

Number: **WG24900**



Llywodraeth Cymru
Welsh Government

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Consultation responses

Secondary Legislation for Development Management

Date of issue: **January 2016**

Introduction

A consultation exercise on secondary legislation for development management system took place, over a 12 week period, between the 19 June and 11 September 2015.

The issues covered by this consultation were:

- Invalid applications: notices and appeals;
- Decision notices;
- Notification of development;
- Consultations in respect of certain applications for approval;
- Appeals against a notice issued in respect of unsightly land
- Post-submission amendments,
- Changes to applications made under section 73 of the Town and Country Planning Act 1990, and
- Pre-application fees

Responses

Details of the consultation have been published and can be found here:

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

A total of 39 responses were received. Respondents were asked to complete a separate response form; however some responses were received within an email and hard copy letters. Each response was assigned a specific reference number.

Index of Responses

The list below indicates the categories to which respondents assigned themselves when completing the consultation form. For data protection purposes the name and address details for those respondents who did not wish to be identified have been removed from the published consultation responses.

Businesses / Planning Consultants

- 01 – Blake Morgan
- 11 – National Grid Plc
- 13 – Redrow Homes South Wales
- 20 – RWE Generation UK plc
- 25 – Persimmon Homes West Wales
- 28 – Stride Treglown
- 35 – Persimmon Homes East Wales
- 37 – Dwr Cymru / Welsh Water

Local Planning Authority

- 02 – Merthyr Tydfil County Borough Council
- 03 – City & County of Swansea
- 05 – Neath Port Talbot County Borough Council
- 06 – Newport City Council (Private)
- 10 – Vale of Glamorgan Council
- 12 – BBNP (on behalf of the three Welsh National Parks)
- 16 – Gwynedd Council
- 17 – Caerphilly County Borough Council
- 19 – Torfaen County Borough Council
- 21 – Wrexham County Borough Council
- 22 – Bridgend Country Borough Council
- 24 – Flintshire County Council
- 27 – Cardiff Council (Private)
- 30 – Carmarthenshire County Council
- 31 – Rhondda Cynon Taf CBC
- 32 – Conwy County Borough Council
- 38 – Monmouthshire County Council

Government Agency / Other Public Sector

- 04 – Ministry of Defence
- 07 – Health and Safety Executive
- 26 – Design Commission for Wales
- 33 – Natural Resources Wales

Professional Bodies / Interest Groups

- 14 – Chartered Institute for Archaeologists (CIfA)
- 15 – Royal Town Planning Institute Cymru
- 18 – Home Builders Federation

36 – Institute of Historic Building Conservation
39 – POSW

Voluntary Sector

09 – Campaign for the Protection of Rural Wales
34 – RSPB Cymru

Other or Individual

08 – Glandŵr Cymru - the Canal & River Trust in Wales
23 – Anon
29 – The Theatres Trust

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Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Daniel Scharf	
Organisation	Blake Morgan	
Address	Seacourt Tower West Way Oxford OX2 0FB	
E-mail address	daniel.Scharf@Blakemorgan.co.uk	
Type (please select one from the following)	Businesses/Planning 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"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Any legal authority that could be unknown to the applicant and which is likely to be determinative of the question of validity. This could reduce the likelihood of an appeal and speed up the process of submission of the necessary material.				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: But what would be the sanction for taking longer. It cannot be allowing the appeal by default.				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed: a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

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Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: 14 days is too short a period				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This could be achieved by applicants including an agreement to extend the statutory period in a form accompanying the re-submission. The form could allow for any appropriate period to be agreed at that time.</p>				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Fees are more appropriately charged for amendments than for applications themselves that are more for the benefit of the public.</p>				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>This level of fee barely covers the costs of administration. Major applications should be able to stand a higher fee.</p>				

8.0 Applications that fall within Section 73 of the TCPA 1990**Renewals**

Q15 i)	Should the validation requirements for a renewal application be the same as the original	Yes	Yes	No
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	application?		(subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Baring in mind that by definition 'non-material' probably means that no permission or authorisation is strictly required.				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Comments: Even the need to consult suggests that the amendment is material and the provision should not apply.				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Even the need to consult suggests that the amendment is material and the provision should not apply.				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No

Consultation Reference: WG24900

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: If s73 is the appropriate section then the change is material and the the full fee should apply				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: But what is the sanction if the time (or extended time) is exceeded?				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: These fees are too low and would not cover the administration costs. It is more appropriate to charge for pre-application advice than for the applications themselves (which are for the public benefit).				

Consultation Reference: WG24900

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: It is more appropriate to charge for pre-application advice than for the applications themselves (which are for the public benefit).				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments: It might remove the doubt about the 'limitation' on decision notices, "...for the carrying out of the development referred to above and strictly in accordance with the description, plans and specifications contained in the application.", if this was always made part of a planning condition to which the enforcement/immunity period is known.	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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How to Respond**Please submit your comments in any of the following ways:**

Email
Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include 'Secondary Legislation for DM' in the subject line]
Post

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Please complete the consultation form and send it to:

Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Huw Roberts	
Organisation	Merthyr Tydfil County Borough Council	
Address	Town Planning Division, Unit 5 Triangle Business Park, Pentrebach, Merthyr Tydfil, CF48 4TQ	
E-mail address	planning@Merthyr.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Given the requirement to attach a condition to any permission which states the approved drawings/plans/documents, an application should not be made valid until reference numbers are clearly highlighted on all submitted drawings/plans/documents.				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: It is considered that a 7-10 day period would be sufficient.				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>It is considered that a 7 -10 day period would be sufficient. If the time-scales proposed are altered to then it would almost be impossible to determine the application within the statutory 8 week period (afterall the application will have a minumum 21 day consultation period).</p> <p>Note: paragraph 2.7 relates to Appendix 1, this should read Appendix 2.</p>				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Would the applicants/agents name on the revised decision notice change to the person/company submitting the revision/condition (if different to the original permission)?</p>				

Consultation Reference: WG24900

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Can a standard condition be provided in relation to the requirements highlighted in paragraph 4.2?				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed: a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

	c) subject to a longer period if agreed in writing between the LPA and consultee?			
Comments:				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: A 14 day period may be more appropriate given that for most, if not all,				

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authorities a report will have already been written to authorise the issuance of the notice. Additionally, the purpose of a 215 notice is to address land adversely affecting amenity, as such a 4 week period in addition to the determination period prolongs the process.

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Although additional fees are always welcome, there are concerns that additional costs could deter applicants making changes to a scheme to improve its quality.				

Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

8.0 Applications that fall within Section 73 of the TCPA 1990**Renewals**

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: However, there will be occasions when updated reports/assessments are required (e.g. Ecological change in the site, transport/highway safety assessments, landscape and visual assessments etc)				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: But depends on the purpose of imposing the condition.				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

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Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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How to Respond**Please submit your comments in any of the following ways:**

Email
Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include 'Secondary Legislation for DM' in the subject line]
Post

Consultation Reference: WG24900

Please complete the consultation form and send it to:

Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Ryan Thomas	
Organisation	City & County of Swansea	
Address	Economic Regeneration & Planning Oystermouth Road Swansea SA1 3PN	
E-mail address	ryan.thomas@swansea.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The point is to expedite the system and yet more work will be required on everybody's part in order to issue a notice. A LPA should be able to advise why an application is invalid informally rather than through a specified Notice.

I agree that it should be clear as to why an application is invalid and as to what can be done to rectify this but it shouldn't be necessary to state the relevant legislation (the application will either have been submitted by a planning professional in which case they should be familiar with the legislation or if not, stating the section is somewhat irrelevant). This is an unnecessary burden.

The letter/ email should advise the applicant of their right of appeal although this could be a standard paragraph. The whole process is becoming too formal and bureaucratic which has been a common complaint of the system you're aiming to improve.

It would also appear that criteria C) and D) should be within the same bullet point, as C) does not make sense on its own.

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

Comments:

Given the limited nature of the appeals procedure with regards to non-validation, the applicant should be given 7 days in which to lodge an appeal providing the applicant is notified immediately via email / telephone. There is no reason to add additional time into the procedure. A Local Planning Authority will be expected to validate an application within a week, therefore an appeal should also be submitted within this deadline.

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The whole point of this provision is to expedite the process. Therefore, a determination should be made within 7 days of the submission of an appeal - not 2-3 days to acknowledge the appeal and a further 21 days to make a decision. The Inspectorate will have the appeal form specifying why an application is considered to be invalid (based on the proposed criteria) and the appeal statement as to why this is contested. They should therefore be able to respond more expediently than proposed.

Therefore, if an appeal is allowed, a decision could still be made within the statutory period. If the process is not quick, invalid applications would be rushed through as LPAs focus on the 8 week deadline and this could have problems further along the line for everybody involved. Therefore, with a minimum requirement for 21 day consultation, 4 weeks from submission should be the maximum length of time that is allowed to elapse.

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that	Yes	Yes (subject to	No
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Consultation Reference: WG24900

	the fee should be retained by the LPA pending the outcome of that appeal?		further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Yes. Firstly, there are costs associated with refunding a fee which are incurred by the LPA. They may be incurred unnecessarily if an application is subsequently validated. Secondly, and equally as important, a valid fee is required to make an application valid. If the fee is refunded, and an application is subsequently validated, the application would be technically invalid by reason of there being no fee. The LPA would then have to chase up this fee and await its submission before an application could be progressed.

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The updated decision notice should be electronic for the reasons set out in response to Q7.

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Decision Notices should not be updated in paper form on a regular basis as this is clearly a waste of resources and genuinely unsustainable. An application with 30

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conditions covering several pages may require to be updated up to 30 times as each condition is discharged. If the GDMPO is updated, it should require an electronic planning register to be kept and updated as and when required. Otherwise, this will require considerable time and resources in having to keep the planning register up to date by updating historic decision notices from various periods. This will involve a significant amount of filing on a regular basis.

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The applicant should also confirm that all pre-commencement conditions have been complied with and the date on which approval for each was granted. This is to ensure that they have undertaken the necessary steps and discharged the necessary conditions prior to starting on site and that they cannot claim they were unaware that a condition was required to be discharged prior to commencement. Not all of the burden should be on the LPA.				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed: a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unsightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Provided there is a presumption towards the written reps procedure given their nature.				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Four weeks is sufficient to prepare an appeal statement if required.				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This recommendation is sensible but should also include all types of applications where amendments are provided to enable careful consideration and re-consultation to be undertaken.</p>				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>One amendment should be allowed within the application fee to enable LPAs to encourage amendments that would result in an improved layout whilst not putting off developers from submitting an amendment to a scheme due to cost. Thereafter, further amendments should be liable to fees.</p> <p>However, this approach could result in developers avoiding submitting pre-application enquiries as they could see amendments as a cheaper alternative. An approach whereby minor material amendments post submission are at the discretion of the LPA where no pre-application advice has been sought may be required.</p>				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Not all of the information may be required as Local Planning Authorities will already have access to the information in terms of the plans etc however it would be useful if key documents/ plans were submitted for ease of reference and an application form should be mandatory. The submitted information should reflect the situation at the time of the current application i.e. updated surveys/ reports where relevant and this should be made clear in any new legislation.</p>				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Site notices should not be mandatory for all renewal applications as suggested. Targeted consultation may be more appropriate.</p>				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
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Consultation Reference: WG24900

		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Not all of the information may be required as Local Planning Authorities will already have access to the information in terms of the plans etc however it would be useful if key documents/ plans were submitted for ease of reference. An application form should be mandatory. The submitted information should reflect the situation at the time of the current application i.e. updated surveys/ reports where relevant and this should be made clear in any new legislation.</p> <p>Clarification should be provided in the form of a covering statement identifying what the amendment(s) is and why it is being sought to give consultees/ members of the public a better understanding of the proposal.</p> <p>It should also be clarified as to whether a minor material amendment can be submitted for a) an application that has already commenced and b) a development that has been completed.</p>				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Site notices should not be mandatory for all renewal applications as suggested. Targeted consultation may be more appropriate.</p>				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original	Yes	Yes	No
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	application?		(subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Not all of the information may be required as Local Planning Authorities will already have access to the information in terms of the plans etc however it would be useful if key documents/ plans were submitted for ease of reference and an application form should be mandatory. For example, a Design and Access Statement would not be pertinent to an application to extend/ alter opening hours where the original application required a DAS.

The submitted information should reflect the situation at the time of the current application i.e. updated surveys/ reports where relevant and this should be made clear in any new legislation. Clarification should be provided in the form of a covering statement identifying what the amendment(s) is and why it is being sought to give consultees a better understanding of the proposal.

Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Site notices should not be mandatory for all renewal applications as suggested. Targeted consultation may be more appropriate.

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

Comments:

The approach would appear reasonable, however a subsequent S73 would only be applicable in certain instances where a condition is attached to an NMA refusal.

In other circumstances, the applicant will already have the opportunity to submit a S73 application and an NMA submission may be seen as a cheaper alternative with nothing to lose if it is refused, adding to the burden on LPAs in terms of processing the NMA application, registering it and issuing a decision.

Therefore, the difference in fee costs should only be applied in circumstances where there is no condition to amend in the first instance.

A full fee should be levied against other NMA's where the applicant can submit a S73 in the first instance.

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Firstly, what is the recourse if a response is given outside of this timeframe.

Secondly, in general, a period of 28 days would be preferable as a minimum period as it would allow internal consultation on a scheme for 21 days (as per a planning application) and then give sufficient time to respond.

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Firstly, fees should be in line with new development thresholds for committee applications for consistency. Proposed fees as follows:

Householders - £25

Minor development relating to a small business (less than 100m² floor space) or site less than 0.1ha (excluding redevelopment for non-business purposes) - £100

Consultation Reference: WG24900

1-9 residential dwellings (including conversion); 100m² - 999m² of commercial floor space; change of use of buildings or land between 100m²-999m², mixed use developments with a combined floor space of less than 0.5ha, telecommunications equipment and masts not being confirmation of permitted development; advertisement applications; agricultural developments - £250

10-19 residential dwellings (including conversion); 1000m² - 1999m² of commercial floor space; change of use of buildings or land between 1000m² - 1999m²; development of a site of 0.5ha - 0.99ha; mixed use developments with a combined floor space of 1000m² - 1999m² - £500

a) the winning and working of minerals or the use of land for mineral-working deposits;

b) waste development;

c) the provision of dwelling houses where—

i. the number of dwelling houses to be provided is 20 or more; or

ii. the development is to be carried out on a site having an area of 1 hectares or more and it is not known whether the development falls within subparagraph (c)(i);

d) the provision of a building or buildings where the floor space to be created by the development is 2,000 square metres or more; or

e) development carried out on a site having an area of 2 hectare or more - £1000

DNS - £1,500

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

There should be standard charges for additional meetings / responses which should be half of the fee of the original response.

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
-----	--

Comments:

The overall validation appeal process is far too lengthy. There should be a significantly quicker turnaround than currently envisaged. The LPA are requested to validate within 5 days, yet PINS get up to 3 days to acknowledge the appeal and then 21 days to determine it.

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Whilst the legislation aims to expedite the process, it is possible it is going to have the opposite effect in terms of time taken from application submission to determination.

The threshold for large major application for pre-application fees differs from that recommended in consultation document on Planning Committees, Delegation and Joint Planning Committees for the scheme of delegation.

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

How to Respond

Please submit your comments in any of the following ways:

Email

Please complete the consultation form and send it to :

planconsultations-i@wales.gsi.gov.uk

[Please include '**Secondary Legislation for DM**' in the subject line]

Post

Please complete the consultation form and send it to:

**Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Telephone: Kristian Morgan on 02920 823360

From: Jane Hallett MRICS



Deputy Head FMC Infra Policy
MINISTRY OF DEFENCE
Ramillies Building
HQ Land Forces
Marlborough Lines
Monxton Road
ANDOVER
SP11 8HD

01 September 15

Secondary Legislation for Development Management
Development Management
Planning Directorate
Welsh Government
Cathays Park, Cardiff
CF10 3NQ

Secondary Legislation for Development Management

Thank you for the opportunity for the Ministry of Defence (MOD) to comment on the above consultation. We have reviewed the documentation and are supportive of the major principles of the proposals.

As you aware the MOD has a significant presence in Wales from an operational, training and test and evaluation ranges perspective in the land sea and air environments and we have a duty to safeguard defence outputs and capabilities to meet existing and evolving requirements.

It is within this safeguarding area that we have some concerns in relation to the proposals you have proposed in section 8.0 of your consultation. In particular the proposals to give Local Planning Authorities (LPA) discretion over who they consult on renewals and minor material amendments. In both respects it is important that the LPA continue to consult the MOD as a statutory consultee in accordance with the requirements of published statutory safeguarding maps (as applicable) issued in accordance with the provisions of Town and Country Planning (Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 and also when the application relates to the erection/operation of wind turbines or other renewable energy installations in accordance with current guidance on accounting for UK wide defence aviation and radar interests.

Our concern with respect to minor material amendments is that these amendments might relate to changes in the materials used to clad a structure in the vicinity of transmitter/receiver installation that might be adversely affected by a change from using brick (for example) to a reflective metal material.

On renewals, our safeguarding requirements may have changed in the intervening period and whilst we may have previously had no objection to a wind turbine at a site the cumulative affect of other turbines in the area may now make that unmanageable. There are also instances where we are simply not consulted on the initial application and a renewal application is the first opportunity we have to assess a proposed development against our safeguarding interests.

In summary we feel it is imperative that there is formal assurance that LPA must include MOD in any consultations for all planning proposals and/or amendments or renewal proposals that fall within statutory and non-statutory safeguarding parameters. Our Officials responsible for Safeguarding would be very willing to brief or discuss this issue further with the Welsh Government Officials if this is felt to be helpful.

Jane Hallett

Jane Hallett MRICS
Deputy Head FMC Infrastructure policy
Ministry of Defence

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Nicola Pearce	
Organisation	Neath Port Talbot County Borough Council	
Address	The Quays Brunel Way Baglan Energy Park Neath SA11 2GG	
E-mail address	n.pearce@npt.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: see additional notes in Q22.				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It may be appropriate for LPAs to have the opportunity to confirm whether preapplication advice was sought on the application and if the advice was given at that stage and still ignored by the applicant/agent				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It may also be appropriate to identify the date of issue of the new decision notice (as this will differ from the decision date for the planning permission) or a version number, to ensure that all interested parties are clear on the difference between the planning permission date and the issue of the updated decision notice.				

Consultation Reference: WG24900

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed: a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

	between the LPA and consultee?			
Comments:				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

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7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Whilst this increase in the statutory period is welcomed it will be very difficult for our back office systems to record this data for the benefit of returning our KPI's. Furthermore why is this provision only being made for major applications? Most applications which require amendments take longer to determine as LPAs are in the hands of the developer who is required to amend the scheme and re-submit following which (depending on the scale of the amendment) the LPA is required to reconsult. All of this takes longer and is by no means restricted to Major applications.

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The requirement for a fee may well result in developers being less inclined to amend a scheme to make it more acceptable especially if the requested amendment is only required to further improve a scheme rather than make an unacceptable scheme acceptable.

Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

See response to Q14 i)

Consultation Reference: WG24900

8.0 Applications that fall within Section 73 of the TCPA 1990**Renewals**

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <p>Developers are unlikely to be renewing an application unless it is coming close to expiry, which would suggest that any submitted documents which supported the original application may well be out of date. For example, a Transport Assessment will be affected by any changes to the highway network in the area surrounding the site, together with increased vehicular movements within that area associated with developments which may have been built after the original planning permission was granted. Ecological reports and FCAs also become out of date very quickly and will need re-writing and submission as part of a renewal application. The failure to submit such documents prior to registration will impact unacceptably upon the performance of the LPA.</p>				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <p>This will introduce inconsistencies across LPAs</p>				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <p>This will introduce inconsistencies across LPAs</p>				

Consultation Reference: WG24900

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: This is only on the basis that the amendment is truly minor. They should be required to submit a statement identifying what the amendment is and why they consider it to be a minor material amendment and the reference number of the original planning permission.				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: This will introduce inconsistencies across LPAs				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: This will introduce inconsistencies across LPAs				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
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		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Same comments as Q15i				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: This will introduce inconsistencies across LPAs				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: This will introduce inconsistencies across LPAs				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: An applicant has an opportunity to seek pre-application advice before making a s96A or s73 application. In any event, each application should have its own fee (which is relatively minor for a s96A) proportionate to the work involved. The introduction of a 'reduced' s73 fee will also introduce an additional administrative burden disproportionate to the work involved. For example, there will still be a requirement to undertake the following duties: administer the registration of the submission, undertake a site visit (especially if there has been a significant passage of time since the section 96A was determined), write an officers report, seek authorisation to issue the decision and then issue that decision. The fees for operating the planning service are already inadequate and the introduction of a new planning process with insignificant fees to cover service delivery will have a negative impact upon the capacity of the LPA to deliver.				

Consultation Reference: WG24900

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9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Pre-apps in larger scale developments (both minor and major categories) can be time consuming. If the applicant is to receive an informed decision this will be difficult if not impossible within 21 days especially if advice is required by the LPA from other internal and external specialists eg highways, drainage, ecology etc</p>				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>With the exception of the householder fee they are wholly inadequate to cover the cost of service delivery. It is considered that a fee of £250 for all minor developments and a sliding scale starting at £600 for major developments should be introduced. The fee of £1000 for DNS is frighteningly inadequate given that the preapp stage is when the assessment is required to take place under the proposed DNS procedure.</p> <p>Notwithstanding the above, the consultation seems to suggest that this statutory service is for a written response only, whereas a 'good' LPA will offer a written response and a meeting on many projects, and especially major developments. If this is so, it should be explicitly stated and then allow LPAs to consider charging (as the consultation states) for any meetings.</p> <p>It is also unclear whether the stated fees are inclusive or exclusive of VAT which is currently required to be paid on pre-app fees (and it is unclear whether adding a statutory element to the requirement affects whether VAT is payable or not?)</p>				

Q21	Do you have any other comments to make	Yes		No
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	regarding the statutory pre-application service?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The timescales associated with pre-application for DNS although it is acknowledged that this can be extended. it would however be more appropriate to start off with a reasonable time period of approx 3 months and also give LPAs the ability to extend this, given that advice from ecologists, highway engineers and landscape experts etc may be required.

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
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Comments:

I believe that you have missed out an arrow in the flow chart within Appendix 2. Should there be an arrow linking the box which reads...LPA issue non-validation process...to the box which contains the words....Applicant submits required information for validation.. The flow chart as it is currently written assumes that everyone will appeal, whereas many applicants may choose to submit the outstanding information.

Validation Notices - while these are acknowledged to have their uses, notably in formalising the process of appeals, there isnt an acknowledgement of the additional administration needed if ALL invalid apps (even those with minor requirements) have to have a validation notice sent out. This could actually lead to delays since many of the requests for additional/amended details to validate an application are done face to face or verbally over the phone as this is considered to be more efficient and effective. The formalisation of this process might incur delays or indeed encourage people to appeal rather than resolve through negotiation? Does it therefore HAVE to be issued on ALL invalid apps - in other words, could we do it informally verbally as currently (e.g basic stuff like "we need a signature"; amended red line; agri holdings completed etc) but only issue non-validation in writing when 'more than basic' info is needed or where there is disagreement?

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

How to Respond

Please submit your comments in any of the following ways:

Email

Consultation Reference: WG24900

<p>Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include ‘Secondary Legislation for DM’ in the subject line]</p>
<p>Post</p>
<p>Please complete the consultation form and send it to: Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</p>
<p>Additional information</p>
<p>If you have any queries on this consultation, please Email: planconsultations-i@wales.gsi.gov.uk Telephone: Kristian Morgan on 02920 823360</p>

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	[REDACTED]	
Organisation	NEWPORT CITY COUNCIL	
Address	CIVIC CENTRE NEWPORT	
E-mail address	[REDACTED]	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: reference to how and when a fee will be refunded should be included				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: For the sake of the efficient processing of payments (currently received in cash, cheque or card form) fees should be refunded with invalid notices and this should be clarified in subordinate legislation in our view. Welsh Government's preference is for LPAs to retain the fee pending the outcome of an appeal. This is based on the fact that the receipt of the correct fee is a validation requirement and if the fee is returned pre-appeal outcome, it would appear to invalidate the application in practice. Nevertheless, the long holding of fees pending the uncertainty of whether there will be an appeal made (14 days) and the uncertain outcomes of appeals (a further 21 days minimum) poses real issues for the technical support team of the Service area (and potentially applicants themselves) and the ongoing tracking of fee payments and methods of payment (and therefore methods of refunding).				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: NB; the above assumedly refers to the date of the approval of the revisions/amendments (need to specify). Model example acceptable.				

Consultation Reference: WG24900

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Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Will this apply retrospectively? It is also unclear whether in reality, 2 notices will be issued in such cases so that the developer has their stand alone notice for the discharge of condition for example, and a new version of the original permission for their files. If 2 notices are to be issued in each case, there will be potential resource and technical implications in the generation, checking and sending of such notices.</p> <p>Also, in the case of section 73 renewal applications the Council will issue a new planning permission with a new set of conditions that will take account of updated information and may vary (in minor ways) to the original and will give a new permission date from which the standard conditions will run. In short, this will be a new, rather than updated notice. Are section 73 renewal applications to be dealt with separately having regard to the changes proposed?</p>				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>It is considered that in addition to the application reference and date of application commencement, the applicant should also provide the site address and description of development in their notification so application reference numbers provided can be confirmed as correct. No further comment is offered</p>				

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5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
	a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

Comments:

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Whilst there is no strong objection to this suggestion, it introduces a discrepancy of process that may invite confusion unnecessarily.				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Whilst this idea is welcomed, the LPA question why this amendment only relates to major applications and that the 4 week extension on major applications is insufficient bearing in mind the likely requirements for re-consultation as a minimum. It is unclear how this will affect statutory timescales for determination and LPA assessment against such targets in future. At present, the statutory time period for determination of major applications is 8 weeks. There appears to be no proposal to alter this and therefore whilst the affording of additional time is welcomed in principle, it is unclear how this will affect caseload targets and ongoing monitoring of performance.				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to	No
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Consultation Reference: WG24900

			further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
It is assumed that this would have to be paid at time of amendment submission for it to be considered. This too will need to be clarified by secondary legislation in due course. Whilst such a fee would not likely recoup actual costs on reconsultation, etc, a higher fee would not be compatible with the fee to be levied for minor material amendments made outside the consideration period of an application. The changes are welcomed in principle. The fine detail regarding its implementation in practice is still required.

Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
see above

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
In the case of renewal applications in particular, assessments that accompanied original permissions may well have become out of date over the 5 year lifetime of a permission, yet the proposal to remove national validation requirements in respect of s73 renewals would allow a section 73 application to renew the consent to be validated without supporting documents. Welsh Government advise that the LPA can ask for updated documents during the course of consideration should it believe it to be necessary but this would result in delays in the processing of such applications and prejudice the Council's performance. For example, in the case of applications to renew consents in flood risk areas, the application must be accompanied by an FCA to be valid. Similarly, for barn conversions or other applications where ecology is affected a bat survey or similar would currently be a validation requirement. To remove such

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requirements at the validation stage and rely upon old and potentially out of date information for renewal applications is not supported and current validation requirements should remain. Similarly, consultation and notification requirements for renewal applications should not be discretionary in our view but comply with current statutory requirements.				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: They should be as per the original permission and in accordance with current statutory requirements.				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: As above.				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

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Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The WG considers that the LPA would have already considered the merits of the case and therefore the processing and determination costs are insignificant. This is incorrect. There is no requirement to consult on non material amendments. There is a requirement, albeit that this is currently being consulted upon, to consult on section 73 applications. As part of this, LPA costs rise and in any event, exceed the fee received in the case of both non material amendment and section 73 applications. More importantly though, such fee discounting is inappropriate in principle and does not occur elsewhere in the system. For example, applicants that have applied for a Certificate of Lawfulness and been rejected, do not then have a discounted fee on their full application. It invites confusion and is inappropriate in our view. Fees should be set by application type. The introduction of fee off setting or discounting in this way is not welcomed.

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

In our view, and bearing in mind the wide range of responsibilities of the planning service, resource pressures, the range of enquiries received, and the complex and controversial nature of many enquiries, a 21 day response time is wholly unrealistic and unworkable in practice. The potential to issue extension of time requests will merely become the norm in most cases, thereby undermining the credibility of the entire system. It is considered important at this stage to set realistic targets that LPAs have a reasonable prospect of achieving. 35 days is suggested. Based upon our own review of the system employed at Newport City Council, even a 28 day target response time is difficult to achieve in practice and Newport has recently increased this target further to the review in order to afford customers realistic expectations of the service they can expect.

Consultation Reference: WG24900

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Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

. It is unclear whether these charges are commensurate with full cost recovery charges on Developments of National Significance that will be sought by the Planning Inspectorate. In the LPA case, pre application advice should allow for cost recovery without profit. Whilst the fees for minor and major are compatible with such categories currently in Newport's charging schedule (and residential enquiries are not currently chargeable), the statutory list merges 2 categories currently applied in Newport, i.e. large major and strategic. These will require meetings in most cases and consequently, the LPA will have to apply discretionary charges on top of the statutory fee in such cases. This will require either tailored fees on a case by case basis which will afford developers little certainty but ensure cost recovery, or for the LPA to prepare a standardised charge for such "extras". In the case of larger scale strategic proposals, the highest charge stated on the statutory list is low even for written advice. Such proposals are very time intensive and often require extensive liaison with other parties to achieve a good standard of response.

Reserved matters applications are not explicitly mentioned and are technically discharges of condition that would appear not to be covered in the statutory list. This is not acceptable. Negotiations on the details of a scheme are essential to good planning and are often not possible at outline stage when the fee would apply. Similarly, renewable energy, EIA development applications and other controversial/complex proposals should automatically come under the highest fee category irrespective of site size, etc. In the case of DNS applications, pre application advice sought in respect of these will be subject to a standard fee of £1000 and the LPA will have 28 days to respond. As with other pre application enquiries, the time period for response is too short in our view. With regards to the fee, the LPA's current charges would allow a fee of £1020 to be levied and therefore the fee is compatible with that proposed. As previously stated, bearing in mind that PINS will operate a full cost recovery fee process for such applications, it is unclear why a standard fee is being applied to LPAs and not to PINS.

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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			comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
All fees will need to be kept under review so if it becomes evident that cost recovery is clearly not being achieved in the provision of the statutory service, fees should rise and vice versa. There must be no scope for refunds.

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

I do not want my name/or address published with my response (please tick) <input checked="" type="checkbox"/>

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

Email
<p>Please complete the consultation form and send it to :</p> <p>planconsultations-i@wales.gsi.gov.uk</p> <p>[Please include 'Secondary Legislation for DM' in the subject line]</p>
Post
<p>Please complete the consultation form and send it to:</p> <p>Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</p>
Additional information
<p>If you have any queries on this consultation, please</p> <p>Email: planconsultations-i@wales.gsi.gov.uk</p> <p>Telephone: Kristian Morgan on 02920 823360</p>

From: Dave.MHPD.Adams@hse.gsi.gov.uk
To: [planconsultations-i](#)
Cc: [Morgan, Kristian \(NR - Planning Directorate\)](#); Diane.Savage@hse.gsi.gov.uk; Andrew.Cottam@hse.gsi.gov.uk; Gary.Lang@hse.gsi.gov.uk
Subject: Welsh Government Consultation - Secondary legislation for development management (Consultation No WG24900)
Date: 04 September 2015 12:51:04

Dear Planning Directorate (Welsh Government),

Consultation No WG24900 – Secondary legislation for development management

Thank you for the opportunity to comment on the Welsh Government Consultation on Secondary legislation for development management. HSE does not have any comments specifically relating to the consultation questions; however we would appreciate further clarification regarding Section 9.10, which covers pre-application enquiry responses and lists what LPAs will have to provide to enquirers.

As you will be aware, HSE now provides a pre application service to enable early access for developers to our advice, and this would be an opportunity for LPAs to direct people to this service. Will the list provided by the LPAs clearly indicate to the enquirer which (if any) statutory consultees they will need to approach in their pursuit of further pre application advice?

Kind regards,

Dave Adams.

Dave.MHPD.Adams

Land Use Planning Policy, Major Hazards Policy Division, Hazardous Installations Directorate, Health and Safety Executive.

Desk 76, 2.2, Redgrave Court, Merton Road, Bootle, Merseyside L20 7HS

0151 951 3408 dave.mhpd.adams@hse.gsi.gov.uk

www.hse.gov.uk | <http://hse.gov.uk/landuseplanning>

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www.hse.gov.uk

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Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Helen Edwards	
Organisation	Glandŵr Cymru - the Canal & River Trust in Wales	
Address	The Canal & River Trust The Kiln Mather Road Newark Nottinghamshire NG24 1FB	
E-mail address	helen.edwards@canalrivertrust.org.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input checked="" type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This will assist in providing a clear and comprehensive understanding for all parties of what has been approved and make this information accessible by being contained within one document.				

Consultation Reference: WG24900

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed: a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We are pleased to note the clarification that consultation under section 100A of				

Consultation Reference: WG24900

the TCPA is discretionary and the duties detailed in the legislation only take effect where consultation is carried out. We agree with the proposal set out in Q9.

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>These developments are, by definition, of national importance and it is necessary for them to be carried out as a matter of urgency. Due to the urgent nature of the works it is proposed to retain the 14 day consultation period with statutory consultees in Wales. As a bi-national statutory consultee we have experience of both the planning systems in Wales and England. We do note that under the recent Development Management Procedure (England) Order 2015 a 21 day period for consultation with statutory consultees, on urgent crown development, is given. We commend the greater 21 day period as the period for consultation responses as this would afford greater opportunity to obtain advice from specialists within the Trust to inform our response. Whilst the Trust recognises the importance of such development we ask whether a 21 day period for the same "urgent" work could be considered in Wales.</p>				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unsightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Consultation Reference: WG24900

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It seems to be appropriate to permit an additional 4 week period for the consideration of amendments as these may overcome concerns and allow planning permission to be granted.				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

Comments:

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: It is important that the LPA reconsults statutory consultees to ensure that they are aware of any material change in circumstances since the original permission was granted. Whilst the LPA have copies of the documentation submitted with the original permission these need to be made available to consultees.				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Minor material amendments

Q16	Should the validation requirements for a minor	Yes		No
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Consultation Reference: WG24900

i)	material amendment application be the same as the original application?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As an applicant we would welcome simplification in terms of the information required for a minor material amendment. As a statutory consultee we would comment that we have no objection to the simplification of information submitted provided that the LPA makes all the documents which are relevant to understanding the proposed amendment available to consultees.

Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

In the interests of efficiency we consider that it is appropriate to tailor the consultation to relevant consultees.

Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Consultation Reference: WG24900

As an applicant we would welcome simplification in terms of the information required for a variation or removal of a condition. As a statutory consultee we would comment that we have no objection to the simplification of information submitted provided that the LPA makes all the documents which are relevant to understanding the application available to consultees.

Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
In the interests of efficiency we consider that it is appropriate to tailor the consultation to relevant consultees.

Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

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

Email

Consultation Reference: WG24900

<p>Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include ‘Secondary Legislation for DM’ in the subject line]</p>
<p>Post</p>
<p>Please complete the consultation form and send it to: Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</p>
<p>Additional information</p>
<p>If you have any queries on this consultation, please Email: planconsultations-i@wales.gsi.gov.uk Telephone: Kristian Morgan on 02920 823360</p>

Ymgyrch Diogelu Cymru Wledig Campaign for the Protection of Rural Wales



Cadeirydd Chairman Dr Jean Rosenfeld
Cyfarwyddwr Director Peter Ogden

Secondary Legislation for Development Management Consultation
Development Management Branch,
Planning Directorate,
Welsh Government,
Cathays Park
CARDIFF
CF10 3NQ

September 4th 2015

Dear Sir / Madam,

Secondary legislation for Development Management Consultation Response by the Campaign for the Protection of Rural Wales (CPRW)

1. General comments

1.1 As a pan Wales landscape charity seeking to ensure that land use change is guided in a manner which protects the intrinsic values of the landscapes and rural areas of Wales, CPRW welcomes the opportunity to respond to this consultation.

1.2 Given its detailed nature however we limit our response to those issues which are of specific relevance to our interests.

2 Response to the questions raised

Q.6. Do you agree that when a decision notice is revised it should include

- a) the date of the approval; and**
- b) the relevant application reference in the updated version of the notice?**

2.1 We agree that these requirements are important as they provide clarity and certainty to Third party interests or those affected by the development, as to the exact source of the detail which defines the nature of the approved development

Q 8 Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?

2.2 Whilst we do not offer any further suggestions with regards to the need for decision notices to be subject to any further requirements, we question however why this requirement is to be limited to Major developments or those classified as Developments of National Significance.

2.3 We believe the requirement to notify the relevant LPA of the commencement of a development and the need to post a notice of its actual commencement on site should be required of any new development. Considerable uncertainty and disputes can arise when a minimal amount of “work” is undertaken to safeguard the validity of a planning consent. Broadening the scope of the notification procedure to require developers to notify the relevant Planning Authority of the commencement of a development therefore provides that Authority with the opportunity to confirm whether or not in their view a development has commenced. Given these circumstances a more systematically record of the period during which the consent is valid, can be recorded and kept on the planning register for future reference.

2.4 We believe this provision should therefore be obligatory on all developments rather than discretionary as suggested

Q.9. Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:

- a) a period of 21 days; or**
- b) until all statutory consultees have provided a substantive response, whichever is the sooner, or**
- c) subject a longer period if agreed in writing between the LPA and consultee?**

2.5 CPRW agrees with these proposals.

Q.13. Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?

2.6 Whilst we agree in principle to the suggested extension of time period, we again do not understand why this provision should only relate to applications for major development.

2.7 That being the case, we suggest that the various proposed secondary legislative provisions should make clear the situation in respect of all forms of application which are subject to post submission amendments.

2.8 Given that developers will be expected to pay for the officer time required to consider any amendments, it is likewise not unreasonable that those who are required to pay what is not an insignificant amount of money, are assured of the period of time during which their application will be determined.

Pre application fees

2.9 Whilst noting the information required of developers in submitting a pre application enquiry form, it is far from clear from the consultation document, at what point the pre application service begins. The paper infers that the developer must undertake a significant amount of work in order to simply submit a formal request to engage with the pre application service offered by the LPA.

2.10 We feel this could potentially lead to opportunities where the LPA is able to respond in a constructive and timely manner to early emerging proposals being stifled and hence their ability to influence or improve the nature of a development. We therefore trust that the provisions will not be so rigid as to prevent LPA officials engaging in informal discussions with prospective developers to help inform the formulation initial development ideas.

2.11 We are more concerned however as to the scope of the response required of the LPA as set out in para 9.10. Whilst we welcome the opportunity for the case officer to identify the relevant policies which will be used to evaluate the merits of a development, we are concerned that it is often unrealistic at such an early stage for a comprehensive view to be formed on all the relevant issues and material considerations. Many issues often arise as a result of responses from Statutory and non-statutory consultees, as well as from Third and interested parties.

2.12 Unless there are very clear policy justifications for not supporting the application at this early stage, then we feel that any initial view of the merits of an application by any relevant case officer must always be expressed in a clearly non-prejudicial manner. It would be totally unacceptable for a developer to promote a scheme on the basis that the Authority's response to a pre-application enquiry has been interpreted or even worse publicly declared as having given tacit support for it prior to the wider public having had any opportunity to engage with the determination process of that application.

Q19 Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?

2.13 CPRW agrees with this proposal especially the ability for LPAs by agreement with the applicant, to extend the time period for their response. Clarity will however be needed to resolve any difference of opinion which arise between the two parties as to what constitutes an acceptable extension of time for this response period.

Q. 20. Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?

2.14 CPRW recognises the need for LPA's to have the ability should they so wish, to recoup the costs of providing a pre application service if it is introduced in the formal manner current being suggested. It is however disappointing that the individual Authority is not being given any discretion to decide if these charges are reasonable both from their point of view and in terms of the additional costs imposed on a prospective developer.

2.15 The imposition of these mandatory charges we assume will be additional to the current planning application fee for the determination of a planning application and will not only impose a further cost on the developer but introduce a two stage payment regime and hence an additional administrative responsibility on the relevant LPA when processing an individual planning application.

2.16 With the best will in the world, we fear that the introduction of fees for smaller scale developments will result in individuals bypassing this pre application process with a consequent loss of the benefits in terms of the quality and timeliness of determination, this additional process seeks to achieve.

Q. 21. Do you have any other comments to make regarding the statutory pre-application service?

2.17 The crux of our additional comments are outlined in paragraphs 2.9- 2.12 inclusive

2.18 In addition however CPRW believes greater clarity should be provided in the eventual legislative provisions to clarify the opportunities which individuals and third parties would have in discussing the details of prospective planning applications at the pre application stage with LPA officials.

2.19 We believe every opportunity should be provided for any member of the public or a third party interest to be able to discuss with the relevant Planning Officer the proposed scope and outline detail of a development proposal which may affect their interests. Indeed it would be unreasonable if this prospect was denied or unavailable. Such discussions will not only increase the transparency of this pre application process but also provide an opportunity for issues to be raised which may not otherwise be apparent in discussions with the proposer of a particular scheme.

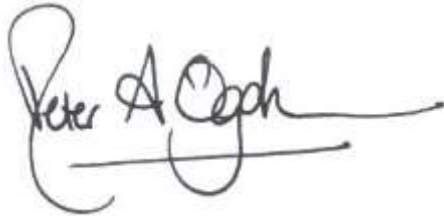
2.20 We do not consider it reasonable however that when this opportunity is available, any pre application fee should be levied on an individual or third party seeking information about a proposal or who wishes to enter into initial discussions with the relevant Case officer regarding the scope or nature of a proposed development. We believe that the introduction of such a fee would be contrary to

the spirit of a promoting a transparent planning system in Wales and would seriously undermine its credibility.

2.21 CPRW trusts that our comments prove helpful and confirms that its comments can be made available to others if so required. In the meantime, I would be grateful for your acknowledgement of the safe receipt of this submission and in due course welcome sight of your response to the representations you receive to this important document.

Thanking you in anticipation.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Peter A Ogden', with a long horizontal flourish extending to the right.

Peter Ogden BSc. MRTPI
Director

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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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.

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Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Marcus Goldsworthy	
Organisation	Vale of Glamorgan Council	
Address	Dock Office, Barry, CF64 4QQ	
E-mail address	developmentcontrol@valeofglamorgan.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Criteria c does not appear to make sense. The explanation about appeal process should include timescales.				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Date that the application was received and by what mechanism e.g. post, email, planning portal.				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: It should be 7 days, like the LPA requirement to notify of validation decision.				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: If LPAs are expected to make a decision in the first 1-5 days, why should it take a planning inspector 3 weeks? They should have 7 days like the LPA.				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: None				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: a) Yes b) This should be on the decision notice and should not need to be repeated in the condition. The condition should include details of those matters approved e.g. Plan No. XXX received on XXX or Natural Slate Tile received on XXX. Otherwise the point of this 'live decision notice' is limited.				

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Of course. It may be sensible to specify a timeframe (e.g. 5 working days). All old notices must be clearly marked as superseded so that it is clear what is the current notice.</p>				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Concern fundamentally that this is unnecessary, and potentially creates an additional enforcement burden if there is non compliance.</p> <p>Decision notice (DN) may comprise a significant number of pages.</p> <p>Site notice with limited information such as where you can view full details (planning register) may be more appropriate than displaying the whole DN.</p>				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No

Consultation Reference: WG24900

	a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: b) from above. will there be a 'deemed no objection' for non responses from consultees. If so, what implications for issue such as habitat regs, should a deemed no objection be in conflict with a protected species issue?				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No comment				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No comment				

Consultation Reference: WG24900

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: 6 weeks				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes in principle. LPAs should be able to re-start the application if substantial changes are made.				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes.				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Yes if for minor changes. Some changes would warrant a larger fee, particularly if the changes result in more dwellings/more floorspace where the basic fee would be more than £190 for the increase.

Might result in resistance from developers to make changes that would improve developments.

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: There would need to be a requirement to ensure all documents supporting the original are updated given that renewal can be up to 4.5 plus years after the original decision e.g. ecology reports, design and access, transportation statements etc				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Depending on the nature of the development, the need to re-consult should be based on a proportionate approach to the particulars of the application being renewed				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: No, in this instance it is considered that the need to consult neighbours should not be altered to ensure openness of the planning process in decision making and to avoid implications of Ombudsman complaints if neighbours feel				

Consultation Reference: WG24900

disenfranchised.

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Suggest that as minor alteration, the level of information required should be closer to that required under the NMA process				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Consider that consultations should be at the LOCAL PLANNING AUTHORITY's discretion given that the minor nature of the application may result in significantly less requirement to seek views from consultees and, depending on how soon after the original decision the MMA is submitted, comments may only recently have been received that cover the impacts/effects of the MMA .				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Notification of the application should be as per a planning application for reasons as given under Q15 above				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Consultation Reference: WG24900

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: However it is essential to ensure fee is received and clarity of condition(s) being discharged but not required to have all original application validation requirements.				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Discharge of condition may only relate to a single / technical issue and therefore full consultation may not be relevant /necessary,adding cost and unnecessary work to the process				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: comments as per Q17(ii) above				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: When considering an NMA you are only considering whether it is appropriate to treat the alteration as an NMA . Anything that cannot be deemed an NMA would require a full and proper assessment of the merits and entail work significantly greater than that given to an NMA. The work would equate to that required to				

Consultation Reference: WG24900

deal with a planning application determination and should therefore have the full, appropriate fee for that form of development.

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: However what is the recourse if the extension is not agreed and what purpose would that serve?				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: no comment				

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: We would expect all major applications to be required to be subject to the pre-application process before a formal submission to the local planning authority . Whilst this authority welcomes and encourages pre-application discussion we are still receiving major schemes with no pre -application approach to the local planning authority .				

Consultation Reference: WG24900

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

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

How to Respond

Please submit your comments in any of the following ways:

Email
<p>Please complete the consultation form and send it to :</p> <p>planconsultations-i@wales.gsi.gov.uk</p> <p>[Please include ‘Secondary Legislation for DM’ in the subject line]</p>
Post
<p>Please complete the consultation form and send it to:</p> <p>Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</p>
Additional information
<p>If you have any queries on this consultation, please</p> <p>Email: planconsultations-i@wales.gsi.gov.uk</p> <p>Telephone: Kristian Morgan on 02920 823360</p>

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Stefan Preuss	
Organisation	National Grid Plc	
Address	National Grid House Warwick Technology Park Gallows Hill Warwick CV34 6DA	
E-mail address	stefan.preuss@nationalgrid.com	
Type (please select one from the following)	Businesses/Planning 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"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

There appears to have been an inadvertent split mid-sentence in relation to criteria c) and d), which we understand should be read together so as to say:

"in the case of an application for consent, agreement or approval required by a condition or limitation subject to which a planning permission has been granted, identify reasons why it does not comply with these requirements".

In many areas, an application reference is only assigned after validation has occurred, so this will necessitate a practical change in the way applications are received, logged and assessed against the validity criteria. In particular, for applications submitted via the Planning Portal, the application number is allocated by the receiving local authority.

If the time limits are to run from submission, it will need to be clear whether this is submission by the applicant or actual receipt by the LPA.

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Consultation Reference: WG24900

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Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: For applications with an 8 week determination period, this leaves very little time for consultation and determination of the application by the LPA. High quality decision making should be the primary aim.				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the	Yes	Yes (subject to further comment)	No

Consultation Reference: WG24900

	updated version of the notice?		comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Where conditions are discharged or non material amendment applications under s96A are granted, this would be very helpful for members of the public and developers to be able to track which conditions have been complied with, which varied and which remain to be discharged.

The position is more complicated where variations to the conditions have been permitted under section 73. A section 73 permission is, as a matter of law, an entirely new planning permission. It is not an amendment to an existing consent. When issuing a permission pursuant to a section 73 application, planning authorities should issue a fresh decision notice which repeats the other conditions and incorporates the relevant changes.

Where a developer has already discharged some conditions under the original consent, the developer can "carry over" from one consent to the other conditions that have already been discharged, and the developer may choose whether to implement the section 73 permission or the original permission. The section 73 permission may be ignored entirely. For some developments (particularly multi-phase developments), this means that there can be multiple permissions implemented governing different parts of the development.

National Grid considers that it would be helpful if Welsh Ministers can clarify how section 73 permissions will be treated. National Grid notes that the consultation document refers to the "removal of conditions", however this is not technically what happens as a result of section 73. The original permission is left intact, and a new permission without that condition is issued.

National Grid assumes that where a section 73 permission is granted which varies a condition, a note may be placed next to that condition to identify that a separate consent exists which varies the terms, and that on the section 73 permission a note may be placed referring back to the original permission so that the chronology can be understood. It would be helpful if this could be clarified by the Welsh Government.

Developers are also entitled to make more than one submission of details in relation to reserved matters submission or details required under conditions. It would be useful if the Welsh Government could clarify how will this be dealt with. For example, where more than one submission is made, will all submissions be noted against the relevant condition? Will applicants be required to notify the LPA which of the approvals they are relying upon?

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>LPAs must keep copies of all decisions on the planning register. Older decisions should not be discarded, as it is perfectly lawful for developers to choose not to implement section 73 consents, or not to rely on reserved matters approvals and to substitute new submissions in their place. All of those details are part of the planning history of the site and should not be lost.</p>				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>National Grid is concerned with the practicalities of how decision notices are to be displayed. In relation to complex projects, the decision notice and conditions can run to 20-30 pages. This would require very large notice boards to accommodate the display of the whole permission.</p> <p>National Grid considers that where a decision notice is longer than 2 pages, a full copy of the permission should be kept on site and available for inspection and a notice posted giving details of where the whole permission can be seen.</p>				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
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Consultation Reference: WG24900

	a) a period of 21 days,		comment)	
	b) until all statutory consultees have provided a substantive response, whichever is the sooner, or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) subject to a longer period if agreed in writing between the LPA and consultee?			

Comments:

National Grid agrees that, where the LPA consults certain bodies, these should respond within prescribed timescales. However, we consider that further clarity is required that, where an LPA decides to consult specific bodies, this consultation should not affect the statutory (8 or 16 week) timescale for determining an application. Where an LPA carries out such consultation, it should be required to carry it out sufficiently early so that the consultation can be completed and the application determined within the statutory timescale for determination of applications.

As part of this, National Grid would wish to understand how an extension of time for responses to consultation would affect the applicant's ability to appeal for non-determination. The link between the introduction of an ability of the LPA to agree with a third party consultee a longer period for consultation response which pushes back the date on which the LPA may determine an application and the right of the applicant to appeal for non-determination is not clear.

Extensions to consultation response periods which would not have the effect of preventing the LPA from determining the application within the statutory (8 or 16 week) timescales should not require the applicant's consent, but where the result of an extension to the consultation period would mean an extension to the timescale for determination, the applicant's consent should also be required.

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Consultation Reference: WG24900

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unsightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comments.				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comments.				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The current discretionary approach allows flexibility and proportionality. Non material changes not affecting the description of development ought not to automatically incur a 4 week delay in determination; otherwise it will discourage applicants making changes to a scheme which may be beneficial to the general public in response to feedback from consultees. It is already open to applicants who wish to make changes to agree an extension to the determination period with the LPA. It is not clear how an automatic				

Consultation Reference: WG24900

extension would assist, since LPAs can refuse amendments if they do not feel they can be accommodated within the timescales, consultation requirements or if they change the nature of the development from that set out in the description of development on the application form.

In addition, it is not clear why an extension would always be 4 weeks. In the case of minor amendments, a shorter period may be sufficient, whereas in the case of changes that require EIA work a longer period may be necessary.

In conclusion, National Grid considers that the current discretionary and more flexible approach by which the applicant and the local authority can agree an appropriate period should be retained.

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: National Grid considers that a fee may discourage applicants from making minor beneficial changes to accommodate the views of statutory consultees and the community. This would be an unfortunate consequence, particularly since any alterations would by their nature have to be minor in order to avoid the need to submit a fresh application.				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: See response to Question 14 i).				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to	No
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Consultation Reference: WG24900

			further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
The requirements should be proportionate - if there have been no changes which would require updating of original materials, it should be possible to have recourse to materials already on the planning file from the earlier application. This is recognised in paragraphs 8.6 and 8.7 of the consultation document.

Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
There is more certainty for all parties if the requirements are clearly set out.

Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
As above, there is more certainty for all parties if the requirements are clearly set out.

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
The requirements should be proportionate - for those elements of the application that have not changed from the original application, it should be possible to have recourse to materials already on the planning file from the earlier application.

Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material	Yes	Yes	No
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Consultation Reference: WG24900

	amendment application?		(subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: As above, there is more certainty for all parties if the requirements are clearly set out.				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: As above, there is more certainty for all parties if the requirements are clearly set out.				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The requirements should be proportionate - if the changes would not require updating of original materials, it should be possible to have recourse to materials already on the planning file from the earlier application				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: As above, there is more certainty for all parties if the requirements are clearly set out.				

Consultation Reference: WG24900

Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: As above, there is more certainty for all parties if the requirements are clearly set out.				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: See also our comments in response to Question 21 below.				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

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Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The 21 day maximum timescale for formal written pre-application advice from an LPA seems generally appropriate.

At the same time, there needs to be sufficient flexibility to allow pre-application consultation and advice to take account of the nature of a project and the issues involved. For example, whilst it is proposed that LPAs will have a maximum of 21 days to provide pre-application advice, in practice, the advice process may need to be more iterative, with authorities providing initial feedback (e.g. on generic principles regarding a proposed scheme) and a generic 'steer' first within a shorter timescale, followed by more detailed advice on detailed proposals within a somewhat longer timescale.

Secondary legislation should define the minimum standards, but guidance should emphasise the need for meaningful pre-application engagement between applicants, LPAs and statutory consultees which is likely to go beyond the minimum standards, being more flexible and iterative, depending on the nature of a scheme. Secondary legislation should provide flexibility to allow LPAs and developers to agree different timescales, arrangements and information requirements.

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

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

How to Respond

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<p>Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include ‘Secondary Legislation for DM’ in the subject line]</p>
<p>Post</p>
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<p>Additional information</p>
<p>If you have any queries on this consultation, please Email: planconsultations-i@wales.gsi.gov.uk Telephone: Kristian Morgan on 02920 823360</p>

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We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

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planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Helen Rice	
Organisation	Brecon Beacons National Park Authority (on behalf of the three Welsh National Parks)	
Address	Plas y Ffynnon Cambrian Way Brecon LD3 7HP	
E-mail address	helen.rice@beacons-npa.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	
	Local Planning Authority	X
	Government Agency/Other Public Sector	
	Professional Bodies/Interest Groups	
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	
	Other (other groups not listed above) or individual	

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		X		
<p>Comments:</p> <p>What does criterion (c) mean??</p>				
Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		X		
<p>Comments:</p> <p>A deadline for the submission of the additional information is essential as otherwise it is left open ended as to when the application can be made valid.</p> <p>Also, it would be beneficial to include a criterion that specifies in what format this additional information is required (electronic/hard copy) to further expedite the process.</p> <p>The LPA could also be given the opportunity of identifying any further additional information which will assist in dealing with a planning application or provide any advice to change a scheme if it would likely be wholly unacceptable i.e. small design changes, removing potential harm.</p>				
Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		X		

Consultation Reference: WG24900

Comments:

Yes, more than sufficient, it is considered that an even shorter time period could be considered acceptable, especially as the level of information required for validation purposes is evidently clear with the existing Welsh Government guidance on the matter that is readily available. In addition, based on the experience at the BBNPA and PCNPA, the majority of applicants which utilise the pre-application service that is provided, manage to successfully submit valid applications at the outset, as all pre-application advice includes the level of detail required for validation purposes.

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		X		

Comments:

This is essential, especially given the intention that if the appeal is allowed, the 'valid date' is essentially backdated to the date of the original submission. What is the LPA's / Applicant's recourse if PINS do not determine the appeal within 21 days?

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		X		

Comments:

This avoids unnecessary reimbursement costs.

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
			X	

Consultation Reference: WG24900

Comments:

It is also considered that it should refer to the details of the revised information submitted.
e.g.

Prior to the construction of the building hereby approved details of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority [Date Details Approved: 31/08/15, Approved Details: natural slate, render RAL701 Application Reference No: 15/12345/FUL]. The Development shall be carried out in accordance with the approved details.

This would provide those viewing the revised decision notice with the necessary level of information 'on the face of it' without necessarily having to review the relevant application number, and would also assist the enforcement process (if necessary).

It would also be necessary to clarify that the decision notice needs to be amended to reflect any approved amendments, which more often than not refer to a replacement/amended plan and thus the relevant 'plans' condition would need to be revised, giving the relevant revised plan number and date of approval.

It may be appropriate to require the decision notice to be labelled, version 1, 2, 3 etc to enable those viewing the notice to be aware that changes/amendments have been received.

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		X		

Comments:

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
				x

Consultation Reference: WG24900

Comments:

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed: a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	Yes	Yes (subject to further comment)	No
			X	X

Comments:

The 21 day (or sooner/as agreed) period is reasonable for applications relating to conditions and reserved matters given their overall determination target being 8 weeks. However, given the 28 day target determination for non-material amendments, it is considered that a reasonable timescale for such applications should be 14 days (or sooner/as agreed) which is reflective of their general nature and enable the LPA to quickly consider such applications.

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		X		

Comments:

Consultation Reference: WG24900

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unsightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		X		
Comments:				
Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		X		
Comments:				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
			X	
Comments:				
This should be applicable to all applications, not just major developments.				
Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No

Consultation Reference: WG24900

			X	
<p>Comments:</p> <p>Amendments are normally required as a result of consultation responses or design critiques and are always requested to enable a more appropriate form of development to be considered, and thus delivering high quality development. Whilst introduction of a fee would certainly be of benefit for LPAs, it has the potential to become a disincentive to submit revised/value added proposals and thus potentially result in poorer quality developments or an increase in refused applications. Therefore, the level of fee to be imposed needs to be proportionate.</p>				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
				X
<p>Comments:</p> <p>Whilst it is acknowledged that the intended fee above is comparable to the material amendments fee, that level of fee takes into account the additional resources relating to a new material amendment application that is more intensive than accepting a further amendment (most likely at the Officer's request) during the application process. It is therefore considered that a more reasonable fee would be that comparable to the non-material amendment fee (currently £83) per submission of amendment.</p>				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
			X	

Consultation Reference: WG24900

Comments:

Due to the standard 5 year time condition imposed on permissions, various changes in planning policy is likely to have occurred since the original planning permission was issued and thus it is considered essential that a renewal application should include the same information as the original application, as it has the effect of granting planning permission for a further 5 years. This would also capture the need to update any original surveys (e.g. ecological surveys).

Q15i i)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
			X	

Comments:

If the LPA considers that there are no material changes in circumstance in comparison as to when the original consent was granted, then it would be beneficial to avoid the need for any unnecessary consultations.

Q15i ii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
			X	

Comments:

As above.

Minor material amendments

Q16i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
				X

Consultation Reference: WG24900

Comments:				
Q16i i)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		X		
Comments:				
Q16i ii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		X		
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
			X	

Consultation Reference: WG24900

<p>Comments:</p> <p>But it largely depends upon the nature of the variation. If the variation would affect the content of the original Design and Access Statement, then it may be better for the validation guidance to set out the need for 'addendum' statements where the proposed variation/removal would change the content of the original documentation.</p>				
Q17i i)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		X		
<p>Comments:</p>				
Q17i ii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		X		
<p>Comments:</p>				
Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		X		
<p>Comments:</p>				

9.0 Statutory pre-application service fees

Consultation Reference: WG24900

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
			X	

Comments:

Pre-applications should remain as flexible as possible and allowing extensions of time is needed. However LPAs should not have to wait for an applicant to decide if an extension of time is acceptable. LPAs should be entitled to set a target response date, based on the type/nature of pre-application, and advise the applicant accordingly of this. If a site visit is needed to understand the nature of the site and proposals this needs to be factored in – particularly in rural areas where officer site visits need to be planned in advance in conjunction with other cases.

If the applicant disagrees then the LPA makes a response within the 21 days based solely on the information gathered to date. The officer may not be able to give a firm ‘view’ on the proposal within 21 days by reason of not being appraised of the full merits within the time i.e. site inspection needed.

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
				X

Comments:

If LPAs must provide this statutory service then it must ensure that the cost of providing the service is recovered from the fees as far as is reasonable. The BBNPA has been operating a paid pre-application service since 2010 and generally users of the system are content with the approach and despite increases in fees in recent years, the take up of the service has not been affected and in fact has increased. Whilst the notion of a generic fee across Wales is generally welcomed these fees must be more reflective of the time taken to consider such queries and the varying nature and scale of queries received. The proposed fees are considered to be overly simplistic and do not truly reflect the costs of the service, especially in rural Authorities whereby those queries which require a site visit are inherently more costly than in an urban Authority.

The proposed fees do not account for the evident difference in development scales that will occur within the proposed categories and the consequent difference in the time taken to consider the query. For example, a wind turbine scheme would come within the minor development category with a charge of £100, which is highly unlikely to cover the amount of work needed to visit different viewpoints and analyse the scheme in any detail and thus provide a . Similarly a scheme proposing 9 dwellings perhaps by a house building firm will attract the same £100 fee to that of a single house dwelling plot.

It must be accepted that in general to provide the service in a rural Authority is likely to be more expensive than in urban settings simply on grounds that site visits will take far longer.

Consultation Reference: WG24900

Whilst it is noted that the fees are based upon average hourly rates of officers, there is no information provided to clarify the approximation of time spent on enquiries that has been used to formulate the fee. It is therefore recommended that further review of the fees is undertaken to include a greater number of categories that better reflects the time involved in dealing with such queries. It is suggested that an approach similar to the BBNPA guidance note on pre-application fees should be considered, and can be viewed via this link <http://www.beacons-npa.gov.uk/wp-content/uploads/Pre-application-planning-advice-charges-Guidance-Note-April-2014-Inc.-VAT-updated-030215.pdf>.

PCNPA has suggested that a better approach would be to consider a fee equivalent a % of the relevant planning application fee for the query.

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
				X

Comments:

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
-----	--

Comments:

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

How to Respond

Please submit your comments in any of the following ways:

Email
<p>Please complete the consultation form and send it to :</p> <p>planconsultations-i@wales.gsi.gov.uk</p> <p>[Please include 'Secondary Legislation for DM' in the subject line]</p>
Post

Consultation Reference: WG24900

Please complete the consultation form and send it to:

Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email: planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	Emyr Davies	
Organisation	Redrow Homes South Wales	
Address	Redrow House Copse Walk Cardiff Gate Business Park Cardiff CF23 8RH	
E-mail address	emyr.davies@redrow.co.uk	
Type (please select one from the following)	Businesses/Planning 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"/>

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes. It is also considered that the LPA should be given a specified time period to determine whether a planning application is valid and to notify via email, especially if the application was submitted electronically. It is unclear, save for an indicative appeal timeline in appendix 2, in the consultation how long the LPA will have for this process. Will it be 5 days (working or actual)? The time period should be specified and it should be working days to be clear to all parties.</p>				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The date that the application was received by the LPA and the date of the notice.</p>				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

This seems to be a fairly straight forward procedure and given that the proposals are being put forward to enable a quick turn around for appeals against notice of non-validation then it is suggested that this period should be a maximum of 14 days.

If the Welsh Ministers do deem that the application were valid then the validation date would be the period when first submitted to the LPA and therefore it is considered appropriate that there should remain the ability for the LPA to have the ability to determine the application within a 8-week statutory period. It is dubious from the timeline in appendix 2 whether this would be possible.

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Yes. The fee is required to form a valid planning application and so the Welsh Ministers could not technically ever deem any application as being valid if the fee had always been refunded back from the LPA.

3.0 Decision Notices

Q6	Do you agree that when a decision notice	Yes		No
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Consultation Reference: WG24900

	is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

This approach is supported in principle with a live decision notice attached to the original outline/full permission. In reality it is considered appropriate that this is just an electronic update rather than a lengthy document being issued following every discharge of condition, reserved matters approval etc and it be mandatory for this to be visible on the Council's website.

For information submitted against a condition or reserved matters then it is considered appropriate in practice that an approval of this sole element remain (i.e. some sort of notification from the LPA to the applicant stating that the information submitted against xx on xx has been approved/refused) but with a concurrent update to a 'live' notice (electronic only and to be available to view online).

Is it the case that it will be a requirement for all discharge of condition submissions will be treated as applications and therefore attract a unique application reference? This approach would be welcomed. It is also considered appropriate to make it mandatory for the information to be submitted against discharge of conditions (together with planning applications, reserved matters submission etc) to published online.

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Yes. A query is raised over the format that would be followed if a S.73 application is submitted and effectively issues a new permission. Would this become the 'live' decision notice and therefore attract a different application number? Some clarity for LPAs in this regard should be provided to ensure that

Consultation Reference: WG24900

they all adopt the same approach. The whole idea of the 'live' notice is to always know where to find the information that advises if conditions have been discharged, reserved matters approved etc and where the information submitted against such submissions can be found. If a S.73 permission alters this then everyone, including the public, need to understand this.

Redrow can see that the 'live' decision notice idea should allow all those involved or have an interest in the planning process to see exactly what stage a planning application has reached (i.e. some conditions discharged, some reserved matters agreed etc). On the face of it, this, together with the requirement for developers to notify their intention to commence will highlight if any breaches would occur. In Redrow's experience the wording of many conditions do not meet the conditions Circular requirements (and in reality a national PLC can not afford the lost time to formally rectify any errors in this regard via a s.73 process) and often require details pre-commencement where they relate to matters that can be addressed much later in the process. For obvious cash flow reasons (if purchased a site upon the grant of planning permission) Redrow is often in a position where it is very difficult to absorb any time lost for having to discharge conditions that do not need approval until further into the development process when ground works and infrastructure works can take months to do before the above ground works commence. The conditions Circular advice was welcomed when introduced but Redrow are yet to see any change to decisions that are made by LPAs. Redrow are usually not against providing the information stipulated by conditions, providing that it does meet the tests set out in the planning Circular, but are frustrated at what stages in the development process approvals are unnecessarily required by, having a significant knock-on effect financially by delays in build programmes.

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

If a notice of decision has to be displayed on site Redrow has always advised that this would be difficult to do in practice. Larger development sites could have the live notice changing frequently and it is more that a live notice would be a very lengthy document. Redrow already receives initial planning permissions that are 10 plus pages long and so if this is constantly updated then it is likely to become a longer document. It is considered appropriate that the live decision notice be provided electronically via the LPA webpages. The notice on site should then consist of an overview of the development taking place and which planning application is being implemented. It can then refer to where the live decision notice can be found (QR code or weblink / web address) and the

Consultation Reference: WG24900

plans/information that shows what is being built at the site.

Can it be clarified exactly where written notice of intention to commence development subject to a planning permission should be sent. Can this be the generic 'planning' email account of an LPA?

It is taken that site clearance works and anything that does not confirm with the meaning of development, as defined by the TCPA 1990, would not constitute an implementation of the planning permission.

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
	<p>a) a period of 21 days,</p> <p>b) until all statutory consultees have provided a substantive response, whichever is the sooner, or</p> <p>c) subject to a longer period if agreed in writing between the LPA and consultee?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Part c) to the above question is objected to. If mandatory pre-application advice had already been undertaken then there is no reason why additional time should be required.</p> <p>Part c) would provide an unknown and could lead to significant issues and mis-interpretation and use of the clause. For example, would this allow the LPA to agree a generic longer period with NRW or the highways authority for them to provide responses? Allowing longer time periods would leave LPAs even more vulnerable to complying with statutory determination periods and result in refunds being forced upon them via the proposed changes.</p>				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country	Yes	Yes (subject to	No
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Consultation Reference: WG24900

	Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?		further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the	Yes	Yes (subject to further	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

	planning application?		comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The proposal is appreciated given that if certain amendments are made then this requires further officer assessment and further consultation (internal and external). However, it is not understood how the complexity of the post-submission amendment would be assessed. What if the LPA and applicant do not agree on what is deemed a post-submission amendment. For example, if a change to an estate road layout on a housing development was sought by the highways officer and this was provided and satisfied their concern then would this post-submission amendment automatically result in an additional 4 week determination period? This cannot surely be something that the WG would want to happen as a default position. It should be noted that an extension of time under the current regulations can be agreed between parties anyhow.

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The planning fees were introduced in the 1980s. The Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 (as amended) set the basis for fee charging against submissions to the local planning authority. It is Redrow's understanding that the fee regime was devised so that both simple and more complex proposals can be properly assessed and considered by local planning authorities with appropriate resources. Therefore, the very fact that amendments are made with planning applications would have been considered when setting the initial fee levels whereby they considered the processes involved in determining applications. While fee increases understandably occur over time the assessment process that can lead to amendments through the planning application process is not considered to have altered significantly. There appears to be no justification for the additional fee to deal with a minor material amendment as part of the planning process. Furthermore there is no justification for the proposed fee to be set at £190.

From an LPA perspective it is likely to lead to difficulties in the admin processes (case officer chasing to make sure the payment is received and cleared and the admin officer processing it) and on a very practical sense what would occur if a non-material amendment (however this is to be assessed?) is submitted but the fee is not - does the LPA just ignore the amendment?

The practicalities of this whole process is not considered to have been thought through. There appears to be little point of a consultation process and officer input if a scheme cannot be influenced once formally submitted. If the process is not fully transparent and understood by the LPA and applicants then it will lead

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to significant confusion and disagreement on matters, resulting in appeal against non-determination being the only route left for applicants to follow. There are too many questions resulting from the lack of detail contained within the consultation in this regard.				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: See comments in relation to Q13 above				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No. As advised in the consultation document the LPA should have access to the relevant information from the original application. The applicant can advise whether they are reliant on the existing plans/documents and then advise where documents have been updated (e.g. legislation changes or survey/assessment updates).				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes, in a manner that they can choose to adopt a lesser consultation approach than for the original application. It is considered appropriate for the LPA to have some control over what is an appropriate level of consultation. However, it must be remembered that the renewal application (S.73) is in effect issuing a new planning application and so any lack of appropriate consultation as required by				

Consultation Reference: WG24900

legislation could leave decisions open to legal challenge.				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: see Q15 ii) above.				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No. As advised in the consultation document the LPA should have access to the relevant information from the original application. The applicant can advise whether they are reliant on the existing plans/documents and then advise where documents have been updated.				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The consultation should be selective dependent on what the minor material amendment is.				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: see Q16 ii) above				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No. As advised in the consultation document the LPA should have access to the relevant information from the original application. The applicant can advise whether they are reliant on the existing plans/documents and then advise where documents have been updated.				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The consultation should be selective dependent on what the application is seeking to vary/remove. However, it must be remembered that the variation or removal of condition application (S.73) is in effect issuing a new planning permission and so any lack of appropriate consultation as required by legislation could leave decisions open to challenge.				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: See Q17 ii) above				

Consultation Reference: WG24900

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Redrow can see that it would be appropriate to extend the 21 day period for larger proposals (i.e. strategic nature of 300 dwellings plus). However, this must be the exception to the norm and a maximum 28 day period would seem reasonable in such instances. If a statutory pre-application process is introduced then the timescale to deliver this service must be adhered to. If the LPA do not respond within 21 days then is the applicant entitled to a full refund and is deemed to have complied with the statutory pre-application process? Some further clarification over the proposals is required.				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Redrow does not have concern in relation to paying pre-application fees providing that the level of a timely response and the service provided is worth the fee paid. Please see further comments in relation to Q21 below.				

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Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Redrow has already made extensive comments earlier this year in relation to the proposed introduction of the statutory pre-application service in the WG consultation 'Frontloading of the Development Management System' and still stands by these comments.

It is not clear from the consultation what exactly will be provided via the statutory pre-application service. Will the Council have to provide a face to face meeting for example and in Redrow's experience for pre-application advice to be beneficial then it is important to get representatives from key service areas to attend meeting (or at the very minimum offer detailed written advice). Will this be a requirement?

Pre-application advice is often meaningless if the LPA do not stand by the advice provided. While it is recognised that the advice provided is informal it is considered appropriate that this should be adhered to where there are no apparent reasons for the a change in position. Land deals can often be made on the advice made during a pre-application stage and it is very frustrating if the LPA stance changes without clear reason as it can result in significant cost.

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
------------	--

Comments:

Ironically, Redrow believes that the proposed changes being introduced by the secondary legislation will in fact create a far more complicated planning system than the streamlined approach sought. It is considered that the existing regulations and procedures as in place are robust enough as long as they are efficiently followed and applied by all those party to the planning application process. In essence the proposed changes would likely have a detrimental effect on the planning system in Wales.

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

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

Consultation Reference: WG24900

Email
Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include ' Secondary Legislation for DM ' in the subject line]
Post
Please complete the consultation form and send it to: Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please Email: planconsultations-i@wales.gsi.gov.uk Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Tim Howard	
Organisation	Chartered Institute for Archaeologists (CIfA)	
Address	Miller Building University of Reading Reading RG6 6AB	
E-mail address	tim.howard@archaeologists.net	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Secondary legislation for development management consultation
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff CF10 3NQ

09 September 2015

Dear Mr Morgan,

Consultation on secondary legislation for development management¹

Thank you for the opportunity to comment on this consultation paper.

The Chartered Institute for Archaeologists

The Chartered Institute for Archaeologists (CIfA) is the leading professional body representing archaeologists working in the UK and overseas. We promote high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society, and provide a self-regulatory quality assurance framework for the sector and those it serves.

CIfA has over 3,250 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

CIfA's Wales / Cymru Group has over 300 members practising in the public, private and voluntary sector in Wales.

Secondary legislation for development management

General

ClfA supports Welsh Government in its aim to produce a streamlined and fit-for-purpose planning system for Wales, but is concerned to see that levels of protection for the historic environment are not inadvertently reduced in the process.

Specific Questions

Question 1: Do you agree that a notice that an application is not valid should include criteria a) to f)?

1.1 Yes.

1.2 ClfA's primary concern is not with the mechanism, but with its operation. If there is no archaeological input to the validation process, applications may be validated which are deficient in requisite archaeological information (for instance, required by local validation requirements). Such information will not be required in every case, but archaeological expertise may be required to appreciate precisely when such information is necessary.

Question 2: Is there any additional information you think should accompany a notice of non-validation? If so, why is this information necessary?

2.1 No.

Question 3: Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals against notice of non-validation?

3.1 Yes.

Question 4: Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?

4.1 Yes, subject to the concern expressed in paragraph 1.2 above.

Question 5: Where an application is considered to be invalid and an appeal submitted in respect of a notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?

5.1 Yes

Question 6: Do you agree that when a decision notice is revised it should include

- a) the date of the approval; and**
- b) the relevant application reference in the updated version of the notice?**

6.1 Yes.

Question 7: Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?

7.1 Yes.

Question 8: Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?

8.1 No comment.

Question 9: Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:

- a) a period of 21 days; or**
- b) until all statutory consultees have provided a substantive response, whichever is the sooner, or**
- c) subject a longer period if agreed in writing between the LPA and consultee?**

9.1 Yes, provided that LPAs will generally agree to extensions when consultees request them, in particular where the nature of the issues involved requires further time to address.

Question 10: Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?

10.1 Yes. A longer timescale would be desirable, but the urgent nature of the application suggests that this would not be practicable.

Question 11: Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?

11.1 Yes.

Question 12: Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.

12.1 Yes, provided that there is discretion to extend that period if justified on the facts of any given case.

Question 13: Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?

13.1 Yes.

Question 14: i) Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?

14.1 Yes.

ii) If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?

14.2 No comment.

Question 15: Renewals

i). Should the validation requirements for a renewal application be the same as the original application?

15.1 ClfA would only agree to the relaxation of validation requirements for renewal or other applications under section 73 if consultation requirements ensured that any further impacts upon the historic environment will be adequately addressed.

ii). Should the LPA have discretion over the consultation requirements for a renewal application?

15.2 Yes, save that when an archaeological assessment has originally been submitted, the LPA should consult the appropriate archaeological advisor for the area (normally one of the Welsh Archaeological Trusts) in order to ascertain whether an updated assessment is required.

iii). Should the LPA have discretion over the notification requirements for a renewal application?

15.3 No. Notification requirements provide a 'backstop' to ensure that relevant issues are brought to the LPA's attention.

Question 16: Minor material amendments

i) Should the validation requirements for a minor material amendment application be the same as the original application?

16.1 See paragraph 15.1 above.

ii) Should the LPA have discretion over the consultation requirements for a minor material amendment application?

16.2 Yes, save that, if there is any prospect of the proposed amendment impacting upon the historic environment, the LPA should consult the appropriate archaeological advisor for the area (normally one of the

Welsh Archaeological Trusts) in order to advise upon that impact and its acceptability.

iii) Should the LPA have discretion over the notification requirements for a minor material amendment application?

16.3 See paragraph 15.3 above.

Question 17: Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

i) Should the validation requirements for these applications be the same as the original application?

17.1 If and insofar as such variation or removal related to archaeological conditions and/or impacted upon the historic environment, ClfA would only agree to the relaxation of validation requirements unrelated to the historic environment.

ii) Should the LPA have discretion over the consultation requirements for these applications?

17.2 Yes, save that, if and insofar as such variation or removal related to archaeological conditions and/or impacted upon the historic environment, the LPA should consult the appropriate archaeological advisor for the area (normally one of the Welsh Archaeological Trusts) in order to advise upon the implications for the historic environment.

iii) Should the LPA have discretion over the notification requirements for these applications?

17.3 See paragraph 15.3 above.

Question 18: Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under section 96A of the TCPA only be that required to make up the difference in fee cost?

18.1 No comment.

Question 19: Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?

19.1 Yes.

Question 20: Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?

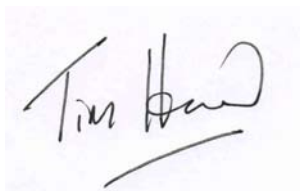
20.1 No comment, save that, if pre-application advice is to encompass advice on the historic environment, the fees should, amongst other things, reflect the cost of such expert advice.

Question 21: Do you have any other comments to make regarding the statutory pre-application service?

21.1 The early consideration in the planning process of issues affecting the historic environment is key not only to the effective management and protection of historic assets but also to facilitating the timely delivery of sustainable development. ClfA continues to support the provision of a statutory pre-application service.

If there is anything further that I can do to assist please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tim Howard', with a horizontal line underneath.

Tim Howard LLB, Dip Prof Arch
Senior Policy Advisor

¹ <http://gov.wales/docs/desh/consultation/150619consultation-document-en.pdf>

**RTPI Cymru**mediation of space · making of place
cyd drefnu gofod · creu cynefin

Royal Town Planning Institute
Cymru (RTPI Cymru)
PO Box 2465
Cardiff
CF23 0DS
Tel +44 (0)29 2047 3923
email walespolicy@rtpi.org.uk
Website: www.rtpi.org.uk/rtpi_cymru

9 September 2015

e-mail response sent to: planconsultations-i@wales.gsi.gov.uk

Dear Sir/Madam,

Response to: Secondary Legislation for Development Management

The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 23,000 spatial planners. RTPI Cymru represents the RTPI in Wales, with 1,100 members. The Institute seeks to advance the science and art of spatial planning for the benefit of the public. As well as promoting spatial planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

The response has been formed drawing on the expertise of the RTPI Cymru Policy and Research Forum which includes a cross section of planning practitioners from the private and public sectors and academia from across Wales.

Thank you for the opportunity to contribute views on the above consultation. We have the following comments to make on the consultation questions.

Invalid Applications: Notices and Appeals**Contents of the notice****Q.1. Do you agree that a notice that an application is not valid should include criteria a) to f)**

We support in principle the substantive content of the notice identifying why the Local Planning Authority (LPA) believes the application is invalid, however we have the following comments to make.

It is important that any criteria are clear and specific.

Criterion a) refers to an allocated application number. Should this be an application number if the submission is not valid?

Criterion c) in particular is unclear and makes no sense in its current form. There appears to be some text missing from the sentence – there is a comma before the semi-colon (see below underlined), which suggests that some text was meant to go here?

“in the case of an application for consent, agreement or approval required by a condition or limitation subject to which a planning permission has been granted.”

In respect of criterion e) which states “provide a brief description how the applicant can comply with the requirements”, a simple statement of what the LPA believes is wrong with the application in its current form should be sufficient for the purposes of the notice. However, there may be more than one way of addressing the invalidity; for example either removing elements of a development, or paying the correct fee, could address the issue. Highlighting the different options may be confusing for the applicant, who ultimately must make the decision on how to progress the application. Such additional advice could be discretionary.

Criterion d) and e) could be sub headings to the notice or could be addressed through accompanying information.

Q.2. Is there any additional information you think should accompany a notice of non-validation? If so, why is this information necessary?

This is a formal notice by an LPA it should therefore include the content that you would expect in such a notice: information identifying what it is e.g. a title; a statement of the relevant legislation that the notice is issued under; it should be signed and dated (by someone with appropriate authority) etc. Contact details should be provided for the submission of information to address the validity issue.

Determination periods and the right to appeal

Q.3. Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals against notice of non-validation?

This seems a reasonable period. In its favour it gives time to allow the opportunity for discussion between the LPA and the applicant to address any disagreement on validity. Equally it may cut off discussions as the applicant may feel under pressure to appeal on validity when there is scope to address the disagreement with the LPA.

An informal period or extension of the 14 day period through mutual agreement may be beneficial.

Over time we would anticipate that the position of the Planning Inspectorate (PINS) / Welsh Government on various validity issues will become clear. Some sort of PINS practice guidance on how they are determining validity appeals would be useful.

Q.4. Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?

Paragraph 2.7 of the consultation document suggests that if an appeal against a non-valid application is successful, then the application will be deemed to be valid from the date it was originally submitted to the LPA. Therefore, 2 weeks to appeal plus the 21 days for PINS to determine will only leave potentially 3 weeks in which to make a decision, within the 8 week period. In this case a decision will in all likelihood take applications beyond their 8 week determination period.

Reviewing the content of an Environmental Statement (ES), particularly where the content of the ES is the matter in dispute with regards to validity is likely to take longer than normal

applications. PINS would be best placed to comment on the appropriate time frame in respect of these applications.

Arrangements for returning a fee

Q.5. Where an application is considered to be invalid and an appeal submitted in respect of a notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?

RTPI Cymru supports the arrangements for the fee.

Decision Notices

Q.6. Do you agree that when a decision notice is revised it should include

- a) the date of the approval; and**
- b) the relevant application reference in the updated version of the notice?**

Yes.

Q.7. Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?

Yes. An electronic copy should also be sent to the applicant/agent after each revision.

Notification of Development

Q.8. Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?

Where decision notices are longer than 3 pages, a summary notice should be displayed (issued by the LPA) giving information where the full decision notice can be viewed, either on site or on a web-site / by request in writing.

Consultations etc. in Respect of Certain Applications for Approval

Q.9. Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:

- a) a period of 21 days; or**
- b) until all statutory consultees have provided a substantive response, whichever is the sooner, or**
- c) subject a longer period if agreed in writing between the LPA and consultee?**

Criterion b) highlights the need for consultee deadlines, which must be respected. Criterion b) also refers to statutory consultees, however, these applications do not have "statutory consultees" as such and therefore clarification is required to avoid confusion.

We do not agree with unnecessarily tying the LPA to 21 days consultation on all of these applications a) should be 14 days and in effect if you write a letter giving 21 days to a consultee it would fall under c).

Urgent Crown Development

Q.10. Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA)

should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?

Yes

Appeal Against a Notice Issued in Respect of Land Adversely Affecting Amenity (Unsightly Land)

Q.11. Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?

The grounds of appeal are limited in comparison with other types of enforcement appeals, however for continuity we believe that Section 217 appeals should follow the same format as enforcement appeals.

Q.12. Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.

RTPI Cymru supports the four week period.

Post Submission Amendments

Q.13. Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?

Yes, this generally seems reasonable, but it would potentially be helpful to all parties if this was not limited to amendments to major applications and was extended to the submission of additional information on a wider range of development proposals.

It should be emphasised that it is up to a four week period rather than specifying a four week period.

Q.14. i) Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?

ii) If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?

While a fee could be charged to reflect the additional work and to incentivise getting it right in the initial submission, it may also encourage agents and applicants to withdraw the application and resubmit as a free go, with the amendments, thereby avoiding the fee.

Applications that fall within Section 73 of the TCPA 1990

Q.15. Renewals

i). Should the validation requirements for a renewal application be the same as the original application?

ii). Should the LPA have discretion over the consultation requirements for a renewal application?

iii). Should the LPA have discretion over the notification requirements for a renewal application?

Q.16. Minor material amendments

i) Should the validation requirements for a minor material amendment application be the same as the original application?

- ii) Should the LPA have discretion over the consultation requirements for a minor material amendment application?**
- iii) Should the LPA have discretion over the notification requirements for a minor material amendment application?**

In relation to i), when developers are applying to vary approved plans, they should clearly indicate the full extent of the proposed changes across the site. In many cases it may be beneficial to submit a supplementary statement to be read in conjunction with the documents that supported the original application.

Q. 17. Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

- i) Should the validation requirements for these applications be the same as the original application?**
- ii) Should the LPA have discretion over the consultation requirements for these applications?**
- iii) Should the LPA have discretion over the notification requirements for these applications?**

In respect of questions 15, 16 and 17, the aim of these proposals to make the system more proportional are supported, for example, to expect applicants to provide all the same information as the original application for varying, say, one condition, could be regarded as onerous and unnecessary.

Q.18. Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under section 96A of the TCPA only be that required to make up the difference in fee cost?

While this could be considered reasonable, we are concerned that the LPA will only consider the acceptability of a non-material amendment if it considers it to be 'non-material'. If it believes the change to be material, it will go no further and refuse the application without considering the merits. Therefore, a S73 application following a refusal of a non-material amendment application (S96A application) will need to be considered afresh, and a full fee submitted in such cases.

The fee should reflect the work involved and therefore it may be more than just making up the difference in the fee cost, but not as much as the two fees separately.

Pre-application Fees

Q. 19. Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?

Yes

Q. 20. Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?

The fees should achieve cost recovery for LPAs - they are best placed to respond if the fees will cover their costs in providing the service.

We strongly believe that fees should be retained to help deliver the service.

The consultation states that “The proposed fees have been calculated using hourly rates for planning officers and the estimated time required to provide a written response that would address the requirements detailed in paragraph 9.10.” It would have been useful to include these “estimated times” in the consultation document.


Q. 21. Do you have any other comments to make regarding the statutory pre-application service?

It is not clear why in paragraph 9.9(v) it states that “enquiries relating to householder development will need to be supported by elevation drawings.” This could be equally important for lots of other proposals.

The status of the service, which is without prejudice to the decision of the LPA should be made clear.

If you require further assistance, have any queries or require clarification of any points made, please contact RTPI Cymru on 029 2047 3923 or e-mail Roisin Willmott at walespolicy@rtpi.org.uk

Yours sincerely,



Dr Roisin Willmott MRTPI

**Director
RTPI Cymru**

Ffurflen Ymateb i Ymgynghoriad

Is-ddeddfwriaeth ar gyfer gweithdrefnau rheoli datblygu newydd

Rydym eisiau'ch sylwadau ar ein cynigion ar gyfer y manylion i'w cynnwys mewn is-ddeddfwriaeth sy'n cefnogi'r darpariaethau sydd ym Mil Cynllunio (Cymru) ar gyfer rheoli datblygu, ynghyd â'ch sylwadau ar rai newidiadau eraill i ddeddfwriaeth sy'n ymwneud â rheoli datblygu.

Dylech gyflwyno'ch sylwadau erbyn 11 Medi 2015.

Os oes gennych unrhyw ymholiadau am yr ymgynghoriad hwn, mae croeso ichi anfon e-bost at:

planconsultations-i@cymru.gsi.gov.uk rhif ffôn: Kristian Morgan 029 2082 3360.

Diogelu Data
<p>Bydd unrhyw ymateb a anfonwch atom yn cael ei weld yn llawn gan staff Llywodraeth Cymru sy'n gweithio ar y materion y mae'r ymgynghoriad hwn yn ymdrin â nhw. Mae'n bosibl y bydd aelodau eraill o staff Llywodraeth Cymru yn gweld yr ymateb hefyd, er mwyn eu helpu i gynllunio ymgynghoriadau ar gyfer y dyfodol.</p> <p>Mae Llywodraeth Cymru yn bwriadu cyhoeddi crynodeb o'r ymatebion i'r ddogfen hon. Mae'n bosibl hefyd y byddwn yn cyhoeddi'r ymatebion yn llawn. Fel arfer, mae enw a chyfeiriad (neu ran o gyfeiriad) yr unigolyn neu'r sefydliad a anfonodd yr ymateb yn cael eu cyhoeddi gyda'r ymateb. Mae hynny'n helpu i ddangos bod yr ymgynghoriad wedi'i gynnal yn briodol. Os nad ydych yn dymuno i'ch enw a'ch cyfeiriad gael eu cyhoeddi, rhowch wybod inni'n ysgrifenedig wrth anfon eich ymateb. Byddwn wedyn yn cuddio'r manylion.</p> <p>Mae'n bosibl y bydd yr enwau a'r cyfeiriadau y byddwn wedi'u cuddio yn cael eu cyhoeddi'n ddiweddarach, er nad yw hynny'n debygol o ddigwydd yn aml iawn. Mae Deddf Rhyddid Gwybodaeth 2000 a Rheoliadau Gwybodaeth Amgylcheddol 2004 yn caniatáu i'r cyhoedd gael gweld gwybodaeth a gedwir gan lawer o gyrff cyhoeddus, gan gynnwys Llywodraeth Cymru. Mae hynny'n cynnwys gwybodaeth sydd heb ei chyhoeddi. Fodd bynnag, mae'r gyfraith hefyd yn caniatáu inni gadw gwybodaeth yn ôl o dan rai amgylchiadau. Os bydd unrhyw un yn gofyn am gael gweld gwybodaeth a gadwyd yn ôl gennym, bydd yn rhaid inni benderfynu a ydym am ei rhyddhau ai peidio. Os bydd rhywun wedi gofyn inni beidio â chyhoeddi ei enw a'i gyfeiriad, bydd hynny'n ffaith bwysig i ni ei chadw mewn cof. Fodd bynnag, fe allai fod rheswm pwysig dros orfod datgelu enw a chyfeiriad unigolyn, er ei fod wedi gofyn i ni beidio â'u cyhoeddi. Byddem yn cysylltu â'r unigolyn ac yn gofyn am ei farn cyn gwneud unrhyw benderfyniad terfynol i ddatgelu'r wybodaeth.</p>

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Is-ddeddfwriaeth ar gyfer y pwerau rheoli datblygu ym Mil Cynllunio (Cymru)		
Dyddiadau'r cyfnod ymgynghori: 12 Mehefin 2015 – 11 Medi 2015		
Enw	Gareth Jones	
Sefydliad	Cyngor Gwynedd	
Cyfeiriad	Ffordd y Cob Pwllheli Gwynedd LL53 5AA	
Cyfeiriad E-bost	GarethJones3@gwynedd.gov.uk	
Math (dewiswch un o blith yr isod)	Busnesau/ Ymgynghorwyr Cynllunio	<input type="checkbox"/>
	Awdurdod Cynllunio Lleol	<input checked="" type="checkbox"/>
	Asiantaeth Llywodraeth/Sector Cyhoeddus arall	<input type="checkbox"/>
	Cyrff Cyhoeddus/Grwpiau Buddiant	<input type="checkbox"/>
	Sector gwirfoddol (grwpiau cymunedol, gwirfoddolwyr, grwpiau hunangymorth, sefydliadau cydweithredol, mentrau cymdeithasol, sefydliadau crefyddol a sefydliadau dielw)	<input type="checkbox"/>
	Arall (grwpiau eraill heb eu rhestru uchod) neu unigolyn	<input type="checkbox"/>

2.0 Ceisiadau Annilys: Hysbysu ac Apelio

C1	A ydych yn cytuno y dylai hysbysiad sy'n dweud nad yw cais yn ddilys gynnwys meini prawf a) i f)?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sylwadau:

Byddai'r hysbysiad yn ffurfioli trefniadau presennol y Cyngor a chwestiynir os yw'r ffurfioli hwn yn gwbl angenrheidiol.

C2	A ddylid cynnwys unrhyw wybodaeth gyda hysbysiadau peidio â dilysu. Os felly, pam mae'r wybodaeth hon yn angenrheidiol?	Dylid	Dylid (yn amodol ar sylwadau pellach isod)	Ni ddylid
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sylwadau:

C3	A ydych yn cytuno bod cyfnod o 14 diwrnod i'r ymgeisydd gyflwyno ei apêl yn ddigonol o ystyried y dymuniad i ymdrin yn gyflym ag apeliadau o dan adran 28 o Fil Cynllunio (Cymru) (y Bil)?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sylwadau:

Cytuno y dylai'r cyfnod i gofrestru apêl fod yn fyr ond efallai fod 14 diwrnod yn rhy hir o ystyried yr amserlenni tynn mae'n ofynnol i'r ACLI fod yn cadarnhau os yw cais yn ddilys ai peidio ac mai pwrpas apêl o'r fath yw er mwyn 'hwyluso' y drefn. Ni chredir y dylai fod amgylchiadau arbennig ble mae'r Gweinidog yn cael defnyddio disgresiwn i dderbyn apeliadau hwyr gan y gall hyn greu ansicrwydd pellach i ACLI, roi cam-argraff i'r ymgeisydd a chael ei gam-ddefnyddio.

C4	A ydych yn credu y dylai fod yn ofynnol i Weinidogion Cymru benderfynu ar apeliadau o fewn 21 diwrnod i ddechrau'r cyfnod apelio?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Sylwadau:</p> <p>Cytuno y dylai'r cyfnod penderfynu'r apêl fod yn fyr ond ystyrir fod 21 diwrnod yn rhy hir o ystyried mai pwrpas apêl o'r fath yw er mwyn 'hwyluso' y drefn. Os yw'r holl wybodaeth sydd yn ofynnol wedi ei gyflwyno gyda'r apêl yna ystyrir y dylai fod yn broses ffeithiol a syml iawn er mwyn gallu penderfynu'r apêl ac felly y dylai'r cyfnod fod yn llawer byrach na 21 diwrnod.</p>				

C5	Pan ystyrir bod cais yn annilys a bod apêl yn cael ei chyflwyno mewn ymateb i'r hysbysiad peidio â dilysu, a ydych yn cytuno y dylai'r Awdurdod Cynllunio Lleol gadw'r ffi nes i ganlyniad yr apêl honno fod yn hysbys?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Sylwadau:</p>				

3.0 Hysbysiadau penderfynu

C6	Pan fo hysbysiad penderfynu yn cael ei ddiwygio a ydych yn cytuno y dylai gynnwys a) y dyddiad cymeradwyo, a, b) cyfeirnod perthnasol y cais yn y fersiwn ddiweddaraf o'r hysbysiad?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Sylwadau:</p> <p>Pryder fod hyn yn mynd i fod yn feichus ac yn creu dryswch i bawb sy'n ymwneud gyda'r caniatâd wedi'r penderfyniad gwreiddiol. Gall arwain at sawl fersiwn o'r un caniatâd gydag un parti efallai yn defnyddio un fersiwn a pharti arall yn cyfeirio at fersiwn arall heb wybod fod diwygiad/diweddariad wedi bod. Ystyrir y gall arwain at gymhlethdodau, camddealltwriaeth a chwynion</p>				

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gorfodaeth a chwynion swyddogol di-angen yn ogystal a bod yn agored i'w gam-ddefnyddio er lles y datblygwr gan roi pwysau ychwanegol ar adnoddau prin

C7	A ydych yn cytuno y dylid diweddarau Gorchymyn y Weithdrefn Rheoli Datblygu er mwyn ei gwneud yn ofynnol i'r Awdurdod Cynllunio Lleol gadw copi o'r hysbysiad penderfynu mwyaf diweddar ar y gofrestr cynllunio?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

4.0 Hysbysiadau am ddatblygu

C8	A ddylid gosod unrhyw ofynion eraill ar y datblygwr o safbwynt ffurf, y cynnwys neu ddangos yr hysbysiad o benderfyniad?	Dylid	Dylid (yn amodol ar sylwadau pellach)	Ni ddylid
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Sylwadau:</p> <p>Ystyrir fod angen i'r datblygwr gadarnhau cychwyn y datblygiad drwy roi dyddiad cychwyn, rhif y cais/ceisiadau a chyfeiriad y safle. Ystyrir y byddai hefyd yn ddefnyddiol pe bai'r datblygwr yn darparu manylion person/rheolwr safle i gysylltu ag ef ar y safle os oes angen ymchwilio cwyn ayb.</p> <p>Cwestiynir pa mor ymarferol a rhesymol yw'r angen i arddangos hysbysiad ar y safle a pwy fyddai'n gorfodi hyn. Pe bai hyn yn digwydd, ystyrir y dylai fod gofyn i'r cadarnhad sydd yn cael ei arddangos fod yn cynnwys gwybodaeth am yr amodau 'cyn cychwyn' a bod y rhain wedi cael eu bodloni i foddhad yr ACLI.</p>				

5.0 Ymgynghoriadau etc. mewn Perthynas â Cheisiadau Penodol i'w Cymeradwyo

C9	A ydych yn cytuno na chaiff Awdurdodau Cynllunio Lleol benderfynu ar gais y mae gofyn cynnal ymgynghoriad statudol yn ei gylch, o dan a.35 o'r Bil, nes i'r cyfnodau a ganlyn ddod i ben:	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	<p>a) cyfnod o 21 diwrnod,</p> <p>b) hyd nes y bydd pob un o'r ymgynghoreion statudol wedi rhoi ateb o sylwedd, pa un bynnag fydd gynharaf, neu</p> <p>c) yn ddarostyngedig i gyfnod hirach os caiff hynny ei gytuno'n ysgrifenedig rhwng yr Awdurdod Cynllunio Lleol a'r ymgynghorai</p>			
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Sylwadau:

Cytuno gyda (a)

Cytuno gyda (b)

Cytuno OND os yw hyn yn eithriad i'r arferol a bod cyfiawnhad i wneud hynny. Mae rhai ymgynghorwyr statudol yn gofyn i'r ACLI gytuno i gyfnodau hirach yn rheolaidd a hynny oherwydd trefniadau/pwysau gwaith mewnol ac nid oherwydd natur neu gymhlethdod gyda'r cais ei hun - gall hyn effeithio ar y cyfnod i ddelio gyda chais ac adlewyrchu yn negyddol ar yr ACLI

Datblygiadau Brys y Goron

C10	Ar hyn o bryd, fel y nodir yn Erthygl 15 o Orchymyn y Weithdrefn Rheoli Datblygu, rhaid i Weinidogion Cymru, cyn iddynt benderfynu ar gais a wneir o dan adran 293A o Ddeddf Cynllunio Gwlad a Thref, ganiatáu i o leiaf 14 diwrnod fynd heibio ar ôl iddynt roi hysbysiad i ymgynghoreion statudol. A ydych yn cytuno na ddylid newid y cyfnod hwnnw?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sylwadau:

6.0 Apelio yn erbyn Hysbysiad a Ddyroddwyd mewn perthynas â Thir sy'n Effeithio'n Andwyol ar Amwynder (Tir Anniben)

C11	A ydych yn cytuno y dylai apeliadau y penderfynir arnynt gan Weinidogion Cymru o dan a. 212 o'r Ddeddf Cynllunio Gwlad a Thref ddilyn yr un fformat â'r apeliadau gorfodi presennol?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sylwadau:

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C12	A ydych yn cytuno bod cyfnod o 4 wythnos yn rhesymol i Awdurdodau Cynllunio Lleol ysgrifennu eu datganiad ar gyfer apêl? Os ydych yn ystyried bod cyfnod arall yn briodol ar gyfer apeliadau o dan a.217, nodwch pam.	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

7.0 Diwygiadau ar ôl Cyflwyno

C13	A ydych yn cytuno, pan fo diwygiad yn cael ei gyflwyno mewn perthynas â cheisiadau ar gyfer datblygiadau mawr, y dylai'r Awdurdod Cynllunio Lleol gael pedair wythnos ychwanegol i wneud penderfyniad ar y cais cynllunio?	Ydw	Ydw (yn amodol a sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				
<p>Nid yw'n glir o baragraffau 7.1-7.3 o'r Ddogfen Ymgynghori os yw hyn ond yn berthnasol i ddatblygiadau mawr neu i bob datblygiad. Credir y dylai y cyfnod o bedair wythnos ychwanegol gael ei roi i bob cais. Yn ogystal, rhaid ystyried fod potensial o orfod ail ymgynghori ar y diwygiad (hyd at 21 diwrnod) ac o bosib cytuno ar estyniad i'r cyfnod ymgynghori hwnnw os angen. O ganlyniad, oes modd ystyried gallu cytuno i estyniad i'r 4 wythnos ychwanegol os angen?</p>				

C14 i)	A ddylid codi ffi ar gyfer mân ddiwygiadau perthnasol i geisiadau mawr sydd heb eu penderfynu?	Dylid	Dylid (yn amodol ar sylwadau pellach)	Ni ddylid
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				
<p>Beth yw'r diffiniad o 'man ddiwygiadau'? Gall hyn ychwanegu at amser swyddog yn sylweddol e.e. drwy orfod ail-ymgynghori a delio gyda rhagor o sylwadau ayyb. Yn ogystal, byddai ffi yn sicrhau fod datblygwr yn sicrhau ansawdd y cynllun/cais cyn ei gyflwyno yn lle ychwanegu ato neu ei newid yn ystod y cais gan roi mwy o bwysau ar y gwasanaeth. I'r gwrthwyneb o hyn, mae'n bosib y gall</p>				

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mân newid arwain at gynllun gwell - ond dylai hyn fod wedi derbyn sylw drwy ofyn am gyngor cyn cais.

C14 ii)	Os felly, a ydych yn cytuno bod £190 yn ffi briodol o ystyried yr ymgynghoriad diweddar ar ffioedd ceisiadau cynllunio?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sylwadau:

Cytuno ar gyfer unrhyw mân newid unigol. Mae angen eglurder am y ffi yma h.y. yw'r ffi yma ar gyfer un newid neu sawl newid sydd wedi eu cyflwyno gyda'i gilydd (ond efallai gydag oblygiadau cynllunio gwahanol)? Beth am newidiadau pellach a gyflwynir ar wahân?

8.0 Ceisiadau sy'n dod o dan Adran 73 o Ddeddf Cynllunio Gwlad a Thref 1990.

Adnewyddiadau

C15 i)	A ddylai'r gofynion dilysu ar gyfer adnewyddu cais fod yr un peth a'r gofynion a osodir ar gyfer y cais gwreiddiol?	Dylent	Dylent (yn amodol ar sylwadau pellach)	Ni ddylent
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sylwadau:

Gan fod mwyafrif y cyhoedd yn edrych ar geisiadau ar y we gall peidio darparu'r holl wybodaeth ddisgwyliedig ar gyfer y cais (gan ei fod yn gais adnewyddu) a chroes gyfeirio at gais arall achosi dryswch a'r argraff o beidio bod yn dryloyw. Yn yr un modd gall hyn achosi dryswch i'r rhai a ymgynghorwyd a hwy (statudol neu fel arall) gan ei bod nhw hefyd yn edrych ar y ceisiadau ar y we er mwyn ymateb i'r ACLI. Os nad yw'r wybodaeth ar gael byddent yn sicr o ofyn i'r gwasanaeth amdano gan roi pwysau di-angen ar adnoddau prin. Mae'n bosib y bydd hefyd angen arolygon neu wybodaeth fwy diweddar a dylai rhain ffurfio rhan o'r cais yn hytrach na bod y gwasanaeth yn gofyn amdanynt wedyn ac efallai yn gorfod ail-ymgynghori ayb gan gael effaith ar y cyfnod o ddelio gyda'r cais. Eto, os dilynir y drefn o ofyn am gyngor cyn cyflwyno cais byddai hyn wedi ei adrodd wrth y datblygwr cyn cyflwyno cais.

C15 ii)	A ddylai'r Awdurdod Cynllunio Lleol gael disgrisiwn dros y gofynion ymgynghori mewn perthynas ag adnewyddu cais?	Dylai	Dylai (yn amodol ar y sylwadau pellach)	Ni ddylai
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				
C15 iii)	A ddylai'r Awdurdod Cynllunio Lleol gael disgresiwn dros y gofynion hysbysu mewn perthynas ag adnewyddu cais?	Dylai	Dylai (yn amodol ar sylwadau pellach)	Ni ddylai
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

Mân ddiwygiadau perthnasol

C16 i)	A ddylai'r gofynion dilysu ar gyfer cais am fân ddiwygiad perthnasol fod yr un peth â'r rhai ar gyfer y cais gwreiddiol?	Dylent	Dylent (yn amodol ar sylwadau pellach)	Ni ddylent
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sylwadau: Ond dylai digon o wybodaeth fod ar gael i asesu'r cais a bod y diwygiad perthnasol sy'n destun y cais fod yn amlwg (gan gynnwys y cynllun perthnasol sydd wedi ei gymeradwyo)				
C16 ii)	A ddylai'r Awdurdod Cynllunio Lleol gael disgresiwn dros y gofynion o ran ymgynghori mewn perthynas â chais am fân ddiwygiadau perthnasol?	Dylai	Dylai (yn amodol ar sylwadau pellach)	Ni ddylai
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sylwadau: Cytuno ond hefyd dylai fod disgresiwn am y cyfnod ymgynghori e.e. 7, 14 neu 21 diwrnod				
C16 iii)	A ddylai'r Awdurdod Cynllunio Lleol gael disgresiwn dros y gofynion hysbysu ar gyfer cais am fân ddiwygiad perthnasol?	Dylai	Dylai (yn amodol ar sylwadau pellach)	Ni ddylai
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Sylwadau:
Cytuno ond hefyd dylai fod disgresiwn am y cyfnod ymgynghori e.e. 7, 14 neu 21 diwrnod

Amrywio neu ddileu amod sydd ynghlwm wrth ganiatâd cynllunio nad yw'n dod o dan y catgorïau uchod (adnewyddu a mân newidiadau perthnasol)

C17 i)	A ddylid defnyddio'r un gofynion dilysu ar gyfer y ceisiadau hyn ag a ddefnyddir ar gyfer y cais gwreiddiol?	Dylid	Dylid (yn amodol ar sylwadau pellach)	Ni ddylid
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sylwadau:
Dibynnu ar y rheswm tu ôl i roi yr amod. Dylai'r holl wybodaeth angenrheidiol fod yn rhan o'r cais gan gynnwys tystiolaeth/rhesymeg/cyfiawnhad rhesymol dros amrywio neu ddileu'r amod

C17 ii)	A ddylai'r Awdurdod Cynllunio Lleol gael disgresiwn dros y gofynion ymgynghori ar gyfer y ceisiadau hyn?	Dylai	Dylai (yn amodol ar sylwadau pellach)	Ni ddylai
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sylwadau:
Cytuno ond hefyd dylai fod disgresiwn am y cyfnod ymgynghori e.e. 7, 14 neu 21 diwrnod

C17 iii)	A ddylai'r Awdurdod Cynllunio Lleol gael disgresiwn dros y gofynion hysbysu sydd ynghlwm wrth y ceisiadau hyn?	Dylai	Dylai (yn amodol ar sylwadau pellach)	Ni ddylai
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sylwadau:
Cytuno ond hefyd dylai fod disgresiwn am y cyfnod ymgynghori e.e. 7, 14 neu 21 diwrnod

C18	Wrth gyflwyno cais sy'n dod o dan a.73 ac a	Dylai		Ni
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Cyfeirnod yr Ymgynghoriad: WG249000

	gyflwynir wedi i gais gael ei wrthod o dan a.96A o'r Ddeddf Cynllunio Gwlad a Thref, a ddylai'r ffi a godir ar gyfer cais o'r fath fod yn seiliedig ar y gwahaniaeth rhwng y ffioedd hynny?		Dylai (yn amodol ar sylwadau pellach)	ddylai
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sylwadau:

Byddai hyn yn ddiangen ac yn amhriodol o ystyried y gall fod oblygiadau e.e. hysbysebu ychwanegol; o bosibl fod yr ymgeisydd wedi ychwanegu newidiadau eraill i'r cais newydd; neu hyd yn oed fod cyngor cyn cyflwyno cais wedi ei roi a bod y cyngor a roddwyd wedi ei anwybyddu gan yr ymgeisydd. Yn ogystal, mae'r gwasanaeth wedi gorfod ymdrin gyda'r ddau 'gais' ac mae costau cysylltiedig â hynny.

9.0 Ffioedd ar gyfer y gwasanaeth cyn ymgeisio statudol

C19	Os yw'r Awdurdod Cynllunio Lleol a'r ymgeisydd yn cytuno'n ysgrifenedig, a ydych yn cytuno y dylid caniatáu estyniadau?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sylwadau:

Cytuno i'r gallu i ganiatáu estyniad i amser mewn amgylchiadau eithriadol ond pryder ynglyn ag os yw'r targedau yn afrealistig yn y lle cyntaf? Yw 'methu' targed (er efallai fod hyn y tu hwnt i reolaeth yr ACLI e.e. oherwydd estyniad i gyfnod ymgynghori) yn debygol o arwain at feirniadaeth neu gwynion annheg?

C20	A ydych yn cytuno â lefel y ffioedd arfaethedig a ddisgrifir yn Nhabl 1? Os nad ydych, pa ffioedd y dylid eu gosod?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sylwadau:

Mae'r ffioedd yn ymddangos yn isel o'u cymharu gyda ffioedd ACLI sydd eisoes yn gweithredu'r drefn (sydd ar gael ar safleoedd we ACLI). Cytuno fod angen cysondeb rhwng ACLI o safbwynt ffioedd a diffiniad pob categori o ddatblygiad. Nid yw'r ffioedd yn gyfystyr â'r gwir gost i'r gwasanaeth.

C21	A oes gennych unrhyw sylwadau eraill i'w gwneud ynghylch y gwasanaeth cyn ymgeisio statudol?	Oes	Oes (yn amodol ar	Nac oes
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Cyfeirnod yr Ymgynghoriad: WG249000

			sylwadau pellach)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sylwadau:
Mae gofyn adolygu'r ffioedd yn gyson. Pryder sylweddol nad yw'r ffioedd yn gyfystyr â'r gwir gost i'r gwasanaeth a hynny yn ystod cyfnod o ansicrwydd mawr i ACLI a phan mae adnoddau eisoes yn hynod o brin.

C22	Rydym wedi gofyn nifer o gwestiynau penodol. Os oes gennych unrhyw gwestiynau neu sylwadau perthnasol nad ydyn ni wedi mynd i'r afael â nhw, rhowch wybod i ni drwy ddefnyddio'r blwch isod.
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Sylwadau:
Mae'r hyn sydd yn cael ei gynnig yn yr ymgynghoriad hwn yn ymddangos y bydd yn rhoi pwysau ychwanegol ar ACLL pan mae adnoddau eisoes yn brin a'r newidiadau a gynigir yn siwr o roi pwysau o safbwynt gwaith gweinyddol ychwanegol a gweithredu o fewn targedau newydd/ychwanegol a all fod yn feichus. Mae pryder hefyd fod hyn i gyd yn arwain at drefn or-fanwl a chymhleth fydd yn arwain at system gynllunio hynod fiwrocrataidd i'w gweinyddu gan atal swyddogion proffesiynol rhag canolbwyntio ar y gwaith o ddelio gyda cheisiadau yn effeithiol a 'hwyluso' y drefn gynllunio.

Nid wyf eisiau i fy enw / fy nghyfeiriad gael eu cyhoeddi gyda fy ymateb (ticiwch y blwch) <input type="checkbox"/>

Sut i Ymateb**Anfonwch eich sylwadau atom mewn unrhyw un o'r ffyrdd isod:**

E-bost
Llenwch y ffurflen ymgynghori a'i hanfon i: planconsultations-i@cymru.gsi.gov.uk [Rhowch 'Is-ddeddfwriaeth ar gyfer rheoli datblygu' yn y llinell pwnc]
Post

Cyfeirnod yr Ymgynghoriad: WG249000

Llenwch y ffurflen ymgynghori a'i hanfon i:

**Ymgynghoriad ar Is-ddeddfwriaeth ar gyfer rheoli datblygu
Y Gangen Rheoli Datblygu
Yr Is-adran Gynllunio
Llywodraeth Cymru
Parc Cathays
Caerdydd
CF10 3NQ**

Gwybodaeth ychwanegol

Os oes gennych unrhyw gwestiynau am yr ymgynghoriad hwn,

E-bost: planconsultations-i@cymru.gsi.gov.uk

Rhif ffôn: Kristian Morgan 029 2082 3360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	Tim Stephens	
Organisation	Caerphilly County Borough Council	
Address	Pontllanfraith House Pontllanfraith NP12 2YW	
E-mail address	stepht@ caerphilly.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Should the appeal be allowed the period for the determination of the application should commence on the date of that decision, not the original submission of the application. LPAs should be encouraged to make sound validation decisions, but they should not be penalised where they decide to ask for more information based on their assessment of the legislation. Validating the application from the date of the original submission may encourage LPAs to accept poorer quality information</p>				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>This is an unnecessary complication of the decision notice process, and could lead to the existence of multiple decision notices. However, if it is intended to introduce it, then rather than amend the wording of the condition as suggested, it would be easier and clearer to add a sentence below the condition stating when it was discharged and the details of the information agreed such as plan numbers.</p> <p>The decision notice should, where possible, be electronic to reduce costs. All decision notices should include a rider that there may be subsequent approvals</p>				

Consultation Reference: WG24900

and to check with LPA. Clarification is required as to whether the applicants/agents name on the revised decision notice would change to the person/company submitting the revision/condition (if different to the original permission)

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This will make it clear which is the correct decision notice from a statutory point of view. Decision notices should be electronic otherwise regular paper updates are wasteful. For example an application with conditions covering several pages would require many updates as each condition is discharged. Updating this electronically rather than paper based is clearly preferable. Also clarification is sought as to whether this would be applied retrospectively?</p>				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The applicant should confirm that all pre-commencement conditions have been complied with and the date on which approval for each was granted. The applicant should provide the site address and description of development in their notification so application reference numbers can be confirmed as correct .</p>				

Consultation Reference: WG24900

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
	a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: As a matter of equity, all developers should be treated the same and wait for 21 days.				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
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Consultation Reference: WG24900

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: If the intention is to make the procedure similar to the enforcement one, and overall to simplify the planning system, the same deadlines should be introduced. i.e. six weeks.				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This should not be confined to major applications. All types of application can be amended, and require further consultation, and so the additional time period should apply in all cases. Also some schemes go through a number of amendments before they are found to be acceptable. Will an additional four weeks allowed for each amendment?				

Consultation Reference: WG24900

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: some schemes go through a number of amendments before they are found to be acceptable. Will a fee be chargeable for each amendment?				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Reduced validation requirements would appear reasonable, i.e. the plans and particulars of the original scheme do not need to be submitted, but consideration needs to be given to time sensitive information such as wildlife surveys, which need to be updated every two years or so, Also, how would changes in legislation be accommodated, e.g. if the validation requirements for an outline application are amended to require the submission of more information than at present, shouldn't the same apply to an application to vary a condition to renew an existing outline permission. The requirements for consultation and notification should be at the discretion of the LPA, although consideration should be given as to whether that includes public consultation. Advice is needed on the legal position of any previous permissions. A S73 permission is effectively a new permission for the whole development. If consent is granted by this route, on the basis of reduced information, you could have a situation where the extant permission for a development has very little				

Consultation Reference: WG24900

information associated with it; all the information would be associated with the lapsed permission. On granting the S73 approval, LPAs would have to ensure that they imposed conditions that made it clear that it related to the plans and information submitted in respect of the earlier approval.				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The validation requirements should only cover those aspects of the scheme that are affected by the minor material amendment. The requirements for consultation and notification should be at the discretion of the LPA. Advice is needed on the legal position of any previous permissions. A S73 permission is effectively a new permission for the whole development. If consent is granted by this route, on the basis of reduced information, you could have a situation where the extant permission for a development has very little information associated with it; all the information would be associated with the lapsed permission. On granting the S73 approval, LPAs would have to ensure that they imposed conditions that made it clear that it related to the plans and information submitted in respect of the earlier approval.				

Consultation Reference: WG24900

Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The validation requirements should only cover those aspects of the scheme that are affected by the changes to the condition. The requirements for consultation and notification should be at the discretion of the LPA. Advice is needed on the legal position of any previous permissions. A S73 permission is effectively a new permission for the whole development. If consent is granted by this route, on the basis of reduced information, you could have a situation where the extant permission for a development has very little information associated with it; all the information would be associated with the lapsed permission. On granting the S73 approval, LPAs would have to ensure that they imposed conditions that made it clear that it related to the plans and information submitted in respect of the earlier approval.				

Consultation Reference: WG24900

Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The developer should have made pre-application queries before submitting the application for the non-material amendment. The subsequent section 73 application is more likely to involve consultation, including neighbour consultation, and would involve far more work than the original application.				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Consultation Reference: WG24900

Comments:

The basic timescale needs to be lengthened in the first place. Considering pre-application proposals can be as complex as determining a planning application particularly on more complex applications. This LPA has already had pre-application submissions that include all of the information that would be necessary for the application itself. Also, developers need to provide more time in the design process for considering planning matters. Four weeks should be allowed for considering householder schemes, and eight weeks in all other cases.

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

It would be reasonable to charge £48 for the householder queries, and £180 for the minor developments. That would better reflect the work involved.

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
------------	--

Comments:

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

How to Respond

Please submit your comments in any of the following ways:

Consultation Reference: WG24900

Email
Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include 'Secondary Legislation for DM' in the subject line]
Post
Please complete the consultation form and send it to: Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please Email: planconsultations-i@wales.gsi.gov.uk Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Mark Harris	
Organisation	Home Builders Federation	
Address	PO Box 201 Barry CF639FA	
E-mail address	mark.harris@hbf.co.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It appears that d and e are in fact sub sections of c, if this is the case the layout needs to be amended or sections need rewording.				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: A time period in which to comply with the notice and an explanation of what happens if the notice is not complied with and details of the officer who is dealing with the notice/application.				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Although we have no strong objection to this the HBF suggest that the fee for an application should not be cashed by the LPA until the application is registered, this would avoid the need for the above requirement. The validation check of an application is the first thing that happens so there is no need to have cashed the fee before a decision over whether or not an application is valid has been made.				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As with our original comments to the Planning (Wales) Bill we are concerned that this requirement will further increase the workload of already stretched and under resourced planning departments. If as many LPA's already do, the discharge of conditions are registered as an application this will have its own reference and decision date/notice, it just needs to be linked to the original application, this is easily done electronically and the paper copy kept on the register could have an additional front sheet added to record these. Many				

Consultation Reference: WG24900

decision notices extend to many pages and we are concerned over the need to reprint the whole notice every time a condition is approved.

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <p>The HBF consider the requirements onerous and are concerned about the actual practicalities. We would refer back to our comments on the Bill and our suggestion that a single A4 sheet should be displayed on site with the planning reference, determination date and where the additional information about conditions or S106 requirements can be obtained. In practise decision notices on larger schemes often run to 10 or more pages, if these firstly have to be weatherproofed and displayed at a level and size that the public can read a specific notice board will be required. Secondly we are particularly concerned with the need to keep this notice up to date as every time a condition is discharged the whole notice may have to be reprinted and weatherproofed. We question what benefit is gained from displaying this information on site and suggest that the simplified notice with a link to the detailed information/</p>				

Consultation Reference: WG24900

location where it is available would suffice and achieve a very similar goal. Alternatively a spread sheet of decisions could be displayed with a short description and date of discharge rather than the full wording.

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
	a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: With regard to c) if this is to remain then it needs to include a requirement to notify the applicant where such an agreement has been reached and for what period this agreement is. It should also only allow a single opportunity to agree such an extension and specify a maximum period of time for any such extension.				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Consultation Reference: WG24900

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Although we have no objection to this in principle our concern is around the cumulative effect, if this additional four weeks applies to every amendment the overall determination period (and therefore the time in which to appeal against non-determination) could be extended by months and months. This would seem to go against the idea of trying to speed up the planning process. WE also would ask for clarification on how does this relates to the return of planning fee which is due to be introduced in October 2015. Will this apply if the LPA request the amendment or only if the applicant requests it, the concern is that LPA's could use this as a way to delay determining the application or repaying the planning fee?				

Consultation Reference: WG24900

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Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The HBF are strongly against this suggestion, although it is accepted that a well-resourced pre application service will help to reduce the number of amendments required to a planning application, in reality amendments to an application during its determination period will always occur and are part of the normal planning process. There are already a number of additional charges being introduced to the planning process, such as pre application and discharge of planning condition charges, we consider this proposal is unreasonable and would be an additional charge too many. At worst it may also encourage LPA's to ask for amendments as a way of raising money.

Notwithstanding the above objection to the proposal should this charge be considered acceptable by WG we question when it would apply, if the amendment is asked for by the LPA either directly or as a result of an internal or external consultee response, or would it only apply when asked for by the developer? A requirement for it only to apply when the amendment is asked for by a developer would help to overcome many of our concerns raised above.

Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Although we do not agree with the charge if it is imposed the fee should be £95 as with other charges for minor changes.

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Consultation Reference: WG24900

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: All of the information required will be already held by the LPA so the only information required should be a completed application form, covering letter and the appropriate fee. Therefor the process should be simpler.				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: As long as this only allows them to reduce the level of consultation compared to the original application. There should be no need or justification to increase the level of consultation.				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As long as this only allows them to reduce the level of notification compared to the original application. There should be no need or justification to increase the level of notificaiton.				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: All of the original application information will already be with the LPA all they need to determine the application is a clear understanding of what the differences are. It is accepted that depending on the change different types/				

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amounts of information will be required but if it gets to the point where there is as much information as the original application then this surley wouldn't be a minor material amendment anyway. Therefor the process should be simpler.				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As long as this only allows them to reduce the level of consultation compared to the original application. There should be no need or justification to increase the level of consultation.				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As long as this only allows them to reduce the level of notification compared to the original application. There should be no need or justification to increase the level of notifictaion.				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: All of the original planning information will already be with the LPA all they need to determine the application is a clear understanding of what is beign applied for. However it is accepted that depending on the what is beign applied for different types/amounts of information will be required. Therefor the process should be simpler.				

Consultation Reference: WG24900

Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As long as this only allows them to reduce the level of consultation compared to the original application. There should be no need or justification to increase the level of consultation.				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As long as this only allows them to reduce the level of notification compared to the original application. There should be no need or justification to increase the level of notification.				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: This goes some way to redressing all of the other charges being introduced into the planning applicataion process.				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

Comments:
 Although we have no objection to an extension of time to give the advice when agreed by both parties, as no mediation or appeal process is available to this process, should agreement not be reached, it is felt that it could be helpful to state a maximum time for response or possibly a range based on the type or size of application.. Our concern is that we could spend a lot of time trying to agree how long it will be before we get a response with still no guarantee of a response in the agreed time period. It could also result in long delays in getting the advice, the developer is more likely to agree to an extension as they have paid and want the advice.
 One option may be to introduce a refund policy similar to that imposed on planning applications and conditions discharge process after a set period, as this would encourage a quicker response.

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
 We agree to the proposed charges but would suggest that the categories for residential development could be changed to; minor being 1 -15 or 0.7 ha, major being 16 -30 or 1.5ha, large major 31 or more. We would also suggest that in terms of the additional service that an LPA can offer that it would help with consistency across Wales and certainty for developers if a standard schedule of additional charges could be provided by WG, this could be for example a cost/ hr for officer time or cost for a meeting/hr.

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
 The HBF members greatest concern with the current pre application service offered by some LPA's is the weight given to the advice , we all too often see comments being changed once an application is submitted, or further significant changes not requested at the pre app stage being asked for during the application stage. Often this is caused simply be a different officer giving the initial advice to the officer who deals with the planning application. The willingness/availability of other internal consultees to engage in the process is also often an issue or concern as it is often these consultees, such as highways,

Consultation Reference: WG24900

drainage or environmental health who raise issues late in the application process. We would ask WG to offer some advice and guidance on these issues to LPA's, this would also help to ensure consistency across Wales a key theme of the Planning Act

Q22

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

Comments:

Where possible WG should look to provide additional guidance to LPA's to support the proposed changes as this will help to ensure consistency across Wales. There are a number of areas where it appears that it is being left to each LPA to decide how it implements the detail of the changes and this is concerning as this is what often causes issues and delays for the industry.

In terms of application validation (section 2 of consultation document) there should be a time period set in which the LPA have to serve the notice, we have experienced some concern from members over how long it takes to validate application or advise they are not valid.

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

How to Respond

Please submit your comments in any of the following ways:

Email

Please complete the consultation form and send it to :

planconsultations-i@wales.gsi.gov.uk

[Please include '**Secondary Legislation for DM**' in the subject line]

Post

Consultation Reference: WG24900

Please complete the consultation form and send it to:

Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	Richard Lewis	
Organisation	Torfaen County Borough Council	
Address	Planning & Public Protection Tŷ Blaen Torfaen, Panteg Way New Inn Pontypool NP4 0LS	
E-mail address	richard.lewis@torfaen.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Too long. should be 7 days.				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: LPA's take no longer than 3 days to check validation.				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This whole idea of multiple decision notices will lead to confusion. There should be a warning on each notice that there may be another version. it is difficult to see how the relevant notice will be 'controlled'				

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: yes, but electronically, not multiple hard copies which is wasteful.				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: presumably the developer will need to display the most up to date notice? this is onerous on the developer to keep it updated for the whole of the construction period. The public will not know from this what conditions have already been discharged which presumably is part of the reasoning for public display.				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed: a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

Comments:

Given the significant weight placed on speed of determination (c) will depend on timing and getting a similar EOT from the applicant.

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

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7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Some non major development amendments may be just as time consuming to deal with as major development so should apply to all development.				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes if generated from developer - no, if recommended by LPA to improve the scheme. otherwise will act as a deterrent for improved design.				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

8.0 Applications that fall within Section 73 of the TCPA 1990

Consultation Reference: WG24900

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: to allow for documents to be updated where necessary.				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: to avoid unnecessary duplication				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material	Yes	Yes	No

Consultation Reference: WG24900

	amendment application?		(subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17	Should the LPA have discretion over the	Yes		No

Consultation Reference: WG24900

iii)	notification requirements for these applications?		Yes (subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: but will this be a negative or positive in relation to the 8 week returns?				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: There may be a scheme which falls into a low fee category but is highly complex. Should there be a caveat for unusual or highly complex proposals which are exceptional and where an LPA can negotiate a price directly with the developer?				

Consultation Reference: WG24900

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Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The service should be kept under review to test whether it is cost recoverable.				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

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

Email
Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include 'Secondary Legislation for DM' in the subject line]
Post

Consultation Reference: WG24900

Please complete the consultation form and send it to:

Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email: planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	Neil Richardson	
Organisation	RWE Generation UK plc	
Address	Windmill Hill Business Park, Whitehill Way, SWINDON, SN5 6PB	
E-mail address	neil.richardson@rwe.com	
Type (please select one from the following)	Businesses/Planning 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"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This implies that all planning applications received, whether valid or not, must be allocated an application reference number by the local planning authority. It is our understanding that this is not necessarily done at present where an application is rejected as invalid. This change of procedure is necessary to enable any application rejected as invalid to be unambiguously identified for the purposes of the appeal procedure.</p>				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The desire to deal with appeals against non-validation expeditiously is welcome and is essential if this new appeal provision is to function effectively. However, 14 days is a tight timescale especially if it happens to coincide with a public holiday period such as Christmas/New Year. This problem might be mitigated by allowing 10 clear working days from receipt of the non-validation notice for an appeal to be submitted to the Welsh Ministers.</p> <p>It must be clear when the period allowed starts- does it start from the date of the notice, which could take 2 to 3 working days to be received if sent by post? It should be a requirement for local planning authorities to send non-validation notices electronically where the applicant or Agent has provided an e-mail</p>				

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address, to avoid loss of time.

In large organisations it may also take a considerable time from the receipt of a notice to its being received by the person who is competent and has the necessary authority to deal with it, especially if correspondence is addressed impersonally to a company (or to the Company Secretary) in cases where a company is the applicant. This problem would be greatly reduced if corporate applicants nominated an individual as Agent for each planning application, and quoted the Agent's e-mail address. Applicants should be encouraged by guidance to nominate an individual as Agent in every case.

It should be incumbent on the local planning authority to sent non-validation notices direct to the nominated Agent in person, by the fastest means available (normally by e-mail), otherwise corresponding additional time should be allowed for the applicant to appeal.

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The Welsh Ministers expect LPAs to deal with validation within 3-5 days. Given that validation is predominately an administrative process, there is no reason why PINS cannot turn these appeals around in a similar time, and certainly within 14 days maximum (they should not need 21 days). A quick turnaround by LPAs and PINS would then, in the case of a successful appeal, enable the LPA to carry out consultation/publicity requirements and determine the application within the statutory period.				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of	Yes	Yes	No
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Consultation Reference: WG24900

	the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?		(subject to further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
The LPA should retain the fee until the appeal is determined; thereafter the existing arrangements should apply if the appeal is dismissed, if the applicant does not take the necessary steps to comply with the validation requirements set out in the non-validation notice.

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
Yes, and we would go further. When a decision notice is revised, it should be clear from the notice what the revision(s) made actually were, and from which appeal or Section 73 application (quoting references) the revisions arose from. Each decision notice should include a status log (similar in principle to the log of amendments included in environmental permits) setting out the amending appeal or s.73 application references and summarising the effect of each amending decision including any added, amended or deleted conditions.

A successful Section 73 application should NOT result in a completely new decision notice being issued with different condition numbers, with no reference back to the original decision notice or the original application reference. If decision notices include a clear summary of the case history of the permission, this makes it much easier to confirm the planning history and status of a site when necessary, e.g. when land is sold.

Consultation Reference: WG24900

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The secondary legislation should make clear that the notice has to be displayed during the operational development covered by the planning permission only, (and not while any subsequent use authorised by the permission subsists).				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed: a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We have serious reservations about this proposal as described. Our concern is that a longer period could be agreed in writing between the local planning authority and the consultee which could introduce substantial delay. There				

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appears to be nothing to prevent such a long period being agreed that the LPA could then not determine the application by the due date. Either there should be some provision to prevent this happening, or extensions of time for a discretionary consultee's response should require the agreement of the applicant so that the applicant retains some control over the timescales for processing its application.

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

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7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>We accept that additional time may be required as a result of a post-submission amendment but we do not believe it is appropriate to provide for an automatic 4 week extension. Providing an extra 4 weeks may be helpful in some circumstances but should not be necessary in every case, especially if the amendment is made at an early stage in the determination process, if it is minor in nature or addresses an objection. It would always be open to the LPA to seek a voluntary extension from the applicant if more time were required for proper consultation on the amendment, and a sensible applicant would allow the necessary time: if the applicant refused and the LPA was left with insufficient time to consult on and consider the amendment(s) then that would potentially justify refusal of the application.</p>				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Any fee charged should be no higher than for a minor material amendment to an equivalent development submitted after planning permission has been granted</p>				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to	No

Consultation Reference: WG24900

			further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Fees for minor material amendments should be the same whether the amendment arises before or after the principal application has been determined.				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: But the LPA should be able to require the provision of updated supporting information or studies where those associated with the original application are demonstrably out of date because local circumstances have changed significantly. It should not be necessary to submit updated versions of all supporting studies and information required for the original application.				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

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Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The LPA should be able to require the provision of updated supporting information where necessary for the assessment of the minor material amendment itself. It should not be necessary to submit updated versions of all supporting studies and information required for the original application.</p>				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The general principle should be that the scope of consultation should be appropriate to the scope of the minor material amendment itself, not the development as a whole. It would be appropriate for the Welsh Ministers to issue guidance to LPAs to this effect.</p>				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The general principle should be that the scope of notification should be appropriate to the scope of the minor material amendment itself, not the development as a whole. It would be appropriate for the Welsh Ministers to issue guidance to LPAs to this effect.</p>				

Consultation Reference: WG24900

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The LPA should be able to require the provision of updated supporting information where necessary for the assessment of the effect of the proposed removal or amendment of the condition(s) in question only. It should not be necessary to submit updated versions of all supporting studies and information required for the original application.</p>				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The general principle should be that the scope of consultation should be appropriate to the potential effect of the proposed removal or amendment of the condition(s) in question only. It would be appropriate for the Welsh Ministers to issue guidance to LPAs to this effect.</p>				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The general principle should be that the scope of notification should be appropriate to the potential effect of the proposed removal or amendment of the condition(s) in question only. It would be appropriate for the Welsh Ministers to issue guidance to LPAs to this effect.</p>				

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Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

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Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

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

How to Respond

Please submit your comments in any of the following ways:

Email
<p>Please complete the consultation form and send it to :</p> <p>planconsultations-i@wales.gsi.gov.uk</p> <p>[Please include ‘Secondary Legislation for DM’ in the subject line]</p>
Post
<p>Please complete the consultation form and send it to:</p> <p>Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</p>
Additional information
<p>If you have any queries on this consultation, please</p> <p>Email: planconsultations-i@wales.gsi.gov.uk</p> <p>Telephone: Kristian Morgan on 02920 823360</p>

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Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Matthew Phillips	
Organisation	Wrexham County Borough Council	
Address	Lord Street Wrexham LL11 1LG	
E-mail address	matthew.phillips@wrexham.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>When a condition is varied or replaced via a s96A or via a section 73 decision clarification from Welsh Government will be needed as to whether the revised version of the 'primary' decision notice should include the new version of the condition in addition to the date it was varied. Similarly if a condition is removed, should a new version of the 'primary' decision notice be issued with the relevant condition removed and something to the extent of 'condition removed by application no.@@@ decision date @@.</p> <p>It is also unclear as to what happens when, as a result of a decision to vary a condition, additional conditions are imposed. Would the amended version of the decision notice need to include those conditions, with details to confirm the application details and permission date that resulted in the conditions being added.</p> <p>In addition to the above, when s73 applications are granted currently, it is</p>				

Consultation Reference: WG24900

normal practice for all other conditions imposed on the original planning permission (in so far as they are still relevant and capable of being enforced) are repeated on the s73 decision notice. Will this still be the case, or will the s73 decision notice simply need to refer back to the 'primary' decision notice (as amended).

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Consultation Reference: WG24900

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
	a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unsightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: 6 weeks is considered to be a more reasonable timescale.				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

Comments:

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The only requirement should be to submit an application form and the relevant fee.				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to	No
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Consultation Reference: WG24900

			further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The validation requirements should just require the form, relevant fee and details/plans to show the amendments that the applicant is seeking approval for to be submitted.				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The validation requirements should be just the form, the fee and a supporting statement setting out the reasons why the removal or variation of the condition is sought. In the case of a variation, the applicant should be required to state how they want the condition changed.				

Consultation Reference: WG24900

Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: There should be a different timescales for responding to pre-application enquiries for major developments compared to minor proposals.				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The fees are much lower than those currently charged by Wrexham (see attached fee schedule). We have been operating a successful pre-application service and charging for a number of years with the current fee schedule being in force since 2013. The current level fees do not seem to deter enquiries being submitted and on the whole our customers seem to appreciate the service they receive.

The proposed fee schedule does not accurately take account of the Officer time that is often allocated to enquiries, particularly for those falling within the proposed 'Major Development' and Large Major Development' catagories. In addition to the officer time needed to appraise these types of schemes, officers often have to visit the site and seek internal and external advice (e.g. Highways, NRW) in order to provide a comprehensive response. The work involved is often close to the workload involved in processing an application.

Because pre-application advice is currently discretionary, there is no requirement for LPAs to resource a pre-application service with regards to case officer time, technical staff and administration staff. Whilst we do currently provide a service, the priority of case officer, techincal staff and adminsitration staff is dealing with an processing formal planning applications.

With the service being made statutory it will have to be given greater priority and will need to be resourced. It is doubtful that this will be possible based on the level of fees proposed.

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

The benefits of applicants seeking pre-application advice is not disputed. However the concern is that it is overly prescriptive to provide a national requirements with regards to the details prospective applicants have to provide and the details LPAs have to include in their responses.

In addition to the concerns regarding the ability for LPAs to resource a statutory

Consultation Reference: WG24900

pre-application service, there are concerns that the amount of information required will prove costly for smaller developers to provide - particularly those seeking advice on minor commercial developments. A large proportion of the non-householder enquiries we receive are owners/tenants of small commercial sites seeking confirmation of the permitted use of a premises, whether planning permission for changes of use is needed, advice on minor extensions/alterations and signage proposals.

The amount of information required from prospective developers and the details provided in a response should be left to individual LPA discretion.

Q22

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

Comments:

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

How to Respond

Please submit your comments in any of the following ways:

Email

Please complete the consultation form and send it to :

planconsultations-i@wales.gsi.gov.uk

[Please include '**Secondary Legislation for DM**' in the subject line]

Post

Please complete the consultation form and send it to:

**Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Consultation Reference: WG24900

Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Jonathan Parsons	
Organisation	Bridgend Country Borough Council	
Address	Civic Offices Angel Street Bridgend CF31 4WB	
E-mail address	planning@bridgend.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Is it necessary and could criteria d) & e) be merged?				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Information required under a local list (Circ 002/2012). If applicable, a copy of the pre-application response if non-validation relates to an issue outlined at the pre-application stage.				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: 7 days should be sufficient in the interests of expediency.				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: A period of 7 days is reasonable. There is concern over the impact on determination times if an application is subsequently found to be valid and the start date is backdated.				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Providing the fee is correct.				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: This could lead to multiple decision notices for the same development and confusion for developers and members of the public purchasing properties. All decision notices should include a rider that there may be subsequent approvals and to check with the LPA. Any revised scheme requiring the separate grant of consent should result in a new decision notice. A note could refer back to any other consent. It is considered that the proposal would not add any material value to the determination process.				

Consultation Reference: WG24900

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Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: For the reasons referred to above.				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: There is concern as to how this requirement would be enforced and the value it would add to the planning process as those members of the public who have engaged would already be aware of the decision? Would this mean that LPA's no longer need to notify objectors of the outcome of an application?				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an	Yes	Yes	No

Consultation Reference: WG24900

	application subject to consultation until any of the following periods have elapsed: a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?		(subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

This may be at odds with other WG legislation whereby Local Planning Authorities are now under pressure to determine applications within set time frames or risk having to refund the fee. It may not be possible to wait for a substantive response resulting in decisions that may not reflect relevant concerns from consultees. The proposal does not take into account operational pressures experienced by consultees, who may not, for valid reasons, be able to comply with deadlines.

Notwithstanding the proposed Section 100A, it is questionable whether the Welsh Ministers will be able to exert any effective control over the consultees.

How is WG going to 'police' this process or will there be further administrative burdens placed on LPA's to do so?

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Is there a definition of "urgent crown development"?

There may be relevant and material information arising from a consultation response. How can the Welsh Ministers ensure that all matters have been adequately taken into consideration?

Consultation Reference: WG24900

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unsightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: A planning inspector is considered to be better qualified to assess the issues in such cases.				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Why can't existing appeal timetables be used to avoid confusion?				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Should this apply to all applications?				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications	Yes	Yes	No
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Consultation Reference: WG24900

	which have yet to be determined?		(subject to further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

This may put off developers from negotiating with LPA's as there may be many iterations of a scheme before final determination.

Some amendments are very minor. How would this process lead to a more efficient determination?

There would be added administrative burdens of processing fees.

Should this be linked back to initial pre-application advice and only be applied if the amendments were not requested by the LPA?

Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Should the fee be proportionate to the amendment, which may require further consultation and specialist advice?

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The renewal should reflect changes to site circumstances, policy and regulations etc.

Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal	Yes	Yes	No
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Consultation Reference: WG24900

	application?		(subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: See Q15 (i).				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

Comments:

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: DAS are not always necessary and do not add any value e.g. variation to opening hours condition.				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee	Yes	Yes (subject to further comment)	No
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Consultation Reference: WG24900

cost?		comment)	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				
Are the timescales realistic?				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
The fees schedule appears to be quite low, the householder fee of £25 would not cover the Officer time and the processing of the payment. Is it intended that the base level fee for householder development would cover a simple PD or not enquiry or is the LPA expected to offer an opinion as to the likelihood of planning permission being granted?				
Are the fees minimum amounts?				
Do the fees cover meetings or just written advice?				
Is there evidence to justify these figures?				
Is there any link to planning application fees?				
Will the fees be regularly reviewed?				
Is there any barrier for individual LPA's to charge higher fees and what action will be taken if they do?				

Consultation Reference: WG24900

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>There is concern that the cost of providing planning advice will vary considerably between LPA's. This raises the issue as to whether it is fair to introduce a standard fee across Wales?</p> <p>There is also concern that there is no evidence to justify the fee levels as suggested.</p>				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
<p>Comments:</p> <p>It is not clear if the new legislation will close the existing loophole that allows applicants to extend the life of a planning application via a letter (referred to in Para 8.6). This was removed in England some time ago.</p> <p>Courts have established that a S.73 consent is effectively a new consent and should include all previous conditions. Will there be guidance issue in this respect? In England the S.73 process cannot be used to extend the time period of a permission and there is a distinct renewal procedure. Is there any reason why this is not proposed in Wales?</p>	

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

How to Respond

Please submit your comments in any of the following ways:

Email
<p>Please complete the consultation form and send it to :</p> <p>planconsultations-i@wales.gsi.gov.uk</p> <p>[Please include 'Secondary Legislation for DM' in the subject line]</p>
Post

Consultation Reference: WG24900

Please complete the consultation form and send it to:

Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	[REDACTED]	
Organisation		
Address		
E-mail address	[REDACTED]	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input checked="" type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Except, as proposed, in exceptional circumstances.				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
	a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: It is not clear whether LPAs or Ministers will be required to notify local 3 rd parties about the appeal, and whether any comments from 3 rd parties will be submitted to the LPA or the Ministers. If they are submitted to LPAs, those comments will need to be taken into consideration in the LPAs appeal statement. 4 weeks is not a sufficient timescale to consult 3 rd parties, receive their comments, and prepare an appeal statement. A 6 week period should therefore be allowed. If 3 rd parties are to be notified of the appeal by the Ministers and comments submitted directly to them, a 4 week period for LPAs to write their appeal statement would seem reasonable.				

Consultation Reference: WG24900

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7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>As minor and household developments often require amendments, which can take some considerable time to be submitted by the applicant, consideration should be given to providing LPAs with an additional 4 weeks to determine all applications that are amended, not only applications for major developments.</p>				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Consideration should also be given to reimbursing the costs of statutory consultees for consideration of the amendments.</p>				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Consultation Reference: WG24900

8.0 Applications that fall within Section 73 of the TCPA 1990**Renewals**

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>In instances where there have been no material changes to the application site and policy context, it would appear unreasonable for validation requirements to be the same as the original application.</p> <p>However, on sites that have physically regenerated with vegetation since permission was granted, or where there were previous records of species - particularly European Protected Species, updated surveys should be undertaken and reports, including mitigation if necessary, submitted with the renewal application. Where an EIA was previously submitted with an application, to satisfy the requirements of European legislation, it would be prudent to require applicants to review the conclusions of the earlier EIA and update it as necessary. The updated review should be submitted with the renewal application.</p> <p>Similarly for applications in proximity to, or that have the potential to impact European nature conservation sites, sufficient updated information should be provided with the application to enable the decision maker to satisfy the requirements of Regulation 61 of the Conservation of Habitat and Species Regulations 2010.</p>				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>See response to Q15(i) above. Subject to guidance being provided to LPAs on some of the issues that may need to be considered when dealing with a renewal application, LPAs should have discretion over consultation requirements for a renewal application.</p>				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No

Consultation Reference: WG24900

		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Please see above comments				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Please see response to Q15(i) above. Although something may be minor when considered in the context of the scheme as a whole, in some instances it might still have a significant impact for the environment, eg the proximity and type of amendment in relation to a protected habitat or species. Although it may not be necessary for validation requirements to be the same for minor material amendment applications as the original application, such applications should be checked against the original application and the issues that it raised to ensure that the amendment does not raise issues that have been amended/ or deleted from a scheme previously, and that the proposal is actually a non material amendment. Where it can be clearly ascertained that the proposal is a non material minor amendment, validation requirements should be left to the discretion of the LPA to take a reasoned approach to validation.				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No

Consultation Reference: WG24900

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Please see comments above re q15 and 16				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Please see comments above re Q15				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Please see comments above re Q15				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be	Yes	Yes (subject to	No
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Consultation Reference: WG24900

	that required to make up the difference in fee cost?		further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
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Consultation Reference: WG24900

Comments:

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

How to Respond**Please submit your comments in any of the following ways:****Email**

Please complete the consultation form and send it to :

planconsultations-i@wales.gsi.gov.uk

[Please include 'Secondary Legislation for DM' in the subject line]

Post

Please complete the consultation form and send it to:

Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email: planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	GLYN P. JONES	
Organisation	FLINTSHIRE COUNTY COUNCIL	
Address	COUNTY HALL MOLD CH7 6NA	
E-mail address		
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Yes, but the criteria could be clearer. a) and b) are fine but d), e) and f) seem to be only applicable to c) ?

What are the "requirements" referred to in criterion d) ? (Section 62 would not cover this type of application). It is difficult to imagine the circumstances under which an application to 'discharge' a condition would be made invalid, rather than just refused as the information provided does not satisfy the condition

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

As above

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Ideally this could be done within a week but the reality of difficulty of contact, leave, etc. means that 14 days is more equitable.

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It is not clear if the appeal will be decided by an Inspector or by a WG officer (as it is essentially an administrative function). Either way it is a straightforward process and could really be undertaken within a shorter period.				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: We do not agree that a decision notice should be revised in the way suggested. We welcome the introduction in Section 33 of the condition specifying compliance with the plans and documents, which explicitly become part of the permission (This has always been the practice in Flintshire).				

Consultation Reference: WG24900

The provisions proposed in the new S.71 ZA are not at all clear. It is accepted in law that under a S.73 application a new planning permission is established, containing all of the conditions on the original permission which are not changed, with the deletion or variation of any other conditions which are the subject of the S.73 application.

What it does not necessarily do is supersede the original permission. The developer effectively has a choice over which permission to implement and where aspects of the development are common to both permissions this choice can in reality be delayed as the development progresses (which raises other issues relating to the proposed notification of the commencement of development).

If it is proposed that this principle is now to be applied to applications which seek to satisfy conditions imposed on a planning permission, there could effectively be a different planning permission every few days over a period of months, particularly when it is considered that some conditions are not capable of being fully discharged (e.g. where they are prohibitive of something or require retention for the duration of the development). The confusion which would arise is difficult to imagine, not least to interested members of the public.

What is wrong with the current system of setting up under the parent file (the main permission) a series of applications which would address each of the conditions as they arise, be this pre-commencement or much later during the course of the development. Providing that these are linked to the main permission they can be read in its context and provide a robust record of how the controls over the development are being addressed as it progresses - much clearer for all concerned !

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: As above				

Consultation Reference: WG24900

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The problems identified in our response to Q6 above are to a large extent epitomised and highlighted through the requirement to display the planning permission "at or near the development site".

The first issue is that under S.33 the permission includes all plans, documents and specifications which describe and illustrate the development, and which are referred to in condition(s). These therefore would have to be displayed at a point where they would not only be visible from a public place but one which would allow appropriate scrutiny and interpretation of the documentation.

The scenario conjured up is of images of fencing around development sites festooned with tens of multi coloured A0 scale plans along with various reports and statements, perhaps hanging like ripe fruits off a convenient bush or tree. Alternatively, the structures required to support such a display would be likely to need planning permission or Advertisement Consent in their own right; which one would be appropriate would no doubt follow lengthy deliberation on the part of planning lawyers, some of whom would in time come to specialise in this whole new planning (mine)field.

The second issue is that under the new proposals the "permission" could change frequently over a period of time as the development progresses. Not only does this exacerbate the first issue but it raises questions over the practicalities of enforcing this requirement.

If the developer fails to update any of the details displayed or there is (perhaps for a legitimate reason) a lapse in displaying updated information what is the recourse? Do the LPA's send enforcement officers to check the information displayed on a regular basis? Where is the expediency of enforcement action or, even worse, prosecution ?

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an	Yes		No
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Consultation Reference: WG24900

	application subject to consultation until any of the following periods have elapsed: a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?		Yes (subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No, this is far less complex than an enforcement appeal. Under S.217 the appeal would be limited to a subjective judgement as to whether or not the condition of the land affects amenity (based on a planning appraisal) or whether the condition of the land is the result of a lawful development (akin to S191). Neither of these would normally warrant the formal approach which is associated with most enforcement appeals.				

Consultation Reference: WG24900

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Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>But see above. The issues to be addressed would not normally warrant anything other than written representations, so the corresponding procedure for planning appeals could be adopted</p>				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Why shouldn't this principle apply to all applications (not simply 'majors'), although it should also be recognised that not all minor amendments would require any further consultation / publicity.</p> <p>This should not affect the LPA's ability to agree an extension of time for any other reason within the processing of the application</p>				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No

Consultation Reference: WG24900

		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It is significant that the narrative within the consultation document envisages that this fee "recoups the cost involved" - it won't in most cases! However, if the application was withdrawn to allow resubmission there would be no fee in some cases, so applying the principles of non-material amendments seems sensible				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: See above				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Any documentation originally submitted may have a short shelf-life and would need to be updated on a S. 73 application, which could be submitted up to five years after the original permission. The LPA should have some discretion with regard to the validation requirements, to fit the circumstances				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No, otherwise it may as well be dealt with as a new planning application (which is what should be required if the changes amounted to more than 'minor')				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: As above - (response to Q 16i)				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No, if a change constitutes more than a non-material amendment then it should be treated as a new application for an amended version of that development				

Consultation Reference: WG24900

(e.g. different layout on a housing proposal). If it falls within 12 months of the original decision it would not command a fee in any case

In this context S.73 can only apply if it refers to the condition which states that the development must be carried out in accordance with the approved details. We have always been wary of this approach because on face value a completely different proposal for the same development could be submitted providing that the red line remains the same. Clearly such a scenario should command a new planning application and it is therefore safer to adopt this approach with any change that can not be termed as 'minor non-material' S.73 should concern itself with changes in opening hours and the like, which do not go to the heart of the development.

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The consultation on 'Frontloading the Development Management system' presented the introduction of fees for pre-app advice in a context of covering costs. These proposals do not come anywhere close to that. With regard to this point, Flintshire's response to the 'Frontloading' consultation bears repeating here : " Flintshire, in line with most Authorities across Wales, already offer successful pre-application advice services which generally suit local circumstances and are geared to the type of development proposed. What this consultation proposes is that all LPAs should offer this service and that there is a minimum service offered. It will remain the fact that LPA's can choose to offer additional features should they wish to do so. It should not necessarily be a 'one-size fits all' approach". The throwaway statement in the current consultation that "charges vary across				

Consultation Reference: WG24900

Wales" totally misses the point that the amount of information given also varies and a factor in this will be the amount of time and resource which goes into the provision of the advice. This has to be recognised in the fee received, otherwise the resources cannot be justified and the advantages of pre-application advice set out in 'Frontloading' will not be realised.

Since the introduction of fees for pre-app advice in July Flintshire's has grasped the positives painted in 'Frontloading' and provides a full and detailed response commensurate with the nature of the enquiry. By way of illustration I have attached a copy of advice recently given to a major developer (which I would ask you to treat confidentially - not to be published with our response).

Although early days we believe that this approach has been appreciated by developers and we have had no complaint about the fee paid (in respect of major developments like the one above, or in respect of householder developments at the other end of the scale) as long as we are consistent and the information provided is useful in allowing a decision to be made as to whether or not to proceed with a planning application, the information they will need to submit and the likely issues to be encountered.

This approach is in complete accordance with the advice in 'Frontloading' and in order to continue with this practice we will need to be allowed to charge a fee which goes a reasonable way towards cost recovery.

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

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

Consultation Reference: WG24900

How to Respond

Please submit your comments in any of the following ways:

Email
<p>Please complete the consultation form and send it to :</p> <p>planconsultations-i@wales.gsi.gov.uk</p> <p>[Please include 'Secondary Legislation for DM' in the subject line]</p>
Post
<p>Please complete the consultation form and send it to:</p> <p>Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</p>
Additional information
<p>If you have any queries on this consultation, please</p> <p>Email: planconsultations-i@wales.gsi.gov.uk</p> <p>Telephone: Kristian Morgan on 02920 823360</p>

PRE- PLANNING APPLICATION ADVICE REPORT

Ref No: 054089 **Case Officer:** Mr A Wells

Proposal: Pre-Application Advice - Proposed Residential Development

Location: Land at Chester Road, Penymynydd

Applicant: Redrow Group Services Ltd

Agent: Mathew Tudor-Owen

Date Received: 29/07/2015

Constraints identified

- Located outside the settlement boundary of Penymynydd/Penyffordd within the Flintshire Unitary Development Plan within open countryside.
 - Pond on the eastern boundary. Mature overgrown hedgerows.
 - Numerous hedgerow oaks on the site's northern half.
 - Potential for a variety of protected species, Great Crested Newts, badgers, bats, breeding birds.
 - Site is within 500 m of known Great Crested Newts breeding ponds (White Lion development immediately to the north of the site) – potential for Great Crested Newts to be present on this site, since it provides suitable terrestrial habitat.
 - Public Footpath 8 crosses the site (as shown on sketch layout).
 - Public Bridleway 24 abuts the site (northern boundary).
 - Residential properties lie upon the western boundary.
 - Agricultural land classification map indicates the site as being within an area of Grade 3 Agricultural Land.
-

Site History

02/12/00213 – Renewal of planning permission ref: 97/12/00419 – To allow re-establishment and extension of dwelling in former farmhouse – Granted 7th May 2002.

97/12/00419 – Proposed re-establishment and extension of dwelling in former farmhouse – Granted 10th June 1997.

4/12/24761 – Change of use of building last used for agricultural storage to a dwelling and erection of extension – Granted 9th February 1996.

197/72 – Outline application for erection of dwellings – Refused 3rd March 1972.

136/64 – Outline application for erection of dwellings – Refused 28th April 1964.

Relevant Policies

Flintshire Unitary Development Plan

STR1 – New Development.

STR2 – Transport & Communications.

STR4 – Housing.

STR7 – Natural Environment.

STR11 – Sport, Leisure & Recreation.

GEN1 – General Requirements for Development.

GEN3 – Development in the Open Countryside.

GEN5 – Environmental Assessment.

D1 – Design Quality, Location & Layout.

D2 – Design.

D3 – Landscaping.

D4 – Outdoor Lighting.

TWH1 – Development Affecting Trees & Woodlands.

TWH2 – Protection of Hedgerows.

L1 – Landscape Character.

WB1 – Species Protection.

AC2 – Pedestrian Provision & Basic Rights of Way.

AC13 – Access & Traffic Impact.

HSG4 – New Dwellings Outside Settlement Boundaries.

HSG8 – Density of Development.

HSG9 – Housing Mix & Type.

SR5 – Outdoor Playing Space & New Residential Development.

EWP12 – Pollution.

EWP13 – Nuisance.

EWP16 – Water Resources.

EWP17 – Flood Risk.

IMP1 – Planning Conditions & Planning Obligations.

Local Planning Guidance Note No. 2 – Space Around Dwellings.

Local Planning Guidance Note No. 3 – Landscaping.

Local Planning Guidance Note No. 4 – Trees & Development.

Local Planning Guidance Note No. 8 – Nature Conservation & Development.

Local Planning Guidance Note No. 9 – Affordable Housing.

Local Planning Guidance Note No. 10 – New Housing in the Open Countryside.

Local Planning Guidance Note No. 13 – Open Space Requirements.

Local Planning Guidance Note No. 22 – Planning Obligations.

Adopted Supplementary Planning Guidance – Developer Contributions to Education.

National Planning Policy

Planning Policy Wales (Edition 7, July 2014).

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015).

Technical Advice Note (TAN) 2: Planning & Affordable Housing (2006).

Technical Advice Note (TAN) 5: Nature Conservation & Planning (2009).

Technical Advice Note (TAN) 12: Design (2014).

Technical Advice Note 16: Sport, Recreation & Open Space (2009) (2009).

Technical Advice Notice (TAN) 18: Transport (2007).

Consultation & Responses

Local Highway Authority

Has a number of concerns related to this proposal sufficient to justify a recommendation of refusal had it been submitted as an application.

My main concern involves the proposed access to the site. Chester Road past the site is subject only to the national speed limit and appropriate visibility requirements are 215 metres. Due to the vertical and horizontal alignments of the road, junction visibility is limited to approximately 2.4x110m to the left and 2.4x130 right. Downhill forward visibility is restricted to approximately 130m; this is particularly pertinent when considering right turning vehicles into the site. It would be unusual for a development of this size to be served from a simple T junction and a ghost island with right turning lane may be more appropriate; this would be confirmed by a capacity analysis.

The proposals indicate a single point of vehicular access; in the past this would have been considered unsatisfactory however since the introduction of Manual For Streets, the view of the emergency services should to be sought. Any vehicle travelling north from the site would have the choice of two routes either the Chester Road or Old Hope Road access onto the A5104; both of these junctions have sub-standard visibility and an associated accident history.

Pedestrian and cycle access appears poor; the only off-site link being the existing public footpath. There is little connectivity to the bridleway running along the northern boundary and there is no existing footway along Chester Road; the site appears remote from the facilities available within the village. The main spine road provides the only connectivity within the development.

Alignment of the driveway to plot 206 appears awkward and is likely to lead to drivers reverse turning within the road in close proximity to the main access (drive alignments on plots 42,43 and 109 have similar alignment issues). Corner radii at the cross road junction between plots 6, 29, 185 and 196 appear tight and should be designed to incorporate the turning movements of a 11.5m refuse freighter. Plots 159-167 and 174-178 appear to be accessed from a public square, careful consideration needs to be given to the layout and materials used within this area;

adequate width or a turning area needs to be incorporated for the refuse freighter. Plots 168-173 are served from a cul-de-sac (private drive or to be dedicated as highway?) that is not provided with turning facilities; the reversing distance appears excessive. Plots 71-78, 79-86 and 141-145 appear to be served from private parking courts; provision needs to be made for kerbside refuse collection or alternatively for the turning of a refuse freighter. Insufficient information has been provided to enable any comment on the adequacy of parking provision.

If the above issues can be addressed, any future application should be supported by a full transport assessment and residential travel plan.

Local Authority Pollution Control

No concerns regarding noise nuisance on proposed occupiers of the development. Land may be contaminated.

Local Authority Drainage

There is no indication of how surface water management will be addressed at this stage. However, on the basis that a site layout has been provided (and given the potential implications of surface water on the design and layout of the roads, buildings, public open spaces etc.) we would assume that the applicant has already considered this matter in some detail.

Standard requirements are summarised on the attached note. In order to provide feedback recommended that the Applicant complete the Proforma A - *Indicative Drainage Proposal* provided in the guidance note. This will allow the confirmation that the proposed approach to surface water management is feasible and that the detailed design could be covered by way of a planning condition. The earlier it can be determined that the drainage proposals are viable the less chance of delay, wasted effort and costs for all parties involved.

FCC Public Open Spaces Manager

Given the proposed scale of development, would of preferred more time to assess the impact the development would have for POS in the community.

However the starting point would be to refer to the Councils Planning Guidance Policy, Local Planning Guidance Note No 13, (LPGN 13) Open Space Requirements.

Given that there is currently a deficiency of outdoor adult and youth provision in the community of some 5 hectares, any additional development without providing sufficient POS would have a very detrimental impact on the communities recreation needs LPGN13.

POS provision that should be provided for a is size development of this size this should comprise of:

- 12320 meters of equipped and free play space.
- Sports facility such as a Multi-Use Games Area.
- A senior size football ground, with changing and car parking facilities.

Based on the information received with this pre app enquiry, it does not appear that the developer has taken into account any of the guidance as set out in LPDN13

Local Education Authority

SCHOOLS AFFECTED: PRIMARY

School: Penyffordd C.P. School

Current NOR (@ Jan 2015) 236 (excluding Nursery)

Capacity (@ Jan 2015) 259 (excluding Nursery)

No. Surplus Places: 23

Percentage of Surplus Places: 8.88%

SCHOOLS AFFECTED SECONDARY

School: Castell Alun

Current NOR (@Jan 2015) is 1359

Capacity (@ Jan 2015) is 1240

No. Surplus Places is -119

Percentage of Surplus Places is: -9.60%

EXCEPTIONS

The exceptions to the provision of school places will be the following type of residential development from which planning authorities will not seek contributions:

Housing specifically designed for occupation by elderly persons (i.e. restricted by planning condition or agreement to occupation by those over aged 55 years or more).

1 bed dwellings or 1 bed apartments or flats.

Formula

The figures are arrived at from a combination of formula application and practical experience, informed by sufficiency criteria.

The formula reads:

Primary School Pupils

School capacity $259 \times 5\% = 12.95$ (13)
Trigger point for contributions is 246 pupils

(No. of units) 220×0.24 (primary formula multiplier) = 52.8 (53 No. of pupils generated) $\times \pounds 12,257$ per pupil (Building Cost multiplier) = $\pounds 649,621$

Actual pupils $236 + 53$ (from the multiplier) = 289

$289 - 246$ (trigger) = 43

$43 \times 12,257 = 527,051$

Secondary School Pupils

School capacity of $1240 \times 5\% = 62$ (rounded up or down)
Trigger point for contributions is 1178 pupils

$220 \times \text{units} \times 0.174$ (secondary formula multiplier) = 38.28 (38 No. of pupils)
 $X \times \pounds 18,469$ per pupil (Building Cost multiplier) = **$\pounds 701,822$**

Actual pupils $1359 + 38 = 1397$ (meets trigger of 1178)

$1178 - 1397 = -181$

NOTE: The Primary and Secondary formula multipliers are used by other Welsh local Authorities, and provide a reliable and demonstrated weighted for education contribution calculations.

Conclusion

Primary – Penyffordd C.P. School meets trigger, and so it is our intention to seek a Section 106 contribution. Of $\pounds 527,051$

Secondary – Castell Alun High School – meets the trigger, and so it is our intention to seek a Section 106 contribution of $\pounds 701,822$ and will be used as a contribution towards bringing specialist teaching accommodation up to Building Bulletin standards.

FCC Ecologist

From the 2009 Aerial photograph, the majority of the site appears to be improved or semi-improved agricultural grassland with overgrown hedgerows and a pond on the eastern boundary. The hedgerows and pond are likely to be of interest in their own right but there is also potential for a variety of protected species, GCN, Badgers, Bats, Breeding birds etc. and any application should be accompanied by appropriate ecological surveys. In addition the surveys should help to inform the proposed layout.

In addition, the site is within 500m of known GCN breeding ponds (White Lion development immediately to the north of the site) so there is potential for great crested newts to be present on this site since it provides suitable terrestrial habitat. While the White Lion development involved mitigation in the form of ponds and meadow habitat that was purely to mitigate for that development. This proposal will involve further loss of terrestrial habitat and will also require mitigation.



Mitigation proposals will need to include Reasonable avoidance measures, habitat enhancement and long term management and monitoring that enables the population to survive in the long term without isolation.

FCC Forestry Officer

As previously discussed have had a look at this site which contains numerous hedgerow oaks on the site's northern half.

Currently there are no TPOs affecting the trees however the Felling Licence controls would apply on agricultural land.

It is not clear whether the sketch scheme has been informed by a BS tree survey which must accompany any detailed application for development. In particular any proposed layout must have regard to paragraph 5.3.4 of BS5837 concerning shading, proximity to structures and pressure for removal.

The oaks adjacent to the bridleway at the northern end of the site will provide a useful screen between the properties and public right of way. The slightly raised position of these trees also makes them more prominent in the landscape.

Where possible the layout of the development should be designed around BS 'Category A' trees so that the trees become a focal point on open spaces, road junctions or the head of cul-de-sacs.

The hedges are also an important linear feature and will need to be integrated into any development with their spreads' accurately plotted and allowance made for this into gardens. Boundary fences should be avoided in favour of the sympathetic management of the hedgerows.

Not opposed to the land being brought forward as a residential site but consider that the many trees will act as a constraint on the land which needs to be acknowledged at the beginning of the development process, along with the hedges and other ecological constraints.

FCC Planning Policy

The site is located outside but adjacent to the settlement boundary in the adopted UDP. Although the UDP Plan period is due to time-expire at the end of 2015, it will still remain the development plan until the LDP is adopted and will therefore continue to be afforded weight, subject to its policies and proposals remaining in general conformity with guidance in PPW/TAN's (unless there are revisions to the Planning Bill / legislation the effect of which would be that the UDP would cease to have status).

The application is justified primarily on the basis that the Council does not have a 5 year housing land supply and that TAN1 identifies the need in such circumstances to attach considerable weight to increasing housing land supply. The site is considered to be in a sustainable location given the nearby facilities and services and proximity to public transport.

It is acknowledged that, on the basis of the residual method of calculating housing land supply, the Council has a 3.7 year supply as at April 2014 which represents a slight decrease from the previous figure of 4.1 years. In the light of guidance in PPW and TAN1 it is accepted that there is a need to increase land supply through considering applications for appropriate sustainable development. This is not to say that any site can be justified purely on the basis of a deficiency in housing land supply. Rather, it is for such sites to be demonstrated as being sustainable, viable and deliverable.

The Agent also considers that the UDP may have expired and highlights the implications of this in PPW which points to decreasing weight being given to them in favour of other material considerations such as national planning policy.

As set out above, the UDP is not yet time expired and will not be such until the end of the year. Even then, it will still remain the 'development plan' for the purposes of decision making (section 38(6) of the 2004 Act refers). Much of the UDP is still in line with the national planning guidance in PPW and should therefore be accorded significant weight. The Inspector was satisfied that the Plan made adequate provision for housing either as a result of allocations, existing supply or allowances for windfalls for the Plan to cover the Plan period. Far from being constrained, there is a considerable land bank of allocations and commitments at present. However, because of low levels of house building due mainly to the economic downturn, the Council has been unable to demonstrate a 5 year housing land supply based on the residual method of calculation, as it is not possible for the 'residual' housing need to be physically built out in the remaining Plan period. The past completions method of calculation, which provides an indication of developer performance) shows a much healthier land supply figure.

UDP

The application site was considered as part of the preparation of the UDP, being an 'omission site'. It was one of several sites considered by the Inspector alongside the two proposed allocated sites. Overall, the Inspector commented *'Penyffordd & Penymynydd is a category B settlement with an indicative growth band of 8–15 %. It is one of the larger settlements in this category and it is appropriate that it makes provision for a portion of the housing needs. In my view it would not be reasonable to ignore migration with other authorities given Flintshire's attractive border location and relative economic prosperity'*. The Inspector went on to add *'Completions, commitments and the allocations result in growth of some 23%. Planning permission has been granted on appeal for housing development at the former Meadowslea Hospital site. This development would increase growth to 25%. Whilst this is above the indicative growth band, bearing in mind the location and accessibility to facilities and services in the settlement and nearby, I do not consider this level is unreasonable. Some objections assert that the village facilities are inadequate to serve the additional population. However, during my visit I saw a reasonable range of shops and community facilities. Whilst I have no doubt many would like to see more facilities and services in town and villages I do not find the settlement is poorly provided with facilities in the Flintshire context'*.

When looking at the omission sites the Inspector commented *'Penyffordd & Penymynydd is a category B settlement with an indicative growth band of 8 -15%. Completions, commitments and allocations would result in growth of 23% which is well above the indicative band. For the reasons given in HGS1 (51) and HSG1 (52) I support this level of growth. In my conclusions to STR4 in Chapter 3, I find the plan*

provides a sufficient supply of land to meet the identified overall housing need. Since the plan was issued planning permission for housing has been granted at the former Meadowslea Hospital site. This increases growth to 25%. It is on this basis that I consider the objection sites'.

In looking at the site the Inspector commented '22 – *This large area of land could accommodate over 190 dwellings and would result in an unacceptable level of growth contrary to the plan's sustainable principles. The land is outside the defined settlement boundary and would result in an excessive incursion into the countryside. There is no need or justification to allocate this land'.*

Consideration

The Council accepts that it does not have a 5 year housing land supply based on the residual method of calculation. Furthermore, due to the revisions to TAN1, the Council accepts that it will not have a 5 year housing land supply going forward as i) the Council will be unable to formally revert back to a past completions method of calculation and ii) once the UDP is time expired it will be prevented from undertaking a formal Joint Housing Land Availability Study until it adopts the LDP.

In these circumstance, advice contained in para 6.2 of TAN1 is that '*The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications **provided that the development would otherwise comply with development plan and national planning policies***'[my emphasis]. Further guidance is contained in para 9.2.3 of PPW that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan'.* This paragraph then goes on to explain what constitutes '*genuinely available*' and this is defined as '*...sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live*'.

It is clear from national planning guidance that considerable weight should be attached to the lack of a 5 year housing land as a material planning consideration. Furthermore, decisions must also be made in the context of the Welsh Governments '*presumption in favour of sustainable development*'.

The site lies on the edge of one of the largest category B settlements. Although the growth rate was well in excess of the 15% upper limit for a category B settlement, the Inspector considered this was acceptable on account of its size, facilities and services and accessibility to nearby settlements. The site is located on the edge of the settlement, in close proximity to bus services, a train station and other village

facilities and services as well as nearby employment centres. Although the Inspector did not consider the need for further (even modest) allocations over the Plan period, she did not go so far as to say that they would be unsustainable. As at April 2014 the level of growth in the settlement was 27% (assuming both the allocated sites would be built out – which they have not) and the addition of the Rhos Road site and this proposed site would increase this to approx. 46% growth. The monitoring of growth over the 15 year UDP period has now ended for the purposes of HSG3 and in effect we are now entering a new monitoring period as part of the LDP Plan period. However it is looked at though, this represents a considerable growth rate over a relatively short period and arguments could be put forward that the settlement should be given time to recover. However, in commenting on other settlements, the UDP Inspector did not agree that this was the case, particularly where development has been approved as being sustainable development. In broad terms, the settlement is a sustainable location to accommodate growth given its services and facilities and accessibility. There will no doubt be pressure on dentists and doctors surgeries and the like, but these are the responsibility of other service providers to monitor and adjust service provision where necessary. It is difficult to evidence at what point a settlement is harmed by a level of growth, particularly where it does not have any recognisable character or core or where it does not have any insurmountable physical or environmental constraints, as is the case here. Provided that the capacity existed in local schools (or that spare capacity can be provided) then it would be difficult to argue that an additional 200 plus dwellings is unsustainable or harmful to the character and function of the settlement.

The next consideration is whether the site is deliverable in terms of viability and certainty. This must be looked at in the context of the fact that there is a point in time 'window' whereby appropriate and sustainable sites can come forward to address the present housing land deficit. The enquiry has come forward from Redrow who have a track record in delivering sites in Northop, Buckley and Penymynydd. Given their knowledge of the local market I would expect to see some form of market assessment to demonstrate that there is a local market for a further phase of house building, given the White Lion and Wood Lane Farm developments (and a potential site at Rhos Road) i.e. have these developments 'mopped' up the market demand in this locality. This is a key consideration in demonstrating that the site can come forward within 5 years and not just represent supply on paper. The preference would be for a detailed application as this will allow for a more comprehensive assessment of deliverability and viability. In terms of the latter, I would expect evidence will need to be provided to demonstrating viability particularly in terms of meeting all policy / infrastructure requirements / obligations. Given the particular circumstances that the Council finds itself in I consider that a site should be capable of coming forward immediately and in this context I would expect any planning permission to be commenced on site within 2 years. Such a condition was attached to the Ewloe appeal decision referred to by the agent with the Inspector stating '*Given the pressing need to address the lack of a 5-year housing supply, I agree that it would be appropriate to require commencement within 2 years rather than the default 5 years*'.'

Landscape - The Inspector recommended favourably in respect of the allocation of two housing sites and one of these, at the former White Lion site, to the north west of the site, involved the eastwards extension of the settlement. The Inspector commented '*The allocation is adjacent to part of the built up area and I do not consider it is poorly related to the existing settlement pattern. The adjacent countryside is not identified as being of landscape value and the existing hedgerows form a firm eastern boundary. The allocation is not a major and damaging incursion into the countryside that compromises the essential setting of the settlement*'.

It is evident that in the light of the Plans provision for housing as a whole and for the settlement of Penyffordd/Penymynydd, the Inspector considered the level of housing provision was sufficient without the need for further allocations. The Inspector's comments on the omission site (on this site) are not clear as to whether her reference to '*excessive incursion into the countryside*' is made in the context of the site being considered in its own right or whether it is excessive because of the existence of the two allocations extending into open countryside.

Although on plan form the site appears to represent a logical extension to the urban area, it does extent built development further eastwards than the line of the built development at the White Lion site. In view of this and taking into account the Inspectors comments, there is a need for the application to be accompanied by a landscape assessment to assess the impact on the wider landscape and the setting of the settlement

Agricultural Land - The Agricultural Land Classification Map indicates the site as being within an area of grade 3 agricultural land. In order to establish whether the site falls within best and most versatile agricultural land (grade 3a or above) it is necessary to undertake on site investigative work. The agent should undertake the necessary survey work and the methodology used should be the subject of consultation with Welsh Government. This was assessed by the Inspector in the Ewloe appeal decision.

Education – To seek comments from education in this respect.

Infrastructure - I understand that Welsh Water have objected to the application at Rhos Road and there may also be issues with this site, given the scale of development.

Affordable Housing - The policy requirements on all sites over 1ha or 25 dwellings are required to provide 30% affordable housing by virtue of HSG10. I am not aware what the present position is with the Council's affordable Housing Register given that the two allocated sites may have mopped up local needs to a degree. Consultation should therefore be undertaken with the Housing Strategy Section. I am aware that in a number of circumstances gifted units have been secured and this may be appropriate in this instance.

Conclusion

The proposal is clearly contrary to the development plan and is of a substantial size in a settlement that has already seen considerable growth over the UDP Plan period. It is necessary though to establish whether there are material considerations e.g. the lack of a 5 year housing land supply which would outweigh the development plan policies. It needs to be established that the development proposed is sustainable and will make a contribution to housing land supply and delivery but this this can only be done once we have further information on:

- The viability and deliverability of the site, having regard to the need for affordable housing, education and any other necessary infrastructure based planning obligations
- An appraisal of the Inspectors comments relating to built development extending into open countryside
- Clarification as to whether the site represents best and most versatile agricultural land and the weight to be attached to this in the overall balance.

FCC Housing

Supportive but would need the full 30% affordable housing provision across the whole development, as it's outside the settlement boundary for the purpose of the UDP. Given the predominance of equity share already available in Broughton (67 units) and Help to Buy Wales, preference would be for gifted units to meet the affordable requirement on this development should permission be granted.

Rights of Way

Public Footpath 8 crosses the site. Public Bridleway 24 abuts the site.

The applicant must contact the Rights of Way Section before proceeding with any works. The legally defined public right of way must be marked out in strict accordance with the definitive map and with the prior approval of the surveying authority. The surface of the right of way must not be disturbed without lawful permission. The applicant will be required to apply for a Temporary Closure Order for Footpath 8 to protect the public during the construction.

The Agent is advised that these are only the relevant internal Flintshire County Council consultees. Upon submission of a formal application, the LPA are likely to consult also the statutory consultees of the outside bodies of the Clwyd-Powys Archaeological Trust, Natural Resources Wales, Dwr Cymru Welsh Water, Ramblers Association, Airbus and The Coal Authority.

You are advised to contact them for their informal comments before submitting any further application.

Appraisal:

Procedure

The proposals, due their size and location, may require an Environmental Statement to be submitted with any planning application under The Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 (As Amended). You are therefore advised to submit a Screening Opinion to the Local Planning Authority prior to the submission of a planning application.

Main Planning Issues

Principle of Development

The site is located outside but adjacent to the settlement boundary in the adopted UDP. Although the UDP Plan period is due to time-expire at the end of 2015, it will still remain the development plan until the LDP is adopted and will therefore continue to be afforded weight, subject to its policies and proposals remaining in general conformity with guidance in PPW/TAN's (unless there are revisions to the Planning Bill / legislation the effect of which would be that the UDP would cease to have status).

This application is justified primarily on the basis that the Council does not have a 5 year housing land supply and that TAN1 identifies the need in such circumstances to attach considerable weight to increasing housing land supply. The site is considered to be in a sustainable location given the nearby facilities and services and proximity to public transport.

It is acknowledged that, on the basis of the residual method of calculating housing land supply, the Council has a 3.7 year supply as at April 2014 (based on PINS letter and agreement by Welsh Government which is being challenged by the LPA but as yet to be formally published) which represents a slight decrease from the previous figure of 4.1 years. In the light of guidance in PPW and TAN1 it is accepted that there is a need to increase land supply through considering applications for appropriate sustainable development. This is not to say that any site can be justified purely on the basis of a deficiency in housing land supply. Rather, it is for such sites to be demonstrated as being sustainable, viable and deliverable.

You consider that the UDP may have expired and highlights the implications of this in PPW which points to decreasing weight being given to them in favour of other material considerations such as national planning policy.

As set out above, the UDP is not yet time expired and will not be such until the end of the year. Even then, it will still remain the 'development plan' for the purposes of decision making (section 38(6) of the 2004 Act refers). Much of the UDP is still in line with the national planning guidance in PPW and should therefore be accorded significant weight. The Inspector was satisfied that the Plan made adequate provision for housing either as a result of allocations, existing supply or allowances for windfalls for the Plan to cover the Plan period. Far from being constrained, there is a considerable land bank of allocations and commitments at present. However,

because of low levels of house building due mainly to the economic downturn, the Council has been unable to demonstrate a 5 year housing land supply based on the residual method of calculation, as it is not possible for the 'residual' housing need to be physically built out in the remaining Plan period. The past completions method of calculation, which provides an indication of developer performance) shows a much healthier land supply figure.

The application site was considered as part of the preparation of the UDP, being an 'omission site'. It was one of several sites considered by the Inspector alongside the two proposed allocated sites. Overall, the Inspector commented '*Penyffordd & Penymynydd is a category B settlement with an indicative growth band of 8–15 %. It is one of the larger settlements in this category and it is appropriate that it makes provision for a portion of the housing needs. In my view it would not be reasonable to ignore migration with other authorities given Flintshire's attractive border location and relative economic prosperity*'. The Inspector went on to add '*Completions, commitments and the allocations result in growth of some 23%. Planning permission has been granted on appeal for housing development at the former Meadowslea Hospital site. This development would increase growth to 25%. Whilst this is above the indicative growth band, bearing in mind the location and accessibility to facilities and services in the settlement and nearby, I do not consider this level is unreasonable. Some objections assert that the village facilities are inadequate to serve the additional population. However, during my visit I saw a reasonable range of shops and community facilities. Whilst I have no doubt many would like to see more facilities and services in town and villages I do not find the settlement is poorly provided with facilities in the Flintshire context*'.

When looking at the omission sites the Inspector commented '*Penyffordd & Penymynydd is a category B settlement with an indicative growth band of 8 -15%. Completions, commitments and allocations would result in growth of 23% which is well above the indicative band. For the reasons given in HGS1(51) and HSG1(52) I support this level of growth. In my conclusions to STR4 in Chapter 3, I find the plan provides a sufficient supply of land to meet the identified overall housing need. Since the plan was issued planning permission for housing has been granted at the former Meadowslea Hospital site. This increases growth to 25%. It is on this basis that I consider the objection sites*'.

In looking at the site the Inspector commented '*22 – This large area of land could accommodate over 190 dwellings and would result in an unacceptable level of growth contrary to the plan's sustainable principles. The land is outside the defined settlement boundary and would result in an excessive incursion into the countryside. There is no need or justification to allocate this land*'.

The Council accepts that it does not have a 5 year housing land supply based on the residual method of calculation. Furthermore, due to the revisions to TAN1, the Council accepts that it will not have a 5 year housing land supply going forward as i) the Council will be unable to formally revert back to a past completions method of

calculation and ii) once the UDP is time expired it will be prevented from undertaking a formal Joint Housing Land Availability Study until it adopts the LDP.

In these circumstance, advice contained in para 6.2 of TAN1 is that *'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications **provided that the development would otherwise comply with development plan and national planning policies**'*[my emphasis]. Further guidance is contained in para 9.2.3 of PPW that *'Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan'*. This paragraph then goes on to explain what constitutes *'genuinely available'* and this is defined as *'...sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live'*.

It is clear from national planning guidance that considerable weight should be attached to the lack of a 5 year housing land as a material planning consideration. Furthermore, decisions must also be made in the context of the Welsh Governments *'presumption in favour of sustainable development'*.

The site lies on the edge of one of the largest category B settlements. Although the growth rate was well in excess of the 15% upper limit for a category B settlement, the Inspector considered this was acceptable on account of its size, facilities and services and accessibility to nearby settlements. The site is located on the edge of the settlement, in close proximity to bus services, a train station and other village facilities and services as well as nearby employment centres. Although the Inspector did not consider the need for further (even modest) allocations over the Plan period, she did not go so far as to say that they would be unsustainable. As at April 2014 the level of growth in the settlement was 27% (assuming both the allocated sites would be built out – which they have not) and the addition of the Rhos Road site and this proposed site would increase this to approx. 46% growth. The monitoring of growth over the 15 year UDP period has now ended for the purposes of HSG3 and in effect we are now entering a new monitoring period as part of the LDP Plan period. However it is looked at though, this represents a considerable growth rate over a relatively short period and arguments could be put forward that the settlement should be given time to recover. However, in commenting on other settlements, the UDP Inspector did not agree that this was the case, particularly where development has been approved as being sustainable development. In broad terms, the settlement is a sustainable location to accommodate growth given its services and facilities and accessibility. There will no doubt be pressure on dentists and doctors surgeries and the like, but these are the responsibility of other service providers to

monitor and adjust service provision where necessary. It is difficult to evidence at what point a settlement is harmed by a level of growth, particularly where it does not have any recognisable character or core or where it does not have any insurmountable physical or environmental constraints, as is the case here. Provided that the capacity existed in local schools (or that spare capacity can be provided) then it would be difficult to argue that an additional 200 plus dwellings is unsustainable or harmful to the character and function of the settlement.

The next consideration is whether the site is deliverable in terms of viability and certainty. This must be looked at in the context of the fact that there is a point in time 'window' whereby appropriate and sustainable sites can come forward to address the present housing land deficit. The enquiry has come forward from Redrow who have a track record in delivering sites in Northop, Buckley and Penymynydd. Given their knowledge of the local market I would expect to see some form of market assessment to demonstrate that there is a local market for a further phase of house building, given the White Lion and Wood Lane Farm developments (and a potential site at Rhos Road) i.e. have these developments 'mopped' up the market demand in this locality. This is a key consideration in demonstrating that the site can come forward within 5 years and not just represent supply on paper. The preference would be for a detailed application as this will allow for a more comprehensive assessment of deliverability and viability. In terms of the latter, it would be expected that evidence will need to be provided to demonstrate viability particularly in terms of meeting all policy / infrastructure requirements / obligations. Given the particular circumstances that the Council finds itself it is considered that a site should be capable of coming forward immediately and in this context any planning permission to be commenced on site within 2 years. Such a condition was attached to the Ewloe appeal decision referred to by the agent with the Inspector stating '*Given the pressing need to address the lack of a 5-year housing supply, I agree that it would be appropriate to require commencement within 2 years rather than the default 5 years*'.

In relation to landscape the Inspector recommended favourably in respect of the allocation of two housing sites and one of these, at the former White Lion site, to the north west of the site, involved the eastwards extension of the settlement. The Inspector commented '*The allocation is adjacent to part of the built up area and I do not consider it is poorly related to the existing settlement pattern. The adjacent countryside is not identified as being of landscape value and the existing hedgerows form a firm eastern boundary. The allocation is not a major and damaging incursion into the countryside that compromises the essential setting of the settlement*'.

It is evident that in the light of the Plans provision for housing as a whole and for the settlement of Penyffordd/Penymynydd, the Inspector considered the level of housing provision was sufficient without the need for further allocations. The Inspector's comments on the omission site (on this site) are not clear as to whether her reference to '*excessive incursion into the countryside*' is made in the context of the site being considered in its own right or whether it is excessive because of the existence of the two allocations extending into open countryside.

Although on plan form the site appears to represent a logical extension to the urban area, it does extent built development further eastwards than the line of the built development at the White Lion site. In view of this and taking into account the Inspectors comments, there is a need for any subsequent planning application to be accompanied by a landscape assessment to assess the impact on the wider landscape and the setting of the settlement

In terms of agricultural land. The Agricultural Land Classification Map indicates the site as being within an area of grade 3 agricultural land. In order to establish whether the site falls within best and most versatile agricultural land (grade 3a or above) it is necessary to undertake on site investigative work. You are advised to undertake the necessary survey work, with the methodology used should be the subject of consultation with Welsh Government. This was assessed by the Inspector in the Ewloe appeal decision.

To conclude in planning policy terms the proposal is clearly contrary to the development plan and is of a substantial size in a settlement that has already seen considerable growth over the UDP Plan period. It is necessary though to establish whether there are material considerations e.g. the lack of a 5 year housing land supply which would outweigh the development plan policies. It needs to be established that the development proposed is sustainable and will make a contribution to housing land supply and delivery but this this can only be done once information is provided on:

- The viability and deliverability of the site, having regard to the need for affordable housing, education and any other necessary infrastructure based planning obligations
- An appraisal of the Inspectors comments relating to built development extending into open countryside
- Clarification as to whether the site represents best and most versatile agricultural land and the weight to be attached to this in the overall balance.

Highway Implications

There are a number of concerns related to this proposal from the Highways Development Control Manager sufficient to justify a recommendation of refusal.

The main concern involves the proposed access to the site. Chester Road past the site is subject only to the national speed limit and appropriate visibility requirements are 215 metres. Due to the vertical and horizontal alignments of the road, junction visibility is limited to approximately 2.4x110m to the left and 2.4x130 right. Downhill forward visibility is restricted to approximately 130m; this is particularly pertinent when considering right turning vehicles into the site. It is unusual for a development of this size to be served from a simple T junction and a ghost island with right turning lane may be more appropriate; this would be confirmed by a capacity analysis.

The proposals indicate a single point of vehicular access; in the past this would have been considered unsatisfactory however since the introduction of Manual For Streets, the view of the emergency services needs to be sought. Any vehicle travelling north from the site would have the choice of two routes either the Chester Road or Old Hope Road access onto the A5104; both of these junctions have sub-standard visibility and an associated accident history.

Pedestrian and cycle access appears poor; the only off-site link being the existing public footpath. There is little connectivity to the bridleway running along the northern boundary and there is no existing footway along Chester Road; the site appears remote from the facilities available within the village. The main spine road provides the only connectivity within the development.

Alignment of the driveway to plot 206 appears awkward and is likely to lead to drivers reverse turning within the road in close proximity to the main access (drive alignments on plots 42,43 and 109 have similar alignment issues). Corner radii at the cross road junction between plots 6, 29, 185 and 196 appear tight and should be designed to incorporate the turning movements of a 11.5m refuse freighter. Plots 159-167 and 174-178 appear to be accessed from a public square, careful consideration needs to be given to the layout and materials used within this area; adequate width or a turning area needs to be incorporated for the refuse freighter. Plots 168-173 are served from a cul-de-sac (private drive or to be dedicated as highway?) that is not provided with turning facilities; the reversing distance appears excessive. Plots 71-78, 79-86 and 141-145 appear to be served from private parking courts; provision needs to be made for kerbside refuse collection or alternatively for the turning of a refuse freighter. Insufficient information has been provided to enable any comment on the adequacy of parking provision.

If the above issues in terms of highways can be addressed, any future application should be supported by a full transport assessment and residential travel plan.

Affordable Housing Provision

In accordance with both Policy HSG10 of the Flintshire Unitary Development Plan and Local Planning Guidance Note No. 9 – Affordable Housing, the Housing Regeneration & strategy Manager is requesting the full 30% affordable housing provision across the whole development. Given the predominance of equity share already available in Broughton (67 units) and Help to Buy Wales, the preference would be for gifted units.

Open Space Provision

To comply with both Policy SR5 of the Flintshire Unitary Development Plan and Local Planning Guidance Note 93 – Open Space Requirements, the Leisure Manager – Public Open Spaces is requesting that a development of this size should comprise of 12,320 m2 of equipped and free play space, a sports facility (e.g., multi-use games area) and a senior size football pitch, with changing and car parking

facilities. From the submitted sketch layout it appears that this provision is not being provided.

Education Requirements

In accordance with Local Planning Guidance Note 23 – Developer Contributions to Education, the Capital Projects and Planning Manager is seeking Section 106 financial contributions of £527,051 to Penyffordd CP School and £701,822 to Castell Alun High School. These being the identified schools as being affected by the development.

Ecology

The majority of the site is improved or semi-improved agricultural grassland with overgrown hedgerows, a pond on the eastern boundary and numerous hedgerow oaks on the northern half. The hedgerows, pond and trees are likely to be of interest in their own right but there is also a potential for a variety of protected species, Great Crested Newts, badgers, bats, breeding birds etc. and any submitted application should be accompanied by appropriate ecological can tree surveys. In addition, the surveys should help to inform any further layouts.

The site is also within 500 m of known Great Crested Newt breeding ponds (White Lion development to the north), so there is a potential for Great Crested Newts on the site as it provides suitable terrestrial habitat. The proposal will involve loss of terrestrial habitat and will therefore require mitigation. These mitigation proposals will need to include Reasonable Avoidance Measures, habitat enhancement and long term management and monitoring that will enable the population to survive in the long term without isolation.

Drainage

At this stage, no indication has been submitted as to how surface water will be addressed. This needs to be considered in some detail.

In order to provide comments, it is recommended that you complete the attached Proforma A – ‘Indicative Drainage Proposal’ provide in the guidance note. This will allow the Local Authority to confirm whether or not the proposed approach to surface water management is feasible and that the design could be covered by planning conditions. It is advisable to contact the Local Authority as soon as possible with regard to the drainage proposals to avoid any delays and costs for all parties.

Foul Water Disposal

No details have been submitted as to how sewage arising from the development will be dealt with. You are advised that to contact Dwr Cymru Welsh Water, Developer Services, PO Box 3146, Cardiff, CF30 0EH – Tel. 0800 917 2652 once your proposals are known.

Design Layout

A further layout of the development needs to be further submitted for consideration taking into account the identified constraints, surveys and comments within this report.

However, upon the submitted sketch layout the Agent is advised of the following:-

- The affordable units identified, need to be integrated into the development rather than grouped together.
- Additional pedestrian linkages onto the bridleway to the north to enable access onto the existing play area.
- Dwellings to be designed as landmark buildings at the end of internal roads to act as focal points.
- Dwellings with garages on corners to be repositioned so as to act as focal points.
- Layout of development to be designed around BS 'Category A' Trees so that they become a focal point on open spaces, road junctions or the head of cul-de-sacs.
- The existing hedgerows are an important linear feature and will need to be integrated into any development with their spreads accurately plotted and allowance made for this into gardens. Boundary fences should be avoided in favour of the sympathetic management of the hedgerows.
- Appropriate mix in size and type of dwellings.

Density of Development

Given the area of the site being 6.9 hectares in size and the development being for 220 houses, this calculates as being at a density of development at 32 houses per hectare. Given that Penymynydd is classed as a Category B settlement, this would be in general accordance to that advised in Policy HSG8 of the Flintshire Unitary Development Plan.

Summary

The proposal is contrary in principle to planning policy and is of a substantial size in a settlement that has already seen considerable growth over the UDP Plan period. It needs to be established that the development proposed is sustainable and will make a contribution to housing land supply and delivery but this can only be done once further information has been submitted on the viability and deliverability of the site, having regard to the need for affordable housing, education and any other

necessary infrastructure based on planning obligations, an appraisal of the Inspector's comments relating to built development extending into open countryside and clarification as to whether the site represents best and most versatile agricultural land and the weight to be attached to this in the overall balance.

The proposed access into the site is inadequate as are the proposed internal pedestrian cycle access roads and driveways for the reasons as detailed within the report.

Further details in terms of drainage, ecology, trees, design layout and materials of the dwellings, public open space requirements, land contamination and parking provision need to be submitted and assessed for any further comments that you require for further comments from the Local Planning Authority.

Section 106 Contributions for Penyffordd CP School and Castell Alun High School of £527,051 and £701,822 respectively.

Advise that you should consult with the Design Commission of Wales which will inform any future layout and house types.

You are advised that the above views are those of an officer of the Council and do not commit the Council in any way in the determination of any future application which may be further submitted.

The proposals are of such a scale that any formal application would automatically necessitate committee determination.

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email: planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Sarah E [REDACTED]	
Organisation	Persimmon Homes West Wales	
Address	Dragon House, Parc y Ddraig, Penllergaer Business Park, Penllergaer, Swansea, SA4 9HJ	
E-mail address	sarah.edwards@persimmonhomes.com	
Type (please select one from the following)	Businesses/Planning 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"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Bulletpoints c) & d) should be combined.</p> <p>The LPA should also be allowed to tell the applicant informally that an application is invalid and the reasons why enabling them to rectify their mistake and submit whatever is required to make it valid if it is a genuine mistake. This would also avoid the need for an invalid notice to be issued by the LPA reducing the LPAs workload and speeding up the validation process as an appeal would be avoided.</p>				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <p>A fee is required to make an application valid. If an LPA has decided an application is invalid it should not cash the cheque.</p> <p>Then, if it is subsequently decided by the LPA after discussions with the applicant or Welsh Ministers by appeal that it is valid, the cheque can be cashed.</p> <p>However, if it is agreed that it is invalid then the cheque should not be cashed and should be returned to the applicant.</p>				

Consultation Reference: WG24900

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Some LPAs, when granting planning permission, issue a full set (hard copy) of approved plans with the Decision Notice (DN) which is not necessary if the plans are to be listed on the DN.

So, if the DN is to be 'live' and updated on a regular basis, a hard copy of the DN only needs to be issued to the applicant or the DN should be updated electronically/any revisions linked to the original DN on the register and the applicant notified accordingly that the electronic changes have been made.

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Yes but the updates can be done electronically/any revisions linked to the original DN on the register and the applicant notified accordingly that the electronic changes have been made.

Consultation Reference: WG24900

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

If the DN is going to be updated & weatherproofed regularly then it will require a permanent noticeboard as most DNs are several pages long as opposed to laminated and tied to a nearby lampost.

It would be easier to require the developer to put up 1 page of A4 which includes the planning application number, description and decision date as well as information regarding the discharge of conditions (appl ref, cond no & discharge date) and S106 contributions triggers & date paid if applicable. It could also have a link to where more information can be found on the LPA website.

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed: a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The applicant needs to be informed of any extension and the revised date and the consultee should only be allowed to extend once for a further 21 days to stop them from not replying numerous times/indefinitely.

Consultation Reference: WG24900

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

An automatic extension goes against the principles of trying to speed up the planning process.

Currently, extensions are required as consultee comments have not been forthcoming during the statutory time period or come through over a number of weeks and result in the drip feeding of comments resulting in the applicant responding to them in the same manner, i.e. submitting a number of layout revisions until the Planning Officer is satisfied it is acceptable.

However, by placing a statutory time period on consultees responding to an application then there should be no need for the time period for determination to be extended as long as the Planning Officer is willing to make a decision without that consultees input.

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Changes to a layout are expected and are already part of the planning process. Furthermore, most changes are requested by the LPA and not the applicant so it's unfair to make the applicant pay especially if the LPA ask for numerous changes over a number of weeks due to comments received from various internal and external consultees over a number of weeks.

Also, fees for applications are already being increased and fees are going to be charged for pre-application and the discharge of conditions so it is unfair to ask for a post-submission fee too without limiting the number of times a LPA could ask for changes as they could use it to generate revenue rather than conditioning something.

Consultation Reference: WG24900

Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: There should be no fee as the costs associated with making changes to a layout as the fees for a planning application are already increasing by circa 15% as of 1st October 2015.				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The LPA will already have the original application information available/on file.				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As long as it is the same or fewer consultees as the original application.				

Consultation Reference: WG24900

Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As long as it is the same or fewer consultees as the original application.				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The LPA will already have the original application information available/on file and the amendments will be summarised in the covering letter/on the application form.				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As long as it is the same or fewer consultees as the original application.				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As long as it is the same or fewer consultees as the original application.				

Consultation Reference: WG24900

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The LPA will already have the original application information available/on file.				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As long as it is the same or fewer consultees as the original application.				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As long as it is the same or fewer consultees as the original application.				

Consultation Reference: WG24900

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes but enough time must be allowed for consultees to respond and a maximum time period for extending, i.e. 14 days, needs to be allowed to ensure a response is received in a timely manner. A refund option could also be introduced if no response is forthcoming after a set period of time to encourage a quicker response.				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The thresholds should be adjusted as follows: Minor = 1-15; Major = 16-30; Large Major = 31+. Also a schedule for additional officer time/hour and meetings/hour would be useful and prevent discrepancies across the country.				

Consultation Reference: WG24900

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Any pre-application advice that has been paid for must become a material consideration if an application is subsequently submitted because, in the past, we've had pre-app on a site only to be told post-submission that the staggered site access junction tabled at pre-app and that has been part of the LDP Rep for the site for more than 18 months so the LPA knew about it needs to be a signalised crossroads!				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

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

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include 'Secondary Legislation for DM' in the subject line]
Post

Consultation Reference: WG24900

Please complete the consultation form and send it to:

Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

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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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	Jen Heal	
Organisation	Design Commission for Wales	
Address	4 th Floor, Cambrian Buildings, Mount Stuart Square, Cardiff, CF10 5FL	
E-mail address	jen.heal@dcfw.org	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
	a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

8.0 Applications that fall within Section 73 of the TCPA 1990**Renewals**

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: As stated in the consultation paper this is largely unnecessary as much of the				

Consultation Reference: WG24900

material will remain the same as that submitted with the original application and therefore duplication is wasteful in terms of time and resources. Reference must be made back to the original application.				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Further consultation should only take place where necessary and the LPA should be equipped with the skills to determine when this is.				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No - much of the material will be the same as the original submission and duplication should be avoided. The application should clearly highlight where any information has changed since the initial submission via an update to the validation documents only where required. Given the nature of minor amendments this should be minimal.				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

Comments:				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Further clarification may be required here depending on the condition to which the application relates.				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes for more complex proposals that may require additional time.				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q21	Do you have any other comments to make regarding the statutory pre-application	Yes	Yes	No
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Consultation Reference: WG24900

	service?		(subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
The proposed changes will instill greater consistency and clarity to the pre-application process which is welcomed, however, it must allow sufficient time at the appropriate stage for constructive discussion with the applicant regarding the design of proposals.

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

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

Email
<p>Please complete the consultation form and send it to :</p> <p>planconsultations-i@wales.gsi.gov.uk</p> <p>[Please include 'Secondary Legislation for DM' in the subject line]</p>
Post
<p>Please complete the consultation form and send it to:</p> <p>Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</p>
Additional information
<p>If you have any queries on this consultation, please</p> <p>Email: planconsultations-i@wales.gsi.gov.uk</p>

Consultation Reference: WG24900

Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	[REDACTED]	
Organisation	Cardiff Council	
Address	County Hall	
E-mail address	[REDACTED]	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The form says additional information - No comment				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Consider reducing the time period to 7 - 10 days				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Consider reducing the time period to 14 days.				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Onus on the developer to Maintain the Notice. Sign design may be difficult where there are many conditions				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed: a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unsightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

8.0 Applications that fall within Section 73 of the TCPA 1990**Renewals**

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

Comments:				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: £60; £300; £1500; £3000 respectively. Meetings and site visits may be included plus advice from other Service Areas				

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Consultation Reference: WG24900

Comments:

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

I do not want my name/or address published with my response (please tick) <input checked="" type="checkbox"/>

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Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include ' Secondary Legislation for DM ' in the subject line]
Post
Please complete the consultation form and send it to: Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please Email: planconsultations-i@wales.gsi.gov.uk Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	Jonathan Pritchard	
Organisation	Stride Treglown	
Address	Treglown Court, Dowlais Road, Ocean Park, Cardiff CF24 5LQ	
E-mail address	jonathanpritchard@stridetreglown.com	
Type (please select one from the following)	Businesses/Planning 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"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Point e should include, where relevant, contact details of the relevant coonsultee in order that any questions can be addressed directly and quickly. A reference to pre-application discussions could also be included to identify whether the requirement was referenced in pre-application discussions and if it was not why not. This will help local authorities provide an improved pre-application service and ensure front loading occurs.				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It should also include the reference/drawing number of the document/plan approved.				

Consultation Reference: WG24900

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
	a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

Comments:

In terms of c, the applicant should be informed of the extended deadline.

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Only where the amendment requires additional consultation.				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Token amount that will not cover the additional work and only add disagreement over the significance of the change. Raises concerns over how it is implemented in practice. Disagreements could also occur where the changes are sought by the LPA and the applicant would then have to pay for the privilege of carrying on with the application.				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

8.0 Applications that fall within Section 73 of the TCPA 1990

Consultation Reference: WG24900

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Should be assessed on their merits as a lot can happen in 5 years.				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Statutory requirements.				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Should be related to the changes that are proposed. No need to resubmit previous information as the application should only be concerned with what has changed.				

Consultation Reference: WG24900

Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Should be relevant to the change that is being sought.				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Requirements should be relevant to the condition to be altered and not require the wholesale resubmission of all previous information.				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Should be relevant to the change that is being sought.				

Consultation Reference: WG24900

Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

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Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

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

Email
Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include 'Secondary Legislation for DM' in the subject line]
Post

Consultation Reference: WG24900

Please complete the consultation form and send it to:

Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email: planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	Ross Anthony	
Organisation	The Theatres Trust	
Address	22 Charing Cross Road London WC2H 0QL	
E-mail address	planning@theatrestrust.org.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Agreed. Provides clarity.				

Consultation Reference: WG24900

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Agreed. Provides clarity.				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed: a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Agree.				

Consultation Reference: WG24900

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Agree.				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

Consultation Reference: WG24900

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Agree.				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

8.0 Applications that fall within Section 73 of the TCPA 1990**Renewals**

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Agree that not all the original documents need to be resubmitted for a renewal				

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and only any updated documents need to be submitted, though we would recommend the application needs to clearly identify which original documentation is still relevant. We also agree the LPA should have the right to request additional information, as outlined in paragraph 8.8.				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Agree, though this should include parties who made an initial submission				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Agree, though this should include parties who made an initial submission				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Agree, though this should include parties who made an initial submission				

Consultation Reference: WG24900

Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Agree, though this should include parties who made an initial submission				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Agree				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Agree				

Consultation Reference: WG24900

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Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No

Consultation Reference: WG24900

		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

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

Email
Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include ' Secondary Legislation for DM ' in the subject line]
Post
Please complete the consultation form and send it to: Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please Email: planconsultations-i@wales.gsi.gov.uk Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

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Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email: planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	Julian Edwards	
Organisation	Carmarthenshire County Council	
Address	7/8 Spilman Street, Carmarthen, SA31 1JY	
E-mail address	JDEdwards@sirgar.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The notice should be clear and precise, with the introduction of references to relevant legislation not impinging on that - overly bureaucratic.				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: With the emphasis on expediting the process, and improving the quality of submission, the period should be reduced to 7 days. This would be consistent with the LPA expectations, with the increased use of electronic communication and submission being encouraged.				

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Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>This resonates with the comments made above. If the introduction of this particular process is to be effective, there needs to be a focus from all parties involved, and an emphasis on early resolution. There is no reason, given the need to introduce uniformity, why the process could be kept clear and precise through the use of templated forms and documents.</p>				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The decision notice should, where possible, be electronic to reduce costs</p> <p>This could lead to multiple decision notices for the same development and confusion for developers and members. All decision notices should include a rider that there may be subsequent approvals and to check with LPA.</p> <p>Clarification is required as to whether the applicants/agents name on the revised</p>				

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decision notice would change to the person/company submitting the revision/condition (if different to the original permission)

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
This has to run hand in hand with an appropriately controlled electronic document being retained, with the flexibility to amend and update, as necessary, in a clear and unequivocal manner. Greater use of electronic information processing is essential.

It is considered that it would be onerous, unless resource allocated to upgrade existing documents, to apply this retrospectively

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
The applicant should confirm that all pre-commencement conditions have been complied with and the date on which approval for each was granted. The applicant should provide the site address and description of development in their notification so application reference numbers can be confirmed as correct

There needs to be clarity as to the replacement of those removed etc. The

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developer should be expected to monitor this at all times, and immediate replacement made essential. This is potentially a significant introduction that needs to be supported by clear expectation and no ambiguity as to expectations.

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
	a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Again, clarity of expectation relating to consultee input needs to be established. In looking at the earlier consultation process on the need for timely substantive responses, there should be no ambiguity as to what constitutes such, and advice given by WG in this regard.				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Consultation Reference: WG24900

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This reduction in time will be dependent on the initial submission of an appropriately informed appeal. There needs to be clarity on this in terms of what is expected.				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It is not only major applications that would be subject to these amendments so this needs to be extended to all. The complexity of such submissions will vary, and this needs to be examined / acknowledged, and they will pose differing challenges for LPAs in terms of, for example, what additional publicity, if any, is required.				

Consultation Reference: WG24900

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Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Clarity is needed as to how this will operate. There should be no deterrent to improving any scheme at any stage, but there needs to be an acknowledgement as to the impacts such amendments have in terms of resource. Is there a proposed limit on amendment numbers?</p> <p>Should this be extended to other application types</p>				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>If there are to be further charges for more than one amendment, this needs to link closely with the advice given relating to the importance of frontloading and pre-app discussion. Some amendments to major schemes, whilst minor in definition, still have the capacity to impact on LPA resource.</p>				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>To do otherwise runs the risk of inaccurate or dated information being taken in to consideration. This does need to be proportionate to the variation sought.</p>				

Consultation Reference: WG24900

Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: LPA discretion should also extend to use of site notices				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material	Yes	Yes	No

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	amendment application?		(subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Undecided as it would depend on the nature of the condition, and the reason for its imposition in the first instance.				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: It represents an arbitrary discounting system that is not reflected elsewhere, and it is a situation that is easily avoided by early contact with the LPA				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This is something that will be required to allow appropriate flexibility, and subsequent time, being afforded to more complex proposals. This flexibility, and greater detail around the additional time scales required needs to be elaborated on to provide clarity and, similarly, expectations in this regard need to be appropriately framed.				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Fees should be in line with the new development thresholds for committee applications or vice versa. Clarification is required as to whether the specified DNS fee is only for pre app service not the LIR. Complex schemes such as EIA development applications and controversial proposals should come under the highest fee category irrespective of size, site etc. Clarification is sought as to why PINS can operate a full cost recovery process compared to a standard fee regime for LPAs.				

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Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

This represents an important introduction into legislation, particularly bearing in mind the increasing resource pressures being faced by LPA, and also acknowledging the value this adds to the Development Management process. It is important therefore that the fees are continually reviewed (annually if required) and there is legislative flexibility to allow for change in fee levels where proven necessary.

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

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

How to Respond

Please submit your comments in any of the following ways:

Email
<p>Please complete the consultation form and send it to :</p> <p>planconsultations-i@wales.gsi.gov.uk</p> <p>[Please include 'Secondary Legislation for DM' in the subject line]</p>
Post

Consultation Reference: WG24900

Please complete the consultation form and send it to:

Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

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We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

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planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Simon Gale	
Organisation	Rhondda Cynon Taf CBC	
Address	Sardis House Sardis Road Pontypridd Rhondda Cynon Taf CF37 1DU	
E-mail address	Simon.Gale@rctcbc.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The name and address of the applicant should be included in the notice. A precedent notice would be useful to standardise the form of notice across Wales. This would be in accordance with the intentions behind the Planning (Wales) Act.				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: However, there should not be the opportunity to extend the time period for appeal it should be fixed at 14 days. If there is to be an extension permitted by the Welsh Ministers then the time period for determining the application by the LPA should be extended by the number of days given as an extension beyond the 14 day appeal period if the appeal is successful to ensure fairness in the system.				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: If they fail to do so within the 21 day period then the appeal should be treated as dismissed.				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: It make it easier to locate the application and supporting documentation in the planning register.				

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: It is considered important that the most up-to-date status of a permission is known and understood by all parties.				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: It is considered that the requirement to give notice of commencement should apply to all development not just certain types. That it is a deemed condition on certain developments but will need to be a specific condition on others adds unnecessary confusion to the process.				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No

Consultation Reference: WG24900

	a) a period of 21 days,	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) until all statutory consultees have provided a substantive response, whichever is the sooner, or			
	c) subject to a longer period if agreed in writing between the LPA and consultee?			

Comments:
This places the onus on the consultee to approach the LPA if they need a longer period to consider the matter and respond. However, it is not clear what, if any the penalty/sanction is if the consultee fails to respond. If they respond outside the 21 days it is still a material consideration that the LPA will need to consider before making a decision. If the LPA were to make a decision when a statutory consultees views are not known it could be that a decision is open to potential challenge as material considerations may not have been taken into account.

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
14 days is a very short period in which to provide a formal response. It is considered that 21 days is more reasonable and consistent.

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
This would ensure consistency across the appeals process.

Consultation Reference: WG24900

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Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>It is considered that when taking into account the nature and issues that arise in s.217 appeals that a 4 week period does seem reasonable. However, for consistency in the planning appeals process 6 weeks is the standard period.</p>				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Whilst 4 weeks seems a reasonable time in practice it is likely to be insufficient if there is a requirement to reconsult on an application. It could be extended to 5/6 weeks or where the LPA need to reconsult the consultation period be only 14 days and not 21 days.</p>				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>It is not clear what an LPA is to do if an applicant fails to pay the fee. Do the LPA proceed to determine the application on the basis of the original submission ?</p>				

Consultation Reference: WG24900

Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: If the LPA are considering a renewal up-to-date information should be provided.				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It is recognised however, that material factors may have changed in the intervening period that may require full re-consultation in some cases.				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: as Q.15 ii) above.				

Consultation Reference: WG24900

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The LPA should have the opportunity to be able to review the application to see if/what further information is required to support the application to enable it to proceed to determination.				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Other than the requirement to publish notices.				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
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Consultation Reference: WG24900

		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: comment as Q16 i)				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: comment as Q16 iii)				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: It should be the full amount. It is not considered that the LPA will have already considered the merits of the application (as suggested in 8.15 of the Consultation Document). If an LPA has determined that a s.96A submission is not a non-material minor amendment they may not have to consider the merits of the application. As a s.73 application the LPA are required to consider the conditions against which the permission was granted and not just the condition or conditions which it is proposed to vary/remove/amend. It is not accepted that the work of the LPA is necessarily reduced as a result of an initial rejection of an earlier s.96A application.				

9.0 Statutory pre-application service fees

Consultation Reference: WG24900

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Whilst 21 days seems reasonable in most cases it is considered that there should be the flexibility and opportunity for an agreed extension of time between parties. It is considered this would be to the benefit of both sides in certain, larger and potentially more complex cases.				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The proposed fees as indicated appear to be reasonable. However, it is considered important the LPA is reimbursed for any costs incurred in providing such a service.				

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Should CIL not be included within the advice to be provided to householders ? They could be liable to CIL and it is considered that the applicant should be made aware of this.				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

Consultation Reference: WG24900

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I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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How to Respond**Please submit your comments in any of the following ways:**

Email
Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include 'Secondary Legislation for DM' in the subject line]
Post
Please complete the consultation form and send it to: Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please Email: planconsultations-i@wales.gsi.gov.uk Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	Paula Jones	
Organisation	Conwy County Borough Council	
Address	Civic Offices Colwyn Bay LL29 8AR	
E-mail address	paula.jones@conwy.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This is considered to be acceptable but it does look like an overcomplicated approach as there is limited option to speak directly to an agent to request information of a minor nature i.e red line or north point missing from the plans. There needs to be a degree of flexibility built into this otherwise it could overcomplicate or slow down the process</p>				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>It is considered that there should be an additional area for comments so that the LPA can inform applicants about any other non validation information that may be needed during the application process i.e porosity test results.</p>				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>14 days is considered to be too long, it is considered that 5 days is a reasonable amount of time which is the same amount of time that the authority has to check the application.</p>				

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>If an appeal is allowed by PINS at week 5/6 this would severely impact on the time the LPA has to determine an application and it is unlikely that a decision would be made within 8 weeks thus significantly affecting performance.</p> <p>Authorities are expected to check the validity of an application within a much quicker timescale (1-5 days). 21 days is considered to be far too long to determine an appeal and would slow the planning process down considerably. It is considered that 5 days is appropriate and proportionate. It is also suggested that if the appeal is not determined by Welsh Ministers within that timescale, then the application should be considered to be invalid.</p>				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes otherwise this would result in a wasted expense to the authority both in postage costs and officer time</p>				

3.0 Decision Notices

Q6	Do you agree that when a decision notice	Yes		No
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Consultation Reference: WG24900

	is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This could lead to multiple decisions notices which could be confusing to those not familiar with the planning system and making the system overly complicated. There are also serious concerns regarding the ability of back office systems to deliver these changes and the impact this will have on staff resources.</p>				

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Decision notices should be in electronic format, keeping paper copies is wasteful. Some decisions with numerous conditions would require many updates as each condition is dealt with and there is clearly a need to update the decision in electronic format to avoid confusion and ensure that everyone is clear which notice is extant. However there is also concern whether back office systems can accommodate these new changes.</p>				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

Comments:

the developer will need to confirm where they have displayed the notice and the date when it was displayed- photographic evidence would be advantageous

The maximum size of the notice needs to be stated to avoid developers taking advantage of this to promote their developments.

it is also likely that there will be increased responsibility on the authority to get all decision notices translated for every application when this is not current practice.

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
	<p>a) a period of 21 days,</p> <p>b) until all statutory consultees have provided a substantive response, whichever is the sooner, or</p> <p>c) subject to a longer period if agreed in writing between the LPA and consultee?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

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6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unsightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
quite often amendments of this nature do need further consultation and the LPA should be given a suitable amount of time to notify and obtain comments back				

Consultation Reference: WG24900

from relevant consultees it is considered that LPAs should be given a discretionary timescale of 4-6 weeks to determine amendments particularly if the amendments require significant assessment and need to re-consult numerous consultees.

These provisions should relate to all application types

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes this is a welcomed move				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: This should be discretionary to allow officers to assess the information otherwise officers could be relying on surveys and documents which are outdated.				

Consultation Reference: WG24900

Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: this should be discretionary				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: should be discretionary				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: This should not be introduced and makes the system more confusing				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes, as there may be a need to assess detailed information and consult with key consultees				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The fee category needs breaking down further and should be a minimum of: Minor developments 1-5 dwellings £120 5-9 £200 Major developments 10-15 dwellings - £300 15-24 dwellings £450				

Consultation Reference: WG24900

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The 21 day period does not provide enough time for LPAs to seek the views from other consultees on the merits of the proposals or provide detailed feedback regarding the S106/Cil contributions on complex applications. this needs to be recognised in the guidance. If developers fail to agree an extension of time then there is a risk that the advice provided will be limited.</p>				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
<p>Comments:</p>	

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

How to Respond

Please submit your comments in any of the following ways:

Email
<p>Please complete the consultation form and send it to :</p> <p>planconsultations-i@wales.gsi.gov.uk</p> <p>[Please include 'Secondary Legislation for DM' in the subject line]</p>
Post

Consultation Reference: WG24900

Please complete the consultation form and send it to:

Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	Rhian Jardine	
Organisation	Cyfoeth Naturiol Cymru/Natural Resources Wales	
Address	Ty Cambria, 29 Newport Road, Cardiff.	
E-mail address	rhian.jardine@cyfoethnaturiolcymru.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales agrees with the inclusion of criteria a) to f) as set out in the consultation document.				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales advises that where the LPA are issuing a notice of non-validation for consent, agreement or approval required by a condition or limitation subject to which a planning permission has been granted informed by advice received from a statutory consultee, then we feel that the advice provided by the statutory consultee should be included as essential information to accompany a notice of non-validation.				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales consider that 14 days is a reasonable period for an applicant to submit an appeal against non-validation. In our view it strikes the right balance between the need for a quick turnaround time and the time for an applicant to consider appealing, prepare and submit their documentation.				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales have no comment to make regarding this proposal.				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales have no comment to make regarding this proposal.				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales agrees with this proposal.				

Consultation Reference: WG24900

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Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales agrees with the proposal.				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales advise that a notification of development should also be displayed where a development consists of:- the provision of one or more dwellinghouses; or the provision of a building or buildings where the floor space created by the development is 100 square metres or more and is within a nationally protected area i.e. within an Area of Outstanding Natural Beauty or National Park. This would inform the local community of commencement of a development in these sensitive areas. Built development within these areas can still be significant in terms of public awareness.				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Consultation Reference: WG24900

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
	<p>a) a period of 21 days,</p> <p>b) until all statutory consultees have provided a substantive response, whichever is the sooner, or</p> <p>c) subject to a longer period if agreed in writing between the LPA and consultee?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The approach proposed here is supported. It provides certainty that LPAs will not be able to determine an application without the substantive response of statutory consultees being available to help inform the decision. In addition, Natural Resources Wales advise that the amended 2014 European Parliament and Council amendments to the EU Directive 2011/92/EU - The assessment of the effects of certain public and private projects on the environment - which is required to be transposed into UK and Welsh legislation by 2017, will require a consultation period of 'no shorter than 30 days', where an application is accompanied by an environmental impact assessment report. We suggest that timescale is used as a minimum where an application is subject to an EIA.</p>				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Natural Resources Wales adopt a risk based approach to casework. We recognise the requirement for a quick turnaround of response for urgent Crown development.</p>				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Consultation Reference: WG24900

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales agree with this proposal as it will bring clarity and consistency with other appeals processes.				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales have no comment to make regarding this proposal.				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales advise that whilst four weeks maybe sufficient time for an LPA to determine a proposed amendment for non- EIA applications, this is insufficient time for applications accompanied by an EIA. As detailed in our answer to Q9 a longer period to respond, to reflect transposition of the EIA Directive by 2017, will require a minimum of 30 days for responses to applications accompanied by an EIA.				

Consultation Reference: WG24900

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Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales have no comment to make regarding this proposal.				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales have no comment to make regarding this proposal.				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Natural Resources Wales do not consider that the validation requirements should be same for a renewal application as the original application. We advise that a proportionate approach is required for the validation of a renewal application. Where an original application was subject to an EIA then the applicant should be required to review the ES to reflect any changes of circumstances related to the development by means of the submission of further supporting information where necessary. Also this provision should apply for non-EIA applications originally subject to environmental surveys and/or supporting environmental information. Where original information is still extant and relevant, an applicant should not be required to resubmit all the previous information as the LPA will already hold copies of it.				

Consultation Reference: WG24900

Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Natural Resources Wales undertake a risk based approach to our casework. Whilst the majority of section 73 renewal applications may not require a response from Natural Resources Wales, where we have commented on the original application and further information has been submitted, provision should be made for a statutory consultee such as Natural Resources Wales to be reconsulted.</p>				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Natural Resources Wales have no comment to make regarding this issue.</p>				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Natural Resources Wales advises that whilst the validation requirements should not be the same as for the original application, it should be a requirement that an applicant updates and amends documents in support of an original application, that were subject to an ES and/or HRA process, to reflect amendments where necessary. Also where a non-EIA/HRA application is subject to a minor-material amendment that contained supporting environmental information, this should also be required to be updated by an applicant.</p>				

Consultation Reference: WG24900

Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales advise that where we have commented on the original application and further information has been submitted, provision should be made for a statutory consultee such as Natural Resources Wales to be reconsulted.				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales have no comment to make regarding this issue.				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: As in our answer to Q16i), Natural Resources Wales advises that whilst the validation requirements for these applications should not be the same as for the original application, it should be a requirement that an applicant updates and amends documents in support an original application, that were subject to an ES and/or HRA process, to reflect variations or removals of a condition where necessary. Also, where a non-EIA/HRA application is subject to a variation or removal of condition, that contained supporting environmental information, this should also be required to be updated by an applicant.				

Consultation Reference: WG24900

Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales advise that where we have commented on the original application and further information has been submitted, provision should be made for a statutory consultee such as Natural Resources Wales to be reconsulted.				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales have no comment to make regarding this proposal.				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales have no comment to make regarding this proposal.				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales have no comment to make regarding this proposal.				

Consultation Reference: WG24900

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Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales have no comment to make regarding this proposal.				

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Natural Resources Wales is currently consulting on our fees and charges for 2016-17. This includes a number of principles which we propose to use to charge for Supplementary Planning Advice Services. This will help enable Natural Resources Wales to balance the resourcing of our statutory work and our discretionary advisory role. The consultation ends on 26th November 2015 and will inform a detailed consultation in Autumn 2016 with the aim of implementing the scheme in April 2017.				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments: Natural Resources Wales has no further comments to make.	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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How to Respond**Please submit your comments in any of the following ways:**

Email

Consultation Reference: WG24900

<p>Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include ‘Secondary Legislation for DM’ in the subject line]</p>
<p>Post</p>
<p>Please complete the consultation form and send it to: Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</p>
<p>Additional information</p>
<p>If you have any queries on this consultation, please Email: planconsultations-i@wales.gsi.gov.uk Telephone: Kristian Morgan on 02920 823360</p>

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	Mike Webb	
Organisation	RSPB Cymru	
Address	Uned 14, Llys Castan, Ffordd y Parc, Parc Menai, Bangor, Gwynedd, LL57 4FH	
E-mail address	mike.webb@rspb.org.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

We consider that Section 5 (c) (ii) should be amended by inserting after "application"

"... such that a preliminary appreciation of the possible impacts of the application can be gained"

Reason:

There have been a number of instances in Wales in recent years where, in cases which do not require EIA but nevertheless may have material adverse environmental impacts, applications have been validated with insufficient detail for an appreciation of their possible environmental impacts to be gained.

Validation in Wales is often of poor quality with late and inadequate submission of documentation

This amendment would allow the proposal at paragraph 2.5 (d) of the consultation to be fit for purpose.

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of	Yes	Yes (subject to	No
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Consultation Reference: WG24900

	appeals under section 29 of the Planning (Wales) Bill (the Bill)?		further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include	Yes	Yes	No
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Consultation Reference: WG24900

	a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?		(subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The RSPB would like to make the following points:- 1. This proposal emanates from Recommendation 82 of the IAG Report. However the wording is different - the IAG recommendation refers to a requirement that the developer:- "gives notification to the local planning authority of the date on which the development began"				

Consultation Reference: WG24900

However the equivalent in the consultation document refers to :-

"the date a development is to begin"

Thus the IAG version refers to the future rather than the past. The IAG version is preferable because it gives better clarity to anyone with an interest in the development proposal as to when the planning permission would expire.

2. We see no reason why the requirements set out in Section 4 of the consultation document should apply only to major developments and developments of national significance. People have the the right to know when any planning permission in Wales would expire, and to attempt to make the obtaining of that information more difficult is inequitable, and contrary to the principles of the Aarhus Declaration.

There would be no substantial costs to either the local planning authority or the developer in appending this information.

3. We note that IAG Report Recommendation 94 (page110) has not been pursued in this consultation even though paragraph 6.18 of the IAG Report states :-

"Our recommendations on this topic should also be considered alongside our recommendations for enhanced publicity for the start and completion of development"

We therefore advocate that Recommendation 94 is pursued by the Welsh Government.

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed: a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Consultation Reference: WG24900

Comments:

"

We consider that 21 days is too short a timescale to allow responses. We remind the Welsh Government that one of the Minister's "Key Messages" (p2 Bullet Point 5, Planning Bulletin2, October 2014 is:-

"The Bill enables community engagement early on in the planning process, ensuring local voices are heard and taken into account"

Given that the evolution of the type of planning application usually takes several months, an additional 7 days would have no material impact to that timeline.

We consider that these amendments constitute an unwarranted and unevidenced attack on the statutory consultees, at a time when their effectiveness, role and powers are coming under intense scrutiny and public criticism. This amendment, like similar ones recently consulted upon, add new and onerous duties on the statutory consultees, at a time when the Minister has stated that no new resources will be available to them to comply with such duties.

We remind Welsh Government of the wording of the IAG Report on the role of statutory consultees :-

"WHETHER FULLY JUSTIFIED OR NOT, there was a common thread of criticism about delays due to late responses to consultation, disproportionate responses and recommendations" (emphasis added) .

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Consultation Reference: WG24900

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: However, we see no reason why this requirement should be restricted to major development. Developments not defined as major pursuant to the DMPO may nevertheless have major and complex impacts on the environment, which should be given due consideration.				

Consultation Reference: WG24900

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal	Yes	Yes	No

Consultation Reference: WG24900

	application?		(subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Consultation Reference: WG24900

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

9.0 Statutory pre-application service fees

Consultation Reference: WG24900

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We consider that the general provisions for public involvement in pre-application are not set out in sufficient detail. Nothing contained within these proposals should preclude or in any way penalise public and community involvement in pre-application, and we request confirmation that this will not be the case.</p> <p>We further consider that Welsh Government should take this opportunity to amend the EIA Regulations in this respect by introducing a new requirement that the applicant consult the public at the scoping stage, and take into account responses received. This is a requirement in the new EIA Directive which will in any event need to be transposed into Welsh Law by 2017 at the latest.</p>				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
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Consultation Reference: WG24900

Comments:

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email
<p>Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include ‘Secondary Legislation for DM’ in the subject line]</p>
Post
<p>Please complete the consultation form and send it to: Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</p>
Additional information
<p>If you have any queries on this consultation, please Email: planconsultations-i@wales.gsi.gov.uk Telephone: Kristian Morgan on 02920 823360</p>

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email: planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	Jason Price	
Organisation	Persimmon Homes East Wales	
Address	Llantrisant Business Park Llantrisant Rhondda Cynon Taff CF72 8YO	
E-mail address	jason.price@persimmonhomes.com	
Type (please select one from the following)	Businesses/Planning 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"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: 				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Persimmon Homes consider that				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Whilst we welcome the proposal we are concerned that the resources available at the disposal of local planning authorities will hinder its delivery.				

Consultation Reference: WG24900

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: We are concerned that the proposal will be difficult to implement in practice owing to the size of decision notices and section 106 agreements which often run into several pages, all of which would need to be securely displayed, weatherproofed and updated on a regular basis (in the event that conditions are discharged) at the expense and time of the developer.				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed: a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

The proposal should contain a mechanism to ensure that any extension once agreed is adhered to.

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Whilst we welcome the proposal, safeguards should be put in place to ensure that the proposals are not utilised as a mechanism for significant extensions of time and are integrated with the provisions for the return of planning fees.				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Minor material amendments to major applications which have yet to be determined provide a mechanism for enhancing the quality of development and overcoming concerns raised through the planning process. Accordingly we are opposed to the introduction of a fee in addition to the application fee				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: This proposal will lead to significant duplication of information that will already be in the possession of the local planning authority.				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The discretion should only extend to reducing the level of consultation when compared with the original application.				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Provided that this discretion is only exercised in order to reduce the notification requirements.				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Minor material amendments by their very nature should be succinct and as such				

Consultation Reference: WG24900

should not be subject to the validation requirements of the original application.				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Provided that this discretion is only exercised in order to reduce the level of consultation.				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Provided that this discretion is only exercised in order to reduce the level of notification.				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Insisting on the same validation requirements as the original application will lead to duplication of information that is already in the possession of the local planning authority.				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes		No
		Yes		

Consultation Reference: WG24900

			(subject to further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
Provided that this discretion is only exercised to reduce the consultation requirements.

Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
Provided that this discretion is only exercised to reduce the notification requirements.

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Consultation Reference: WG24900

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: To ensure that the pre-application services adds values and improves the planning process there needs to be consistency between that which is offered as advice at the pre-application stage and subsequently during the determination of the application as it is often the case that issues identified during the determination of the application are overlooked during the pre-application stage.				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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How to Respond**Please submit your comments in any of the following ways:**

Email

Consultation Reference: WG24900

<p>Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include ‘Secondary Legislation for DM’ in the subject line]</p>
<p>Post</p>
<p>Please complete the consultation form and send it to: Secondary legislation for development management consultation Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ</p>
<p>Additional information</p>
<p>If you have any queries on this consultation, please Email: planconsultations-i@wales.gsi.gov.uk Telephone: Kristian Morgan on 02920 823360</p>

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email:
planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 11 September 2015		
Name	James Caird	
Organisation	Institute of Historic Building Conservation	
Address	Jubilee House High Street Tisbury Wiltshire SP3 6HA	
E-mail address	consultations@ihbc.org.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It should also make it clear that the new permission supersedes the former one.				

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It is not clear why this question is necessary as all documents related to the decision are required to be kept. Does the question refer to the index to the Register?				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We think the notification requirements should apply to all developments. This would allow much tighter scrutiny of developments for breaches of planning control which are more likely in smaller developments than in larger ones. We think that local communities have a right to know what is happening in their local environment. We do not think the requirements are, or need to be, onerous.				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
	a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	c) subject to a longer period if agreed in writing between the LPA and consultee?			
Comments:				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: This is sensible. The fewer discrete procedures the better.				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: We are aware that some authorities already charge more than this using charges that reflect the cost of delivery. The effect of the proposed fee levels would cause amended applications to be determined at public expense. We think the scale of charges should be flexible and should reflect the cost of service delivery.				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: We are aware that some authorities already charge more than this using charges that reflect the cost of delivery. The effect of the proposed fee levels would cause pre-application advice to be given at public expense. We think the scale of				

charges should be flexible and should reflect the cost of service delivery.

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
Comments:	

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

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include ' Secondary Legislation for DM ' in the subject line]
Post

Please complete the consultation form and send it to:

Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Rhidian Clement	
Organisation	Dwr Cymru\Welsh Water	
Address	Dŵr Cymru\Welsh Water Developer Services PO Box 3146 Linea Fortran Road Cardiff CF30 0EH □	
E-mail address	Rhidian.Clement@dwrcymru.com	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input checked="" type="checkbox"/>

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes we agree - In our view, it would be extremely useful for the applicant if the reasons why the application is invalid were provided.				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Reasons for the non validation and advice on what to submit				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes we agree				

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes we agree - If it is intended that Welsh Ministers should be aligned to the appeals process and that turnaround times are improved, then this should be a requirement.</p>				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes we agree - We are in favour of any measures that provide support to the delivery of a high quality planning service and which do not incur any undue time delays to the process.</p> <p>However, there is a risk that holding on to money in this way may conflict with the accounting practices adopted by different organisations.</p>				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes we agree - in our view this would be a step in the right direction as it would certainly help when we review decision notices as part of our sewer connection process. By adopting this approach it would make sure we are provided with the</p>				

Consultation Reference: WG24900

most up to date and valid information.

However, there is scope here for confusion about the life of the permission, i.e. what date are they referring to. Is it the date of the original permission or the date of the revision?

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Yes we agree - This should ensure that the most up to date information is available for review not only companies such as Dwr Cymru but also, members of the public. Information on the planning history of a site is also useful.</p> <p>This works well in circumstances where the inspectors decision is posted on the LPA website. However, if LPA is required to refuse the decision notice after the inspectors decision this could cause confusion.</p>				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: No, advertising the numerous consents on site would be confusing and impractical. It would be better to have a requirement to post them online on the referral website so that the public and other interested parties can access the</p>				

Consultation Reference: WG24900

notification.

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
	a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes, sometimes it is not possible for us to meet the 21 day consultation period and more information is required before we can provide a full response. It would be useful from our point of view if we could agree an extension of time with the LPA to obtain all relevant information which would assist in the preparation of our response.				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comment				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Consultation Reference: WG24900

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comment				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes we agree				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes, to ensure that all consultees are given enough time to consider the amendments				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
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Consultation Reference: WG24900

		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No - The amendment may be as a result of comments received from a consultee which in itself may incur a fee.				
Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No - In our view this would add unnecessary time delays				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes we agree - However, we would expect the consultation to be open to those who commented on the initial consultation for the original application and comply with the statutory consultation requirement				

Consultation Reference: WG24900

Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No - Consultees would require a 21 day period in accordance with the statutory consultee requirement.				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No - As in our view the validation could lead to unnecessary time delays				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes - LPAs should be able to make a quick decision in circumstances where the material change will not impact on 3rd parties				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes - In our view this will help speed up the planning process				

Consultation Reference: WG24900

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No - They should only relate to the subject of the condition				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes - As the LPA have ultimate power to make the decision. However, through networking and relationship building we hope to develop good links with LPAs to ensure that our recommendations are considered appropriate.				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comments.				

Consultation Reference: WG24900

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes - Customers should only be liable to pay for any services they have used				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes - we agree				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: No further comment				

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes - We would welcome if the LPA's could advertise the pre application service offered by consultees, such as Dwr Cymru, as we too offer pre application				

Consultation Reference: WG24900

advice.

Q22

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

Comments:

No further comment.

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

How to Respond

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Email

Please complete the consultation form and send it to :

planconsultations-i@wales.gsi.gov.uk

[Please include '**Secondary Legislation for DM**' in the subject line]

Post

Please complete the consultation form and send it to:

Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Telephone: Kristian Morgan on 02920 823360

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Mark Hand	
Organisation	Monmouthshire County Council	
Address	County Hall, The Rhadyr, Usk NP15 1GA	
E-mail address	markhand@monmouthshire.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

There appears to be a typo in the document - criteria c) and d) do not make sense and presumably should be one criterion?

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

If 5 days is deemed sufficient for the LPA to validate the application, 5 days should be sufficient for an applicant to lodge an appeal. 14 days should be allowed for both parties (ie the 5 days for an LPA to validate suggested in the consultation document is inadequate. This is evidenced by the fact PINS allows itself 6 weeks to validate an appeal before their decision-making 'clock' starts)

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>If the LPA is expected to validate an application within 5 days, the same time period should be plenty long enough for the Inspectorate too: 21 days must be far too long. Alternatively, if 5 days is not deemed sufficient for PINs, then the same must be true for LPAs. As per q3, both parties should have 14 days (LPA and PINs).</p>				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This avoids wasted expenditure of issuing refunds: very few applications are abandoned at this stage: the vast majority are corrected to become valid applications, so refunding the fee for this short period would be inefficient.</p>				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Consultation Reference: WG24900

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Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Provided the planning register is allowed to be an on-line system for searching and viewing decision notices.				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The developer should explicitly state that all pre-commencement conditions have been approved by the LPA. This will provide clarity for stakeholders and help focus an applicant's mind on discharging conditions before commencement. They should also display on site the contact details for the site manager.				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of	Yes	Yes (subject to	No
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Consultation Reference: WG24900

	the following periods have elapsed:		further comment)	
	a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Unless all statutory consultees have replied sooner than the expiration of 14 days, in which case a decision could be issued sooner.				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unsightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: However, all such appeals should be determined by written reps because the issues under consideration are all straightforward. This will help to ensure matters are not unduly protracted.				

Consultation Reference: WG24900

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: As stated above, the issues are relatively straightforward.				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The additional fee should not apply where the LPA has requested the amendment to make a scheme acceptable/better. To do so will deter applicants from improving their applications and result in either refusals and appeals (with delay and additional work for all parties), or the approval of mediocre schemes. The additional fee should only be payable where the applicant wants to amend the application part way through the process but where such amendments are not requested by the LPA.				

Consultation Reference: WG24900

Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
Assuming this proposal is amended as suggested above to only relate to cases where the applicant wishes to make an amendment, not where the LPA has requested changes, the fee should be increased to fully cover the cost of the required publicity/notification. £500 is considered reasonable to cover the costs of a press notice for a major application, plus the time and administrative costs of sending additional neighbour letters and displaying a site notice.

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
For a renewal application, the applicant should be required to provide the following:
i) a simple application form, confirming address and contact details (which may have changed since the original application), the description of development, and certificates, and clarifying the extended time period sought (does not have to be 5 years);
ii) a copy of the original decision notice, which will provide the basis of the application;
iii) a site location plan with red outline;
iv) a fee;
v) if the original permission was subject to a S106, the VC application should be accompanied by a Unilateral Undertaking that is identical in content to the previous S106. (this will prevent the considerable delay currently experienced, caused by the need for a new S106 with a S73 permission). The UU must be identical to the terms of the S106 as this application is not a means for varying a S106.

The regulations should allow the LPA to request additional information (for example updated traffic survey or in-date ecology surveys) in the same way as with requesting RM/detail on an outline application.

Consultation Reference: WG24900

Guidance on ecology surveys would be welcomed. It is widely held that an ecology survey is only 'valid' for two years, and therefore very often updated surveys would be needed for a renewal application. However, given that the original pp typically has a 5 year lifetime, within which it must be commenced and could then be extant in perpetuity, the requirement for updated surveys could be excessive. However, the LPA would be issuing a fresh permission under S73 with a new 5 year life, so presumably new surveys are essential?

Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
Very welcome suggestion

Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
A site notice and notification to the Community Council (if one exists) should be stated as the requirement. LPAs could chose to do more, but this will ensure clarity to stakeholders and a degree of consistency.

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
The requirements should be as per the answer above, plus the submission of approved and the new plans for those elements where there is a change (for example if changing one housetype on a residential development, provide the original and new floorplans, elevations and site layout plan highlighting the changes. The applicant should clearly highlight the changes to avoid time being spent by LPAs and stakeholders playing 'spot the difference'.

Consultation Reference: WG24900

Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: As per q15(iii)				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: As per q15(i) response. The application should also be accompanied by appropriate plans to show the change. For example, if varying a condition for a specified boundary treatment (e.g. a 1.8m fence), a plan and details should be provided to show what is proposed instead (e.g. a brick wall/hedge with brick type/planting scheme etc.)				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG24900

Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: As per q15(iii)				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The fee for a S96A application is to cover the work involved in administering that application/making that decision, as is the fee for a S73 application. If an unsuccessful application is submitted for a S96A, the amount of work for the S73 application is not materially less than if no S96A had been submitted.				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The 21 day time limit proposed is completely unrealistic. Evidence collated by MCC shows the following AVERAGE timescales for reply: Level 1 request (typically equates to householder enquiry) = 28 days average Level 2 (typically equates to minor commercial scheme e.g. change of use) = 32 days Level 3 (more complex schemes with multiple officer involvement) = 60 days Level 4 (most complex schemes, multiple officers/disciplines) = 30 days (faster because we seek to prioritise these, however as resources become more stretched in other service areas it is becoming increasingly difficult to arrange meetings promptly).				

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28 days for DNS is insufficient. By definition, this is a proposal of national significance, and therefore requires considerable input and consideration.

Clarification is required on how Member input into pre-app will occur. Is the mandatory pre-app defined in the consultation a planning officer opinion, with Ward Members engaged separately by the developer/applicant? This has implications for timescales and costs.

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Based on MCC evidence, the householder and large major fees are too low. Householder should be £60 (based on officer time. £25 would not cover the admin costs of banking the cheque). Minor £100 is reasonable. Major £300 is reasonable bearing in mind that the LPA can charge extra for discretionary services such as including additional officers. Large major (£600) is too low. It should be £850. DNS (£1000) seems reasonable.</p>				

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
<p>Comments:</p> <p>1) LPAs are required to give full reasons for conditions imposed. The same should apply to appeal decisions and DNS consents. This information is vital for</p>	

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LPAs when subsequently discharging those conditions, to understand why the condition was imposed.

2) If an appeal against non-validation is allowed, the statutory time period for the LPA to determine the application should be 8/16 weeks from the date the valid application was submitted, plus the time between the LPA issuing the invalid decision notice and PINs registering the appeal. This means LPAs are not penalised for any delays by the applicant in lodging their appeal or by PINs in registering the appeal.

3) If the LPA is required to update a decision notice following an appeal against a condition being allowed (as per para 3.6 of the consultation document), it must be made explicitly clear that the LPA is simply carrying out an administrative function, and any judicial review against the decision on the condition should be against the Planning Inspectorate. The appeal decision should contain the full wording for the amendment resulting from the appeal decision, which the LPA would simply cut and paste into the updated Decision Notice, to avoid any confusion or error.

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

How to Respond

Please submit your comments in any of the following ways:

Email

Please complete the consultation form and send it to :

planconsultations-i@wales.gsi.gov.uk

[Please include '**Secondary Legislation for DM**' in the subject line]

Post

Please complete the consultation form and send it to:

**Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Consultation Reference: WG24900

Telephone: Kristian Morgan on 02920 823360
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Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 4 September 2015.

If you have any queries on this consultation, please email:

planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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

Annex 1

Consultation Reference: WG24900

Secondary legislation for new development management procedures		
Date of consultation period: 12 June 2015 – 4 September 2015		
Name	Jonathan Cawley	
Organisation	POSW	
Address		
E-mail address	Jonathan.Cawley@eryri-npa.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG24900

2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We consider that the proposed notice is becoming overly bureaucratic. We do not consider it necessary to state the relevant legislation.				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The applicant should be given 7 working days to lodge an appeal providing the applicant is notified immediately via email/telephone. A LPA will be expected to validate an application within a week therefore there is no reason why an applicant cannot do the same				

Consultation Reference: WG24900

Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>If we are wanting to move to a more responsive planning service, 21 days is considered too long a time. Determination should be made with 7 days of the submission of an appeal. PINS will have the appeal form specifying why an application is considered to be invalid and the appeal statement as to why it is being contested. PINS should therefore be able to respond more quickly than 21 days.</p>				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The decision notice should, where possible, be electronic to reduce costs</p> <p>This could lead to multiple decision notices for the same development and confusion for developers and members. All decision notices should include a rider that there may be subsequent approvals and to check with LPA.</p>				

Consultation Reference: WG24900

Clarification is required as to whether the applicants/agents name on the revised decision notice would change to the person/company submitting the revision/condition (if different to the original permission)

Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
Decision notices should be electronic otherwise regular paper updates is wasteful. For example an application with conditions covering several pages would require many updates as each condition is discharged. Updating this electronically rather than paper based is clearly preferable.

Also clarification is sought as to whether this would be applied retrospectively?

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
The applicant should confirm that all pre-commencement conditions have been complied with and the date on which approval for each was granted. The applicant should provide the site address and description of development in their notification so application reference numbers can be confirmed as correct

Consultation Reference: WG24900

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5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
	a) a period of 21 days, b) until all statutory consultees have provided a substantive response, whichever is the sooner, or c) subject to a longer period if agreed in writing between the LPA and consultee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unsightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217 of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG24900

Comments:

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This should apply to all types of application not just major				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This could deter developers from submitting amendments which would result in a better scheme. Could one amendment be allowed in the fee and subsequent amendments charged?				

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Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This could result in duplication but not submitting all the documentation could result in a determination against out of date surveys etc				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Site notices should not be mandatory for all renewal applications, LPAs should have discretion				

Consultation Reference: WG24900

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Consultation Reference: WG24900

depends on the purpose of imposing the condition				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Fee discounting is inappropriate in principal and does not occur anywhere else in the planning system				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We agree with the ability of LPAs and the applicant to agree extensions of time. We have concerns that unrealistic targets will result in more extensions which				

Consultation Reference: WG24900

will bring into question the purpose of targets which do not give customers realistic expectations of the service they can expect

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Fees should be in line with the new development thresholds for committee applications or vice versa.</p> <p>Clarification is required as to whether the specified DNS fee is only for pre app service not the LIR.</p> <p>Complex schemes such as EIA development applications and controversial proposals should come under the highest fee category irrespective of size, site etc.</p> <p>Clarification is sought as to why PINS can operate a full cost recovery process compared to a standard fee regime for LPAs.</p>				

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>All fees need to be kept under review so that a fee increase can be implemented if there is evidence that cost recovery is not being achieved.</p>				

Q22	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.
<p>Comments:</p>	

Consultation Reference: WG24900

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

How to Respond**Please submit your comments in any of the following ways:****Email**

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[Please include '**Secondary Legislation for DM**' in the subject line]

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Planning Division
Welsh Government
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Cardiff
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Additional information

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