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Llywodraeth Cymru
Welsh Government

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Consultation Document

Proposed amendments to secondary legislation for development management covering:

- Statutory Consultees
- Design and Access Statements
- Houses in Multiple Occupation

Date of issue: 3 August 2015

Action required: Responses by 26 October 2015

Overview

This consultation seeks your views on the Welsh Government's proposals to amend the development management system in Wales in three areas.

Firstly, we propose to amend the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 to update the consultation thresholds for statutory consultees. We are also proposing new thresholds for water and sewerage undertakers who would become statutory consultees.

Secondly, we propose to amend the Order in relation to Design and Access Statements (DAS) to make them mandatory in only certain circumstances. We are also proposing to relax the specific content requirements of DAS when they are required.

Lastly, we propose to amend the Town and Country Planning (Use Classes) Order 1987 to create a new use class for small Houses in Multiple Occupation (HMOs) and related amendments to the Town and Country Planning (General Permitted Development) Order 1995. The aim of this proposal is to allow local authorities the opportunity to consider the impacts of small HMOs on the local area through the submission of a planning application.

How to respond

The closing date for replies is **26 October 2015**. You can reply in any of the following ways:

E-mail:

Please complete the consultation response form and send it to:

planconsultations-b@wales.gsi.gov.uk or
planconsultations-b@cymru.gsi.gov.uk
(if you are responding in Welsh)

Post:

Please complete the consultation response form at Annex 1 and send it to:

Consultation on proposed amendments to secondary legislation covering:
Statutory Consultees / DAS / HMOs

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

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Development Management Procedure (Wales) Order 2012

www.legislation.gov.uk/wsi/2012/801/contents/made

Planning Policy Wales

www.gov.Wales/topics/planning/policy/ppw/?lang=en

Technical Advice Note 12: Design

www.gov.wales/topics/planning/policy/tans/tan12/?lang=en

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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Proposed amendments to secondary legislation for development management covering:

- **Statutory Consultees**
- **Design and Access Statements**
- **Houses in Multiple Occupation**

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1. Purpose of this Consultation

- 1.1 In December 2013 the Welsh Government published its proposals to modernise the planning system in Wales. The consultation paper 'Positive Planning' identified the need for culture change, a change in attitude away from regulating development towards encouraging and supporting development. A number of changes to the development management system were proposed to improve transparency, accessibility, timeliness and democratic accountability. Some changes were to be delivered through the Planning (Wales) Act 2015 while others could be taken forward using existing powers.
- 1.2 This is the second of two consultation papers seeking your views on proposed amendments to subordinate legislation related to the development management system. The first consultation paper issued on the 19 June 2015 covers subordinate legislation necessary to implement the Planning (Wales) Act 2015. This consultation paper seeks your views on proposed amendments to subordinate legislation intended to implement the Positive Planning proposals using powers available under the Town and Country Planning Act 1990. The issues covered in this paper are:
- Statutory Consultees
 - Design and Access Statements (DASs)
 - Houses in Multiple Occupation (HMOs)

Statutory Consultees:

Amendments to Schedule 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order (DMPWO)

- 1.3 Discussions with statutory consultees have suggested that consultation thresholds should be amended in respect of four bodies, so that the consultation requests they receive better reflect their available skills and expertise. We therefore propose amended consultation thresholds in Schedule 4 of the DMPWO.
- 1.4 Water and sewerage undertakers (WASU) operating in Wales are becoming new statutory consultees and so relevant consultation thresholds are proposed for inclusion in Schedule 4 of the DMPWO.

Design and Access Statements:

Amendments to Article 7 of the Town and Country Planning (Development Management Procedure) (Wales) Order (DMPWO)

- 1.5 We want to reduce the number of planning applications which require a Design and Access Statement (DAS) and to make DAS requirements less prescriptive, in order to help streamline the planning process.
- 1.6 We therefore propose to amend The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 to require DAS with planning applications for major development only. However

we also propose to apply a lower threshold in Conservation Areas and World Heritage Sites. To encourage a more proportionate approach to DAS, which is responsive to individual development proposals we are also proposing to remove the requirement to explicitly refer to five specific design principles in every DAS.

**Houses in Multiple Occupation:
Amendments to the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development Order) 1995**

- 1.7 We propose to amend The Town and Country Planning (Use Classes) Order 1987 by introducing a new use class C4 (houses in multiple occupation occupied by not more than six residents). This proposal would increase the number of new HMOs which require planning permission, allowing local planning authorities the opportunity to consider their impact.
- 1.8 We also propose to amend The Town and Country Planning (General Permitted Development) Order 1995 to give permitted development rights to changes of use from buildings used as small scale HMOs (proposed use class C4), to use as dwellinghouses (use class C3). This is to enable a small HMO to revert to use as a dwellinghouse without requiring planning permission.

2. Statutory Consultees – Amendments to Schedule 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

- 2.1 This section of the consultation seeks your views on proposed amendments to Schedule 4 of the DMPWO, in particular:
- Revised consultation thresholds
 - The inclusion of water and sewerage undertakers operating in Wales with appropriate consultation thresholds

The current position

- 2.2 Sections 71(2) and 74(1) of the Town and Country Planning Act 1990 provide the power for the Welsh Ministers via a development order to require local planning authorities to undertake consultation and to prescribe the consultation procedure. This procedure is set out in article 14 of the DMPWO. Article 14 requires that where development falls within a description listed in Schedule 4, the local planning authority must consult the bodies identified in relation to that description.
- 2.3 The purpose of the consultation process is to ensure local planning authorities obtain representations of key bodies on specialist technical issues, or in relation to particular assets, where an authority may have limited expertise or knowledge.
- 2.4 The statutory consultees are set out in Schedule 4 of the DMPWO:
- Local Planning Authorities
 - Community or Town Councils
 - The Health and Safety Executive
 - The Office for Nuclear Regulation
 - The Welsh Ministers
 - Railway Network Operators
 - The Local Highway Authorities
 - Road Concessionaires
 - The Coal Authority
 - The Natural Resources Body for Wales (now known to the wider public as Natural Resources Wales)
 - The Theatres Trust
 - The Sports Council for Wales (now known to the wider public as Sport Wales); and
 - The British Waterways Board (now known to the wider public as The Canal and Rivers Trust)

Why are we proposing change?

- 2.5 A review of statutory and non-statutory consultation processes was recommended by GVA Grimley's 'Study to Examine the Planning Application Process in Wales'. Further recommendations were made in respect of statutory consultees by the Independent Advisory Group's

June 2012 report, which recognised that unnecessary consultation was the cause of much delay and frustration in the planning system in Wales.

- 2.6 Consultation was undertaken in 2010 by the Welsh Government in respect of identifying appropriate consultees and further studies have added to the evidence on which these current proposals are based. The evidence base includes:
- responses to the consultation on a draft list of statutory and non-statutory consultees (August 2010)¹
 - the results of the research undertaken by GVA Grimley to examine the planning application processes (June 2010)², and,
 - the enquiry conducted by the National Assembly for Wales Environment and Sustainability Committee into energy policy and planning in Wales (June 2012)³
 - a report by the Independent Advisory Group (IAG Report – June 2012)⁴
 - a report by Arup on Managing Development in Wales (September 2012)⁵
 - a report by Hyder on the Evaluation of Consenting Performance of Renewable Energy Schemes in Wales (January 2013)⁶

What are the main changes we are proposing?

- 2.7 Our consideration of the above evidence has resulted in a suite of legislative reforms to refine the interaction of statutory consultees with the planning system in Wales. Sections 18 and 37 of the Planning (Wales) Act 2015 together with the commencement of section 54 of the Planning and Compulsory Purchase Act 2004, will deliver improvements to the statutory consultation process at pre-application, application, and post application stages. This legislation makes provision for the Welsh Ministers to:
- define a substantive response which statutory consultees must provide following a consultation request;
 - set the timescale within which a response should be made; and
 - provide for an annual report by statutory consultees on their performance in complying with the duties imposed on them.

¹ <http://gov.wales/topics/planning/policy/guidanceandleaflets/inforeport/?lang=en>

² <http://gov.wales/topics/planning/planningresearch/planningapproach/papers/planningapproach/?lang=en>

³ <http://www.senedd.assembly.wales/mglssueHistoryHome.aspx?lId=2255>

⁴ <http://gov.wales/topics/planning/planningresearch/publishedresearch/towardsawelshplanningact/%3bjsessionid=E9C78C1A74EC07D8C1F1A74B4E2CF3FB?lang=en>

⁵ <http://gov.wales/topics/planning/planningresearch/publishedresearch/anewapproach/?lang=en>

⁶ <http://gov.wales/topics/planning/planningresearch/publishedresearch/evaluation-of-consenting-performance-of-renewable-energy-schemes/%3bjsessionid=6BB8B534F3106C9D38241A3DCB32E0F4?lang=en>

These details have been set out in the earlier consultations on “*Frontloading the Development Management System*”⁷, and “*Secondary Legislation for Development Management*”⁸.

- 2.8 Also, in light of the above evidence, the Minister for Natural Resources gave a commitment to the Senedd (at the plenary debate on the Planning (Wales) Bill held on 10th February 2015)⁹ to make water and sewerage undertakers (WASU) operating in Wales statutory consultees. To give effect to that commitment it is proposed to add them to Schedule 4 of the DMPWO with appropriate consultation thresholds.
- 2.9 Following on from the early consultation work in 2010, discussions with existing statutory consultees suggest that for four of the bodies amendment to the current consultation thresholds in Schedule 4 is appropriate.
- 2.10 The amendments to Schedule 4 are intended to either increase or decrease the number of applications referred to each consultee. In some instances the amendments to the DMPWO will result in fewer consultations with a statutory consultee and thus allow them to redirect resources to focus on high priority planning applications. The provision of standing advice for lower risk proposals will ensure that LPAs are still able to make informed decisions.
- 2.11 Alternatively, some bodies would have an amended consultation threshold to attain input on a greater range of applications. This may be due to a change in their role or remit, or the lack of clarity of the existing threshold definitions to inform LPAs on when to consult.

The Coal Authority

- 2.12 The Coal Authority is a non-departmental public body sponsored by the Department for Energy and Climate Change with a national remit covering England, Scotland and Wales. It has specific statutory responsibilities associated with the licensing of coal mining operations; handling subsidence claims; dealing with historic property and liability issues; and providing information on coal mining.
- 2.13 The Coal Authority is a statutory consultee following privatisation of the coal industry. The current requirement in Paragraph (i), which followed wording from a previous development order, is as follows:

‘Development which involves the provision of a building or pipe-line in an area of coal working notified by the Coal Authority to the local planning authority’

⁷ <http://gov.wales/consultations/planning/frontloading-the-development-management-system/?lang=en>

⁸ <http://gov.wales/consultations/planning/secondary-legislation-for-development-management/?lang=en>

⁹ <http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=11271>

2.14 The threshold sought to alert the then British Coal Board to development that may sterilise coal reserves in addition to the issues of subsidence from old workings. The risk of subsidence is now the focus of the Coal Authority's work within the development management system and so this consultation is proposing a revised threshold definition that will reduce unnecessary consultation. The amended definition is set out in Table 1 and reflects the Coal Authority's risk based approach to development management where only development in areas of high risk coal mining legacy require direct consultation. Low risk development is currently filtered out by LPAs through an exemptions list and standing advice and so this amendment brings the DMPWO in line with this approach.

Table 1: Proposed changes to the requirements for consulting The Coal Authority before the grant of planning permission, under Schedule 4 of the DMPWO		
Paragraph	Description of Development	Consultee
(i)	Development, other than householder development, within an area which has been notified for the purpose of this provision to the local planning authority by the Coal Authority because of the presence of land instability risks from coal mining <i>[A definition of 'householder development' will be inserted in the DMPWO]</i>	The Coal Authority

Q1 Do you agree with the proposal to amend paragraph (i)?

The Welsh Ministers (Cadw)

2.15 Cadw is the Welsh Government's historic environment service that conserves and promotes access to the 129 monuments and sites in the care of the Welsh Government and carries out statutory duties in respect of the wider historic environment, most notably protection and designation functions, offering grants, providing general leadership for the historic environment sector and engaging stakeholders and communities.

2.16 The existing requirement for statutory consultation in Schedule 4 of the DMPWO is described in Paragraph (k) as follows:

'Development likely to affect the site of a scheduled monument'

2.17 Based in part on the anticipated duties to be placed on Cadw emanating from the Historic Environment Bill (currently passing through the Assembly), and the need to provide clarity of the trigger for

consultation, we are consulting on amended thresholds that will reflect this additional remit responsibility. The amended description is set out in Table 2.

Table 2: Proposed changes to the requirements for consulting The Welsh Ministers (Cadw) before the grant of planning permission, under Schedule 4 of the DMPWO		
Paragraph	Description of Development	Consultee
(k)	<ul style="list-style-type: none"> (i) Development which has a direct physical impact on a scheduled monument. (ii) Development likely to be visible from a scheduled monument and meets one of the following criteria: <ul style="list-style-type: none"> a) it is within a distance of 0.5 kilometres from the perimeter of the scheduled monument; b) it is within a distance of 1 kilometre from the perimeter of the scheduled monument and is 15 metres or more high, or has an area of 0.2 hectares or more; c) it is within a distance of 2 kilometres from the perimeter of the scheduled monument and is 50 metres or more high, or has an area of 0.5 hectares or more; d) it is within a distance of 3 kilometres from the perimeter of the scheduled monument and is 75 metres or more high, or has an area of 1 hectare or more; or e) it is within a distance of 5 kilometres from the perimeter of the scheduled monument and is 100 metres or more high, or has an area of 1 hectare or more. (iii) Development likely to affect the site of a registered historic park or garden classified as Grade I, II* and II, or its setting; (iv) Development within a registered historic landscape that requires an Environmental Impact Assessment; or (v) Development likely to have an impact on the outstanding universal value of a World Heritage Site. 	The Welsh Ministers

Q2 Do you agree with the proposal to amend paragraph (k)?

The Theatres Trust

2.18 The Theatres Trust is the national advisory body for theatres, operating in Wales, England and Scotland. They are a statutory consultee on theatre buildings in the planning system, providing advice on the sustainable development of all theatres, historic, contemporary and new, including theatres in current use or disused.

2.19 The Theatres Trust Act 1976 sets out the objective of the Trust to promote the protection of theatres for the benefit of the nation. Statutory consultation aids the Trust to fulfil its legal duty. The Welsh Government is concerned that local planning authorities are not informing the Trust of all applications that meet the existing requirement for statutory consultation. This is set out in Paragraph (r) of Schedule 4 to the DMPWO:

‘Development involving any land on which there is a theatre’

2.20 While guidance will be amended to help address any confusion over the scope of the provision, we are consulting on an amended description to address concerns over the impact of residential development on land that immediately adjoins a theatre. In particular residential uses can often impact a theatre’s operation and viability due to amenity and noise complaints, as the theatre can become perceived as a bad neighbour even though it was there first. The amended definition is set out in Table 3.

Table 3: Proposed changes to the requirements for consulting The Theatres Trust before the grant of planning permission, under Schedule 4 of the DMPWO

Paragraph	Description of Development	Consultee
(r)	Development involving - (i) any land on which there is a theatre; (ii) residential development (excluding householder development) within 50 metres of a theatre; if paragraph (i) does not apply; or (iii) a proposed theatre.	The Theatres Trust

Q3 Do you agree with the proposal to amend paragraph (r)?

Natural Resources Wales (The Natural Resources Body for Wales)

- 2.21 Natural Resources Wales (NRW) is the largest Welsh Government sponsored body. It was formed in April 2013, combining the functions of the Countryside Council for Wales, Forestry Commission Wales and the Environment Agency in Wales, as well as certain Welsh Government functions. NRW is currently consulted on a wide variety of planning applications, reflecting its strategic, operational and regulatory responsibilities for flood risk, water quality, water resources, waste management, contaminated land and controls on certain chemicals.
- 2.22 NRW is statutory consultee for proposed developments that are subject to Environmental Impact Assessment (EIA) and those developments currently defined under Schedule 4 of the DMPWO under paragraphs (j) (l) (m) (n) (o) (p) (q) (t) (u) and (x).
- 2.23 We are consulting on a new flood risk description to be added to Schedule 4 of the DMPWO. This builds upon NRW's current non-statutory role currently set out in Technical Advice Note (TAN) 15: Development and Flood Risk, advising on certain types of development that will be located in or near vulnerable flood zones. The proposed new definition is to be found under paragraph (y) in Table 4.
- 2.24 The definitions of 'emergency services development' and 'highly vulnerable development' that are used in TAN 15 will be included in the DMPWO.
- 2.25 We also propose removing the current requirement to consult NRW under paragraphs (n) and (u) so that NRW can focus their resources on more complex and environmentally high risk development types.
- 2.26 The removal of paragraph (n) is proposed as the types of waste development that are likely to have significant impacts on the environment are already identified in Schedules 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 ("the EIA Regulations 1999"). NRW will retain its role as a statutory consultee for developments that are subject to EIA. Accordingly, LPAs would continue to have regard to NRW's advice contained in the EIA Scoping Report and Environmental Statement.
- 2.27 The removal of paragraph (u) is proposed as the operation of fish farms is regulated by legislation outside of the planning system. Large scale intensive fish farms are also listed under Schedule 2 of the EIA Regulations 1999, on which NRW would continue to be consulted.

Table 4: Proposed changes to the requirements for consulting Natural Resources Wales before the grant of planning permission, under Schedule 4 of the DMPWO		
Paragraph	Description of Development	Consultee
(n)	Development involving the use of land for the deposit of refuse or waste	Remove
(u)	Development for the purposes of fish farming	Remove
(y)	<p>Development –</p> <p>(i) on land designated as Flood Zone C2; Involving or including emergency services development or highly vulnerable development on land designated as Flood Zone C1; or</p> <p>(iii) on land that has been notified to the local planning authority by Natural Resources Wales for the purpose of this provision.</p> <p><i>[An interpretation of ‘Flood Zone’ will be inserted in the DMPWO referring to maps issued by, or on behalf of the Welsh Ministers]</i></p>	The Natural Resources Body for Wales

Q4 Do you agree with the proposed changes as set out in Table 4:

- (a) To remove paragraph (n)?
- (b) To remove paragraph (u)?
- (c) To add paragraph (y) to NRW's statutory consultation requirements?

Water and Sewerage Undertakers

2.28 As a statutory consultee, WASU engagement in the planning process would ensure that new development can be suitably supplied and serviced with clean water and sewage treatment. It would also provide WASU with greater opportunity to mitigate any potential negative impact that new development is likely to have on the performance of critical infrastructure and the wider environment.

2.29 The consultation descriptions proposed in Table 5 for inclusion in Schedule 4 of the DMPWO point towards the wide-ranging impact the supply of water and sewerage infrastructure has on development, and reflects the discussions with the three main WASU operating in Wales (Dwr Cymru Welsh Water, Dee Valley Water and Severn Trent Water).

Table 5: Proposed requirements for consulting water and sewerage

undertakers before the grant of planning permission, under Schedule 4 of the DMPWO

Paragraph	Description of development	Consultee
(z)	Development - (i) involving new residential development (including single units) (ii) which is major development not falling within section (i) (iii) which is not in accordance with the development plan (iv) involving the use of land for the provision of renewable energy	The water and sewerage undertaker concerned
(p)	Development relating to the use of land as a cemetery	The Natural Resources Body for Wales The water and sewerage undertaker concerned

Q5 Do you agree with the proposed new consultation thresholds for WASU identified in Table 5 above?

Q6 Are there any other thresholds that should be included in/or excluded from Schedule 4 of the DMPWO? If so, please identify these and explain why they should be included or excluded.

2.30 An indicative Schedule 4 is provided in Annex 1. Please note that paragraph lettering is purely indicative and may be subject to alteration.

3. Design and Access Statements – Amendments to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO)

Background

- 3.1 The Welsh Government is committed to promoting good and inclusive design.
- 3.2 Planning Policy Wales (PPW)¹⁰ sets out our national planning policy in respect of promoting sustainability through good design and planning for sustainable buildings, and explains the role of local planning authorities in delivering good sustainable design. This is supported by Technical Advice Note (TAN) 12: Design¹¹ which provides advice for all those involved in the development process on how good sustainable design can be facilitated through the planning system.
- 3.3 Design and Access Statements (DAS) were introduced in 2009 as a communication tool to explain how both good and inclusive design principles have been considered and applied from the outset of the development process and how they will be achieved.
- 3.4 It was anticipated that the introduction of DAS would add value to the planning and design process and would enable various stakeholders (such as local authorities, applicants, local communities and access groups) to engage more effectively in the process, and improve awareness of the various issues that should be considered and facilitate better assessment of the quality of proposals.
- 3.5 However, the GVA *Report into the Planning Application Process in Wales* (June 2010)¹² highlighted key criticisms of DAS, such as perceptions regarding the process and additional costs, and recommended that the scope and content of DAS should be clarified in order to speed up and improve the validation of planning applications.
- 3.7 In response to the GVA report, the Welsh Government issued a policy clarification letter¹³ in August 2010 which explained that the amount of information submitted within a DAS should be proportional to the development proposal, site location and the issues raised and should not be a reason for additional delays when processing planning applications. However, despite this, evidence suggests that DAS are still causing significant delays when processing planning applications.

¹⁰ <http://gov.wales/topics/planning/policy/ppw/?lang=en>

¹¹ <http://gov.wales/topics/planning/policy/tans/tan12/?lang=en>

¹² <http://gov.wales/topics/planning/planningresearch/planningappprocess/papers/planningappsudy/?lang=en>

¹³ <http://gov.wales/topics/planning/policy/policyclarificationletters/2010/cl0310/?lang=en>

- 3.8 The research report by The Urbanists: *Review of Design and Access Statements in Wales*¹⁴ (2013) makes recommendations for refining and improving the DAS process. The report found that DAS can vary significantly in terms of their quality with the weight attributed to a DAS becoming more significant when justifying proposals for potentially complex sites, both in scale and issues, and those located in more sensitive locations. In other cases DAS were often poor quality, only meeting the minimum requirements of the planning authority. The report stated that 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.
- 3.9 Responses to our previous consultation on design echoed the findings of The Urbanists report in that there was general support across sectors for the retention of DAS within the planning system. However there were a significant number of respondents who stated that they should only be required for larger developments and those in sensitive areas. These views were also expressed by the Environment and Sustainability Committee of the National Assembly for Wales in their scrutiny of the Planning (Wales) Act¹⁵.

The current position

- 3.10 Section 62 (5) of the Town and Country Planning Act 1990 requires a development order to require applications for planning permission for development to be accompanied by:
- a) a statement about the design principles and concepts that have been applied to the development;
 - b) a statement about how issues relating to access to the development have been dealt with.
- 3.11 Article 7 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 sets out the requirements for DAS. Currently DAS are required for most planning applications. They are also required to explain:
- the design principles and concepts which have been applied in respect of:
 - environmental sustainability,
 - movement to, from and within the development,
 - character; and
 - community safety;
 - how access issues have been taken into account,
 - how any access issues have been addressed; and

¹⁴ <http://gov.wales/topics/planning/planningresearch/publishedresearch/review-of-design-and-access-statements-in-wales/?lang=en>

¹⁵ [http://www.assembly.wales/laid%20documents/cr-ld10090%20-environment%20and%20sustainability%20committee%20-%20planning%20\(wales\)%20bill%20-%20stage%201%20committee%20report/cr-ld10090-e.pdf](http://www.assembly.wales/laid%20documents/cr-ld10090%20-environment%20and%20sustainability%20committee%20-%20planning%20(wales)%20bill%20-%20stage%201%20committee%20report/cr-ld10090-e.pdf)

- how access features within the development are to be maintained.

Why are we proposing change?

- 3.12 The Urbanists report indicates a key positive value of DAS is their role as a communication tool for multiple audiences. These include design officers, police architectural liaison officers, development management officers, access groups, committee members and the public. The research found that DAS have raised the profile of design and inclusive access, and give consistency as to how issues are considered and presented in the planning process.
- 3.13 The nine recommendations of the report set out how legislation, guidance and procedures can be amended to improve the credibility and efficiency of the process. The primary recommendations relating to planning, which would require changes to subordinate legislation, are summarised as follows:
- Retain DAS as a communication tool, but only as a mandatory requirement for applications within certain categories (e.g. listed buildings/designations) and above certain dwelling/size thresholds (e.g. over 10 dwellings)
 - Exclude from the requirements the specific aspects of a development that must be considered (i.e. access, environmental sustainability, movement, community safety and character).

What are the main changes we are proposing?

- 3.14 We are proposing to simplify and streamline the current legal requirements for DAS by making amendments to The Town and Country Planning (Development Management Procedure) (Wales) Order in relation to the specified descriptions of applications for planning permission where DAS are required and in relation to their content.

Threshold

- 3.15 We want to reduce the number of applications where a DAS is required in line with Recommendation 1 of The Urbanists report. In doing so, we want to confine DAS to development where a more detailed explanation of the approach taken to design and access issues adds value.
- 3.16 Removing the requirements for a DAS in certain circumstances removes the statutory requirements on applicants without compromising our national planning policy on design. Our policies and guidance will continue to set the context for Local Development Plans (LDPs) and there is a legal requirement to determine planning applications in accordance with the Development Plan. In addition, applicants will still have the ability to outline their approach to design

and access with reference to national and local policies in non-statutory documentation provided as part of the application process.

- 3.17 Responses to our recent consultation on design in the planning process strongly supported the need for change in this area.

Major Development

- 3.18 We propose to amend the DMPWO to require DAS with planning applications for major development.

- 3.19 Major development is defined by DMPWO as:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where—
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.

- 3.20 Major developments have the greatest impact on both their immediate area and wider surroundings. Therefore a DAS provides an important way for developers to clearly communicate the design and access considerations to the local planning authority, the public and those making comments on planning applications to enable them to assess the application in an informed manner.

- 3.21 However, in recognising that major development forms an appropriate threshold, we propose to exclude mining / mineral operations and waste development from this in relation to DAS where the form of the development scheme will be largely dictated by their function. We also propose to exclude applications for permission to develop land without compliance with conditions previously attached, made under section 73 of the Town and Country Planning Act 1990 and for a material change in use of land or buildings. DAS would continue to be an unnecessary burden in these cases as the majority of these applications are relatively minor in nature and do not raise design issues which could not otherwise be dealt with during the Development Management process.

paragraph 3.19 and the DMPWO is the right threshold for requiring a Design and Access Statement? If not, what would be an appropriate threshold?

Historic Environment

- 3.22 Additionally, in areas of historic or cultural value, smaller proposals may also have a significantly greater impact on the character of the area of higher sensitivity in which they are situated. We therefore propose to apply a lower threshold where a DAS will be required in Conservation Areas and World Heritage Sites.
- 3.23 Applications for Listed Building Consent will continue to require a DAS under the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 until further consideration has been given to an alternative approach (please see the below section on Designated Historic Assets).
- 3.24 In Conservation Areas and World Heritage Sites, we are proposing that the threshold for DAS would be:
- (a) the provision of one or more dwellinghouses; or
 - (b) the provision of a building or buildings where the floor space created by the development is 100 square metres or more.
- 3.25 We believe that these thresholds are an appropriate balance for these sensitive areas.

Q8 Do you agree with our proposals to have different thresholds in Conservation Areas and World Heritage Sites? If not, to what other sensitive areas, if any, should a smaller threshold apply?

Q9 Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?

- 3.26 The Historic Environment (Wales) Bill is currently being considered by the National Assembly for Wales and includes improved measures for the sustainable management of designated and registered historic assets. Alongside the Bill, a pre-consultation draft of planning policy for the historic environment has been published on the Cadw website and a new Technical Advice Note will be produced. These set out proposals to introduce Heritage Impact Assessments (HIAs) to accompany applications for Listed Building Consent (LBC), Conservation Area Consent and Scheduled Monument Consent.

- 3.27 It is proposed that issues relating to design and access should be incorporated into a broader consideration of the impact of a proposal on heritage significance, a process referred to as a Heritage Impact Assessment (HIA). The intention of an HIA is to assess the impact of a proposal, including its design, on the heritage significance of a designated asset. It will be accompanied by best practice guidance to explain how this should be achieved.
- 3.28 It is proposed that an HIA will require a statement on access in certain circumstances and in proportion to the scale and nature of the proposal. For example, a proposal to replace historic windows in a listed building would normally require an HIA as part of the application for LBC but is unlikely to require a statement on access. However, the conversion of a listed historic chapel into a restaurant would almost certainly require a statement on access.
- 3.29 In the future it is likely that the Historic Environment (Wales) Bill will put Registered Historic Parks and Gardens onto a statutory footing. If this is the case then consideration will be given to extending the DAS requirements to include them. Additionally, consideration will be given in the future as to whether the proposed requirement for a DAS within a sensitive area should be replaced with the requirement for an HIA.

Q10 Do you agree with the proposal to incorporate the requirement for a statement on design within an HIA when preparing an application for listed building, scheduled monument or conservation area consent?

Q11 What do you consider should be the circumstances in which an HIA would also need to be accompanied by a statement on access?

Content

- 3.30 One reason cited for the inflexibility of the current DAS regulations is that their required content is prescribed in detail and is applicable to every Statement, regardless of the development involved. Recommendation 2 of The Urbanists report states that this should be removed. Therefore to encourage a more proportionate approach to DAS, which are responsive to the individual development proposals, we propose to make the following changes:
- remove the requirement to explain the specific design principles that have been applied to “environmental sustainability”, “movement to, from and within the development”, “character” and “community safety”;
 - remove the requirement to give details concerning maintenance in respect of access features; and

- reduce the number of statutory definitions (such as 'character' and 'context') in respect of DAS.

3.31 DAS would still have to explain the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt with. Applicants will also still have the ability to outline in their approach to design and access reference to the four aspects currently highlighted in legislation. It is also our intention to continue to structure our policy guidance in Technical Advice Note 12: Design (which will be factually updated as a result of any legislative changes) around these issues and encourage DAS to cover these aspects where they are relevant to the development. Our proposals will simply reduce the level of prescription at a national level, instead favouring a more proportionate approach on an individual scheme basis to reflect specific circumstances.

Q12 Do you agree with our proposals to simplify the statutory content of Design and Access Statements?

4. Houses in Multiple Occupation – Amendments to the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development Order) 1995

Background

- 4.1 The Welsh Government recognises that Houses in Multiple Occupation (HMOs) make an important contribution to the private rented sector by catering for the housing needs of specific groups of people. In particular, HMOs provide accommodation for individuals who cannot afford to purchase properties or rent larger accommodation. These types of property also often house the more vulnerable members of society and provide a valuable source of accommodation in University towns and cities.
- 4.2 However, high concentrations of HMOs can lead to substantial changes and problems in particular locations for the settled communities as the nature of a neighbourhood can change. Issues and problems relating to HMOs can manifest themselves in many different ways, such as increased waste and noise nuisance.
- 4.3 Concerns have been raised about the problems associated with concentrations of HMOs in parts of Wales and their affect on local communities. As a result there have been calls for a change to planning regulations to enable local authorities to more effectively manage the use of properties as HMOs.

The current position

- 4.4 Under the planning system the owner of land will, in many cases, require planning permission in order to carry out development. The definition of development (set out in section 55 of the Town and Country Planning Act 1990) includes making a material change of use. A number of categories of development are classified as 'permitted development' and can be carried out without planning consent.
- 4.5 The Town and Country Planning (Use Classes) Order 1987 puts uses of land and buildings into various categories known as 'use classes'. Use class C covers residential use. Section 52(2)(f) of the Town and Country Planning Act 1990 and Article 2 of the Use Classes Order provide that changes of use within a specific use class do not constitute development and so do not require planning permission. In addition, the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) permits certain specified changes of use between use classes.

4.6 In Wales use class C3 (dwellinghouse) is described as:

'Use as a dwellinghouse (whether or not as a sole or main residence) by:

- (a) a single person or by people to be regarded as forming a single household;*
- (b) not more than six residents living together as a single household (including a household where care is provided for residents).'*

4.7 HMOs are not described in the Use Classes Order as it applies in relation to Wales. As a general rule, planning permission will be needed before a dwellinghouse can undergo a material change of use to an HMO. However, this will depend upon the circumstances of each particular case and it is possible for a dwellinghouse which was occupied by a family to then be occupied by a group of up to six individuals living as a single household without the need for planning permission.

Why are we proposing change?

4.8 In response to the concerns raised by local communities about the problems caused by high concentrations of HMOs, the Welsh Government commissioned research to examine and quantify the nature of the problems and propose potential solutions. The results of this research were published in May 2015¹⁶. In addition to examining the extent of concentrations of HMOs in Wales and the issues associated with them, the research reviewed the existing legislation and made recommendations on potential changes.

4.9 The research found that the incidence of HMO concentrations across Wales is relatively limited. High concentrations were found in the four cities and towns with long-established universities (Cardiff, Swansea, Aberystwyth and Bangor). There are more limited concentrations in Rhondda Cynon Taf (around the Treforest campus of the University of South Wales) and in Wrexham where very localised concentrations are largely occupied by transient households rather than students.

4.10 The research identified a number of issues associated with the high concentrations of HMOs:

- Increases in anti-social behaviour, burglary and other crime;
- Reduction in the quality of the local environment due to increased litter, refuse, disrepair and prevalent lettings signs;
- Increased pressure on parking;
- Loss of community balance;

¹⁶ <http://gov.wales/topics/planning/planningresearch/publishedresearch/houses-in-multiple-occupation-final-report/?lang=en>

- Reduced opportunities for first-time buyers and other owner occupiers due to increased house prices and competition from landlords; and
 - Reduction in the provision of community facilities such as schools.
- 4.11 The research recommended changes to the Town and Country Planning (Use Classes) Order 1987 to enable local authorities to manage future growth of HMO concentrations. Any change to the Use Classes Order would not be retrospective and therefore the research recognised that it would not lead to any immediate change in communities affected by HMO concentrations. However, as indicated, it would mean that a local authority would have the opportunity to manage the future growth of HMOs, both in existing high concentration areas and to prevent high concentrations occurring in other areas, should it wish to do so.
- 4.12 The research also identified difficulties for local authority officers and property owners arising from the different definitions of an HMO for housing and planning purposes. This can result, for example, in a licence being required for a proposed HMO, but not planning consent.
- 4.13 The research report's recommendations covered many aspects of the control and management of HMOs, including planning, housing and waste management. The proposed changes to the planning system are therefore only part of the solution to the issues arising from high concentrations of HMOs. This consultation does not deal with the other recommendations in the research report that largely address issues related to the management of existing HMOs.
- 4.14 The research also identified examples of good practice from across the UK, both management schemes and applying existing legislation. Practice guidance is being prepared to collate and highlight these examples to assist local authorities, higher education institutions and others in managing HMOs.
- 4.15 Regarding the planning system, the main recommendations, which would require changes to secondary legislation, can be summarised as follows:
- Aligning the definition of an HMO for planning purposes with the housing definition set out in section 254 of the Housing Act 2004; and
 - Amending the Town and Country Planning (Use Classes) Order 1987 by introducing a new use class for HMOs to give local authorities in Wales the power to manage the development of HMOs with fewer than seven residents.

What are the main changes we are proposing?

- 4.16 We are proposing to amend the Town and Country Planning (Use Classes) Order 1987 by introducing a new use class C4 (houses in multiple occupation occupied by not more than six residents). This proposal would increase the number of new HMOs which require planning permission, allowing local planning authorities the opportunity to consider the impacts of proposed new HMOs. Local authorities will be able to adopt local policies to control the density and spread of this type of housing. Planning applications would then be assessed against these local policies allowing local authorities greater control over new HMOs. It will be for individual local planning authorities to consider the balance of costs and benefits in their particular area in deciding whether or not to have local policies.
- 4.17 The research into HMOs also considered the option of amending the Use Classes Order as proposed above, but with an Article 4 direction (under the GPDO) to bring the requirement for planning consent for change of use into effect. The option proposed in this consultation is considered preferable to the 'Article 4' route as it is clear and straightforward and would ensure uniformity of approach across Wales. In addition, once operative this option would have immediate effect and would also enable a planning fee to be charged, neither of which would be the case under the 'Article 4' option. The 'Article 4' option would take longer for local authorities to implement due to there being a statutory 12 months notice period prior to introduction and a requirement for a consultation process to avoid compensation being payable.

Q13 Do you agree that a new use class C4, whereby planning permission will be required for HMOs with fewer than seven residents, should be introduced?

- 4.18 The position regarding HMOs with seven or more unrelated occupiers will remain unchanged, i.e. they will continue to be considered 'sui generis' (of its own class). This is because the introduction of a separate use class would give more latitude for intensification of use without needing to obtain planning permission; once planning permission had been granted, the number of persons living at the property could be increased without requiring further planning permission.
- 4.19 It is proposed that use class C would be amended as follows:

'Class C3 Dwellinghouses

*Use as a dwellinghouse (whether or not as a sole or main residence)
by:*

- (a) *a single person or by people to be regarded as forming a single household;*
- (b) *not more than six residents living together as a single household where care is provided for residents; or*
- (c) *not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).*

Class C4 Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

4.20 As part of the proposed amendment of the Use Classes Order we propose to align the definition of an HMO with the definition set out in section 254 of the Housing Act 2004. Therefore for the purposes of the proposed Class C4 a “house in multiple occupation” would have the same meaning as in section 254 of the Housing Act 2004¹⁷, but not including a converted block of flats to which section 257 of the Housing Act 2004 applies.

Q14 Do you agree with our proposal to align the definition of an HMO for planning purposes with the housing definition set out in section 254 of the Housing Act 2004?

4.21 We are also proposing to amend the Town and Country Planning (General Permitted Development) Order 1995 to give permitted development rights to changes of use from buildings used as small scale HMOs, proposed use class C4 (houses in multiple occupation occupied by not more than six residents) , to use as dwellinghouses, use class C3. This is to enable a small HMO to revert to use as a dwellinghouse without requiring planning permission.

Q15 Do you agree with our proposal to enable small Houses in Multiple Occupation (new use class C4) to revert to use as a dwellinghouse (Class C3) without requiring planning permission by amending the Town and Country Planning (General Permitted Development) Order 1995?

Q16 We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

¹⁷ <http://www.legislation.gov.uk/ukpga/2004/34/section/254>

**Annex 1:
Indicative wording for proposed amendments relating to
Schedule 4 of the DMPWO**

Text added to the schedule is marked bold.

Text to be deleted is marked strike-through

SCHEDULE 4

CONSULTATIONS BEFORE THE GRANT OF PERMISSION

Article 14 and 15

Table

Para	Description of Development	Consultee
(a)	Development likely to affect land in the area of another local planning authority	The local planning authority concerned
(b)	Development, in relation to which an application for planning permission has been made to the Welsh Ministers under section 293A of the 1990 Act (urgent Crown development: application), where that development is likely to affect land in the area of a community or town council	The community or town council
(c)	Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances (otherwise than on a relevant nuclear site) and which involves the provision of - <ul style="list-style-type: none"> (i) residential accommodation; (ii) more than 250 square metres of retail floor space; (iii) more than 500 square metres of office floor space; or (iv) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Health and Safety Executive
(ca)	Development within an area which has been notified to the local planning authority by the Office for Nuclear Regulation for the purpose of this provision because of	The Office for Nuclear Regulation

	<p>the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances on a relevant nuclear site and which involves the provision of-</p> <p>(i) residential accommodation;</p> <p>(ii) more than 250 square metres of retail floor space;</p> <p>(iii) more than 500 square metres of office floor space; or</p> <p>(iv) more than 750 square metres of floor space to be used for an industrial process,</p> <p>or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.</p>	
(d)	<p>Development likely to result in a material increase in the volume or a material change in the character of traffic-</p> <p>(i) entering or leaving a trunk road; or</p> <p>(ii) using a level crossing over a railway</p>	<p>The Welsh Ministers</p> <p>The operator of the network which includes or consists of the railway in question and the Welsh Ministers</p>
(e)	<p>Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway</p>	<p>The local highway authority concerned</p>
(f)	<p>Development likely to prejudice the improvement or construction of a classified road or proposed highway</p>	<p>The local highway authority concerned</p>
(g)	<p>Development involving-</p> <p>(i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or</p> <p>(ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force</p>	<p>The local highway authority concerned</p> <p>The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire</p>
(h)	<p>Development which consists of or includes the laying out or construction of a new street</p>	<p>The local highway authority concerned</p>

(i)	Development, other than householder development, within an area which has been notified for the purpose of this provision to the local planning authority by the Coal Authority because of the presence of land instability risks from coal mining	The Coal Authority
(j)	Development involving or including mining operations	The Natural Resources Body for Wales
(k)	<ul style="list-style-type: none"> <li data-bbox="352 528 1090 607">i. Development which has a direct physical impact on a scheduled monument. <li data-bbox="352 640 1090 1592">ii. Development likely to be visible from a scheduled monument and meets one of the following criteria-- <ul style="list-style-type: none"> <li data-bbox="472 752 1090 853">a) it is within a distance of 0.5 kilometres from the perimeter of the scheduled monument; <li data-bbox="472 864 1090 1043">b) it is within a distance of 1 kilometre from the perimeter of the scheduled monument and is 15 metres or more high, or has an area of 0.2 hectares or more; <li data-bbox="472 1055 1090 1234">c) it is within a distance of 2 kilometres from the perimeter of the scheduled monument and is 50 metres or more high, or has an area of 0.5 hectares or more; <li data-bbox="472 1245 1090 1424">d) it is within a distance of 3 kilometres from the perimeter of the scheduled monument and is 75 metres or more high, or has an area of 1 hectare or more; or <li data-bbox="472 1435 1090 1592">e) it is within a distance of 5 kilometres from the perimeter of the scheduled monument and is 100 metres or more high, or has an area of 1 hectare or more. <li data-bbox="352 1626 1090 1783">iii. Development likely to affect the site of a registered historic park or garden classified as Grade I, II* and II, or its setting; <li data-bbox="352 1816 1090 1928">iv. Development within a registered historic landscape that requires an Environmental Impact Assessment; or <li data-bbox="352 1962 1090 2031">v. Development likely to have an impact on the outstanding universal value of a World 	The Welsh Ministers

	Heritage Site.	
(l)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The Natural Resources Body for Wales
(m)	Development for the purpose of refining or storing mineral oils and their derivatives	The Natural Resources Body for Wales
(n)	Development involving the use of land for the deposit of refuse or waste	The Natural Resources Body for Wales
(o)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pump houses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling houses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	The Natural Resources Body for Wales
(p)	Development relating to the use of land as a cemetery	The Natural Resources Body for Wales Water and Sewerage Undertakers
(q)	Development – (i) in or likely to affect a site of special scientific interest; or (ii) within an area which has been notified to the local planning authority by the Natural Resource Body for Wales, and which is within two kilometres, of a site of special scientific interest, of which notification has been given, or has effect as if given, to the local planning authority by the Natural Resources Body for Wales, in accordance with section 28 of the Wildlife and Countryside Act 1981 (sites of special scientific interest)	The Natural Resources Body for Wales
(r)	Development involving – (i) any land on which there is a theatre; (ii) residential development (excluding householder development) within 50 metres of a theatre, if paragraph (i) does not apply; or (iii) a proposed theatre.	The Theatres Trust

(s)	<p>Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves—</p> <ul style="list-style-type: none"> (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or (ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more 	The Welsh Ministers
(t)	<p>Development within 250 metres of land which-</p> <ul style="list-style-type: none"> (i) is or has, at any time in the 30 years before the relevant application, been used for the deposit of refuse or waste; and (ii) has been notified to the local planning authority by the Natural Resources Body for Wales for the purposes of this provision 	The Natural Resources Body for Wales
(u)	Development for the purposes of fish farming	The Natural Resources Body for Wales
(v)	<p>Development which-</p> <ul style="list-style-type: none"> (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or (ii) is on land which has been: <ul style="list-style-type: none"> (aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or (iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface 	Sport Wales
(w)	<p>Development likely to affect-</p> <ul style="list-style-type: none"> (i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the Canal and River Trust; or (ii) any canal feeder channel, watercourse, let off or culvert, 	The Canal and River Trust

	which is within an area which has been notified for the purposes of this provision to the local planning authority by the Canal and River Trust	
(x)	<p>Development-</p> <ul style="list-style-type: none"> (i) involving the siting of new establishments; or (ii) consisting of modifications to existing establishments which could have significant repercussions on major accident hazards; or (iii) including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequences of a major accident. 	<p>The Health and Safety Executive and the Natural Resources Body for Wales where it appears to the local planning authority that an area of particular natural sensitivity or interest may be affected, Natural Resources Wales</p>
(y)	<p>Development –</p> <ul style="list-style-type: none"> i. on land designated as Flood Zone C2; ii. Involving or including emergency services development or highly vulnerable development on land designated as Flood Zone C1; or iii. on land that has been notified to the local planning authority by Natural Resources Wales for the purpose of this provision. 	<p>The Natural Resources Body for Wales</p>
(z)	<p>Development -</p> <ul style="list-style-type: none"> (i) involving new residential development (including single units) (ii) which is major development not falling within section (i) (iii) which is not in accordance with the development plan (iv) involving the use of land for the provision of renewable energy 	<p>The water and sewerage undertaker concerned</p>