one or small group as being of no importance. This is Utterly unfair; the developer is 'one person or group of people' too, but often with far greater means and standing to gain even more money! Why should they be given preference over the single person? The developers do not live in the areas they build on, do not care about the the area, they just want to make money! What about the rights of people who Do live and work there, who Do care??

In many rural areas, with sparse populations, there may only be one other person who is seen to be directly affected (and is therefore even aware that a planning application has been made) Are you seriously saying that they don't matter? That because only one person is aware of the plans and is therefore the only one to object, then light pollution, noise, industry spreading into an agricultural/ horticultural economy, potential pollution of water course, loss of natural habitats - that all these things no longer matter?

You cannot ignore a minority, most especially in rural areas. A fixed number of objectors is a nonsense; why '20'? Why not 50 in a built up area, 1 in rural?! This only works with a nonedescript petition, not individuals with justified objections.

Planning proposals should also be far more generally available, publicised, announced; eg Newbridge -on-Wye sawmill; although I am affected by the noise from the all-night working, I didn't even know they were planning to extend these works..

Personal issue;

Then there is the issue of responding to an objection. If someone takes the trouble to research the planning application, to go through the planning regulations, the framework for local and national planning - and then objects to a development, they should get a reply from the planning department! It is rude, dismissive and arrogant to ignore a considered objection.

This reply should then explain why the department is not following it's own guidelines... and the proposals/ alternatives should be given some considered response.

QUESTION 17: Do you agree with the proposed population formula for

establishing the numbers of members from contributing planning authorities to form the joint planning board?

No. (see above comments) Again, you are making generalisations in policy which are not relevant to every community. It may work for towns, but not for rural areas.

[Consultation on Design in the Planning Process](#)

12. The research 'Review of Design and Access Statements in Wales'<sup>7</sup>

was

published in November 2013 and the report makes recommendations for refining and improving the process. The report found that DAS can vary significantly in terms of their quality. Indeed the weight attributed to a DAS became more significant when justifying proposals for potentially complex sites, both in scale and issues, and those located in more sensitive

4 Welsh Assembly Government (2010) Study to Examine the Planning Application Process in Wales 5 Welsh Assembly Government (2010) Policy Clarification Letter (CL-03-10) – Design and Access Statements

6 Welsh Government (2013) Framework for Action on Independent Living 7 Welsh Government (2013) Review of Design and Access Statements in Wales locations. In other cases DAS were often poor quality, only meeting the minimum requirements of the planning authority. The general perception of applicants is that the mandatory requirement for DAS has become a box ticking exercise used for validation purposes, having minimal impact on design quality and inclusive access.

Just because the DAS have been badly thought out, checked, and acted upon, this does not mean they should be simply chucked out.

I entirely agree that they have been a 'box ticking' exercise. That this is allowed, is down to planning department failures to do their job properly...

There should be a Genuine DAS, checked out by planning officials, questioned thoroughly and ACTED on, before any proposal is taken seriously. This should then demonstrate whether a proposed development genuinely has taken design and access into consideration, - but will only do so if the planning officials do their job properly.

33. TAN12 states that site context is the basis for a meaningful and sustainable design response. Site analysis, as identified in PPW, TAN 12

and Practice Guidance: Planning for Sustainable Buildings, is therefore

the key starting point in the process of achieving good quality design. We therefore propose to run specific training events and produce practice guidance on this issue in order to assist the development industry and local planning authorities in this area.

Q13 Are there any benefits in retaining the requirement for Design and Access Statements for particular applications?

Q14 Should the mandatory requirement for Design and Access Statements be removed from secondary legislation? Give reasons for your answer.

Why should DAS stay? - TAN 12 states quite clearly why;

*2.4 Design is defined in PPW as:*

*“the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings.”*

Consultation reference: WG

Use of Land: Power to Override Easements and Other Rights		
Date of consultation period: 06/10/2014 – 16/01/2015		
<b>Name</b>	Angela Loftus	
<b>Organisation</b>	Denbighshire County Council	
<b>Address</b>	Caledfryn, Smithfield Road, Denbigh, Denbighshire, LL16 3RJ	
<b>E-mail address</b>	angela.loftus@denbighshire.gov.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ 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 that the following provisions should be amended so that the overriding of easements and other rights in Wales will not only apply to the erection, construction or carrying out or maintenance of any building or works phase, but also to the permanent new use of the site when use is in accordance with planning permission?	Yes	Yes (subject to further comment)	No
		(i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980  ii) Section 19 of the New Towns Act 1981  iii) Paragraph 5 of Schedule 10 to the Housing Act 1988  iv) Section 237 of the Town and Country Planning Act 1990	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG

<b>Q2</b>	We have asked a specific question; if you have any related issues which we have not specifically addressed, please use this space to report them.
Comments: <b>It is important that those who benefit from easements and other rights on affected land are fully considered and alternative easements and rights are considered should such a need still exist. This includes re-directing private rights of way when necessary.</b>	

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

### **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> [Please include 'Consultation on Overriding Easements and Other Rights – WG23294' in the subject line]
<b>Post</b>
Please complete the consultation form and send it to: <b>Consultation WG23294 Decisions Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please email: <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> or  telephone: Andrew Ward on 029 2082 5181

Consultation reference: WG23294

Use of Land: Power to Override Easements and Other Rights		
Date of consultation period: 06/10/2014 – 16/01/2015		
<b>Name</b>	Stefan Preuss	
<b>Organisation</b>	National Grid	
<b>Address</b>	National Grid House, Warwick Technology Park, Gallows Hill, Warwick, CV34 6DA	
<b>E-mail address</b>	stefan.preuss@nationalgrid.com	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, 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 that the following provisions should be amended so that the overriding of easements and other rights in Wales will not only apply to the erection, construction or carrying out or maintenance of any building or works phase, but also to the permanent new use of the site when use is in accordance with planning permission?	Yes	Yes (subject to further comment)	No
		(i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980  ii) Section 19 of the New Towns Act 1981  iii) Paragraph 5 of Schedule 10 to the Housing Act 1988  iv) Section 237 of the Town and Country Planning Act 1990	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23294

<b>Q2</b>	We have asked a specific question; if you have any related issues which we have not specifically addressed, please use this space to report them.
Comments:	
National Grid supports the proposed changes, and in particular the principle of maintaining coherence in relation to the law on CPO (as recommended by the Independent Advisory Group on planning reform in Wales).	

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

### **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> [Please include 'Consultation on Overriding Easements and Other Rights – WG23294' in the subject line]
<b>Post</b>
Please complete the consultation form and send it to: <b>Consultation WG23294</b> <b>Decisions Branch</b> <b>Planning Division</b> <b>Welsh Government</b> <b>Cathays Park</b> <b>Cardiff</b> <b>CF10 3 NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please email: <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> or  telephone: Andrew Ward on 029 2082 5181

Consultation reference: WG23294

Use of Land: Power to Override Easements and Other Rights		
Date of consultation period: 06/10/2014 – 16/01/2015		
<b>Name</b>	Neil Richardson	
<b>Organisation</b>	RWE Generation UK plc	
<b>Address</b>	Electron Building Windmill Hill Business Park Whitehill Way SWINDON SN5 6PB	
<b>E-mail address</b>	neil.richardson@rwenpower.com	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

	Do you agree that the following provisions should be amended so that the overriding of easements and other rights in Wales will not only apply to the erection, construction or carrying out or maintenance of any building or works phase, but also to the permanent new use of the site when use is in accordance with planning permission?	Yes	Yes (subject to further comment)	No
<b>Q1</b>	(i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980  ii) Section 19 of the New Towns Act 1981  iii) Paragraph 5 of Schedule 10 to the Housing Act 1988  iv) Section 237 of the Town and Country Planning Act 1990	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23294

<b>Q2</b>	We have asked a specific question; if you have any related issues which we have not specifically addressed, please use this space to report them.
Comments: <b>We note that this proposed change would bring the law in Wales on the overriding of easements and other rights in line with that in England, so as to allow such rights to be overridden in respect of the use of land as well as carrying out works.</b>  <b>While the chances of this change directly affecting any RWE companies operating in Wales are probably remote, we support making the law in Wales inconsistent with the law in England on this point.</b>	

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: <input type="checkbox"/>
--

### **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> [Please include 'Consultation on Overriding Easements and Other Rights – WG23294' in the subject line]
<b>Post</b>
Please complete the consultation form and send it to: <b>Consultation WG23294 Decisions Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please email: <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> or

Consultation reference: WG23294

telephone: Andrew Ward on 029 2082 5181

Cyfeirnod yr ymgynghoriad: WG

Defnydd Tir: Pŵer i Drechu Hawddfrentiau a Hawliau Eraill		
Dyddiad y cyfnod ymgynghori: 06/10/2014 – 16/01/2015		
<b>Enw</b>	Aled Davies, Pennaeth Adran Rheoleiddio	
<b>Sefydliad</b>	Cyngor Gwynedd	
<b>Cyfeiriad</b>	Pennaeth Adran Rheoleiddio 1 Stryd y Jêl Caernarfon Gwynedd LL54 1SH	
<b>Cyfeiriad e-bost</b>	Aled Davies@gwynedd.gov.uk	
<b>Math</b> (dewiser un o'r canlynol)	Busnesau/ Ymgynghorwyr	<input type="checkbox"/>
	Awdurdod Cynllunio Lleol	<input checked="" type="checkbox"/>
	Asiantaeth y Llywodraeth/ Arall o'r Sector Cyhoeddus	<input type="checkbox"/>
	Cyrff Proffesiynol/ Grwpiau Buddiant	<input type="checkbox"/>
	Sector gwirfoddol (grwpiau cymunedol, gwirfoddolwyr, grwpiau hunan-gymorth, mudiadau cydweithredol, mentrau cymdeithasol, cyrff crefyddol, a sefydliadau dielw)	<input type="checkbox"/>
	Arall (grwpiau nas rhestrir uchod) neu unigolyn	<input type="checkbox"/>

	A ydych yn cytuno y dylid diwygio'r darpariaethau canlynol fel bod trechu hawddfrentiau a hawliau eraill yng Nghymru yn gymwys nid yn unig i godi, adeiladu neu ymgymryd â chynnal unrhyw adeilad neu gyfnod gwaith, ond hefyd i'r defnydd newydd, parhaol o'r safle os yw'r defnydd yn unol â chaniatâd cynllunio?	Ydw	Ydw (yn ddarostyngedig i sylw pellach)	Nac ydw
<b>C1</b>	(i) Paragraff 6 o Atodlen 28 i Ddeddf Llywodraeth Leol, Cynllunio a Thir 1980; (ii) Adran 19 o Ddeddf Trefi Newydd 1981; (iii) Paragraff 5 o Atodlen 10 i Ddeddf Tai 1988: a (iv) Adran 237 o Ddeddf Cynllunio Gwlad a Thref 1990.	X	<input type="checkbox"/>	<input type="checkbox"/>

Cyfeirnod yr ymgynghoriad: WG

**C2** Rydym wedi gofyn cwestiwn penodol; os hoffech godi unrhyw faterion cysylltiedig nad ydym wedi rhoi sylw iddynt, defnyddiwch y gofod isod i adrodd amdanynt os gwelwch yn dda

Sylwadau:  
Mae Cyngor Gwynedd o'r farn ei fod yn bwysig sicrhau bod y ddeddfwriaeth yng Nghymru yn adlewyrchu yr hyn sydd yn bodoli yn Lloegr, a bod Adran 237 o Ddeddf Cynllunio Gwlad a Thref 1990 yn cael ei ddiwygio fel ac i sicrhau galluogi defnydd o unrhyw dir sydd wedi ei ddatblygu yn unol â chaniatâd cynllunio, ble mae hawddfrentiau ac hawliau eraill yn bodoli. Bydd hyn yn hwyluso'r proses o weithredu ar ganiatâd cynllunio er budd y gymuned a sicrhau nad yw datblygiad yn cael ei atal ar sail cyfyngiadau cyfreithiol hanesyddol, sydd bellach ddim yn berthnasol.

Mae ymatebion i ymgynghoriadau yn debygol o gael eu datgelu i'r cyhoedd, ar y rhyngwyd neu mewn adroddiad. Os byddai'n well gennych i'ch ymateb barhau'n ddiennw, rhowch dic yma:

### **Sut i Ymateb**

**Os gwelwch yn dda, cyflwynwch eich ymateb mewn unrhyw un o'r ffyrdd canlynol:**

#### **E-bost**

Llenwch y ffurflen ymgynghori ac anfonwch hi at :  
[planconsultations-h@cymru.gsi.gov.uk](mailto:planconsultations-h@cymru.gsi.gov.uk)  
[Rhowch 'Ymgynghoriad ar Drechu Hawddfrentiau a Hawliau Eraill – WG23294' yn y llinell bwnc]

#### **Post**

Llenwch y ffurflen ymgynghori ac anfonwch hi at:  
**Ymgynghoriad WG23294**  
**Y Gangen Penderfyniadau**  
**Yr Is-adran Gynllunio**  
**Llywodraeth Cymru**  
**Parc Cathays**  
**Caerdydd**  
**CF10 3 NQ**

#### **Gwybodaeth ychwanegol**

Os oes gennych unrhyw ymholiad ynglŷn â'r ymgynghoriad, e-bostiwch:  
[planconsultations-?@cymru.gsi.gov.uk](mailto:planconsultations-?@cymru.gsi.gov.uk) neu  
ffoniwch Andrew Ward ar 029 2082 5181

Consultation reference: WG23294

Use of Land: Power to Override Easements and Other Rights		
Date of consultation period: 06/10/2014 – 16/01/2015		
Name	Mr Lyn Cadwallader	
Organisation	One Voice Wales	
Address	24c College Street Ammanford Carmarthenshire SA18 3AF	
E-mail address	lyn.cadwallader@onevoicewales.org.uk	
Type <i>(please select one from the following)</i>	Businesses/ 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 that the following provisions should be amended so that the overriding of easements and other rights in Wales will not only apply to the erection, construction or carrying out or maintenance of any building or works phase, but also to the permanent new use of the site when use is in accordance with planning permission?	Yes	Yes (subject to further comment)	No
		(i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980  ii) Section 19 of the New Towns Act 1981  iii) Paragraph 5 of Schedule 10 to the Housing Act 1988  iv) Section 237 of the Town and Country Planning Act 1990	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23294

<b>Q2</b>	We have asked a specific question; if you have any related issues which we have not specifically addressed, please use this space to report them.
Comments:	

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

### **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> [Please include 'Consultation on Overriding Easements and Other Rights – WG23294' in the subject line]
<b>Post</b>
Please complete the consultation form and send it to: <b>Consultation WG23294 Decisions Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please email: <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> or  telephone: Andrew Ward on 029 2082 5181

**From:** Communications <communications@wales.gsi.gov.uk>  
**Sent:** 16 January 2015 10:17  
**To:** planconsultations-h  
**Subject:** Consultation response - Amendments to override easements and other rights

PD-Con.WG23294-033

Page used to send this email: /consultations/forms/amend-easement-and-other-rights/  
Name: Nicola Williams  
Organisation (if applicable): Dwr Cymru Welsh Water  
Address: Pentwyn Road Nelson Treharris Mid Glamorgan CF64 6LY  
Email: [nicola.williams@dwrwymru.com](mailto:nicola.williams@dwrwymru.com)  
Type (please select one from the following): Other  
Yes / Yes (subject to further comment) / No: Yes (subject to further comment)

Q2. We have asked a specific question. If you have any related issues which we have not specifically addressed, please report them here.:

Dwr Cymru Welsh Water has no issue with the proposed amendments to legislation in the manner proposed, subject to the proviso that the existing provisions in each of the relevant statutes which except statutory undertakers from the affect of the amendments should continue in force and effect.

The closing date for replies is 16 January 2015. Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous please tick the box::

(Unchecked)

Consultation reference: WG

Use of Land: Power to Override Easements and Other Rights		
Date of consultation period: 06/10/2014 – 16/01/2015		
<b>Name</b>	Miss Rachael A. Bust – Chief Planner	
<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> <i>(please select one from the following)</i>	Businesses/ 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"/>

	Yes	Yes (subject to further comment)	No
<p><b>Q1</b></p> <p>Do you agree that the following provisions should be amended so that the overriding of easements and other rights in Wales will not only apply to the erection, construction or carrying out or maintenance of any building or works phase, but also to the permanent new use of the site when use is in accordance with planning permission?</p> <p>(i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980</p> <p>ii) Section 19 of the New Towns Act 1981</p> <p>iii) Paragraph 5 of Schedule 10 to the Housing Act 1988</p> <p>iv) Section 237 of the Town and Country Planning Act 1990</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG

<b>Q2</b>	We have asked a specific question; if you have any related issues which we have not specifically addressed, please use this space to report them.
Comments:	
These provisions already apply in England without apparent detriment.	

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

### **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> [Please include 'Consultation on Overriding Easements and Other Rights – WG23294' in the subject line]
<b>Post</b>
Please complete the consultation form and send it to: <b>Consultation WG23294</b> <b>Decisions Branch</b> <b>Planning Division</b> <b>Welsh Government</b> <b>Cathays Park</b> <b>Cardiff</b> <b>CF10 3 NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please email: <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> or  telephone: Andrew Ward on 029 2082 5181

Consultation reference: WG23294

Use of Land: Power to Override Easements and Other Rights		
Date of consultation period: 06/10/2014 – 16/01/2015		
<b>Name</b>	Rhian Jardine (Head of Sustainable Communities)	
<b>Organisation</b>	Cyfoeth Naturiol Cymru/Natural Resources Wales	
<b>Address</b>	Ty Cambria 29 Newport Road CARDIFF CF24 0TP	
<b>E-mail address</b>	Rhian.Jardine@cyfoethnaturiolcymru.gov.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ 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"/>

	Do you agree that the following provisions should be amended so that the overriding of easements and other rights in Wales will not only apply to the erection, construction or carrying out or maintenance of any building or works phase, but also to the permanent new use of the site when use is in accordance with planning permission?	Yes	Yes (subject to further comment)	No
<b>Q1</b>	(i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980  ii) Section 19 of the New Towns Act 1981  iii) Paragraph 5 of Schedule 10 to the Housing Act 1988  iv) Section 237 of the Town and Country Planning Act 1990	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23294

<b>Q2</b>	We have asked a specific question; if you have any related issues which we have not specifically addressed, please use this space to report them.
Comments: <b>No comment.</b>	

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

### **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> [Please include 'Consultation on Overriding Easements and Other Rights – WG23294' in the subject line]
<b>Post</b>
Please complete the consultation form and send it to: <b>Consultation WG23294 Decisions Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please email: <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> or  telephone: Andrew Ward on 029 2082 5181

Consultation reference: WG23294

Use of Land: Power to Override Easements and Other Rights		
Date of consultation period: 06/10/2014 – 16/01/2015		
<b>Name</b>	Jason Price	
<b>Organisation</b>	Persimmon Homes (East Wales)	
<b>Address</b>	Llantrisant Business Park Llantrisant Rhondda Cynon Taff CF72 8YO	
<b>E-mail address</b>	Jason.Price@persimmonhomes.com	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

		Yes	Yes (subject to further comment)	No
<b>Q1</b>	Do you agree that the following provisions should be amended so that the overriding of easements and other rights in Wales will not only apply to the erection, construction or carrying out or maintenance of any building or works phase, but also to the permanent new use of the site when use is in accordance with planning permission?  (i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980  ii) Section 19 of the New Towns Act 1981  iii) Paragraph 5 of Schedule 10 to the Housing Act 1988  iv) Section 237 of the Town and Country Planning Act 1990	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23294

<b>Q2</b>	We have asked a specific question; if you have any related issues which we have not specifically addressed, please use this space to report them.
Comments:	

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

### How to Respond

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> [Please include 'Consultation on Overriding Easements and Other Rights – WG23294' in the subject line]
<b>Post</b>
Please complete the consultation form and send it to: <b>Consultation WG23294 Decisions Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please email: <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> or  telephone: Andrew Ward on 029 2082 5181

Consultation reference: WG23294

Use of Land: Power to Override Easements and Other Rights		
Date of consultation period: 06/10/2014 – 16/01/2015		
<b>Name</b>	James Caird	
<b>Organisation</b>	Institute of Historic Building Conservation	
<b>Address</b>	IHBC Business Office Jubilee House High Street Tisbury SP3 6HA	
<b>E-mail address</b>	consultations@ihbc.org.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ 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"/>

	Yes	Yes (subject to further comment)	No
<p><b>Q1</b></p> <p>Do you agree that the following provisions should be amended so that the overriding of easements and other rights in Wales will not only apply to the erection, construction or carrying out or maintenance of any building or works phase, but also to the permanent new use of the site when use is in accordance with planning permission?</p> <ul style="list-style-type: none"> <li>(i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980</li> <li>ii) Section 19 of the New Towns Act 1981</li> <li>iii) Paragraph 5 of Schedule 10 to the Housing Act 1988</li> <li>iv) Section 237 of the Town and Country Planning Act 1990</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23294

<b>Q2</b>	We have asked a specific question; if you have any related issues which we have not specifically addressed, please use this space to report them.
Comments: <b>No</b>	

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

### **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> [Please include 'Consultation on Overriding Easements and Other Rights – WG23294' in the subject line]
<b>Post</b>
Please complete the consultation form and send it to: <b>Consultation WG23294</b> <b>Decisions Branch</b> <b>Planning Division</b> <b>Welsh Government</b> <b>Cathays Park</b> <b>Cardiff</b> <b>CF10 3 NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please email: <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> or  telephone: Andrew Ward on 029 2082 5181

Consultation reference: WG23294

Use of Land: Power to Override Easements and Other Rights		
Date of consultation period: 06/10/2014 – 16/01/2015		
<b>Name</b>	Lori Frecker	
<b>Organisation</b>	The Law Society	
<b>Address</b>	113 Chancery Lane London WC2A 1PL	
<b>E-mail address</b>	Lori.Frecker@lawsociety.org.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ 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 that the following provisions should be amended so that the overriding of easements and other rights in Wales will not only apply to the erection, construction or carrying out or maintenance of any building or works phase, but also to the permanent new use of the site when use is in accordance with planning permission?	Yes	Yes (subject to further comment)	No
		(i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980  ii) Section 19 of the New Towns Act 1981  iii) Paragraph 5 of Schedule 10 to the Housing Act 1988  iv) Section 237 of the Town and Country Planning Act 1990	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Consultation reference: WG23294

<b>Q2</b>	We have asked a specific question; if you have any related issues which we have not specifically addressed, please use this space to report them.
-----------	---

Comments: <b>The Law Society supports the proposed amendments. The Law Society has previously expressed the view that compulsory purchase and related powers should remain within a unified procedural and compensation code common to both Wales and England as far as possible. The Law Society agrees with the analysis contained in the IAG's report (noted at paragraphs 4.5 to 4.7 of the consultation paper).</b>
---

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: <input type="checkbox"/>
--

**How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> [Please include 'Consultation on Overriding Easements and Other Rights – WG23294' in the subject line]
<b>Post</b>
Please complete the consultation form and send it to: <b>Consultation WG23294 Decisions Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please email: <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> or  telephone: Andrew Ward on 029 2082 5181

Consultation reference: WG23294

Use of Land: Power to Override Easements and Other Rights		
Date of consultation period: 06/10/2014 – 16/01/2015		
<b>Name</b>		
<b>Organisation</b>	Pembrokeshire County Council	
<b>Address</b>	County Hall, Freemens way, Haverfordwest, SA61 1TP	
<b>E-mail address</b>		
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ 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 that the following provisions should be amended so that the overriding of easements and other rights in Wales will not only apply to the erection, construction or carrying out or maintenance of any building or works phase, but also to the permanent new use of the site when use is in accordance with planning permission?	Yes	Yes (subject to further comment)	No
		(i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980  ii) Section 19 of the New Towns Act 1981  iii) Paragraph 5 of Schedule 10 to the Housing Act 1988  iv) Section 237 of the Town and Country Planning Act 1990	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23294

<b>Q2</b>	We have asked a specific question; if you have any related issues which we have not specifically addressed, please use this space to report them.
Comments:	

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

### **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> [Please include 'Consultation on Overriding Easements and Other Rights – WG23294' in the subject line]
<b>Post</b>
Please complete the consultation form and send it to: <b>Consultation WG23294 Decisions Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please email: <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> or  telephone: Andrew Ward on 029 2082 5181

**From:** Communications <communications@wales.gsi.gov.uk>  
**Sent:** 16 January 2015 16:57  
**To:** planconsultations-h  
**Subject:** Consultation response - Amendments to override easements and other rights

PD-Con.WG23294-040

Page used to send this email:

Enw:

Sefydliad (lle bo'n berthnasol):

Cyfeiriad:

Ebost:

Math (dewiser un o'r canlynol):

Ydw / Ydw (yn ddarostyngedig i sylw pellach) / Nac ydw:

C2. Rydym wedi gofyn cwestiwn penodol. Os hoffech godi unrhyw faterion cysylltiedig nad ydym wedi rhoi sylw iddynt, defnyddiwch y gofod isod i adrodd amdanynt os gwelwch yn dda.:

Y dyddiad cau ar gyfer ymateb yw 16 Ionawr 2015. Mae'n bosibl y bydd ymatebion i ymgynghoriad yn cael eu cyhoeddi - ar y rhyngwrwyd neu mewn adroddiad. Pe bai'n well gennych i'ch ymateb gael ei gadw'n gyfrinachol, ticiwch y blwch:: (Unchecked)

/consultations/forms/amend-  
easement-and-other-rights/

Iwan G D Evans - Pennaeth  
Gwasanethau Cyfreithiol

Cyngor Gwynedd

Stryd y Jel, Caernarfon  
Gwynedd LL55 1SH

[iwangdevans@gwynedd.gov.uk](mailto:iwangdevans@gwynedd.gov.uk)

Awdurdod Cynllunio Lleol

Ydw

Consultation reference: WG23294

Use of Land: Power to Override Easements and Other Rights		
Date of consultation period: 06/10/2014 – 16/01/2015		
<b>Name</b>	Ceredigion County Council	
<b>Organisation</b>	Ceredigion County Council	
<b>Address</b>	Neuadd Cyngor Ceredigion Penmorfa Aberaeron Ceredigion SA46 0PA	
<b>E-mail address</b>	ldp@ceredigion.gov.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ 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"/>

	Do you agree that the following provisions should be amended so that the overriding of easements and other rights in Wales will not only apply to the erection, construction or carrying out or maintenance of any building or works phase, but also to the permanent new use of the site when use is in accordance with planning permission?	Yes	Yes (subject to further comment)	No
<b>Q1</b>	(i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980  ii) Section 19 of the New Towns Act 1981  iii) Paragraph 5 of Schedule 10 to the Housing Act 1988  iv) Section 237 of the Town and Country Planning Act 1990	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG23294

<b>Q2</b>	We have asked a specific question; if you have any related issues which we have not specifically addressed, please use this space to report them.
Comments: <b>None</b>	

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

### **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> [Please include 'Consultation on Overriding Easements and Other Rights – WG23294' in the subject line]
<b>Post</b>
Please complete the consultation form and send it to: <b>Consultation WG23294 Decisions Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please email: <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> or  telephone: Andrew Ward on 029 2082 5181

Consultation reference: WG

Use of Land: Power to Override Easements and Other Rights		
Date of consultation period: 06/10/2014 – 16/01/2015		
<b>Name</b>	Mark Harris	
<b>Organisation</b>	Home Builders Federation	
<b>Address</b>	PO Box 201 Barry CF639FA	
<b>E-mail address</b>	Mark.harris@hbf.co.uk	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	X <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"/>

		Yes	Yes (subject to further comment)	No
<b>Q1</b>	Do you agree that the following provisions should be amended so that the overriding of easements and other rights in Wales will not only apply to the erection, construction or carrying out or maintenance of any building or works phase, but also to the permanent new use of the site when use is in accordance with planning permission?  (i) Paragraph 6 of Schedule 28 to the Local Government, Planning and Land Act 1980  ii) Section 19 of the New Towns Act 1981  iii) Paragraph 5 of Schedule 10 to the Housing Act 1988  iv) Section 237 of the Town and Country Planning Act 1990	X <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG

<b>Q2</b>	We have asked a specific question; if you have any related issues which we have not specifically addressed, please use this space to report them.
Comments:	

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

### **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation form and send it to : <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> [Please include 'Consultation on Overriding Easements and Other Rights – WG23294' in the subject line]
<b>Post</b>
Please complete the consultation form and send it to: <b>Consultation WG23294 Decisions Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please email: <a href="mailto:planconsultations-h@wales.gsi.gov.uk">planconsultations-h@wales.gsi.gov.uk</a> or  telephone: Andrew Ward on 029 2082 5181