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## Draft Planning Policy Wales: Edition 10

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This document is also available in Welsh.



## Foreword by the Cabinet Secretary for Energy, Planning and Rural Affairs

I am very pleased to present to you a completely revised version of Planning Policy Wales (PPW).

PPW will deliver the vision of the Wales we want set out in the Well-being of Future Generations Act: a more prosperous Wales, a resilient Wales, which supports healthy, functioning ecosystems and recognises the limits of the global environment, a healthier Wales, a more equal Wales, a Wales of more cohesive communities, a Wales of vibrant culture and a globally responsible Wales.

The new PPW will be a significant contribution to the improvement of well-being in all its aspects as defined by the statutory well-being goals. It embeds the spirit of the Well-being of Future Generations Act, through moving us towards a low carbon, resilient society, of providing secure and well-paid jobs, and of building well-connected environments for everyone in Wales that improves our lives and health and enhances our well-being. It will help prepare for a more diverse population and a greater ageing population, by supporting the integration of services, embedding social cohesion, and ensuring for example that sites of new housing ensure equality, access to the Welsh language, and encourage a sense of belonging.

The new policy gives a clear message that we are planning for future resilient cities and rural communities, embracing technology and innovation, including smart working, which also anticipate progress to ensure that Wales is at the forefront of planning.

PPW will help to ensure that the planning decisions taken in Wales, no matter how big, or how small are going to improve the lives of both our current and future generations. It will support changing the way we live and work, and the buildings and environment of Wales, today, building a better environment to accommodate current and future needs.

The concept of placemaking introduced in this policy is a key element to deliver on the aspirations of the Act and drive plan making and development management decisions. It embraces the statutory goals and ways of working as well as giving clear direction through the definition of 5 key planning principles and placemaking outcomes in Wales.

Productive and Enterprising places are those which promote our economic, social, environmental and cultural well-being by providing well-connected employment and economic development in pleasant surroundings. These places are designed and sited to promote healthy lifestyles and tackle climate change by making them easy to walk and cycle to and around, access by public transport, minimising the use of non-renewable resources and using renewable and low carbon energy sources.

Active and Social Places are those which promote our economic, social, environmental and cultural well-being by providing well-connected cohesive communities for all sectors of society, allowing everyone to have a good quality of life by living in strong and safe communities, improving access to services, cultural opportunities and recreation facilities to support people to adopt healthy lifestyles, securing socially inclusive development and more cohesive communities.

Finally, the Natural and Distinctive places are those which value the quality of our landscapes and historic environment, future proof economic assets both in response to the challenges presented by climate change and in promote low carbon solutions, protecting landscapes and habitats, enabling opportunities for connecting with the natural environment and encouraging healthier lifestyles with the benefit of improving physical and mental well-being.

I look forward to having your feedback on this new look and approach to planning policy in Wales that makes it fit for the future and helping to promote prosperity for all.



**LESLEY GRIFFITHS AM**  
**CABINET SECRETARY FOR ENERGY, PLANNING AND RURAL AFFAIRS**

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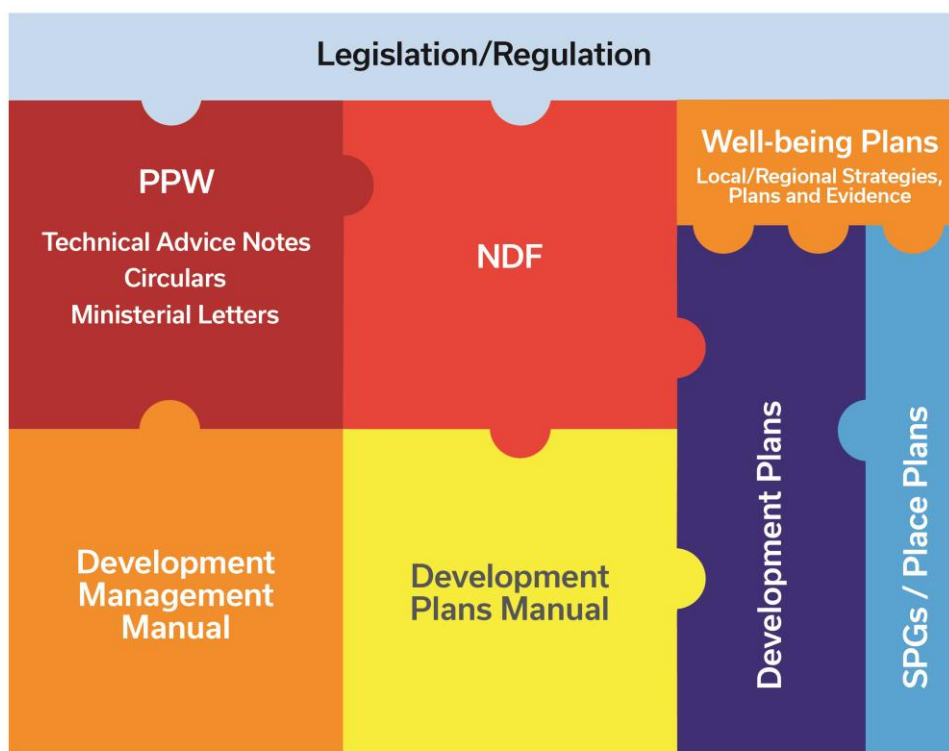
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# 1. Introduction

## What This Document Sets Out To Do

1.1 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government and provides the context for land use planning in Wales. It is supplemented by a series of Technical Advice Notes (TANs) and policy clarification letters. PPW, the TANs and policy clarification letters comprise national planning policy. National planning policy should be taken into account in the preparation of all tiers of development plan. PPW will sit alongside the National Development Framework (NDF) which will set out where nationally important growth and infrastructure is needed and how the planning system at a national, regional and local level can deliver it by providing direction for Strategic Development Plans (SDPs) and Local Development Plans (LDPs).



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1.2 Planning procedural advice is given in the Development Plans Manual, Development Management Manual and in circulars. The Development Plans Manual provides guidance in the preparation and implementation of SDPs and LDPs. It provides practical and technical advice on how to prepare, monitor and revise SDPs and LDPs. The Development Management Manual focuses on the procedural aspects of development management, describing the minimum requirements set out in law. It provides guidance for all participants in development management process to encourage greater fairness, transparency and consistency across Wales. Both the Manuals are to be read in conjunction with PPW and the relevant legislation.

1.3 The suite of documents translates our commitment to sustainable development into the planning system so that it can play an appropriate role in maximising the

contribution towards the achievement of the well-being goals and ways of working set out in the Well-being of Future Generations (Wales) Act 2015. Planning authorities are under a duty to have regard to the 'Well-being Plans' published by the Public Service Boards (PSBs) during SDP / LDP preparation and review and they form a key part of the evidence base. Reference documents provide information that should be read in conjunction with this document.

1.4 PPW, the TANs, circulars and policy clarification letters comprise national planning policy which should be taken into account in the preparation of development plans, they are also material to decisions on individual planning applications and will be taken into account by the Welsh Ministers and Planning Inspectors in the determination of called-in planning applications and appeals.

1.5 Where appropriate, PPW translates wider Welsh Government objectives, strategies and policy into land use planning policy. PPW will continue to be monitored and reviewed in relation to the Welsh Government's objectives, strategies and policy for Wales and will be amended where changes to land-use planning policy can assist in achieving these outcomes.

1.6 The Index of Planning Policy Guidance for Wales provides a guide to extant published planning documents. These are available on the Welsh Government's website at [www.gov.wales](http://www.gov.wales).

### **The Planning System in Wales**

1.7 The planning system regulates and supports the development and use of land in the public interest, prioritising long term collective benefit, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It must reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, ensuring the sustainable management of natural resources and protecting, promoting and conserving the built and historic environment. A well functioning planning system is fundamental for sustainable development and achieving sustainable places. The planning system must provide for an adequate and continuous supply of land, available and suitable for development to meet society's current and future needs.

1.8 The planning system should be efficient, effective and simple in operation. It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land or to regulate development for other than land use planning reasons. It should not discriminate against or favour any particular group or members of society.

1.9 PPW promotes thinking and acting at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities. It must encourage a wider, sustainable and problem solving outlook which focuses on integrating and addressing multiple issues rather than on an approach which is fragmented, un-coordinated and deals with issues in isolation. It must provide an opportunity to remove any actual or perceived problems in current approaches and stimulate and support innovative and creative ideas as well as high



standards of evidence and assessment to underpin the formulation of development plans and strategies and individual proposals. Monitoring and learning from development outcomes so as to drive sustainable improvements in planning practice is of significant importance.

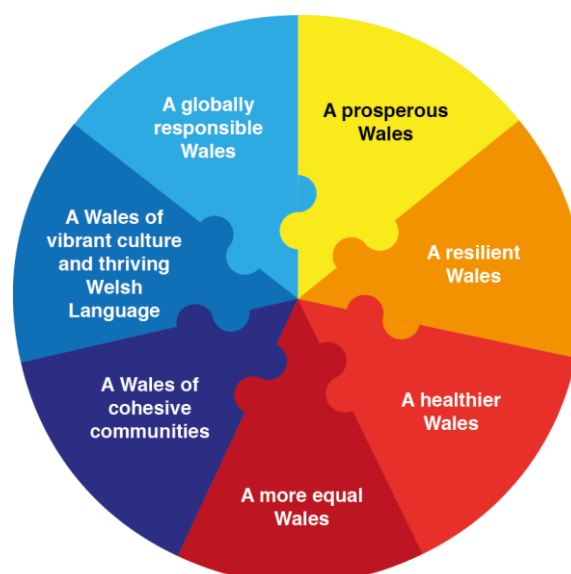
1.10 The planning system should not be used to secure objectives which are more appropriately achieved under other legislation. The aim should be to maintain the principle of non-duplication, wherever possible, even where powers and duties resulting from other legislation may also be the concern of local authorities. This does not mean failing to address issues which the planning system should be properly concerned with, such as amenity. In practice issues will often overlap and in such circumstances the planning system will have a preventative and early role to play and is capable of both avoiding the creation of problems and securing multiple benefits through positive and proactive planning approaches. Where appropriate it will be advantageous to address issues in parallel. The grant of planning permission does not remove the need to obtain any consent that may be necessary, nor does it imply that such consents will be forthcoming, and similarly, the granting of other consents should not be used to justify the granting of planning permission.

### **The Context for Planning in Wales**

#### **Sustainable Development and the Well-being of Future Generations Act**

1.11 The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies that they must carry out sustainable development. This is not a new concept for the planning system as the principles of sustainable development have been at the heart of planning policy since PPW was first published in 2002. However, the concept has been expanded under the Well-being Act and it requires an improvement of all four aspects of well-being: economic, social, environmental and cultural.

1.12 The Well-being of Future Generations Act put in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales.



1.13 The Well-being Act provides a clear definition of sustainable development:

“Sustainable Development” means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

Acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

1.14 The Planning (Wales) Act 2015 introduced a statutory purpose for the planning system. Any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as defined in the Well-being of Future Generations Act. The planning system is therefore necessary and central to achieving sustainable development in Wales. It provides the legislative and policy framework to manage the use and development of land in the public interest so that it contributes positively to the achievement of the well-being goals.

1.15 The Well-being of Future Generations Act also establishes the ‘Five Ways of Working’ which public bodies need to demonstrate they have carried out in undertaking their sustainable development duty. Giving consideration to these ways of working is an intrinsic part of the planning system. It will be for each decision making body to demonstrate how they have operated in this manner.

1.16 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review. Legislation secures a **presumption in favour of sustainable development** in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.

1.17 In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge whether this is the case using all available evidence. In such cases the planning authority must clearly state the reasons for the decision. Those proposing development also have a responsibility to provide sufficient information to enable the decision maker to make an informed judgement on whether the proposed development is sustainable (i.e. contributes to social, economic, environmental and cultural well-being).

### **Sustainable Management of Natural Resources**

1.18 The Environment (Wales) Act 2016 introduces the Sustainable Management of Natural Resources (SNMR) and sets out a framework to achieve this as part decision-making. The objective of the sustainable management of natural resources is to maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing:

- meet the needs of present generations of people without compromising the ability of future generations to meet their needs; and

- contribute to the achievement of the well-being goals in section 4 of the Well-being of Future Generations Act.

1.19 The nine principles of SMNR are a means of ensuring that the way in which we use our natural resources and the impacts upon them do not result in their long term decline, but an enhancement of resilience. The Environment Act requires the Welsh Government to prepare, publish and implement a statutory Natural Resources Policy setting out its priorities in relation to the sustainable management of natural resources, while Natural Resources Wales (NRW) is required to produce a 'State of Natural Resources Report' and prepare 'Area Statements' to inform place based action. The Natural Resources Policy and Area Statements are a key piece of evidence which must be taken into account in development plan preparation.

1.20 The planning system is wide in its social, cultural, economic and environmental scope and takes an all embracing approach to sustainable development where decisions on short and long term needs and cost and benefits come together, giving it the capability to tackle issues in a preventative, proactive and holistic way. The key features of the SMNR approach to which the planning system can contribute are:

- improving ecological networks;
- halting and reversing the loss of biodiversity;
- maintaining and enhancing green-infrastructure assets based on seeking multiple benefits and solutions;
- taking actions to move towards a more circular economy in Wales; and
- facilitating the move towards decarbonisation of the economy.

1.21 The health and well-being of people and places and the imperatives to address climate change and its consequences provide added impetus for proactive action through the planning system.

### **Transitioning to a Low Carbon Society and Building Resilience to Climate Impacts**

1.22 The planning system in Wales plays a key role in delivering clean growth and decarbonisation and is also crucial in building resilience to the impacts of climate change. The transition to a low carbon economy not only brings opportunities for clean growth and quality jobs but also has wider benefits of enhanced places to live and work, with clean air and water and improved health outcomes.

1.23 The Environment Act sets a legal target of reducing greenhouse gas emissions by at least 80% by 2050. The Act also requires a series of interim targets (for 2020, 2030 and 2040) and associated carbon budgets for key sectors. The budgets will set limits on the total amount of greenhouse gas emissions emitted in Wales over a 5 year period; to serve as stepping stones and ensure progress is made towards the longer-term target.

1.24 Climate change is a global challenge, with impacts felt at the local level presenting a significant risk to people, property, infrastructure and natural resources. We need to plan for these impacts, reducing the vulnerability of our natural resources and build an environment which can adapt to climate change. The

planning system plays a significant role in managing this risk. Development allowed today will be around for decades to come. The most important decision the planning system makes is to ensure the right developments are built in the right places

## **Active Travel**

1.25 The Active Travel (Wales) Act 2013 aims to make it easier for people to walk and cycle in Wales. The Active Travel Act requires local authorities to map and plan for suitable routes for active travel, and to build and improve their infrastructure for walking and cycling. Highway authorities must consider the needs of walkers and cyclists and make better provision for them. The Welsh Government and local authorities are also required to promote walking and cycling as a mode of transport.

1.26 By connecting key sites such as workplaces, hospitals, schools and shopping areas with active travel routes, the Active Travel Act encourages people to rely less on their cars when making short journeys. The planning system has a clear role to play in implementing this legislation, by ensuring that new development is located in places which support active travel and minimise car use.

## **Development Plans**

1.27 Up-to-date development plans are a fundamental part of the planning system and set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Development plans must show how places are expected to change to accommodate development needs over the plan period. They provide certainty for developers and the public about the type of development that will be permitted at a particular location. There are three types of statutory development plans, and discretionary, non-statutory Place Plans:

## **National Development Framework**

1.28 The Planning (Wales) Act 2015 requires the Welsh Ministers to produce and keep up-to-date the NDF. The NDF must cover a 20 year period accommodating Government priorities into a single, coherent direction, indicating the land use implications of key goals and objectives. The NDF will set out Welsh Government land use priorities and provide a national land use framework for SDPs and LDPs. The NDF concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

1.29 The NDF forms part of the statutory development plan. SDPs and LDPs must be in general conformity with the NDF. This is tested through the examination process.

## **Strategic Development Plans**

1.30 The Planning (Wales) Act 2015 provides a legal framework for the preparation of SDPs. SDPs should be prepared on a regional basis and must reflect functional

areas, to address issues such as regional housing markets, travel to work patterns and economic opportunity areas. SDPs must identify housing provision to be delivered through LDPs, including strategic allocations/areas of search for strategic employment sites, supporting transport infrastructure and strategic green infrastructure (including Green Belts). The preparation of an SDP allows opportunities and challenges to be considered and planned for in an integrated and comprehensive way, promoting the achievement of positive planning outcomes.

1.31 SDPs must be in general conformity with the NDF.

### **Local Development Plans**

1.32 LDPs are site allocation documents, with locally specific policies only where evidence supports a different approach to national or SDP policy. LDPs need to be prepared quickly and kept up-to-date. They must be simple, short and locally focussed. Preparation should be on a footprint that reflects evidence on how areas function, in terms of local housing markets and travel to work etc. In most cases this will mean that Joint LDPs should be prepared, covering a number of local authority administrative areas. LDPs have to be in general conformity with the NDF and SDP and cannot be adopted unless they are.

### **Place Plans**

1.33 Place Plans are non statutory documents. They may be prepared at the initiation of the local community and are a powerful tool to promote collaborative action and placemaking. Place Plans should support the delivery of LDP policies and are adopted as supplementary planning guidance.

1.34 Detailed procedural advice on the preparation of SDPs, LDPs and Place Plans is contained in the Development Plan Manual.

### **Managing New Development**

1.35 Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications. It is led by the planning authority, working collaboratively with those proposing developments and other stakeholders including the local community. It must be undertaken in the spirit of partnership and inclusiveness and supports the delivery of key priorities and outcomes, and by using the five ways of working.

1.36 Detailed guidance on the processes and procedures that should be followed can be found in the Development Management Manual.

### **The Welsh Ministers' General Role in Decision Taking**

1.37 Development proposals are generally best determined locally by LPAs which know their area, its needs and sensitivities. The Welsh Ministers do not interfere with LPAs' jurisdiction unless it is necessary to do so. Certain types of planning application, however, must be made, referred or notified to the Welsh Ministers.

1.38 Planning applications for Developments of National Significance (DNS) are made directly to the Welsh Ministers. Categories of DNS and their associated thresholds are published by the Welsh Ministers and there is detailed guidance which supplements the determination process.

1.39 In certain instances, the Welsh Ministers may 'call in' planning applications for their own determination. These powers are used selectively and each application is looked at individually. Call in is generally only considered appropriate where an application raises planning issues of more than local importance. It could be considered appropriate, for example, in the case of proposals that:

- are in conflict with national planning policies;
- could have wide effects beyond their immediate locality;
- may give rise to substantial controversy beyond the immediate locality;
- are likely significantly to affect sites of scientific, nature conservation or historic interest or areas of landscape importance;
- raise issues of national security; or
- raise novel planning issues.

1.40 Such intervention would overturn a LPA's judgement on a matter which is, in the first place, its responsibility and may only be justified in exceptional circumstances. The general principle followed by successive UK Governments and continued by the Welsh Government, is that such action should be considered only where the original decision is judged to be grossly wrong, so that damage would be done to the wider public interest. This policy also applies to the use of the Welsh Ministers' default powers in respect of listed buildings and conservation area consent.

1.41 The Welsh Ministers have reserve powers to make their own Revocation / Modification or Discontinuance Orders, but only after consultation with the planning authority.

## 2. Placemaking

2.1 The Welsh Government believes that everyone engaged with or operating within the planning system in Wales must embrace the concept of placemaking in both plan making and development management decisions in order to achieve the creation of Sustainable Places.

### KEY DRIVERS FOR PLANNING AND CREATING SUSTAINABLE PLACES

#### Planning, Well-being and Sustainable Development

2.2 Planning policies, proposals and decisions must seek to support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven national well-being goals, by using the five Ways of Working, as required by the Well-being of Future Generations Act. This will include seeking to maximise the cultural, social, environmental and economic benefits, while considering potential impacts when assessing proposals and policies in line with the Act's Sustainable Development Principle.

2.3 The diagram below outlines the seven goals in more detail and the strategic long-term aims they are seeking to achieve.

Goal	Description of the goal
<b>A prosperous Wales</b>	An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.
<b>A resilient Wales</b>	A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).
<b>A healthier Wales</b>	A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.
<b>A more equal Wales</b>	A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).
<b>A Wales of cohesive communities</b>	Attractive, viable, safe and well-connected communities.
<b>A Wales of vibrant culture and thriving Welsh language</b>	A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.
<b>A globally responsible Wales</b>	A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.

## Ways of Working

2.4 National planning policy and development plans consider the **long term** by looking to the future and setting out a vision for their areas. The evidence used to formulate these policies, together with the statutory Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) processes and detailed considerations at the development management stage ensure that **prevention** of issues and adverse impacts is considered through, for example the polluter pays and precautionary and proximity principles. In developing policies and taking decisions, **integration** of policy issues are considered with a balanced, justified decision which takes into account the contributions towards all aspects of sustainable development. In preparing development plans and taking decisions, **collaboration** is key with other bodies in the public, private and third sectors to ensure all the relevant evidence is considered and information, evidence and the outcomes of assessments shared. The built-in **involvement** of the public and stakeholders in the planning system through statutory consultation and engagement ensure that all views are taken into account before planning decisions are made.

2.5 The planning system can improve in these areas, particularly in the way in which we involve with the public. Developers and planning authorities should embrace new techniques (including technology) in reaching the communities and people which will be affected by proposals. Evidence gathered in the plan making process should be as integrated as possible with opportunities to use data and findings across policy areas and, across geographic boundaries to ensure best value is obtained from the work undertaken. Finally, planning authorities should have clear policy statements in their development plans to set out acceptable and unacceptable forms of development.

2.6 Ways of working in relation to policy statements are highlighted in the text of Planning Policy Wales (PPW) by the use of the following symbols:



**The planning system is one of the key policy, decision making and delivery mechanisms and it should seek to maximise delivery of outcomes against all aspects of well-being/sustainable development, thus seeking to maximise contributions towards all of the goals of the Well-being of Future Generations Act.**

2.7 In considering how the five Ways of Working can specifically relate to the planning system in Wales, the Welsh Government identifies five key principles for planning which should be the starting point for all those involved in considering what they are trying to achieve.



## 5 Key Planning Principles

### 1. To facilitate the right development in the right place

The planning system needs to work in a proactive and **collaborative** way to ensure prosperity to meet social, environmental, cultural and economic needs. The best use must be made of existing infrastructure, where new supporting infrastructure is required it must be co-ordinated with development. Meeting this principle will require taking a long term view and, be based on integrating and aligning priorities through greater collaboration between multi-disciplinary built and natural environment professions and frameworks, the third sector and the public to help achieve the best possible result where advantages in terms of cultural, economic, social and environmental benefits are felt far beyond a place or development's boundaries.

### 2. Making best use of Resources

Land is a finite resource which needs to be used wisely but the influence of the system extends to ensuring that the **long term** issue of climate change is combated, that progress towards decarbonisation and a circular economy is made and that benefits are derived for both the built and natural environment. The proximity principle must be applied to ensure problems are solved locally rather than passing them on to other places or future generations. This will ensure the use of land and other resources is sustainable in the long term.

### 3. Facilitating Accessible and Healthy Environments

The planning system should be accessible to all. It should deliver high quality places which are barrier-free and inclusive to all members of society whilst making it easy to make healthy lifestyle choices. The best way of achieving this is to **involve** and **collaborate** with others to ensure issues are understood and **prevented** at the earliest opportunity.

### 4. Creating & Sustaining Communities

The Planning system must work in an **integrated** way to maximise its contribution to well-being. It can achieve this by creating well-designed places and cohesive rural and urban communities can be sustained and created by ensuring the appropriate balance of uses and density to make places where people want to be whilst meeting our requirements for new development.

### 5. Maximising environmental protection and limiting environmental impact

Natural and cultural resources, people, property and infrastructure must be protected and environmental impacts limited in the wider public interest. This means acting in the long term to respect environmental limits and operating in an **integrated** way so that resources are not irreversibly damaged or depleted, applying the polluter pays principle where pollution cannot be prevented and applying the precautionary principle to ensure cost effective measures to prevent possibly serious environmental damage are not postponed just because of scientific uncertainty about how serious the risk is.

2.8 These principles enable the goals and ways of working set out in the Well-being of Future Generations Act and Environment Act principles to be realised through planning. They provide the context and act as a catalyst for the positive delivery of the planning system across Wales.

### **Creating Sustainable Places**

2.9 Sustainable Places are the goal of the land use planning system in Wales; they are the output of the planning process. All development decisions, either through policy-making in development plans or through individual development management decisions should seek to contribute towards the making of Sustainable Places:

**The planning system should create Sustainable Places which are attractive, sociable, positive, secure, welcoming, healthy and friendly. Development proposals should bring people together and make us want to live, work and play in areas with an unmistakable sense of place and well-being creating prosperity for all.**



2.10 Places can take many forms and interpretation of what makes a good place will vary. Each place will have its own unique characteristics, history and identity, based on how people have and will interact with it, which make it unique. This 'sense of place' varies, from the rural countryside which provides an economic and environmental base for agriculture and tourism to thrive to urban areas which can be renewed through regeneration and change.

2.11 Sustainable placemaking is an inclusive process, involving all of those with a professional or personal interest in the built and natural environment, which focuses on developing plans, making decisions and delivering developments which contribute to the creation and enhancement of sustainable places.

2.12 Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the local, such as considering the amenity impact on neighbouring properties and people.

2.13 The planning system is the key management tool for delivering Sustainable Places. It provides a critical mechanism where opportunities for long term benefit and integrated decision making meet allowing preventative and proactive solutions to be found.

### **People and Places – National Sustainable Placemaking Outcomes**

2.14 The Welsh Government has developed a suite of National Sustainable Placemaking Outcomes to help ensure development decisions are taken with a holistic view and consider the well-being goals at the earliest stage of the development process where the most benefits can be realised.

2.15 These outcomes, whilst highlighting the sustainable features of the final development constructed, should form the starting point for development proposals.

2.16 The characteristics and qualities of places vary. Positive planning occurs at a level where detailed knowledge of how places 'work' is available and provides a valuable decision making resource. It is crucial when, in developing local policies, planning authorities engage with people in their own communities, facilitating a collective, participatory process which focuses on achieving Sustainable Places.

**In responding to the key principles for the planning system, the creation of Sustainable Places and in recognition of the need to contribute to the well-being of future generations in Wales, planning policies and development proposals must seek to deliver development that address the National Sustainable Placemaking Outcomes.**

## People and Places National Placemaking Outcomes

Protects and enhances biodiversity and improves the resilience of ecosystems

Is accessible by walking, cycling and public transport and promote their use and reduces reliance on the car for daily travel and its adverse impacts upon the environment and public health

Is built to minimise the use of finite natural resources, promoting the use of renewable and low carbon resources and the most effective and efficient way in which to use resources to prevent waste and the unnecessary loss of irreplaceable resources

Is designed to be safe, inclusive, give equality of access and stimulate diversity for all members of society

Is designed to ensure good and safe and sustainable connections to existing settlement patterns and form

Landscapes, historic assets, habitats and biodiversity and distinctive coastal, rural or urban characteristics should be identified, understood, valued, protected and enhanced and green infrastructure integrated wherever possible, especially in urban areas

Is high in quality and built to last and its components can be reused and recycled during operation/maintenance and deconstructed at the end of its life, promoting a circular economy

Is located with convenient and sustainable access to goods, services, education and employment opportunities

Is positive about the Welsh language and acknowledges it should be considered in development proposals

	Globally Responsible	Prosperous	Resilient	Healthier	More Equal	Cohesive Communities	Vibrant Culture
Protects and enhances biodiversity and improves the resilience of ecosystems	●		●				
Is accessible by walking, cycling and public transport and promote their use and reduces reliance on the car for daily travel and its adverse impacts upon the environment and public health				●	●	●	
Is built to minimise the use of finite natural resources, promoting the use of renewable and low carbon resources and the most effective and efficient way in which to use resources to prevent waste and the unnecessary loss of irreplaceable resources	●	●	●				
Is designed to be safe, inclusive, give equality of access and stimulate diversity for all members of society				●	●	●	●
Is designed to ensure good and safe and sustainable connections to existing settlement patterns and form		●		●	●	●	
Landscapes, historic assets, habitats and biodiversity and distinctive coastal, rural or urban characteristics should be identified, understood, valued, protected and enhanced and green infrastructure integrated wherever possible, especially in urban areas	●		●				●
Is high in quality and built to last and its components can be reused and recycled during operation/maintenance and deconstructed at the end of its life, promoting a circular economy		●		●	●	●	
Is located with convenient and sustainable access to goods, services, education and employment opportunities		●		●		●	
Is positive about the Welsh language and acknowledges it should be considered in development proposals					●	●	●



Rec app ma be s are: poll time qua wel exe trar  
 Dec buil res; clim cha risk bio sea  
 Res gen  
 Sup acti par  
 Use and and in to cult  
 Is a the eml dec and

Is strategically planned to focus development in existing settlements and to maximise use of existing infrastructure and considers how the provision of infrastructure can be co-ordinated

Prioritises the reuse of existing buildings and previously developed land by taking a de-risking approach which will ensure various, often conflicting priorities align and where dereliction and environmental risks are addressed, the needs of communities can be met, investment is better targeted and regeneration potential unlocked in a sustainable way

Promotes a variety of economic activity, prosperity for all and makes it easier for people to communicate by digital means

Promotes healthy lifestyles and make it easy to make positive lifestyle choices, where active travel options, the provision of green infrastructure, including recreational space and areas of tranquillity in urban environments, can increase and promote outdoor activity and its physical and mental well-being benefits

Provides an appropriate amount of homes and jobs that society needs, together with a mix of other uses, at appropriate densities, which protect and enhance special and distinctive characteristics, air quality, soundscapes and integrate green infrastructure

Provides and protects community facilities and uses that provide opportunities to engage in local life and cultural experiences

Responds to our special areas, countryside and high quality agricultural land which should be protected from inappropriate development whilst also encouraging appropriate development which sustains rural communities

	Globally Responsible	Prosperous	Resilient	Healthier	More Equal	Cohesive Communities	Vibrant Culture
		●				●	
		●	●				
		●			●	●	
			●	●	●	●	
		●	●	●	●	●	●
					●	●	●
	●		●				●

Recognises the importance of clean air, appropriate soundscapes and natural water management as integral qualities of places and be sensitive to the compatibility of uses in an area and the need to reduce overall levels of pollution and environmental risks. At the same time recognising the important role these qualities play in promoting physical and mental well-being by promoting outdoor activity, exercise and the creation of areas of tranquillity in busy urban environments

Decisions in relation to location, design, build, operation and decommissioning respond to the cause of and future impacts of climate change, such as flooding and coastal change, high temperatures, water shortages, risks to ecosystem resilience, including biodiversity loss, habitat fragmentation, soil sealing and water management

Responds to the opportunities for the generation and use of local scale energy

Supports a mix of uses which provide activity throughout the day and night particularly in central areas

Uses opportunities to protect, promote and conserve the historic environment and recognise the role historic assets play in tourism and providing for creative and cultural experiences

Is adaptive and flexible to change in the short, medium and long term while embracing smart technologies including decentralised electricity and heat systems and digital networks

	Globally Responsible	Prosperous	Resilient	Healthier	More Equal	Cohesive Communities	Vibrant Culture
Recognises the importance of clean air, appropriate soundscapes and natural water management as integral qualities of places and be sensitive to the compatibility of uses in an area and the need to reduce overall levels of pollution and environmental risks. At the same time recognising the important role these qualities play in promoting physical and mental well-being by promoting outdoor activity, exercise and the creation of areas of tranquillity in busy urban environments			●	●			
Decisions in relation to location, design, build, operation and decommissioning respond to the cause of and future impacts of climate change, such as flooding and coastal change, high temperatures, water shortages, risks to ecosystem resilience, including biodiversity loss, habitat fragmentation, soil sealing and water management	●		●			●	
Responds to the opportunities for the generation and use of local scale energy		●			●	●	
Supports a mix of uses which provide activity throughout the day and night particularly in central areas		●				●	●
Uses opportunities to protect, promote and conserve the historic environment and recognise the role historic assets play in tourism and providing for creative and cultural experiences	●		●	●			●
Is adaptive and flexible to change in the short, medium and long term while embracing smart technologies including decentralised electricity and heat systems and digital networks		●			●	●	

## Sustainable Places and Well-being

2.17 The relationship between development proposals, planning policy topics and the well-being goals is complex. At a strategic level traditional planning policy topics are clustered around four distinctive themes.

Placemaking	Active and Social Places	Productive and Enterprising Places	Distinctive and Natural Places
Creating Sustainable Places Good Design Promoting Healthier Places The Welsh Language Making Spatial Choices Placemaking in Rural Areas	Housing Retail and Commercial Centres Community Facilities Recreational Spaces Transport	Economic Development Tourism The Rural Economy Transportation Infrastructure Telecommunications Energy Minerals Waste	Landscape Coastal Areas Historic Environment Green Infrastructure Biodiversity Water, Air, Soundscape & Light Flooding De-risking

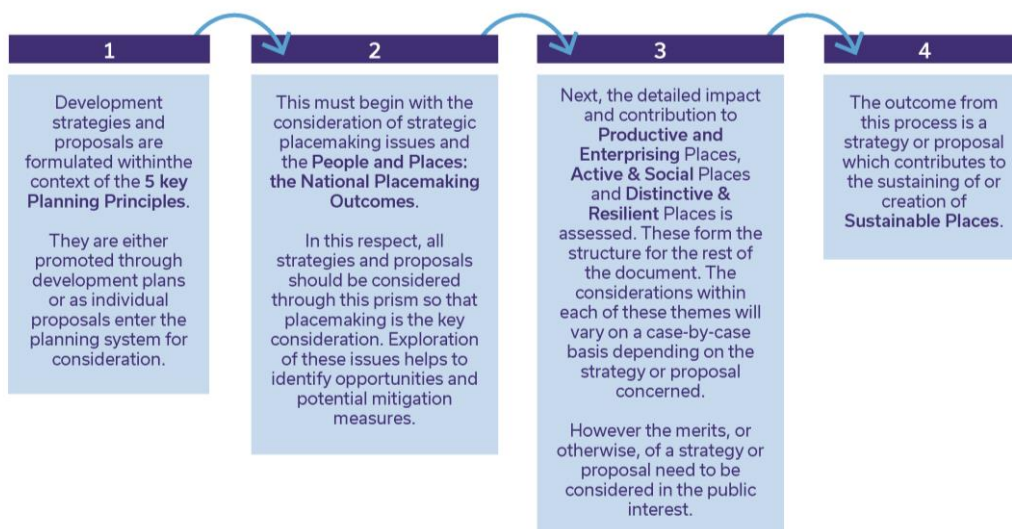
2.18 In creating these themes it is possible to draw out the inter-linkages between planning policies to make it explicit in how they contribute to a particular aspect of placemaking and, in turn, maximising their contribution towards the well-being goals, through using the ways of working. These linkages are explored further in the chapters that follow.

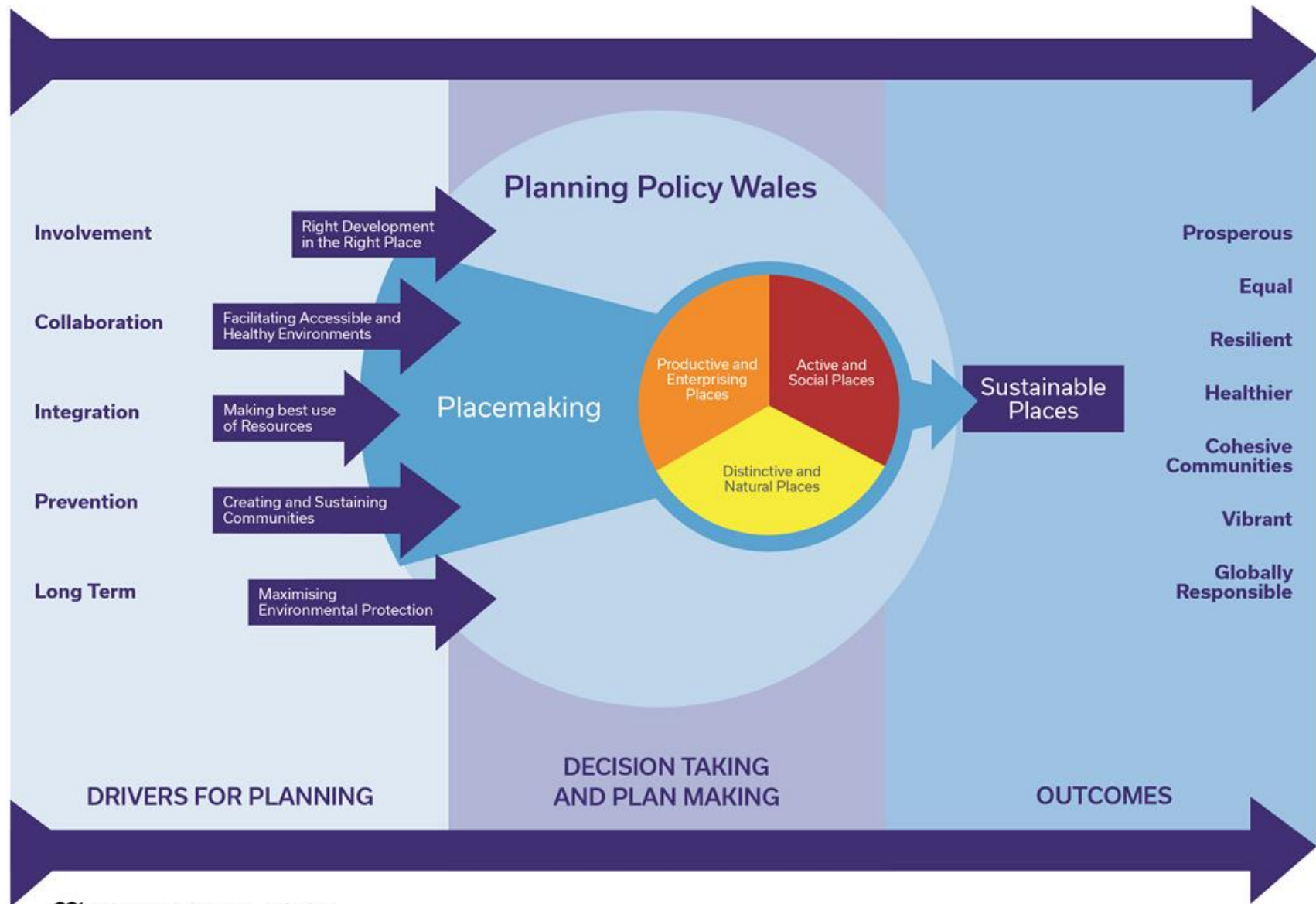
2.19 The development of the policy themes assists in considering planning policy topics in an integrated way, to ensure that holistic placemaking and the goal of creating Sustainable Places, which improve social, economic, environmental and cultural well-being, are considered as part of the decision making process:

### The Achievement of Sustainable Places through Planning Policy Wales

2.20 PPW must be used in the following way:

#### Using PPW to achieve Sustainable Places







2.21 This diagram seeks to demonstrate the process through which proposals should be taken through the planning policy process.

2.22 **PPW should be read as a whole.** As aspects of placemaking and their application to a particular development proposal will occur in several parts of the document.

2.23 In terms of language used in the document: where 'must' is used it reflects a legislative requirement to take action or a requirement to make changes in practice over the long term to achieve strategic outcomes where action is needed now. Where 'should' is used it reflects Welsh Government expectations of an efficient and effective planning system.

### **Assessing the Sustainable Benefits of Development**

2.24 Planning authorities should ensure that economic, social, cultural and environmental benefits are given equal consideration in the decision-making process, by following the five Ways of Working, to ensure a balanced assessment is carried out and to implement the Well-being of Future Generations Act and the Sustainable Development Principle. There may be occasions when one type of benefit of a development proposal or site allocation outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contribution against the well-being goals.

2.25 In assessing these benefits, key factors include:

#### **Economic Considerations**

- the numbers and types of long term jobs expected to be created or retained;
- whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities or upgrading the environment;
- a consideration of the contribution to wider strategies, for example for the growth or regeneration of certain areas;
- the contribution this economic activity will have to wider policy goals, for example in the green growth sector; and
- how does the proposal support achievement of a more prosperous, low carbon, innovative and resource efficient Wales.

#### **Social Considerations**

- who are the interested and affected people and communities;
- how does the proposal change a persons way of life, which can include:
  - how people live, for example, how they get around and access services;
  - how people work, for example, access to adequate employment;
  - how people socialise, for example, access to recreation activities; and
  - how people interact with one another on a daily basis.
- who will benefit and suffer any impacts of the proposal;

- what are the short and long-term consequences of the proposal on a community, including its composition, cohesion, character, how it functions and its sense of place; and
- how does the proposal support development of more cohesive communities.

### **Cultural Considerations**

- how far the proposal supports the conditions that allow for the development and growth of the Welsh Language;
- whether or not the development protects areas and assets of cultural and historic significance;
- have the cultural links and their relationships with the tourism industry been appropriately maximised;
- if the proposal protects areas known for their cultural value in terms of music, literature, sport and the arts; and
- vibrant cultural experiences.

### **Environmental Considerations**

- will important features of the natural, historic and built environment be protected and enhanced;
- are the environmental impacts of development on health and amenity limited to acceptable levels and the resilience of ecosystems improved;
- is environmental protection for people, natural and cultural resources, property and infrastructure maximised and environmental risks prevented or appropriately managed;
- will high standards of restoration, remediation, decommissioning and beneficial after uses be achieved;
- will the depletion of non-renewable resources be minimised, waste prevented and the efficient and most appropriate use of materials made and re-use and recycling promoted;
- will the causes and impacts of climate change be fully taken into account through location, design, build, operation, decommissioning and restoration; and
- does it support decarbonisation and our transition to a low carbon economy.

2.26 When considering planning applications, planning authorities should seek the views of all relevant local authority departments and external specialist public bodies and particularly from Economic Development, Housing, Transport, Regeneration, Cultural and Environment/Biodiversity Officers as this can assist in the identification of multiple benefits and an integrated approach to balancing priorities against policy on an individual basis. This will also enable the full range of costs and benefits over the lifetime of development to be taken into account, including those which cannot be easily valued in money terms, and considerations relating to timing, risks and uncertainties addressed.

## PLACEMAKING IN ACTION

### Good Design Making Better Places

2.27 Good design is fundamental to creating sustainable places where people want to live, work and socialise and enjoy. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment. To achieve sustainable development, design must go beyond aesthetics and include the social, environmental, cultural and economic aspects of the development, including its construction, operation and management, and the relationship with its surroundings.



2.28 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales. These objectives can be categorised into five key aspects of good design:



## Access

2.29 Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

2.30 Development proposals must address the issue of accessibility for all. This includes making provision to meet the needs of people with sensory impairments, people with dementia and memory issues, people with learning difficulties and people with mobility impairments, such as wheelchair users, elderly people and people with young children. It must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car.



## Environmental Sustainability

2.31 Good design promotes environmental sustainability. Developments should seek to maximise energy efficiency and the efficient use of other resources, maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, density, layout, built form, the choice of materials and site treatment will be an appropriate way of contributing to resilient development.

2.32 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process and integrating green infrastructure and addressing environmental risks can make a positive contribution to environmental protection and improvement, for example to land contamination, biodiversity, climate protection, air quality and the protection of water resources.



## Character

2.33 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made based on site and context analysis, a strong vision, performance requirements and design principles should be sought throughout the development process and expressed, when appropriate, in a design and access statement (see below).

2.34 In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate

building materials (including where possible sustainably produced materials from local sources), will be particularly important.

## **Community Safety**

2.35 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality.

## **Movement**

2.36 Good design is about avoiding the creation of solely car-based developments. It contributes to minimising the need to travel and reliance on the car whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links within and between developments.



## **Appraising Context**

2.37 Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the existing built environment fabric. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals.



2.38 Development plans should include policies and guidance that promote good design in the built environment and be sufficiently robust to refuse poor quality development proposals. Planning authorities should consider strategic design issues (such as site location, context and connectivity) when making development plan allocations and reference these in the plan. A variety of tools (such as development briefs, design frameworks and supplementary planning guidance) can be used to outline specific sustainable design requirements where applicable to a particular local issue or specific sites. These can also help to identify and coordinate opportunities to revitalise towns and other urban areas and to guide development generally.

2.39 Planning authorities should reject, and should seek to improve, poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of

design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence.

2.40 A Design and Access Statement communicates what development is proposed, demonstrates the design process that has been undertaken and explains how the objectives of good design and placemaking have been considered from the outset of the development process. In preparing design and access statements, applicants should take an integrated and inclusive approach to sustainable design, proportionate to the scale and type of development proposal. They should be 'living' documents dealing with all relevant aspects of design throughout the process and the life of the development, clearly stating the design principles and concepts adopted and include illustrative material in diagrams, plans, elevations and sections where relevant.



2.41 Where Design and Access Statements are not required, design and placemaking should still be taken into account when assessing development proposals.

### **Promoting Healthier Places**

2.42 The planning system has a role in the promotion of healthy lifestyles. The way our places work and operate can have an impact on the choices people make in their everyday lives, including travel choices. Similarly, the planning system must consider the impacts of new development on existing communities and will need to respond appropriately in instances where new development could have an adverse impact on health, amenity and well-being.



2.43 Disadvantaged and deprived communities tend to be disproportionately impacted by health problems. Planning authorities should recognise their role in the prevention of physical and mental illnesses caused, or exacerbated by pollution and inactive lifestyles. The planning system should take proactive and preventative measures aimed at reducing health inequalities by enabling opportunities for outdoor activity and recreation, preventing problems such as airborne pollution, promoting active travel options and seeking environmental and physical improvements, particularly in the built environment.



2.44 Planning authorities should aim to develop and maintain places that foster healthy, active lifestyles across all age and socio-economic groups. The way a development is laid out and arranged can influence people's behaviours and decisions, including undertaking active travel, play and recreation. Planning can provide calming, tranquil surroundings as well as stimulating and sensory environments, and a successful place will include both.

2.45 Integrating green infrastructure across all areas and at an individual site level can be an effective means of linking dwellings, workplaces and community facilities, while high quality, accessible green spaces should be provided in close proximity to all development types. In all development and in public spaces especially, there



should be sensitive management of light, and exposure to airborne pollution should be kept as low as reasonably practicable. The compatibility of land uses will be a key factor in maintaining and creating appropriate soundscapes which are conducive to, and reflective of, particular social and cultural activities and experiences, particularly in busy central areas of towns and cities.

2.46 Where significant effects on human health are likely to arise as a result of development strategies or individual development proposals, environmental impacts should be considered in full knowledge of the consequences for health. Information to assess potential impacts on health can be required through various existing mechanisms, such as sustainability appraisal of development plans and environmental impact assessments, and where relevant, health impacts should be incorporated into such assessments. In general, the most effective and collaborative ways of working will require shared and integrated approaches to evidence gathering and assessments.



### **The Welsh Language and Placemaking**

2.47 The Welsh language is part of the social and cultural fabric of Wales and its future well-being will depend upon a wide range of factors, particularly education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities and places. The land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its well-being and use.



2.48 Planning authorities must consider the likely effects of their development plans on the use of the Welsh language as part of the Sustainability Appraisal. Planning authorities should seek to ensure a broad distribution and phasing of development that takes into account the ability of the area or community to accommodate development without adversely impacting use of the Welsh language.

2.49 Development plans should include a statement on how planning authorities have taken the needs and interests of the Welsh language into account in plan preparation and how any policies relating to the Welsh language interact with other plan policies.

2.50 Considerations relating to the use of the Welsh language may be taken into account by decision makers so far as they are material to applications for planning permission. Policies and decisions must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

2.51 If required, language impact assessments may be carried out in respect of large developments not allocated in a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan.

## STRATEGIC PLACEMAKING

2.52 The creation of sustainable places means that one of the first considerations is where development is to be located. Development plans will provide the context for this by identifying areas for new development.

2.53 Locational choices will need to be made within the context of an understanding of economic conditions and market conditions. When considering locational choices and specific land for development consideration should be given to whether specific interventions from the public and/or private sector, such as regeneration strategies or funding, are required to help deliver the strategy and specific development proposals.

2.54 When identifying sites suitable for all types of development a search sequence should be used to identify brownfield or underutilised sites within, or on the edge of, existing settlements. Next, greenfield sites within or on the edge of settlements should be identified. However, these areas may be sensitive to development pressure and green wedges or green belts may be appropriate tools in this context to guide development to the best location. They may also provide valuable public open space and recreational benefits which should also be considered. Finally, and only where all other alternatives have been fully exhausted, where greenfield sites are necessary, the value of the agricultural land will need to be taken into account, with the best and most versatile land preserved wherever possible.

2.55 The search sequence process should not be confined by local authority boundaries and should reflect realities like housing markets, travel to work areas and retail catchments. This will ensure that the best use is made of brownfield development opportunities and the loss of greenfield sites is minimised,

2.56 More information is given on aspects of this search sequence below.

### **Settlement Strategies**

2.57 Development plans must include a settlement strategy which establishes a pattern of development balancing social, economic, cultural and environmental needs. The settlement strategy will be informed by a sustainability appraisal. It should be developed and integrated as part of an over-arching strategy in the development plan. Planning authorities and developers are encouraged to work together collectively to identify land in the most appropriate locations for development which should be deliverable within the identified delivery timescales.



2.58 Settlement strategies should be consistent with National Sustainable Placemaking Outcomes, including minimising the need to travel and increasing accessibility by modes other than the private car. A broad balance between housing and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Planning authorities should adopt policies to locate major generators of travel demand, such as housing, employment, retailing, leisure and recreation, and community facilities (including





libraries, schools, doctor's surgeries and hospitals), within existing urban areas or in other locations which are, or can be, easily reached by walking or cycling, or well served by public transport. Wherever possible, developments should be located at higher densities near major public transport nodes or interchanges where the transport infrastructure has the capacity to accommodate increased usage and this is compatible with maintaining health, amenity and well-being of people.

2.59 Planning authorities should reassess development sites which are highly accessible to non-car modes and allocate them for travel intensive uses such as offices, shopping, leisure, hospitals and housing of sufficient density to fully utilise their accessibility potential. Sites which are unlikely to be well served by walking, cycling and public transport should not be allocated for development.

2.60 In rural areas the opportunities for reducing car use and increasing the use of walking, cycling and public transport are more limited than in urban areas. In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities and be identified as the preferred locations for most new development including housing and employment provision. The approach should be supported by the service delivery plans of local service providers.

### **New Settlements**

2.61 Due to their strategic nature new settlements or major urban extensions of 1,000 or more dwellings, which will have significance beyond a single local authority, should only be proposed as part of a joint LDP, SDP or the NDF.



2.62 New settlements should only be proposed where such development would offer significant environmental, social, cultural and economic advantages over the further expansion or regeneration of existing settlements and the potential delivery of a large number of homes is supported by all the facilities, jobs and services that people need in order to create a Sustainable Place. They need to be self contained and not dormitory towns for overspill from larger urban areas.

### **The Re-Use Of Previously Developed Land**

2.63 Previously developed land (see box below) in settlements should generally be considered suitable for development because their re-use will promote sustainability principles.

2.64 Planning authorities should work with landowners to ensure that suitable sites are brought forward for development and to secure a coherent approach to their development. To incentivise the re-use of previously developed land planning authorities must consider and identify the specific interventions from the public and/or private sector which will be required to assist in its delivery. One preliminary response will be to raise awareness of risks and pursue effective de-



risking strategies. This may inform and help facilitate adequate risk assessment and remediation to safeguard new developments from the health and environmental risks from past land uses, such as contamination, old mine workings or former land fill sites.

2.65 Authorities are encouraged to take a de-risking approach to unlocking the development potential of sites. In some instances the authority may need to purchase land in order to facilitate redevelopment. Wherever possible this should be done by negotiated agreement, but it may involve the use of compulsory purchase powers.



2.66 It is recognised that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.

### **Definition of Previously Developed Land**

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage (see note 1 below) of the development is included, as are defence buildings and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures.

Excluded from the definition are:

- land and buildings currently in use for agricultural or forestry purposes;
- land in built-up areas which has not been developed previously, for example parks, recreation grounds and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings;
- land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings;
- previously developed land where the nature conservation value of which could outweigh the re-use of the site; and
- previously developed land subsequently put to an amenity use.

Notes:

1. The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site will also be defined as previously-developed. However this does not mean that the whole area of the curtilage should therefore be redeveloped. For example, where the footprint of a building only occupies a proportion of a site of which the remainder is open land (such as a hospital) the whole site should not normally be developed to the boundary of the curtilage. The planning authority should make a judgement about site layout in this context, bearing in mind other planning considerations such as policies for the protection of open space, playing fields or development in the countryside. They should consider such factors as how the site relates to the surrounding area and requirements for on-site open space, buffer strips and landscaped areas.

2. This relates to minerals and waste sites which would otherwise remain unrestored after use because the planning permission allowing them did not include a restoration condition. All other such sites will be restored to greenfield status, by virtue of the planning condition.

## **Managing Settlement Form - Green Belts and Green Wedges**

2.67 Around towns and cities there may be a need to protect open land. Green Belts and local designations, such as green wedges, may be used to protect open land from development. Proposals for both Green Belts and green wedges must be soundly based on a formal assessment of their contribution to urban form and the location of new development and can take on a variety of forms. The essential difference between them is that land within a Green Belt should be protected for a longer period than the relevant current development plan period, whereas green wedge policies should be reviewed as part of the development plan review process.

2.68 The main aim of **Green Belts** is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.



2.69 Due to their strategic nature Green Belts will have significance beyond a single local authority and they should only be proposed as part of either a joint LDP or an SDP.



2.70 The purpose of Green Belts is to:

- prevent the coalescence of large towns and cities with other settlements;
- manage urban form through controlled expansion of urban areas;
- assist in safeguarding the countryside from encroachment;
- protect the setting of an urban area; and
- assist in urban regeneration by encouraging the recycling of derelict and other urban land.



2.71 Green wedges are local designations of open areas around and between parts of settlements which maintain the distinction between the countryside and built-up areas and prevent the merging of adjacent places. As local designations, green wedges should be proposed as part of an LDP.

2.72 The general policies controlling development in the countryside apply in a Green Belt and a green wedge but there is, in addition, a general presumption against development which is inappropriate in relation to the purposes of the designation. Green Belts and green wedges can have other beneficial effects including the provision of access to the countryside and sport and recreation opportunities. However, the extent to which the use of land fulfils these objectives is not a material factor in determining whether land should be included within a Green Belt or green wedge.

2.73 Green Belt and green wedge boundaries should be chosen carefully using physical features and boundaries to include only that land which it is necessary to keep open in the longer term. The boundaries of Green Belts should be altered only in exceptional circumstances and with regard to their intended long-term

permanence. The spatial form of Green Belts should be appropriate to the location and will not necessarily need to extend in a continuous band around an urban area.

2.74 To maintain openness, development within a Green Belt and green wedge must be strictly controlled. When including Green Belt and green wedge policies in their plans, authorities must demonstrate why normal planning and development management policies would not provide the necessary protection.

2.75 When considering Green Belt designations a sufficient range of development land which is suitably located in relation to the existing urban edge should be made available, bearing in mind the longer term need for development land, the effects of development pressures in areas beyond the Green Belt and the need to minimise demand for travel. This may require land to be safeguarded, and boundaries of proposed Green Belts must be carefully defined to achieve this.

2.76 When considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Substantial weight should be attached to any harmful impact which a development would have on the purposes of Green Belt or green wedge designation. Policies should be devised to outline the circumstances when development would be permitted in these areas where the openness of the Green Belt or green wedge will still be maintained.

2.77 Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.

2.78 The construction of new buildings in a Green Belt or in a locally designated green wedge is inappropriate development unless it is for the following purposes:

- justified rural enterprise needs;
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings;
- limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- small scale diversification within farm complexes where this is run as part of the farm business.

2.79 The re-use of buildings in a Green Belt or green wedge is not inappropriate development provided that:

- the original building is substantial, permanent and capable of conversion without major reconstruction;

- the new use will not have a greater impact on the openness of the Green Belt or green wedge and the purposes of including land within it. Strict control will need to be exercised over the extension, alteration or any associated use of land for re-used buildings; and
- the building is in keeping with its surroundings.

2.80 Other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of including land within it.

## **PLACEMAKING IN RURAL AREAS**

2.81 The countryside is a dynamic and multi-purpose resource. In line with sustainability and the placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against the economic, social and recreational needs of local communities and visitors. Central to this is ensuring that the countryside is resilient to the impacts of climate change and plays a role in reducing the causes of climate change through the protection of carbon sinks and as a sustainable energy source.

2.82 Development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

2.83 For most rural areas the opportunities for reducing car use and increasing the use of walking, cycling and public transport are more limited than in urban areas. In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should still embrace the placemaking outcomes and offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.

2.84 Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities and be identified as the preferred locations for most new development including housing and employment provision. The approach should be supported by the service delivery plans of local service providers.

## **The Best and Most Versatile Agricultural Land**

2.85 Agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future.



2.86 In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

### 3. Active and Social Places

#### Introduction

3.1 The Active and Social theme of planning policy topics covers housing, retail and commercial centres, community facilities, recreational spaces and transport.

3.2 This theme promotes the provision of a range of well-designed and located homes which are well connected to existing retail and commercial centres situated at the heart of our communities. It emphasises that when planning and managing future development planning authorities need to ensure that residents of existing and new communities have access to an appropriate range of community facilities including recreation, leisure, health and education. It promotes retail and commercial centres as hubs, for a range of activities, recognising their social, cultural and economic importance. It acknowledges the significance of community facilities and recreational spaces for our health, well-being and quality of life and specifically protects and promotes these uses in line with the overarching national sustainable placemaking outcomes.

3.3 This theme also aims to extend choice in sustainable transport and secure accessibility in a way which supports sustainable development by minimising the need to travel, encouraging a more effective and efficient transport system, reducing dependency on the car and maximising provision and use of sustainable and healthy forms of travel.

#### Active and Social Placemaking and Well-being

3.4 The Active and Social theme covers many aspects of placemaking and the National Sustainable Placemaking Outcomes which can collectively work to help facilitate sustainable places.



3.5 Active and Social Places are those which promote our economic, social, environmental and cultural well-being by providing well-connected cohesive communities for all sectors of society. Places which are active and social contribute to the seven goals of the Well-being of Future Generation's Act in the following ways.

3.6 A **Prosperous Wales** can be promoted through the development of modern and connected infrastructure to allow all members of society to have a good quality of life by living in strong and safe communities, with access to decent jobs. The location and design of new developments, especially housing, will have a significant role in influencing how and where people live. For example, having good quality affordable homes is seen as the bedrock of living well which brings a wide range of benefits to health, learning and prosperity.

3.7 A **Resilient Wales** is supported by protecting existing communities and natural environments while promoting well connected infrastructure and facilities closer to where people live. Good housing, access to services, green spaces and community facilities each have a part to play in creating the right conditions for better health and well-being.

3.8 **Healthier Wales** can be achieved through improving access to services, cultural opportunities and recreation facilities to support people to adopt healthy lifestyles. It can be further achieved through the reduction in emissions and air pollution by minimising the need to travel and maximising provision of sustainable forms of transport. Taken together these approaches will contribute to creating the right conditions for better health, well-being and greater physical activity.

3.9 A more **Equal Wales** can be achieved by recognising the strengths of existing communities and securing socially inclusive development so they become more desirable places in which to live and work for all members of society.

3.10 To foster **Cohesive Communities** development will need to be located within the existing settlement pattern, building upon local facilities that bring people together, with the emphasis on the promotion of accessible mixed use development, comprising appropriate combinations of housing, employment, retailing, community, cultural and recreation opportunities.

3.11 A **Globally Responsible Wales** is promoted by locating and designing developments which reduce trip lengths for everyday journeys and supports sustainable modes of travel which in turn will reduce our carbon footprint. For example, by locating new housing developments within existing settlements enables people to take advantage of the shorter trip lengths to places of employment, retailing and other community services by walking, cycling or public transport.

3.12 Development proposals should look to the **long term** and consider how they can be flexible to adapt to future issues and needs.

3.13 New development should **prevent** problems from occurring or getting worse such as the shortage of affordable homes, the reliance on the private car and the generation of carbon emissions.



3.14 Development should be **integrated** to ensure that issues are considered holistically and multiple benefits identified, such as well planned green infrastructure and recreation space.

3.15 **Collaboration** to strategically plan our communities especially housing, employment and infrastructure which can be 'larger than local' issues.

3.16 When planning our communities planning policies and proposals need to be developed by **involving** other agencies and communities to ensure local issues and needs are recognised to foster wider acceptance.

### **Active and Social Trends and Issues**

3.17 The future trends and issues of relevance to the Active and Social theme will need to be addressed, both individually and in an integrated way by embracing the place-making outcomes. Certain trends will be beneficial and should be facilitated by the planning system. Negative trends or cycles must be challenged and more sustainable behaviours and outcomes sought. Change must be fostered in the way all those involved in the planning process respond, both at the strategic level and when drawing up and designing individual proposals. The key trends and issues include:

- Ensuring there is sufficient housing land available to respond to the housing need which is growing due to the number of households increasing faster than the number of available properties;
- Facilitating a range and choice of housing to respond to the change in household need, such as the significant increase in single person households which is predicted to rise over the next 20 years;
- Assist in the delivery of cohesive communities which will meet the needs and are accessible to all members of society, including older people given life expectancy increases;
- Tackle inequalities between communities and deliver more services closer to home, acknowledging the importance of inclusive communities and the wider environment for good health and well-being;
- Improve access to services, cultural opportunities and recreation facilities to support people to adopt healthy lifestyles, which is directly linked to improvements in their health and wellbeing;
- Promote and facilitate active travel modes and public transport opportunities to change current trends which suggest that, despite growth in rail use, private vehicles are set to remain the dominant mode of transport in Wales in the short to medium term;
- Make our transportation infrastructure adaptable to future advances in innovation such as the expected advent of autonomous or driverless vehicles in the next ten to 15 years; and
- Ensuring retail and commercial centres can adapt to future retail trends, such as the continued rise in internet shopping, so they can meet the needs of their local communities.

## Active and Social Linkages

3.18 The policy topics of the Active and Social Places theme can work together to actively create sustainable and cohesive communities through development plan policies, including specific allocations, and development management decision making. In particular policies will:

- Enable sustainable access to housing, employment, shopping, education, health, community, leisure and sports facilities and green infrastructure, maximising opportunities for community development and social welfare;
- Ensure that all communities have sufficient range of well located and designed energy efficient affordable homes to meet their needs;
- Develop sustainable transportation infrastructure to keep Wales moving and connect people with jobs, housing and leisure. The chosen locations and resulting design of new developments, should help to reduce trip length for everyday journeys and support sustainable modes of travel, resulting in improved air quality;
- Realise the potential of new sustainable transportation infrastructure to create new or renewed hubs of activity to support sustainable communities which capitalise on their location and the opportunities which this presents;
- Capitalise on our existing retail and commercial centres as hubs of social and economic activity and the focal point for a diverse range of other services supporting the needs of local communities and their wider catchments; and
- Promote and protect culture and the Welsh language and encourage and improve social well-being and health by offering opportunities for social interaction, cultural experiences and physical activity.

## HOUSING

3.19 Planning authorities must understand all aspects of their housing system, which will include the requirement, supply and delivery of housing. This will allow planning authorities to develop evidence-based market and affordable housing policies in their development plans and make informed development management decisions that focus on the creation and enhancement of Sustainable Places. New housing development in both urban and rural areas should incorporate a mix and balance of market and affordable house types, tenures and sizes to cater for the range of identified housing needs and contribute to the development of sustainable and cohesive communities.

3.20 In respect of housing the planning system must:

- Identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures;
- Enable provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places; and
- Focus on the delivery of the identified housing requirement and supply.



## **Housing Requirement**

3.21 Planning authorities need to understand their local housing market and the factors influencing housing requirements in their area over the plan period. A collaborative approach should be adopted, involving housing and planning representatives in the public and private sectors and communities, in preparing and co-ordinating development plans and local housing strategies.

3.22 Where housing market areas cross local authority boundaries, authorities must consider potential implications with neighbouring authorities and work collaboratively when formulating their housing requirements and identifying sites for housing. Effective monitoring of these issues is essential to ensure that there is an adequate and continuing supply of deliverable housing land to meet the identified requirement throughout the plan period. The housing requirement that has been identified by the planning authority must be realistic and deliverable including the detailed assessment of viability issues from the outset. Planning authorities must consider whether specific interventions from the public and/or private sector, such as regeneration strategies or funding, are required to help deliver the housing requirement.



3.23 Planning authorities must clearly set out the housing requirement in their development plan which is an evidence-based policy view of the number of market and affordable homes the planning authority considers will be required in their area over the plan period. Planning authorities should plan for a mix of market and affordable housing types to meet the requirement and specifically consider the differing needs of their communities which should include the housing requirements of older people and people with disabilities.

3.24 The latest Welsh Government local authority level Household Projections for Wales, alongside the latest Local Housing Market Assessment (LHMA) and the Well-being plan will form part of the evidence base for the plan. These should be considered together with other key issues such as what the plan is seeking to achieve, links between homes and jobs, the need for affordable housing, Welsh language considerations and the deliverability of the plan. Taking into account the wider economic, social, cultural and environmental factors is a vital part of identifying the housing requirement to create sustainable places and cohesive communities.

3.25 Household projections provide estimates of the future numbers of households and are based on population projections and assumptions about household composition and characteristics. Certain elements of the projections, such as births and deaths, will remain relatively constant throughout the plan period. However other elements, such as migration and household formation rates, have the ability to influence outcomes significantly. Planning authorities need to assess whether the various elements of the projections are appropriate for their area, and if not, undertake modelling, based on robust evidence, to identify alternative options.

3.26 The relevant planning and housing authorities should work in partnership with local stakeholders, including private house builders, to produce LHMA's. LHMA's allow authorities to develop a detailed



understanding of the nature and level of market and affordable housing demand and need in their communities.

3.27 Planning authorities, in partnership with the community, including the private sector, must develop policies to meet the challenges and particular circumstances evident in their areas in specific locations. If these policies need to diverge from national policies in order to meet specific local housing needs for market housing (which normally would have no occupancy restriction), planning authorities will need to carefully justify the variation with robust evidence that they deem appropriate. The justification might be in terms of, for example, land supply, environmental or social impacts either individually or in combination. Evidence could be obtained from local studies such as those deriving from the local well-being plans or from studies forming part of the evidence base for the development plan. The sustainability appraisal, including the Strategic Environmental Assessment, would be part of the evidence base providing justification for a departure from national policy.



### **Housing Delivery**

3.28 The housing supply to meet the requirement proposed in a development plan must be deliverable. To achieve this, planning authorities must include an allocation of housing land and an additional allowance to allow for flexibility where sites do not come forward as planned. The ability to achieve the requirement must also be demonstrated through a housing trajectory agreed as part of an adopted development plan, illustrating the expected rate of housing delivery for both market and affordable housing.



3.29 Planning authorities should also identify where interventions may be required to deliver the housing supply, including for specific sites. There must be sufficient sites suitable for the full range of housing types to address the identified needs of communities, including the needs of older people and people with disabilities. In this respect, planning authorities should promote sustainable residential mixed tenure communities with 'barrier free' housing, for example built to Lifetime Homes standards.

3.30 As part of considering housing delivery options, planning authorities should understand the contribution that all sectors of the housing market and house-builders could make to meeting their housing requirement. When allocating sites, planning authorities need to consider providing a range of site sizes to allow all sectors and types of house-builder (including nationals, regionals, RSLs and SMEs) the opportunity to deliver the proposed housing requirement.

3.31 Planning authorities must also consider the opportunities for self-build and custom build options to contribute to the delivery of the proposed housing. When promoting self-build and custom build development, planning authorities must consider all relevant policy options including the use of Local Development Orders (LDOs) and site specific design codes to simplify the planning process. LDOs and



site specific design codes simplify the planning process and can enable housing development to be brought forward more quickly.

3.32 Planning authorities must ensure that sufficient land is genuinely available or will become available to provide a five-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 means that sites must be free, or readily freed, from planning, physical and ownership constraints and be economically viable, so as to create and support sustainable communities where people want to live.

For land to be regarded as genuinely available it must be a site included in either a Joint Housing Land Availability Study (JHLAS) or, until a JHLAS is required to inform the first Annual Monitoring Report, in the housing trajectory agreed as part of an adopted development plan. The housing trajectory demonstrates how the planning authority will maintain a five-year supply of housing land over the plan period.

3.33 Planning authorities, land owners and house builders must work together constructively to identify deliverable housing land in sustainable locations for development. In accordance with the national place-making outcomes, when identifying sites to be allocated for housing in development plans, planning authorities must follow a search sequence, starting with the re-use of previously developed land and buildings within settlements, then settlement extensions and then new development around settlements with good walking, cycling and public transport links. This process should be undertaken for housing market areas and will require collaboration between planning authorities where areas cover more than one authority. The aim should be to make the best possible use of previously developed land in preference to greenfield sites across the market area as a whole.

3.34 Maximising the use of suitable previously developed land and buildings for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites. In particular, planning authorities should consider the contribution to the overall provision of land for housing that can be made by previously developed land and buildings. For example, sites and allocations which are no longer likely to be needed for office, industrial or retail purposes may be appropriate locations for housing. The de-allocation of under used and underperforming sites must be considered through the development plan process and could make a contribution to the housing supply if it can be demonstrated that they are deliverable for housing. Policies which seek to make maximum use of previously developed land for housing will need to distinguish between sites which need to be retained for recreation, amenity or nature conservation purposes, and areas which are genuinely suitable for housing development.

3.35 Housing led regeneration sites can sometimes be difficult to deliver, making timescales for development hard to specify. Where deliverability is considered to be an issue, planning authorities should consider excluding such sites from their housing supply so that achieving their development plan housing requirement is not dependent on their delivery. This approach requires planning authorities to put in place a strategy to support the delivery of these sites. The criteria for identifying housing led regeneration sites can include sites demonstrating



high credentials in terms of sustainable development and place-making, such as being aligned to transport hubs or addressing contamination or industrial legacy; proven need and demand for housing in that area; and that the proposed intervention is the best means of addressing a site's contamination and constraints.

3.36 Where new housing is to be proposed, development plans must include policies to make clear that developers will be expected to provide community benefits which are reasonably related in scale and location to the development. Such policies should also take account of the economic viability of sites and their impact on site delivery and should not be unrealistic. To assist in maintaining viable and deliverable residential sites, policies must indicate that an authority will seek to negotiate with developers. Where negotiation takes place, the planning authority and developer should operate in an open and transparent manner with all information provided on an "open book" basis.

3.37 Planning authorities will need to make the most efficient use of land in accordance with the national place-making outcomes. Higher densities must be encouraged on sites in town centres and other sites which have good public transport and walking and cycling links, but these will need to be carefully designed to ensure a high quality environment.

3.38 Development plans must include clear policy criteria against which applications for housing development on unallocated sites will be considered. Infill and windfall sites can also often make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall site development within settlements should be supported where they accord with the national place-making outcomes.



3.39 New house building in the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, must be strictly controlled in order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main settlements.

### **Affordable Housing**

3.40 A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.



3.41 Affordable housing includes social rented housing owned by local authorities and registered social landlords and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents. All other types of housing are referred to as 'market housing', that is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the local authority. It is recognised that some schemes may provide for staircasing to full ownership. Where this is the case there must be secure arrangements in place to ensure the recycling of capital receipts to provide replacement affordable housing. In respect of affordable housing it is important that authorities have an appreciation of the demand for different types of housing (i.e. intermediate and social rented) in relation to supply, so that they are well informed in negotiating the required appropriate mix of dwellings for new developments. To support policies and decisions on planning applications, planning authorities should refer to their up-to-date Local Housing Market Assessment (LHMA) to help determine the need for affordable housing.

3.42 Development plans must include an authority-wide target for affordable housing (expressed as numbers of homes). The authority-wide target for affordable housing should be based on the LHMA and identify the expected contributions that the policy approaches identified in the development plan (for example, site thresholds, site specific targets, commuted sums and affordable housing exception sites) will make to meeting this target. The target should take account of deliverability and viability issues which will be influenced by the anticipated levels of finance available for affordable housing, including public subsidy, and other community benefit contributions being sought by the planning authority. This will require planning authorities to have clear policies for developer contributions set in their development plans.



3.43 Where development plan policies make clear that an element of affordable housing, or other developer contributions, are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the planning authority considers that the proposal does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application.

3.44 Development plans should include either site thresholds or a combination of thresholds and site-specific targets for affordable housing. Planning authorities should set site capacity thresholds for residential developments above which a proportion of affordable housing will be sought from developers. This applies both to sites specifically allocated in the development plan and to unallocated (windfall) sites and will normally take the form of on-site affordable housing contributions. In principle all new market housing sites, irrespective of site size, may contribute to meeting the need for affordable housing.

3.45 Site specific targets are indicative affordable housing targets which should be established for each residential site and for each mixed-use site which includes a

residential component. For sites which fall below the site threshold planning authorities may secure commuted sums using a Section 106 agreement. Commuted sums should be used by the planning authority solely for facilitating or providing affordable housing. When setting the affordable housing thresholds and / or site-specific targets planning authorities must consider their impact on site viability to ensure residential sites remain deliverable.

3.46 Planning authorities may also identify sites for up to 100% affordable housing based on criteria reflecting local circumstances which are set out in the development plan and relate to the creation of sustainable communities. Such sites are likely to be small in number, in relation to the total number of sites available in a planning authority area, and in scale.

3.47 To assist in maintaining viable and deliverable residential sites, policies must indicate that an authority will seek to negotiate with developers where it is intended to include an element of affordable housing in proposed developments. Where negotiation takes place, the planning authority and developer should operate in an open and transparent manner with all information provided on an “open book” basis. Policies should also state what the authority would regard as affordable housing and the arrangements it would expect for ensuring that such housing remains reserved for those who need it.

3.48 The provision of affordable housing exception sites must be considered to help meet identified requirements and ensure the viability of the local community. Where such policies are considered appropriate it should be made clear that the release of small housing sites within or adjoining existing settlements for the provision of affordable housing to meet local needs which would not otherwise be allocated in the development plan, is an exception to the policies for general housing provision. Such policies must be fully justified, setting out the type of need and the kind of development which fall within their terms. The affordable housing provided on exception sites should meet the needs of local people in perpetuity. Sites must meet all the other criteria against which a housing development would be judged. Affordable housing exception sites are not appropriate for market housing.

## **Gypsies and Travellers**

3.49 Local authorities are required to assess the accommodation needs of Gypsy and Traveller families and allocate sites to meet the identified need<sup>1</sup>. Where a Gypsy and Traveller Accommodation Assessment (GTAA) identifies an unmet need, a planning authority should allocate sufficient sites in their development plan to ensure that the identified pitch requirements for residential and/or transit use can be met. Planning authorities will need to demonstrate that sites are suitable and deliverable in the identified timescales. In drawing up policies planning authorities should consult providers of social housing, representatives of Gypsies and Travellers and landowners in areas likely to be appropriate for Gypsy sites, in accordance with their Community Involvement Scheme.

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<sup>1</sup> The assessment of Gypsy and Traveller accommodation needs, and the duty to make provision for sites where the assessment identifies need, became statutory requirements under the Housing (Wales) Act 2014.

## **Rural Enterprise Dwellings**

3.50 The purpose of 'rural enterprise dwellings' is to enable rural enterprise workers to live at or close to their place of work, including encouraging younger people to manage farm businesses and supporting the diversification of established farms. Rural enterprise dwellings represent one of the few circumstances in which isolated new residential development in the open countryside may be justified.

3.51 All applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need. It will be important to establish whether the rural enterprise is operating as a business and will continue to operate for a reasonable length of time. Planning authorities should follow the guidance in Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities and in the related practice guidance with regard to the requirements for rural enterprise dwelling appraisals. Applications for rural enterprise dwellings must only be permitted where the rural enterprise dwelling appraisal provides conclusive evidence of the need for the dwelling and an occupancy condition is applied. Rural enterprise dwellings should also be classified as affordable housing as defined in TAN 2: Planning and Affordable Housing, to ensure that the dwelling remains available to meet local affordable housing need should the original justification cease to exist.



## **One Planet Development**

3.52 One Planet Development is development that through its low impact either enhances or does not significantly diminish environmental quality. One Planet Developments may take a number of forms and can either be single homes, co-operative communities or larger settlements. They may be located within or adjacent to existing settlements, or be situated in the open countryside.

3.53 One Planet Developments located in the open countryside should provide for the minimum needs of the inhabitants in terms of income, food, energy and waste assimilation over a period of no more than five years from the commencement of work on the site. This should be evidenced by a management plan produced by a competent person(s). Where this cannot be demonstrated, proposals should be considered against policies which seek to control development in the open countryside. Planning authorities should follow the guidance in TAN 6 with regard to the requirements of One Planet Developments and associated management plans.

## **RETAIL AND COMMERCIAL DEVELOPMENT**

3.54 Retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of other services supporting the needs of local communities and their wider catchments. They are highly accessible to different modes of transport and are the most sustainable locations for new development.

3.55 Retail and commercial centres should be identified in development plans and include established city, town, district, local, village and neighbourhood centres, which provide a range of shopping, commercial and leisure opportunities as well as places of employment, education, civic identity and social interaction. Opportunities

to live in these centres, combined with their good public transport links, make them very sustainable places.

3.56 The Welsh Government identifies a number of overarching objectives for retail and commercial centres, which planning authorities should aim to deliver through their development plan and development management process. The planning system must:

- Promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;
- Sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and
- Improve access to, and within, retail and commercial centres by all modes of transport, especially walking, cycling and public transport.



### Retail Strategies

3.57 Retail and commercial centres are central to community activity and local prosperity and in order to plan for them effectively it is important to understand their function, roles and relationships. In this way planning authorities can develop strategies to meet the objectives above. Strategies can identify where new provision is required, or where regeneration or improvement is needed to support a community's requirements over the development plan period.



3.58 Planning authorities should establish through their development plan a clear strategy for retail development, supported by policies, to achieve vibrant, attractive and viable retail and commercial centres. The strategy and policies should set out a framework for the future of retail and commercial centres in their area, taking in to account strategies in adjoining authorities, to promote a successful retailing sector supporting existing and new communities.

3.59 Retail and commercial centres will experience growth and decline, and development plans should identify these changing retail pressures and opportunities and devise appropriate responses to them in their retail strategies. In some situations it may be necessary to take pro-active steps to identify retail and commercial centre locations for expansion. In others it may be necessary to identify measures to reinvigorate centres or to manage a change in the relative importance of a centre as other centres' roles expand. Strategies and supporting policies should be based on robust evidence.



3.60 The use of masterplans, development briefs or place plans can complement retail strategies by providing additional detail and supporting the implementation of development plan policies. In developing strategies, plans and policies to revitalise and increase the attractiveness of existing retail and commercial centres, planning authorities should consult the private sector and local communities.

3.61 If a need for additional retail development has been identified through the development plan process, planning authorities should consider the most appropriate form, scale, and location of provision to best match that need.

3.62 In order to be flexible in circumstances where no sites are allocated planning authorities should include criteria based policies against which proposals coming forward can be assessed.

### **Retail and Commercial Centre Hierarchies**

3.63 Planning authorities should establish a hierarchy of retail and commercial centres in their development plan strategy, identifying boundaries on the proposals map.

3.64 Using locally defined definitions, planning authorities should identify and categorise retail and commercial centres by the functions they fulfill, and consider their future roles, and recognise opportunities to support Welsh Government retail and commercial centre objectives. Hierarchies should be informed by evidence which underpins how each centre has been defined.

3.65 When developing a hierarchy, account should be taken of the size, scale, form, function and location of the retail and commercial centres within an area. The planning authority should consider the characteristics of each type of centre so they can be consistently categorised. For example, this could be the range of uses present or the extent of the catchment area. The hierarchy should distinguish between higher order centres which have a wider range of uses and larger catchment areas, and lower order centres which are important to communities for day-to-day needs.

### **Needs Test**

3.66 It is important that communities have access to adequate levels of retail provision. Evidence should inform whether retail provision is adequate or not, by assessing if there is further expenditure capacity in a catchment area (quantitative need) or if there is a lack of retail quality, range of goods or accessibility (qualitative need).

3.67 In deciding whether to identify sites for comparison, convenience or other forms of retail uses in development plans or when determining planning applications for such uses, planning authorities should first consider whether there is a need for additional retail provision. However, there is no requirement to demonstrate the need for developments within defined retail and commercial centre boundaries or sites allocated in a development plan for specific retail uses. This approach reinforces the role of centres, and other allocated sites, as the best location for most retail, leisure, and commercial activities. It is not the role of the planning system to restrict competition between retailers within centres.



3.68 Need may be quantitative, to address a quantifiable unmet demand for the provision concerned, or qualitative. Precedence should be given to establishing

quantitative need before qualitative need is considered for both convenience and comparison floorspace, particularly as a basis for development plan allocations.

3.69 Qualitative assessment should cover both positive and negative aspects and may become an important consideration where it:

- supports the objectives and retail strategy of an adopted development plan or the policies in this guidance;
- is highly accessible by walking, cycling or public transport;
- contributes to a substantial reduction in car journeys;
- contributes to the co-location of facilities in existing retail and commercial centres;
- significantly contributes to the vibrancy, attractiveness and viability of such a centre;
- assists in the alleviation of over-trading of, or traffic congestion surrounding, existing local comparable stores;
- addresses locally defined deficiencies in provision in terms of quality and quantity, including that which would serve new residential developments; or where it; and
- alleviates a lack of convenience goods provision in a disadvantaged area.

3.70 It will be for the planning authority to determine and justify the weight to be given to any qualitative assessment. Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms. However, they may be material considerations in making a decision on individual planning applications if the regeneration and job creating benefits can be evidenced. If there is no quantitative or qualitative need for further development for retail and commercial centre uses, there will be no need to identify additional sites.

### **Sequential Test**

3.71 The Welsh Government operates a 'town centres first' policy in relation to the location of new retail and commercial centre development. In implementing this policy, planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses. By adopting a sequential approach first preference should be to site new development within a retail and commercial centre defined in the development plan hierarchy of centres.

3.72 If a suitable site or building is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes be considered. Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered. The onus of proof that central sites have been thoroughly assessed rests with the developer.

3.73 Edge-of-centre or out-of-centre sites should be accessible by a choice of public and private modes of travel. New out-of-centre retail developments or extensions to



existing out-of-centre developments should not be of a scale, type or location likely to undermine the vibrancy, attractiveness and viability of those retail and commercial centres that would otherwise serve the community, and should not be allowed if they would be likely to put development plan retail strategy at risk. The extent of a sequential test should be agreed by pre-application discussion between the planning authority and the developer at the outset of the development management process.

3.74 The sequential approach applies to retail and all other uses complementary to retail and commercial centres. Other complementary uses include, for example, financial and professional services (A2), food and drink (A3), offices (B1), hotels (C1), educational and other non-residential establishments (D1), leisure (D2) and certain other uses such as launderettes and theatres. However, some education, healthcare and community uses may have specific accessibility requirements which mean they need to be located close to the communities they serve. Planning authorities should be flexible in their approach where it is necessary. The nature of a proposed use is likely to determine what type of centre (i.e. higher or lower order centre) is most appropriate as a starting point for the sequential approach process.

3.75 When preparing development plans, planning authorities should take a positive approach, in partnership with the private sector, in identifying sites which accord with the sequential approach and are in line with the development plan retail strategy in terms of the size, scale and format of new developments needed. In allocating sites for different types of retail and commercial centre uses planning authorities should take account of factors such as floorspace, quality, convenience, traffic generation and attractiveness of the site. Planning authorities should not prescribe rigid floorspace limits on allocated sites that would unreasonably inhibit the retail industry from responding to changing demand and opportunity.



3.76 Some types of retail store, such as those selling bulky goods and requiring large showrooms, may not be able to find suitable sites or buildings within existing retail and commercial centres. Where this is the case such stores should in the first instance be located on sites identified for such a purpose in the development plan, preferably on an edge of centre site. Where such sites are not available or suitable, other sites at the edge of retail and commercial centres, followed by out-of-centre locations may be considered, subject to application of the needs and impact tests.



3.77 Planning authorities should include policies in their plans relating to future development on existing retail sites to protect them from inappropriate development and to control and manage the release of unwanted retail sites to other uses.

### **Retail Impact Assessments**

3.78 Retail developments outside designated retail and commercial centres, and which are not located on an allocated site, can impact on the viability and vibrancy of a centre. Impacts resulting from such development, whether individual or cumulative, may include changes in turnover and trading ability, consumer choice, traffic and travel patterns, footfall, as well as affect centre regeneration strategies and



existing or proposed retail sites allocated in the development plan. The purpose of the retail impact assessment is to consider these issues and determine if these developments are likely to have detrimental consequences.

3.79 All retail planning applications or retail site allocations of 2,500 sq. metres or more gross floorspace that are proposed on the edge of or outside designated retail and commercial centres should, once a need has been established, be supported by a retail impact assessment.

3.80 For smaller retail planning applications or site allocations, planning authorities will need to determine whether an assessment is necessary, for example when a smaller proposal may have a significant impact on a centre. Requests for retail impact assessments by planning authorities on smaller developments should be proportionate to potential impacts.

3.81 Retail proposals on the edge-of-centre or out-of-centre, which are to be located on sites allocated in accordance with an up-to-date development plan, will not normally require the application of a retail need test, a sequential test or an impact assessment. These tests should have been carried out by the planning authority when the development plan was prepared and the acceptable uses for the site identified. However, there may be instances where the nature of the proposal is not adequately addressed by the development plan and it may be appropriate to apply one or more of these tests.

3.82 Edge of centre or out-of-centre retail developments may seek, over time, to change the range of goods they sell or the nature of the sales area (see below). Planning authorities should anticipate such changes using appropriate conditions on the initial permission or in relation to requests for any subsequent change or variation of condition. Conditions can restrict the amount of floorspace, or prevent a development from being sub-divided into smaller shops to limit the range of goods sold, or prevent the creation of a single large store. Also where the inclusion, for instance, of post offices and pharmacies in out-of-centre retail developments would be likely to lead to the loss of existing provision in a designated retail and commercial centre, they should be discouraged by imposing appropriate conditions. Planning authorities may wish to consider extending the list of uses controlled in out-of-centre retail developments if the location of such uses are likely to lead to the loss of existing provision in retail and commercial centres. Applications to remove or vary conditions should be subject to the same considerations.



### **Mixed Uses and Primary and Secondary Shopping Areas**

3.83 Although retailing (A1 uses) should underpin retailing and commercial centres, it is only one of the factors which contribute towards their vibrancy.

3.84 Primary areas are typically characterised by a high proportion of A1 retail uses, and their designation requires an understanding of the existing distribution of uses in a centre together with careful consideration of a centre's role and how it relates to the retail strategy for the area. Secondary areas typically contain mixed uses, for

example shops, cafes and restaurants, banks and other services and community facilities.

3.85 Policies should encourage a diversity of uses in centres. Planning authorities should identify which retail and commercial centres in their development plans have primary and secondary shopping areas, and show these on the proposals map.

3.86 Vibrant and viable centres are distinguished by a diversity of activity and use which should contribute towards a centre's well being and success, whilst also reducing the need to travel. Development plans should include policies describing the types of use that are likely to be acceptable in primary and secondary areas.

3.87 Leisure and entertainment, and food and drink uses can benefit retail and commercial centres, and with adequate attention to safeguarding amenities can contribute to a successful evening economy. In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in a comprehensive and planned way should also be encouraged where appropriate to promote lively centres during both the day and the evening.

3.88 Achieving diversity of uses and activities may require a flexible approach to planning. Where the right balance of use and activity is not being achieved, planning authorities should consider making changes to the acceptable uses in primary or secondary areas, or the retail and commercial centre boundaries themselves.

3.89 Planning authorities should assess retail and commercial centre performance and the effectiveness of development plan policies by monitoring their health. They should use the strategy in their development plan to manage change and take action where necessary to address this. Where economic decline is impacting on a retail and commercial centre emphasis on retaining A1 uses in either primary or secondary areas, that have been vacant for a period of time, may undermine a centre's viability and prospects. In such circumstances planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels.

3.90 On the periphery of a retail and commercial centre that has been assessed to be in decline by a planning authority, and where regeneration initiatives are thought unlikely to be successful, changes to the retail and commercial centre boundary may be appropriate. Rationalising a centre's boundary can help concentrate both A1 and non-A1 uses in a smaller more viable area, whilst potentially releasing property outside the new boundary for residential and other appropriate uses. Within a retail and commercial centre boundary change of use to residential may also be acceptable and help contribute to the viability and vibrancy of a centre. However, night-time noise considerations may be a limiting factor in some areas and residential use is unlikely to be suitable on the ground floor within primary areas or other places of concentrated A1 uses because it may fragment the shopping frontage and impact on the vibrancy and viability of a centre.

3.91 Where a planning authority considers a retail and commercial centre has declined to such an extent that it is no longer viable or has any prospect of retaining or attracting future investment, then



consideration should be given to removing the retail centre status from that area. This should be done through full consultation with communities as part of the development plan.

3.92 Policies and supplementary planning guidance should support the management of retail and commercial centres where appropriate. Such management, involving enhancement and promotion, can be an important factor in achieving vibrancy, viability, and attractiveness in retail centres. Management measures can also contribute to the achievement of a safe and crime free environment. Partnership between local authorities and the private sector is essential to the success of such management strategies.

### **Local and Village Shops**

3.93 Local and village shops, and public houses provide an important role in the local community and their loss can have a detrimental impact, particularly in rural locations.

3.94 The economic and social function of local shops, village shops and public houses should be taken into account when considering applications for a change of use into residential or other uses. In rural areas, planning authorities should adopt a positive approach to applications for conversion of suitable village properties to shops and for extensions to village shops designed to improve their viability. A positive approach should also be taken, subject to amenity considerations, to re-establishing public houses in villages which have lost such provision. The lack of public transport in rural areas should not preclude small-scale retail or service development where this will serve local needs.



3.95 Shops ancillary to other uses, such as farm shops that will help to meet the demand for fresh produce, craft shops and shops linked to petrol stations, can also serve a useful role in rural areas by providing new sources of jobs and services. In assessing such proposals, Planning Authorities should take account of:

- the potential impact on nearby retail and commercial centres or village shops;
- the desirability of providing a service throughout the year; and
- the likely impact of traffic generated and access and parking arrangements.

### **The Importance of Evening and Night Time Economies**

3.96 Retail and commercial centres often include activities which contribute to a vibrant and viable evening and night time economy. Such uses may include, for example, bars, restaurants, pubs, music, amusement centres and other entertainment venues which provide for cultural experience and provide spaces in which creativity can be fostered. Such activities are likely to be characterised by increased levels of noise, large gatherings of people, later operating hours and greater movements in traffic.

3.97 Where new uses incorporating evening and night time activities are established in retail and commercial centres, and are located near to existing residential

accommodation, planning applicants should include appropriate mitigation measures to counter potential impacts to amenity. Similarly where residential development is proposed next to or near existing evening and night time uses, such as those described, it will be necessary to consider the compatibility of uses and to incorporate mitigation measures to minimise any impact on the amenity of any future residents. The agent of change principle will be a guiding principle for supporting the evening economy and the development of uses sensitive to the soundscapes experienced in busy commercial centres.

3.98 The important role that retail and commercial centres have in creating diverse and vibrant cultural and creative places and the wider benefits these bring in stimulating wider regeneration should be recognised by planning authorities.

3.99 New or refurbished venues, galleries and museums can be the catalyst for stimulating regeneration and lead to the establishment of cultural and creative quarters in our centres. These 'quarters' help create further vibrancy and diversity that stimulates wider growth and regeneration.

3.100 Creative and cultural businesses tend to thrive in shared space environments and hubs help create diverse, vibrant, and viable places that are attractive to related and unrelated businesses. Traditionally, such hubs grow from the ground up with local and national government playing an enabling role. There is evidence that these quarters often evolve from quite humble origins utilising cheap, often disused, building spaces.

3.101 In formulating development plans, planning authorities should be mindful of these creative and cultural clusters in their retail and commercial centres and, if appropriate, seek to identify these areas with associated policies, to ensure that their contribution to society is recognised and valued.

## **COMMUNITY FACILITIES**

3.102 Community facilities perform various functions which cover a broad range of activities and services that can be delivered by the public, private and third sectors. Community facilities contribute to a sense of place which is important to the health, well being and amenity of local communities and their existence is often a key element in creating viable and sustainable communities. They can include schools, cultural facilities, health services, libraries, allotments and places of worship. Many of these are also historic assets.



3.103 Planning authorities should develop a strategic and long-term approach to the provision of community facilities when preparing development plans. When considering development proposals planning authorities should consider the needs of the communities and should ensure that community facilities continue to address the requirements of residents in the area.



3.104 Allotments and community growing spaces have many social, environmental, economic and health benefits. They can contribute to a place's identity and its sense



of community, and can help to regenerate open spaces within areas of deprivation. Local authorities should retain and protect existing allotment sites, particularly where they have an important green infrastructure or community value. Where there is demonstrable demand, local authorities have a statutory duty to provide land for allotments. Where appropriate, plans should allocate land for new allotments and community growing spaces. Statutory allotments have legal protection. They cannot be sold or used for other purposes without the consent of the Welsh Ministers.

3.105 Town and village greens are protected by legislation and development is generally prohibited except where the development is for the better enjoyment of the land for sports and recreation and in other limited circumstances.

## RECREATIONAL SPACES

3.106 Recreational spaces are vital for our health, well-being, amenity and can contribute to an areas green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax often in the presence of nature, and contribute to our quality of life. Networks of high quality, accessible green spaces and recreation space provision will also promote nature conservation, biodiversity and provide enjoyable opportunities for residents and visitors to participate in a wide range of physical activities in order to promote physical and mental well-being. The Welsh Government supports the development of sport and recreation, and the wide range of leisure pursuits which encourage physical activity. These activities are important for the well-being of children and adults and for the social, cultural and economic life of Wales.

3.107 Planning authorities should provide a framework for well-located, good quality sport, recreational and leisure facilities, and develop clear policies for the provision, protection and enhancement of sport, recreation and leisure facilities. These policies should set standards of provision, so that local deficiencies can be identified and met through the planning process, and set out policies to avoid or resolve conflict between different pursuits.

3.108 Formal and informal open green spaces should be protected from development, particularly in urban areas where they fulfil multiple purposes, not only enhancing the quality of life, but contributing to biodiversity, the conservation of the historic environment, nature and landscape, air quality and the protection of groundwater and providing places of tranquil respite from the busy built environment. Such open spaces also have a role in climate protection and in enabling the adaptation of urban areas to the impacts of climate change, for example by contributing to flood management and helping to reduce urban heat island effects. Parks and gardens are often historically significant and many are registered.



3.109 All playing fields whether owned by public, private or voluntary organisations, should be protected from development except where:

- facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- alternative provision of equivalent community benefit is made available; or



- there is an excess of such provision in the area.

3.110 Planning authorities should protect from development playing fields and open space that has significant amenity or recreational value to local communities. They should indicate the ways in which previously developed or disused land and water bodies will be considered for sport and recreation uses, particularly in relation to urban regeneration.

3.111 Planning authorities should encourage the multiple use of open space and facilities, where appropriate, to increase their effective use and reduce the need to provide additional facilities. Beyond the Six-acre Standard, produced by Fields in Trust, is a source of helpful advice to planning authorities on providing open space and outdoor sport and play through the planning system.

3.112 Planning authorities should consider scope to use disused land and routes as parks, linear parks or greenways in urban areas and encourage the provision of safe and attractive cycle routes and footpaths. Where recreational use of redundant railway lines or spaces alongside canals or rivers is proposed, planning authorities should ensure that there is no detriment to adjoining users, wildlife or flood defences.

## TRANSPORT

3.113 The planning system should enable people to access jobs and services through shorter and more efficient journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can extend choice in transport and secure accessibility in a way which supports sustainable development and helps to tackle the causes of climate change and airborne pollution by:

- **Widening Travel Choices** - measures to increase walking, cycling and public transport, reduce dependency on the car for daily travel;
- **Network Management** - measures to make best use of the available capacity, supported by targeted new infrastructure; and
- **Demand Management** - the application of strategies and policies to reduce travel demand, specifically that of single-occupancy private vehicles.

3.114 The Wales Transport Strategy provides the strategic policy framework for transport related activities in Wales up to 2030. Covering all modes, it sets out the Welsh Government's strategic priorities and desired outcomes, providing a link to the wider priorities as well as plans at the local authority level.



3.115 There are two tiers of transport plans in Wales – the National Transport Finance Plan and Local Transport Plans (LTPs). The National Transport Finance Plan sets out in more detail how the Welsh Government propose to deliver the outcomes set out in the Wales Transport Strategy from 2015 and beyond. The LTPs set out policies for the promotion and encouragement of safe and efficient transport and the implementation of the Wales Transport Strategy in their area. The transport planning framework requires an integrated approach between national, regional and local priorities.

3.116 Land use and transport planning must be integrated. The planning system must ensure it enables integration:

- within and between different types of transport;
- between transport measures and land use planning;
- between transport measures and policies to protect and improve the environment; and
- between transport measures and policies for education, health, social inclusion and wealth creation.



3.117 Transport infrastructure is addressed in the Productive and Enterprising Places theme. This includes planning policy on public transport infrastructure, the strategic road network, ports, airports and freight.

### **Integrated Planning and Transport Strategies**

3.118 Development plans provide the main means for achieving integration between land use and transport planning. They must provide an explanation of the authority's transport aims and the way in which the transport policies support the other objectives of the plan.

3.119 Planning authorities must set out in their development plan an integrated planning and transport strategy. This should set out how the planning authority will:

- integrate and co-ordinate transport and land use planning;
- promote accessibility for all;
- reduce the need to travel;
- reduce dependency on private vehicles;
- prioritise and support walking, cycling and use of public transport;
- reduce transport related airborne pollution; and
- support transport infrastructure and facilitate necessary improvements and development (see Productive and Enterprising Places theme).



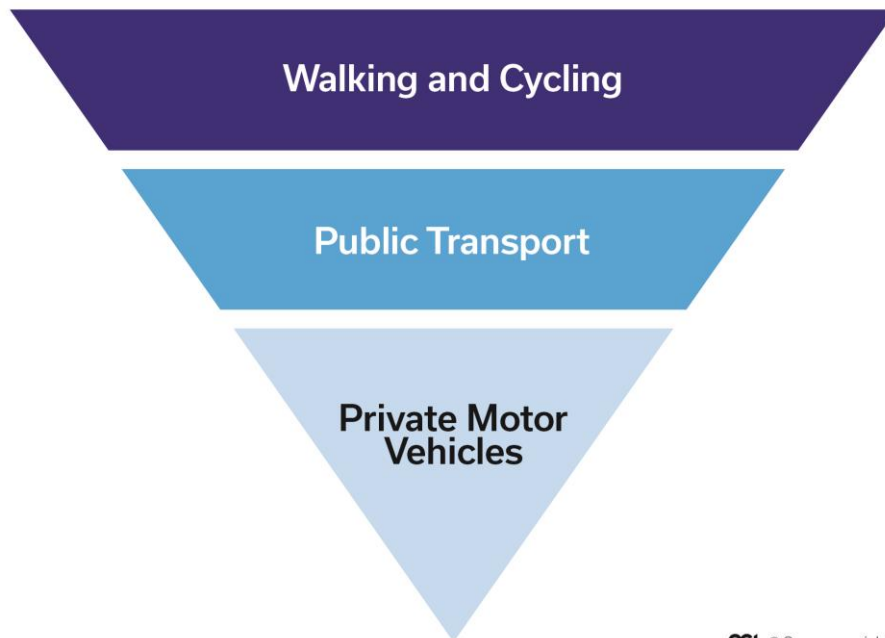
3.120 The integrated planning and transport strategy must inform the settlement strategy and overarching strategy of the development plan. Development plan strategies and policies need to be consistent and integrated with the strategies and policies contained in LTPs and the National Transport Finance Plan. Development plans should also take into account other plans and reports with transport implications. Where significant travel patterns cross local authority boundaries development plan strategies and LTPs must be coordinated, including being prepared on a joint basis between authorities.

### **Transport Hierarchy**

3.121 Welsh Government policy recognises a transport hierarchy in relation to new development, which prioritises walking and cycling, then public transport, and then finally private motor vehicles. This is fundamental to achieving the aim of reducing

the need to travel, particularly by private vehicles, and providing healthy and sustainable transport options.

## The Transport Hierarchy for Planning



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3.122 Planning authorities must ensure new development is located and designed in accordance with the Welsh Government's transport hierarchy. It must be a key principle of integrated transport and planning strategies, development plan policies and planning decisions.

3.123 Careful consideration needs to be given to the allocation of new sites which are likely to generate significant levels of movement in development plans to ensure that access provisions which promote walking and cycling, as well as by public transport, are included from the outset and that any implications associated with airborne pollution can be addressed.

3.124 The transport hierarchy should be applied flexibly. For example, a planning authority wishing to grow a rural village, despite it having poor public transport accessibility, could apply the transport hierarchy by; first considering how the location and design of new development could encourage walking and cycling to shops and services in the village centre; then consider whether new development could be located near a bus stop or enable improvements to the bus service; before finally considering the needs of private motor vehicles, which could include measures to encourage the use of Ultra Low Emission Vehicles.

3.125 Where required, Design and Access Statements should show how the transport hierarchy has been considered in the design process.

## Active and Social Streets

3.126 Well-designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. They can improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy, and children can play.

3.127 The design of streets must give a high priority to meeting the needs of pedestrians, cyclists and public transport users in accordance with the transport hierarchy. This should be applied flexibly and take into account the user hierarchy and guidance in Manual for Streets.

3.128 The Welsh Government policy endorses Manual for Streets, and its companion guide Manual for Streets 2, and expects the design of new or enhanced streets to reflect its principles. Planning authorities must ensure the design of streets create high-quality places and should challenge development proposals with standardised, prescriptive, engineering-focussed, risk-adverse street designs. Where required, design and access statements should demonstrate how the design of new or enhanced streets has taken into account the guidance in Manual for Streets.



3.129 In residential areas, Home Zones are a way in which streets can be designed to slow vehicular traffic speeds down and give priority to people over motorised uses. Local authorities should consider using powers available under the Transport Act 2000 to designate Home Zones.

## Active Travel

3.130 Walking and cycling are good for our health and well-being. They support valuable social and recreational opportunities and are integral to place making, creating life and activity in public places and providing the opportunity to meet people from all aspects of society. Sustainable places invite people to walk and cycle as part of their everyday routine.

3.131 The Active Travel (Wales) Act 2013 aims to make walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or education establishment, or in order to access health, leisure or other services or facilities. The Active Travel Act requires local authorities to produce an Integrated Network Map, identifying the walking and cycling routes required to create a fully integrated network for walking and cycling to access work, education, services and facilities. As the location, layout and design of development can affect the distance and way in which people travel, the planning system has an important role to play in creating the right environments for walking and cycling and securing new and improved active travel routes and related facilities.

3.132 Planning authorities should support active travel by ensuring new development is located and designed for people to walk and cycle. The aim should be to create walkable neighbourhoods, where a range of facilities are within walking distance of most residents, and the streets are safe, comfortable and enjoyable to walk and

cycle.

3.133 Planning authorities should ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling. The design of development proposals should, in accordance with the transport hierarchy, start with identifying the shortest, most attractive walking and cycling connections and then addressing the other transport needs. Further guidance on this is contained within Manual for Streets (see Active and Social Streets section).

3.134 Development plans should identify, promote and support the development of active travel routes and related facilities, including those identified in the Integrated Network Maps required by the Active Travel Act. New development should provide links to, and be integrated with, these active travel routes. Planning authorities should also seek to assist the completion of the national cycle network, and of key links to and from the network. These measures should, where appropriate, be aligned with approaches to secure green infrastructure.



3.135 Planning authorities must adopt **minimum cycle parking standards** for a broad range of developments. As a minimum, planning authorities should require secure, integrated, convenient and accessible cycle parking and changing facilities in major developments and at transport interchanges.

3.136 The statutory Design Guidance, which complements the Active Travel Act, sets out the standards expected of active travel infrastructure in Wales and provides guidance on network planning.

## **Public Transport**

3.137 Public transport is important to a sustainable place. It enables people to undertake medium and long journeys without being dependent on having access to a car. The planning system can facilitate this by locating development where there is, or can be, good access by public transport. The design, layout, density and mix of uses of a place are also fundamental to encouraging and enabling people to use public transport.

3.138 Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are highly accessible by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure, and services, reallocating their use if necessary. In rural areas, planning authorities should designate local service centres, or clusters of settlements where a sustainable functional linkage can be demonstrated, as the preferred locations for new development.

3.139 Planning authorities should ensure the layout, density and mix of uses of new development support the use of public transport and maximises accessibility potential. In particular, higher densities and mixed-use development should be encouraged in areas highly accessible by public transport. In these circumstances, the implications of airborne pollution will need careful consideration.

Where additional public transport would be required to allow development to proceed, an appropriate policy should be included in the development plan and LTP. Where development can only take place with improvements to public transport services, local authorities should consider the use of planning conditions and/or planning obligations.

## **Traffic Management**

3.140 The Road Traffic Reduction Act 1997 requires local authorities to produce a report setting out an assessment of the traffic on the roads for which it is the local highway authority and a forecast of expected changes in traffic levels. The report should also contain targets for reducing levels of local road traffic or the rate of growth of those levels.

3.141 Planning authorities must seek to reduce the level and speed of traffic in new development. This should, in the first instance, be achieved through good street design before considering more traditional traffic calming measures.

3.142 Local authorities must adopt an integrated approach to traffic management. They should consider how different measures can complement one another and contribute to the achievement of wider planning and transport objectives, including active travel, taking into account the needs of the disabled and less mobile sections of the community.



3.143 The development plan must include appropriate traffic management policies. These policies should be consistent with the approach adopted to fulfil local road traffic reduction targets and any national targets set by the Welsh Ministers under the Road Traffic Reduction (National Targets) Act 1998.

3.144 In established urban and rural neighbourhoods, traffic management measures should be adopted to improve the street environment and promote road safety, whilst in areas of new development traffic calming measures should be incorporated from the outset. Traffic management measures should be sympathetic to the character of the area whilst achieving reduced traffic speed, and environmental and safety improvements.

3.145 Where required, Design and Access Statements should demonstrate that the design and layout of the development will reduce the level and speed of traffic to appropriate levels. This can be achieved by creating connected and permeable road networks and careful consideration of issues such as street dimensions and the design and location of footways (including use of continuous footways at side streets), crossings, parking, trees, planters and surface materials. Further guidance on this can be found in Manual for Streets (see Active and Social Streets section).

## **Ultra Low Emission Vehicles**

3.146 To encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should ensure new development incorporates ULEV charging infrastructure.



This infrastructure should be provided at homes, workplaces and key destinations, such as supermarkets, retail and commercial centres and leisure facilities.

3.147 Planning authorities should require a minimum of 10% of non-residential car parking spaces to have ULEV charging points. Planning authorities should apply this flexibly and ensure the level, location and type of charging provision is appropriate to the scheme and local circumstances. Consideration should be given to:

- The time users are likely to be present at the site;
- The number of vehicles accessing the site;
- The number of existing charging points in the immediate and wider area; and
- Other proposed emission mitigation measures.

3.148 It may be appropriate for some of the provision to be 'passive', with the necessary underlying infrastructure provided to enable simple installation and activation in the future, or to secure a financial contribution through a S106 agreement towards the off-site provision of ULEV charging infrastructure.

3.149 Planning authorities should take a strategic approach to ULEV charging infrastructure in their area and, where appropriate, develop policies in their development plan and incorporate local requirements in car parking standards.

## Car Parking

3.150 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

3.151 Local authorities must set **maximum car parking standards**, which ensure new developments provide appropriately low levels of parking. Planning authorities must require good standards of car parking design. Vehicles should not be allowed to dominate the street or inconvenience people walking and cycling. The needs of disabled people must be recognised and adequate parking provided for them.



3.152 Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan. Local authorities should consider parking issues on a joint basis with neighbouring authorities. They should jointly establish maximum levels of parking for broad classes of development, together with a threshold size of development above which such levels will apply. These maximum standards should be set in collaboration with interested organisations. Local authorities will need to ensure that their parking standards reflect local transport provision, are adopted by individual authorities as supplementary planning guidance, and are kept under review.

3.153 Private non-residential parking can be a significant component of parking provision in town centres. Authorities should, where appropriate, seek to encourage appropriate redevelopment or re-use of existing private parking sites to bring the provision down to revised standards, and should refuse planning permission for

public and private car parks which do not meet the strategic aims of the development plan and LTP.

3.154 As part of the overall approach to parking, local authorities should gear their charging policies for on-street parking and off-street parking, where it is under their control, to complement their land use policies and encourage the use of ULEVs.

### **Transport Assessments**

3.155 Transport Assessments are an important mechanism for setting out the scale of anticipated impacts a proposed development, or redevelopment, is likely to have. They assist in helping to anticipate the impacts of development so that they can be understood and catered for.



3.156 Planning applications for developments (including changes of use) falling into the categories identified in TAN 18: Transport must be accompanied by a Transport Assessments. In addition, in areas where the transport network is particularly sensitive, planning authorities should consider requiring Transport Assessments for developments which fall outside of the thresholds set out in TAN 18. Transport Assessments can be required for any proposed development if the planning authority considers that there is a justification or specific need. It is expected that Transport Assessments will also provide the basis for negotiation on scheme details, including the level of parking, and measures to improve walking, cycling, and public transport access, as well as measures to limit or reduce levels of air and noise pollution. They also provide an important basis for the preparation of Travel Plans. Further guidance on Transport Assessments and Travel Plans can be found in TAN 18.

## 4. Productive and Enterprising Places

### Introduction

4.1 The Productive and Enterprising Places theme of planning policy topics covers physical infrastructure, the use of energy and the efficient use of resources.

4.2 It includes the development of land necessary for economic development including rural enterprise and tourism, and the transport infrastructure and communication systems necessary to make those developments sustainable and work effectively. Our homes, businesses and communities, need to be powered and heated by low carbon energy sources which also includes reducing and optimising our use of energy within them, Use of non-renewable sources of energy will need to be curtailed if we are to meet our carbon reduction targets and international obligations on climate change. Finally, the use of the mineral resources necessary to build our infrastructure needs to be sustainably managed; as does the waste we generate from all our economic activity.

### Productive and Enterprising Placemaking and Well-being

4.3 The Productive and Enterprising theme covers many aspects of placemaking and the national sustainable placemaking outcomes and collectively can work to sustain and create places.



4.4 Productive and Enterprising Places are those which promote our economic, social, environmental and cultural well-being by providing well-connected employment and economic development in pleasant surroundings. These places are designed and sited to promote healthy lifestyles and tackle climate change by making them easy to walk and cycle to and around, access by public transport, minimising the use of non-renewable resources and using renewable and low carbon energy sources.

4.5 Places which are productive and enterprising contribute to the seven goals of the Well-being of Future Generations Act which include:

4.6 A **Prosperous** Wales can be realised through increased economic activity across all sectors and at all scales. This is realised through the availability of employment land, reliable communication networks and investment in renewable and low carbon energy sources. Resource efficient choices can have financial benefits both now and over the lifetime of development.

4.7 A **Resilient** Wales is supported by Wales' tourism industry through our natural landscapes. This activity, which can finance preservation activities needs careful management to ensure continued enjoyment by future generations. Also, by future proofing economic assets and making choices which sustain jobs over the long term.

4.8 A **Healthier** Wales can be achieved through the reduction in emissions and air pollution as a result of generating energy from non-carbon sources.

4.9 A more **Equal** Wales can be achieved through providing sufficient employment and enterprise opportunities for people to achieve their potential and by recognising and building on the existing economic strengths of places supporting prosperity for all.

4.10 **Cohesive Communities** are created by people who have access to fulfilling work which is easily reached locally through sustainable transportation infrastructure and who can communicate effectively with their friends and neighbours.

4.11 A **Vibrant Culture and thriving Welsh Language** are supported by the provision of jobs and economic activity in rural areas which needs to be strategically planned and managed. Our tourism offer also needs promotion to capitalise on what makes us 'Distinctly Welsh'.

4.12 Above all, a **Globally Responsible** Wales is promoted by reducing our carbon footprint through integrated public transportation infrastructure, encouraging globally responsible business and the promotion of renewable energy over carbon-emitting sources and resource choices through which multiple benefits can be realised.

4.13 Development proposals should be formulated to look to the **long term** to consider how they can be flexible to adapt to future employment needs and practices, including responding to relevant future trends, the decarbonisation of our energy system, how people will move around or communicate in the future and safeguard the resources which may be needed by society in the long term.

4.14 Development should **prevent** problems from occurring or getting worse such as the generation of carbon emissions and waste which will need to be managed for many years to come.

4.15 Development should be **integrated** to ensure that common issues are considered and accommodated early on, such as equipping our homes and businesses with the necessary digital and physical infrastructure upfront and ensuring we have the right natural resources to do this.

4.16 **Collaboration** may come in strategically planning for our employment, energy, waste and mineral needs where 'larger than local' issues need to be thought through and sensible, sustainable planning policies developed across local authorities with appropriate sharing of information, evidence and assessments **involving** other agencies and the public to ensure wider acceptance of this approach.

### **Productive and Enterprising Trends and Issues**

4.17 The breadth of topics in the Productive and Enterprising Places cluster respond to future trends and issues that will need to be addressed through the planning system. These trends may also need to be challenged by planning decisions in order to ensure we continue our drive to create Sustainable Places in the future.

4.18 The key issues in this area include:

- Ensuring that there is sufficient employment land to meet the needs and requirements of a range of future employment scenarios (including increased automation and the significant contribution of SMEs to the Welsh economy) whilst ensuring that an over-supply of employment land does not frustrate the release of land for other suitable uses;
- Ready Wales for further technological innovation in the mobile and broadband sector so it can adapt to future change while ensuring that all parts of Wales have access to modern communication systems which are a necessity of everyday living;
- Making our transportation infrastructure adaptable to future innovations, such as autonomous vehicles, the growth in Ultra Low Emission Vehicles, changing working patterns and the increased use of on-demand delivery services;
- The increasing use of integrated digital communications and technology to create 'smart places' and the implications of this for the way we travel, communicate, work and socialise;
- The challenge of decarbonising our energy and transport sectors including phasing out of fossil fuels and moving towards local, decentralised renewable energy systems, the increased use of energy storage to balance supply and demand and the pressure this will place on our distribution networks;
- Respond to the challenges of supporting and enabling adaptation in the built environment to embed circular economy principles into design choices, site selection, treatment and associated construction practices;
- To support and enable infrastructure, construction and manufacturing capacity to support progress towards a circular economy;

- To support and enable renewable, low carbon materials choices and efficient and most appropriate use, so as to prevent waste and ensure finite resources are not unnecessarily diminished; and
- To ensure that minerals resources which may be needed in the future are safeguarded and an adequate supply of a diverse range of minerals and materials is available over the long term.

## **Productive and Enterprising Linkages**

4.19 The policy topics of the Productive and Enterprising Places theme can collectively work together to create sustainable places in development plan strategies, policies and allocations and development management decision making. In particular:

- New developments should be digitally connected to enable efficient access to the internet and communications systems to drive forward economic competitiveness, increase flexible working opportunities and minimise digital exclusion;
- The potential of new / improved transportation infrastructure to create new or renew hubs of economic activity should be realised with careful master planning around sustainable transport nodes and interchanges to create places which can be easily accessed by sustainable transport and which capitalise on their location and the opportunities which this presents;
- Capitalising on our existing natural and historic assets and new transportation infrastructure to maximise opportunities for tourism-related economic development;
- Encouraging policies and proposals which promote low carbon developments and sites for renewable energy, manufacturing, research and development close to areas of deployment of renewable energy;
- Promoting the economic benefits of energy schemes and in particular supporting those developments which maximise planning-related benefits to communities;
- Identifying and supporting the potential for heat networks (including energy from waste plants) and areas with potential for higher sustainable building standards;
- Implementing the proximity principle for waste, minerals and district scale energy to minimise the need for road transport and its impacts and additional pressure on energy networks;
- Drawing on the principles of the circular economy to reduce unnecessary waste and encourage high quality manufacturing and better materials choices in the built environment, including the use of durable materials in the design of developments. Maximising the use of our sustainable transport infrastructure, including ports and railways to directly support freight movements and serve economic development opportunities and mineral workings; and
- Recognising the impact that increased use of e-commerce will have on freight distribution including the increased need for distribution facilities, particularly in areas with growing accessibility to broadband infrastructure.



## **ECONOMIC INFRASTRUCTURE**

4.20 The infrastructure of Wales, be it physical, electronic or digital, plays a pivotal role in maintaining the economic well-being of the country. It enables people to connect and interact with each other, either in person or digitally, to increase prosperity. It delivers people to their place of work and home again. It enables goods manufactured here to be delivered to places around the world. It enables effective communication between people and businesses and provides a place for people to work and enjoy our natural and cultural assets. Poor infrastructure can be both a disincentive to investment and growth, and have a detrimental impact on quality of life and prosperity for all.

### **Telecommunications**

4.21 The Welsh Government recognises that access to affordable, secure telecommunications infrastructure is essential to people and businesses. The continuous availability and exchange of information afforded by advanced telecommunications ensures people are connected to important services, their communities and the wider world.

4.22 The Welsh Government is working with the telecommunications industry and the communications regulator Ofcom to share information on communications infrastructure, to understand regulatory, planning and economic issues which may influence investment and to inform future policy making in this area.



### **Mobile Telecommunications**

4.23 Mobile telecommunications incorporates both mobile phone and mobile broadband technology and services, and forms an important part of society. It is crucial that a modern and effective telecommunications service is provided across the whole of Wales so people and businesses can communicate easily with one another and access information rapidly via the internet. For this to happen, the planning system should help support telecommunications infrastructure where it is required, whilst taking in to account the status of protected areas, and amenity considerations to protect what is valued most in our communities and environment.

4.24 The provision of telecommunications infrastructure is supported by extensive permitted development rights. For those developments that require planning permission, planning authorities should set out policies in their development plans which facilitate and encourage mobile telecommunications and mobile broadband infrastructure.

4.25 Planning authorities should actively engage with mobile operators when preparing development plans to discuss service provision and identify where coverage is limited or is not being provided.



4.26 Development plans should set out policies for the location of telecommunications development, including criteria-based policies to guide

telecommunications developments to suitable locations. Criteria should be sufficiently flexible to accommodate technical changes and may be concerned with the siting and appearance of apparatus, including location and landscaping requirements designed to minimise the impact on amenity consistent with operational requirements.

4.27 Planning authorities should not question the need for the telecommunications system that the proposed development is to support, nor seek to prevent competition between different operators. However, it should be recognised that planning impacts on schemes from different operators will vary, even those in close proximity.



4.28 New technologies such as 5G will result in the densification of mobile infrastructure particularly in urban areas this could lead to more small cell sites in street settings. The planning system will need to respond positively to this evolution in technology whilst being mindful of the impacts on amenity.

### **Efficient Use of Telecommunications Infrastructure**

4.29 Mobile operators should share telecommunications masts where possible to ensure efficient use of infrastructure and to minimise environmental impact.

4.30 The number of masts, and the number of sites, should be consistent with the efficient operation of the network. The sharing of masts and sites is strongly encouraged where that represents the optimum environmental solution in a particular case, for example in designated or sensitive landscape areas. Design of masts will be an important consideration where sharing is likely to be the preferred approach and efforts to disguise masts should be pursued where necessary. Use should also be made of existing buildings and other structures to site new antennas. Siting should allow for the greatest possible coverage while, so far as is practicable, minimise the impact on amenity and the external appearance of a building.

4.31 As networks develop and technology enhances the re-use of existing sites is encouraged to minimise the need for sites.

### **Health and Safety Considerations**

4.32 Where a new mast is proposed on or near a sensitive use, for example, an airport, hospital, crèche, school or college, it is important that operators engage with the relevant body early on in the development process to discuss any technical or other concerns the siting of a mast may cause. Evidence of this engagement should be provided with all applications.



4.33 Provided that the development meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines planning authorities should not consider the health aspects of mobile telecommunication equipment. All new base stations are expected to meet the ICNIRP guidelines.

4.34 Planning authorities should not implement their own precautionary policies, such as imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.

### **Fixed Line Broadband**

4.35 Fixed line broadband is of critical importance to Wales' economy. Modern society demands reliable high speed and high capacity networks to ensure large amounts of data can be easily accessed or exchanged. It is the Welsh Government's objective to offer fast and reliable broadband to every property in Wales.

4.36 Development proposals for new broadband infrastructure or improvements to existing networks or apparatus should be supported by planning authorities.

4.37 Planning authorities should include policies in their development plans to address the need for broadband infrastructure and its improvement or replacement. This should include design and locational criteria to aid the determination of planning applications. Planning authorities should liaise with broadband infrastructure providers to understand future programme requirements for rollout and improvement in their areas over the development plan period.



4.38 In rural areas, access to superfast broadband is essential for both business and social purposes. The remoteness of some areas has proven a challenge to the establishment of modern networks. Whilst current Welsh Government programmes are seeking to address these issues, planning authorities should nevertheless take a positive approach to proposals for broadband development and include policies that promote new or improved infrastructure.

### **Transportation Infrastructure**

4.39 This section focuses on transport infrastructure, which is important in building prosperity, tackling climate change and reducing airborne pollution. The planning system should facilitate the delivery, decarbonisation and improvement of transport infrastructure, in a way which reduces the need to travel, particularly by private vehicles, and promotes sustainable transport.

4.40 This section needs to be read in conjunction with the wider transport planning policy in the Active and Social Places theme. This sets out the Welsh Government's transport hierarchy, which priorities walking, cycling and public transport, and seeks to reduce the dependency on travel by private vehicles. It also contains details on how planning authorities must develop an integrated planning and transport strategy, which should address transport infrastructure and provides the policy on active travel and how the Integrated Network Maps and National Cycle Network should be integrated into the planning system.

4.41 Planning authorities should support necessary transport infrastructure improvements and ensure, as far as possible, such development does not contribute to urban sprawl or neighbourhood severance.



4.42 Development plans should identify and include policies and proposals relating to the development of transport infrastructure and related services (such as public transport interchange facilities, rail facilities, ports and airports), including areas safeguarded for future transport infrastructure / routes. Where possible, the route of the proposed new or improved infrastructure should be shown in the development plan. When the precise route is not known, a safeguarding policy may be applied to the area of land necessary for the scheme. Blight should be kept to a minimum, by including in development plans only schemes which are likely to commence within the plan period. When development plans are prepared or amended, existing transport proposals should be reviewed, so as to remove any proposals that have previously been safeguarded, but are now abandoned, or any that are unlikely to commence during the plan period.



4.43 Great care must be taken to minimise the adverse impacts of new or improved transport infrastructure on the natural, historic and built environment and on local communities. Routes should make the best use of existing landforms and other landscape features to reduce noise and visual effects, subject to safety and other environmental considerations. Where no other alternative routes or options are practicable, transport infrastructure schemes should provide mitigation measures to minimise the impacts caused by their construction and operation, including aims to reduce overall exposure to airborne pollution.

4.44 Planning authorities should ensure, when assessing transport projects, their approach is compatible with the Welsh Transport Appraisal Guidance (WeITAG). They should ensure the full range of possible solutions, including solutions other than road enhancement, are considered.

## **Public Transport**

4.45 Planning authorities must promote and facilitate the provision of high quality public transport infrastructure. Development plans should set out policies to increase the use of public transport. They should identify and facilitate appropriate public transport routes, measures and facilities. This should take into account proposals in the Local Transport Plan, which could include improved facilities for bus passengers, park and ride schemes, new rail lines (including light rail), the re-opening of rail lines, the provision of new stations, and enhanced passenger services on existing lines.

4.46 Local authorities should identify in development plans and Local Transport Plans the need for additional interchange sites and improvements to existing public transport interchanges, including measures to promote personal safety. In rural areas, interchange sites should be identified at nodes where the transfer between local and long distance public transport services can take place. Local authorities should also safeguard existing public transport interchanges from development that would compromise their continued use.

4.47 Disused railways and disused or unused rail sidings should be safeguarded from development where there is a realistic prospect for their use for rail in the future. As an interim measure it may be appropriate to use disused rail alignments as open space corridors (greenways), for example for walking and cycling.

### **Strategic Road Network**

4.48 Trunk roads and motorways have a national and international role, providing a network of high quality roads carrying long distance traffic between major centres.

4.49 Local authorities should utilise available powers to reduce the need to use trunk roads and other through routes for short, local journeys. Direct access to a motorway or motorway slip road would not be acceptable other than to a motorway service area approved by the Welsh Ministers. Direct access from new development on to a primary road should be avoided where possible. Where feasible, access should be on to a secondary road. At any location, traffic flow and safety can be assisted by good junction design. The number of accesses permitted will depend upon the type and nature of the road. Similarly, the type of access provided should reflect the type of road and the volume and character of traffic likely to use the access and the road.

4.50 Development plans should specify the primary road network, including trunk roads, and separately identify the core network. These routes should be identified on the constraints map as corridors for movement adjacent to which development that would compromise this strategic transport role, or adversely affect people's health, amenity or well-being, will be resisted.

4.51 Development plans should include all proposals for new roads and major improvements to the primary road network over the plan period, and set out the broad policy on priorities for minor improvements. For local road schemes the development plan procedures should normally provide the means to examine both the need for and the alignment of the route.

### **Ports**

4.52 Having functional and attractive ports, harbours, marinas and inland waterways, which meet current and future demand, is essential in making Wales an attractive location for businesses, visitors and freight transportation. Support and investment in these facilities unlocks potential to boost the economy both directly, from the greater use of the facilities, and indirectly, through the opportunities that improved maritime transport infrastructure provide for other sectors (both nationally and internationally).

4.53 The Welsh National Marine Plan (WNMP) provides a vision within which ports, harbours, marinas and inland waterways can plan their current and future operations, including options for expansion and or diversification. Planning authorities should consider the land use implications of the WNMP.

4.54 Planning authorities should seek to promote the use of ports, harbours, marinas and inland waterways by the protection or provision of access to them and by the retention or provision of appropriate wharf, dock, harbour and rail transfer facilities to

support economic activities, in a way that minimises any adverse impacts on the environment. Planning authorities should also consider and, where appropriate, promote ports, and their surrounding area, for inter-modal freight interchanges and strategic employment sites.

## **Airports**

4.55 Airports are important hubs, which play a significant role in providing national and international connectivity for tourism and business. The Welsh Government supports the growth and enhancement of airports and their infrastructure in Wales and the improvement of transport links to them by road and rail, particularly those which improve public transport accessibility.

4.56 Planning authorities should recognise the strategic and local importance of airports and their potential as centres of economic activity. Planning authorities should promote access to airports by sustainable means, taking into account the existing and planned levels of public transport, and ensure environmental impacts, including airborne pollution, are fully taken into account.

## **Freight**

4.57 The efficient, reliable and sustainable movement of freight is important to the economy, the effective provision of services that rely on supplies, such as health, and to people's everyday lives more generally. The Welsh Government's aim is for there to be an increase in freight moved by rail and water, rather than by road.

4.58 The strategic significance of freight access should be taken into account by planning authorities. Planning authorities should promote sustainable freight transport options, including considering the potential for the carriage of freight by rail, water or pipeline rather than by road. The development plan should identify and, where appropriate, protect routes required for the sustainable movement of freight and protect existing transport infrastructure from encroachment from other types of development.

4.59 Local authorities should consider which routes are most suitable for use by road freight and encourage the location or relocation of distribution and operating centres to sites which have good access to these routes. The same applies to other developments generating frequent road freight movements.

4.60 Wherever possible, new facilities should be located adjacent to railways and/or ports to promote modal transfer. Local authorities should also consider the feasibility of developing HGV hubs outside of city/town centres where goods would be transferred to LGVs for the last leg of the freight journey.

4.61 Planning authorities should encourage the construction of wharves at ports and railheads to serve new mineral development near the existing rail infrastructure and protect existing transport infrastructure from encroachment from other types of development.



4.62 Planning authorities should take into account the implications from the continuing growth in door-to-door e-commerce services for both business and domestic use. This can have particularly significant impacts in urban areas, because of existing traffic congestion and airborne pollution challenges. Planning authorities need to take into account the supply and demand relationships that exist within e-commerce.

### **Economic Development**

4.63 For planning purposes the Welsh Government defines economic development as development of land and buildings for activities that generate long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses which follow the placemaking outcomes.

4.64 Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to planning policy. This section focuses primarily on traditional employment land uses (B1, B2 and B8) while policies on other economic sectors are also found elsewhere.

### **Providing Sufficient Land Needed by the Market**

4.65 Planning authorities should support the provision of sufficient land, and qualitative mix of sites, needed by the market, by allocating sites in the development plan and by setting out supporting policy. Particular attention should be made to the SME sector and the need to provide sufficient and high quality environments for this sector to thrive sustainably.



4.66 Planning policies must provide developers and others with scope to make choices to secure the efficient and effective use of resources including land. Robust evidence must inform this process.

4.67 Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration. The delivery of land and policy supporting economic development should be considered against social and environmental sustainability. Sites identified for employment use in a development plan should be protected from inappropriate development.

4.68 Evidence to inform the provision of economic development uses is key, and planning authorities should work together to produce Employment Land Reviews which inform this process.



4.69 When promoting economic development Planning Authorities should consider all relevant policy options including the use of Simplified Planning Zones and Local Development Orders (LDOs) to simplify the planning process for enterprises in their

area. These mechanisms will be of particular significance for those local authorities which have Enterprise Zones.

### **Economic Evidence and Employment Land Reviews**

4.70 Plans and decisions should be based on up-to-date and locally and sub regionally specific evidence. It is important that such evidence demonstrates the suitability of the existing employment land supply as well as future provision in relation to the locational and development requirements of business.

4.71 In line with the Welsh Government's policies for encouraging co-ordination and joint working between local authorities, planning authorities should work with each other and with relevant economic fora in order to prepare Employment Land Reviews. The review should include an assessment of anticipated employment change by sector and land use, and targets on land provision for employment uses showing net change in land/floorspace for offices, industry and warehousing separately. This evidence should help inform an economic vision for the area. Employment Land Reviews should be kept up to date, and relevant to prevailing market conditions and the needs of the development plan.



### **Steering Economic Development to the Most Appropriate Locations**

4.72 It is important that planning authorities are aware not only of the economic needs of their own areas but also of the surrounding region.

4.73 Planning authorities should steer economic development to the most appropriate locations through the preparation of strategic development plans, rather than prevent or discourage such development.

4.74 Effective planning for the economy requires planning authorities to work strategically and co-operatively, through the SDP process, directing development and investment to the most efficient and most sustainable locations, regardless of which local authority area they are in.



4.75 The development plan should reflect work between neighbouring authorities and other relevant stakeholders. Travel-to-work patterns do not reflect local authority boundaries and it is essential that planning authorities identify and make adequate provision, through the SDP, for their role in the regional and sub-regional economies of Wales.

4.76 Planning authorities should aim to:

- co-ordinate development with all forms of infrastructure provision such as transport and utilities;
- support national, regional, and local economic policies and strategies;
- align jobs and services with housing and sustainable



transport infrastructure, to reduce the need for travel, and dependency on travel by car;

- promote the re-use of previously developed, vacant and underused land;
- deliver physical regeneration and employment opportunities to disadvantaged communities;
- control and manage the release of unwanted employment sites to other uses;
- propose specific locations for necessary industries which are detrimental to amenity and may be a source of pollution; and
- identify protection zones around establishments that hold hazardous substances and protect the ability of existing establishments to operate or expand by preventing the incremental development of vulnerable uses in the vicinity of such sites.

4.77 Policies and supplementary planning guidance should support mixed use developments, including flexible workplace/dwellings and commercial premises, where these are appropriate.

4.78 Employment and residential uses can be compatible with one another. Planning authorities should have regard to the proximity and compatibility of proposed residential development adjacent to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.

### **Business Clusters**

4.79 Economic clustering typically occurs when businesses from the same or similar industry, or with a common interest, choose to locate in close proximity for mutual benefit. Often, clustering concerns high technology, innovative or research and development based companies, but may also include finance, food and media businesses, or supply industries serving larger manufacturers. Businesses can benefit from shared facilities, infrastructure, local pools of skilled and qualified labour, common supply chains and links to higher education.

4.80 Planning authorities should seek to support the development of business networks and clusters particularly in relation to innovative and technology based enterprise.

4.81 Development plan policies should identify potential networks and clusters, and make clear the criteria used to categorise them. Associated transport, environmental and telecommunications infrastructure links needed to support these networks and clusters should also be included in the development plan. Planning authorities should also look favourably on any associated joint renewable and low carbon energy generation proposals designed to serve clusters, such as district heating systems and high efficiency energy recovery from waste, or the provision of an integrated network of waste recycling or collection, provided there are no unacceptable impacts on local amenity.



### **Tourism**

4.82 Tourism involves a wide range of activities, facilities and types of development and is vital to economic prosperity and job creation in many parts of Wales. Tourism can be a catalyst for regeneration, improvement of the built environment and environmental protection.

4.83 The planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities. The planning system can also assist in enhancing the sense of place for an area which has intrinsic value and interest for tourism. In addition to supporting the continued success of existing tourist areas, appropriate tourism-related development in new destinations is encouraged. In some places however there may be a need to limit new development to avoid damage to the environment (for example in undeveloped areas), or to the amenity of residents and visitors.

4.84 In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment.

4.85 Much of the existing provision of facilities and accommodation for tourism occurs in (urban locations, including) historic and coastal towns (and cities). There will be scope to develop well-designed tourist facilities in urban areas, particularly if they help bring about regeneration of former industrial areas. The sensitive refurbishment and re-use of historic buildings also presents particular opportunities for tourism facilities in all areas

4.86 Long-distance routes, rights of way, disused railways, waterways and other green infrastructure are important tourism and recreation facilities, both in their own right and as a means of linking attractions.

4.87 Planning authorities should provide a framework for maintaining and developing well-located, well designed, good quality tourism facilities. They should consider the scale and broad distribution of existing and proposed tourist attractions and enable complementary developments such as accommodation and access to be provided in ways which limit negative environmental impacts.

4.88 Planning authorities should adopt positive approaches to proposals which utilise previously developed or disused land and water bodies for tourism uses, particularly in relation to urban regeneration.

### **The Rural Economy**

4.89 A strong rural economy is essential to support sustainable and vibrant rural communities. The establishment of new enterprise and the expansion of existing business is crucial to the growth and stability of rural areas.

4.90 Many commercial and light manufacturing activities can be located in rural areas without causing unacceptable disturbance or other adverse effects. Small-scale enterprises have a vital role to play in the rural economy, and contribute to

both local and national competitiveness and prosperity. While some employment can be created in rural locations by the re-use of existing buildings, new development will be required in many areas

4.91 Where a need is identified, planning authorities should allocate new rural sites for economic development in the development plan.

4.92 New development sites are likely to be small and, with the exception of rural diversification and agricultural development to which separate criteria apply, should generally be located within or adjacent to defined settlement boundaries, preferably where public transport provision is established. However, some industries may have specific land requirements which cannot be accommodated within settlements. The absence of allocated employment sites should not prevent authorities from accommodating appropriate small-scale rural enterprises in or adjoining small rural settlements. Planning authorities should include criteria based policy to consider such proposals when they are outside settlement boundaries. Whilst the protection of the open countryside should always be maintained wherever possible, the expansion of existing businesses located in the open countryside should be supported provided there are no unacceptable impacts.

4.93 Whilst new businesses in rural areas are essential to sustain and improve rural communities, developments which only offer short-term economic gain are unlikely to be appropriate. Local authorities should encourage the growth of self employment and micro businesses in rural areas by adopting a supportive and flexible approach to home working and associated change of use applications.



4.94 Planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In addition they should adopt a positive approach to the conversion of rural buildings for business re-use

### **Rural Business Diversification**

4.95 Small economic activities can often be sustainably located on farms and other rural businesses and provide additional income streams. Planning authorities should adopt a positive approach to diversification projects in rural areas. Diversification can strengthen the rural economy and bring additional employment and prosperity to communities.

4.96 Whilst every effort should be made to locate diversification proposals that are well-served by public transport it is recognised that certain diversification proposals will only be accessible by car. While initial consideration should be given to adapting existing farm buildings, the provision of a sensitively designed new building on a working farm within existing farm complexes may be appropriate where a conversion opportunity does not exist.

4.97 Diversification may come in many forms and could also include renewable energy proposals such as anaerobic digestion facilities or solar and wind installations which will help to increase the viability of rural enterprises by reducing their operating costs. These schemes should be supported where there is no detrimental impact on the environment and local amenity.

4.98 In terms of sustainable development it should be recognised that many small rural diversification proposals, providing local services will actually reduce the journey length for users who would otherwise need to travel greater distances to access these services. Small rural diversification schemes can also contribute to the very viability of a community by providing a focus for community life and hubs of economic activity.

## **ENERGY**

4.99 The Welsh Government is committed to delivering the outcomes set out in our Energy Policy Statement Energy Wales: A Low Carbon Transition (2012). Our priorities are:

- Reducing the amount of energy we use in Wales;
- Reducing our reliance on energy generated from fossil fuels; and
- Actively managing the transition to a low carbon economy.

4.100 These priorities contribute to reducing carbon emissions as part of our approach to decarbonisation (see Chapter 1), whilst enhancing the economic, social, environmental and cultural well-being of the people and communities of Wales, in order to achieve a better quality of life for our own and future generations. This means taking precautionary action to prevent Wales being 'locked in' to further fossil fuel extraction and high carbon development. The planning system should facilitate delivery of both this and Welsh, UK and European targets on renewable energy.

4.101 Planning applications for onshore generating projects in Wales which have an installed generation capacity of between 10MW and 50MW (there is no upper limit for onshore wind generating stations) are made directly to the Welsh Ministers under the Developments of National Significance (DNS) process. Provisions in the Wales Act 2017 devolve all energy generating projects up to 350MW, however, these provisions are yet to be commenced.

4.102 The planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of decarbonisation and the sustainable use of natural resources, both as an economic driver and a commitment to sustainable development.

4.103 The planning system should recognise the benefits of renewable and low carbon energy as part of the overall commitment to tackle climate change and increase energy security. There should also be recognition that the continued



extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change. The planning system should:

- Integrate development with the provision of additional electricity grid network infrastructure;
- optimise energy storage;
- facilitate the integration of sustainable building design principles in new development;
- optimise the location of new developments to allow for efficient use of resources;
- maximise renewable and low carbon energy generation;
- maximise the use of local energy sources, such as district heating networks;
- minimise the carbon impact of other energy generation; and
- move away from the extraction of energy minerals, which the burning of is carbon intensive.

### **Renewable Energy Targets**

4.104 The Welsh Government has set targets for the generation of renewable energy:

- For Wales to generate 70 per cent of its electricity consumption from renewable energy by 2030;
- For one Gigawatt of renewable electricity capacity in Wales to be locally owned by 2030; and
- By 2020 for new renewable energy projects to have at least an element of local ownership.



4.105 The planning system has an active role to help ensure the delivery of these targets in terms of new renewable energy generating capacity and the promotion of energy efficiency measures in buildings.

4.106 To assist in the achievement of these targets, local authorities must take an active, leadership approach at the local level by identifying targets for renewable energy in their development plans. In order to identify a measurable target which can be assessed and monitored through the planning system, these targets should be expressed as an absolute energy installed capacity figure calculated from the resource potential of the area and should not relate to a local need for energy.

4.107 This target, and the planning policies used to achieve it, should be informed by an appropriate evidence base Practice Guidance: Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (see below) provides guidance on how to develop an evidence base, including a Renewable Energy Assessment, Energy Opportunities Plan and Strategic Sites Assessment, and translate this into planning policy.

4.108 Local authorities should consider the renewable energy resource they have available in their areas when formulating their renewable energy target and use the full range of policy options available (including developing spatial allocations in their

development plans – see below) in order to help them achieve these. Targets should not be seen as maximum limits but rather be seen as a catalyst to maximise available resource and where proposals exceed the target they should not be refused for this reason alone.

### **Electricity Grid Network and Energy Storage**

4.109 An effective electricity grid network is required to fulfil the Welsh Government’s renewable and low carbon ambitions. An integrated approach should be adopted towards planning for energy developments and additional electricity grid network infrastructure. In certain circumstances, additional electricity grid network infrastructure will be needed to support the Strategic Search Areas (see ‘Large Scale Wind Energy Development’ section below) and areas identified in development plans.

4.110 The Welsh Government’s preferred position on new power lines is that they should be laid underground where possible. However, it is recognised that a balanced view must be taken against costs, which could render otherwise acceptable projects unviable. Where undergrounding of lines is not possible, proactive engagement with energy companies to mitigate the visual impact of any potential new transmission lines is needed.

4.111 Planning authorities should plan positively for grid infrastructure. Development plans should facilitate the grid infrastructure required to support the renewable and low carbon energy potential for the area, particularly areas designated for such development. Planning authorities should support appropriate grid developments, whether or not the developments to be connected are located within their authorities.



4.112 Planning authorities and the energy industry, including National Grid and Distribution System Operators, should engage with each other to ensure development plans take grid infrastructure issues into account. This can also ensure investment plans for transmission and distribution align with the identified potential for renewable and low carbon energy.



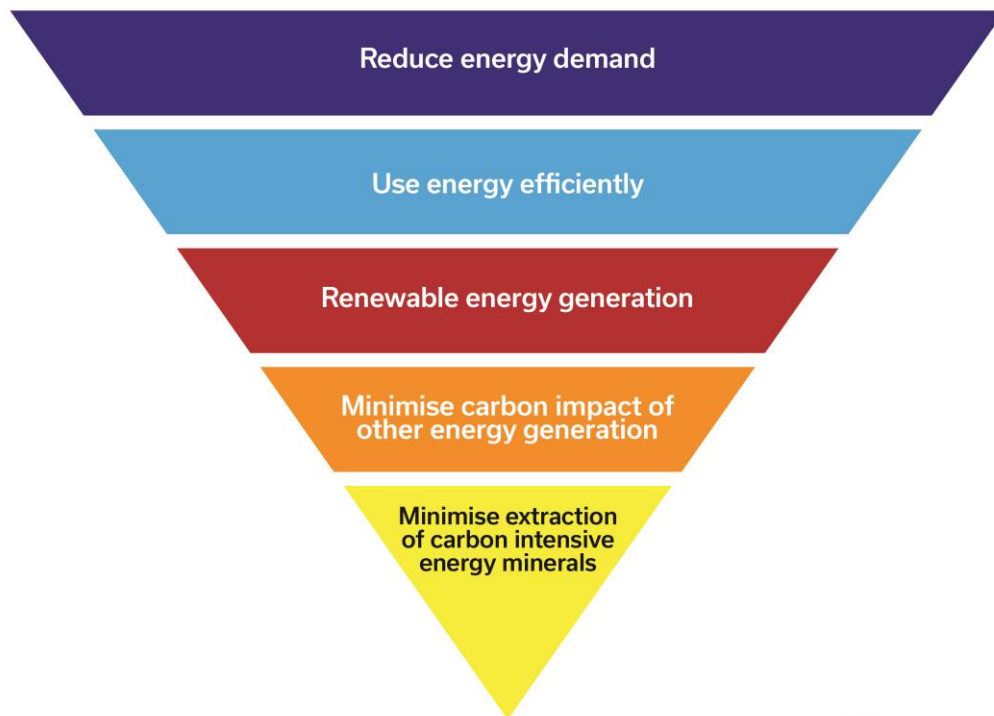
4.113 Energy storage has an important part to play in managing the transition to a low carbon economy. The growth in energy generation from renewable sources requires the management of the resultant intermittency in supply and energy storage can help balance supply and demand. Planning authorities should recognise the importance of energy storage and support appropriate development, taking into account the considerations identified in the ‘Development Management and Renewable and Low Carbon Energy’ section below.

### **Energy Hierarchy for Planning**

4.114 The Welsh Government expects all new development to mitigate the causes of climate change, in accordance with the energy hierarchy for planning (as shown below). Reducing energy demand and increasing energy efficiency will assist in

meeting this demand with renewable and low carbon sources of energy. This is particularly important in supporting the electrification of energy use. All aspects of the energy hierarchy have their part to play, simultaneously, in helping meet decarbonisation and renewable energy targets.

### The Energy Hierarchy for Planning



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### Sustainable Buildings

4.115 The planning system should facilitate new development that enables decarbonisation, tackles the causes of climate change, and adapts to the current and future effects of climate change through the incorporation of effective mitigation and adaptation measures.



4.116 The Welsh Government’s policy is to secure zero carbon buildings while continuing to promote a range of low and zero carbon technologies as a means to achieve this.

4.117 Sustainable building design principles should be integral to the design of new development. Development proposals should:

- mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition; and
- include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.



4.118 Planning authorities should assess strategic sites to identify opportunities to require higher sustainable building standards (including zero carbon) to be required. In bringing forward standards higher than the national minimum, set out in Building Regulations, planning authorities should ensure what is proposed is evidence-based and economically viable.

4.119 Sustainable building design principles should be integral to the design of new development. Practice Guidance – Planning for Sustainable Buildings provides guidance on sustainable building design. Where required, Design and Access Statements should show how sustainable building design principles have been considered in the design process.

4.120 Developers should also take into account future requirements for carbon reduction in new buildings, as a result of changes to Welsh Building Regulations, when designing their schemes. Being mindful of any future changes will ensure design aspects of requirements are taken into account as early as possible.



4.121 Further policy on maximising the circular economy in relation to handling waste from the development of new, sustainable buildings is provided later on in this chapter.

4.122 The need to both accommodate and encourage the projected increase in Ultra Low Emission Vehicles (ULEVs) use in the public, private and domestic sector should be taken into account by planning authorities when planning for all development and determining planning applications. New development should seek to support, the provision of ULEV charging infrastructure.

### **Renewable and Low Carbon Energy**

4.123 Planning authorities should facilitate all forms of renewable and low carbon energy development, using up to date and appropriate evidence. Planning authorities should seek to ensure their area's full potential for renewable and low carbon energy generation is achieved and renewable energy targets are met.

4.124 The Welsh Government has made many forms of domestic and non-domestic small scale renewable and low carbon energy development permitted development and, therefore, not requiring planning permission, subject to specific criteria.

4.125 Planning authorities should develop an evidence base to inform the development of renewable and low carbon energy policies. Planning authorities should:

- take into account the contribution that can be made by their local area towards carbon emission reduction and renewable and low carbon energy production;
- recognise that approaches for the deployment of renewable and low carbon energy technologies will vary;
- identify the accessible deliverable renewable energy resource



potential (including heat) for their area and considers the likely utilisation of this resource over the plan period;

- take into account the environmental, social, cultural and economic impacts and opportunities from renewable and low carbon energy development;
- take into account the cumulative effects of renewable and low carbon energy development and their associated infrastructure (e.g. grid connections);
- take into account the likely mechanisms for determining applications for sites based on their potential and actual output;
- take into account landscape sensitivity;
- take into account the deliverability of schemes;
- take into account issues associated with grid connection (see Grid Infrastructure section) and the transportation network; and
- consider local priorities for renewable energy.

4.126 Renewable and low carbon energy projects are in principle appropriate in all parts of Wales and planning authorities should ensure that development plan policies are supportive of such projects, setting out clearly the local criteria against which such proposals will be evaluated.

4.127 Planning applications for renewable and low carbon energy generation development, which are in accordance with development plan policies, should be supported.

### **Local Energy Generation**

4.128 The Welsh Government encourages the use of local energy as part of the imperative to reduce carbon emissions. Renewable and low carbon energy developments offer significant potential for communities and small businesses to develop their own projects for local benefit.

4.129 Planning authorities should plan positively for the use of locally generated electricity and heat to help meet the national target of 1GW by 2030. They should develop policies and proposals which:

- facilitate the co-location of major developments to enable the use of local heat opportunities;
- facilitate the linking of renewable and low carbon energy with major new development;
- maximise the use of waste heat;
- promote district heating; and
- promote Combined Heat and Power schemes.



4.130 Planning authorities should use their evidence base to inform policies and proposals for local energy. Development plans should facilitate identified opportunities for district heating, local renewable and low-carbon energy generation schemes and the co-location of new proposals and land allocations with existing developments and heat suppliers and users.

4.131 Planning applications for local energy generation projects should be supported, subject to development plan policies being satisfactorily addressed. The 'Renewable and Low Carbon Energy Development Management' section below identifies the relevant development management considerations.

### **Locational Policies for Renewable and Low Carbon Energy Development**

4.132 Planning authorities should facilitate and guide renewable and low carbon energy development by establishing spatial policies in their development plan, which designate the most appropriate locations for renewable and low carbon energy development, and seek to ensure their area's potential for such development is achieved. Development plan policies should be informed by an evidence base which assesses the opportunities and potential for renewable energy in the area.

4.133 Planning applications for renewable and low carbon energy development in areas identified as the most appropriate locations for such development, which are in accordance with development plan policies, should be supported.

4.134 Outside identified areas, planning applications for renewable and low carbon energy developments should be determined based on the merits of the individual proposal. The local need for a particular scheme is not a material consideration, as energy generation is of national significance and there is a recognised need to optimise renewable and low carbon energy generation. Planning authorities should seek to ensure their area's renewable and low carbon energy potential is achieved.

### **Large Scale Wind Energy Development**

4.135 Wales has an abundant wind resource and, as a result, wind energy forms a key part of meeting the Welsh Government's vision for future renewable energy production.

4.136 The Welsh Government has identified Strategic Search Areas (SSAs) which, on the basis of substantial empirical research, are considered the most appropriate locations for large scale on-shore wind farm development (over 25MW). The detailed characteristics of SSAs and the methodology used to define them are outlined in Technical Advice Note 8: Planning for Renewable Energy.

4.137 The Welsh Government accepts the introduction of new, often very large structures for on-shore wind needs careful consideration to avoid and, where possible, minimise their impact. The SSAs are the most appropriate locations for large scale wind farm development. Large-scale wind energy developments in these areas will be required to contribute to Welsh, UK and European renewable energy targets, mitigate climate change, and deliver energy security.



4.138 Within, and immediately adjacent to, the SSAs, there should be implicit acceptance that there will be significant change in landscape character from wind turbine development. Whilst cumulative impact may be a material consideration, it must be balanced against the need to meet the Welsh Government's aspirations for energy in Wales and the conclusions reached fully justified in any decisions taken.



Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations.

4.139 The development of large wind farms or other large scale renewable and low carbon energy schemes will not generally be appropriate in internationally or nationally designated areas and sites.

4.140 Development plans should, where relevant, provide policies to clarify in the SSAs where large scale wind energy developments are likely to be permitted. For example, by identifying local micro-siting criteria or identifying specific preferred locations. The SSA boundaries have been drawn to allow for some local refinement; however in defining such locations or criteria it will be important to ensure that they do not differ significantly without local evidence from the indicative boundaries of the SSAs set out in TAN 8. Development Plans which include SSAs must contain clear policies about where and how much development will be permitted.

4.141 Outside the SSAs, planning authorities should support and facilitate further wind energy development by assessing the potential, and develop policies in their development plan. See the 'Spatial Policies for Renewable and Low Carbon Energy Development' section above.

### **Development Management and Renewable and Low Carbon Energy**

4.142 In determining applications for the range of renewable and low carbon energy technologies' planning authorities should give significant weight to the Welsh Government's targets to increase renewable and low carbon energy generation, as part of our overall approach to tackling climate change and increasing energy security. Planning authorities should take into account:



- the contribution a proposal will make to meeting identified Welsh, UK and European targets and potential for renewable energy;
- the contribution to cutting greenhouse gas emissions; and
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development.

4.143 Planning authorities should also seek to identify and consider ways to avoid, mitigate or compensate identified adverse impacts, taking into account:

- the need to minimise impacts on local communities, such as from noise and air pollution, to safeguard quality of life for existing and future generations;
- the impact on the natural heritage, the coast and the historic environment;
- the capacity of, and effects on, the transportation network relating to the construction and operation of the proposal;
- grid connection issues where renewable (electricity) energy developments are proposed; and



- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts.

4.144 Prior to an application being submitted, developers for renewable and low carbon energy developments should seek to avoid, or where possible, minimise adverse impacts through careful consideration of location, scale, design, and other measures.

### **Local Involvement and Community Benefit**

4.145 The Welsh Government supports renewable and low carbon energy projects which are developed by communities or benefit the host community or Wales as a whole. The social, environmental and economic (including job creation) benefits associated with any development should be fully factored into, and given weight in, the decision making process. However, planning decisions must be based on an assessment of the impacts of the proposed development, irrespective of who the applicant is.

4.146 Community groups and organisations who seek to promote renewable energy projects may require particular assistance in navigating their way through the planning system and, as such, planning authorities should be as accommodating as possible when dealing with such projects.



4.147 The Welsh Government supports the principle of commercial developers working together with community based organisations to take forward projects on a shared ownership basis. We also support the principle of securing financial contributions for host communities through voluntary arrangements. Such arrangements must not impact on the decision making process and should not be treated as a material consideration, unless it meets the tests set out in Circular 13/97.

### **Decommissioning and Remediation**

4.148 Energy-related developments should be decommissioned and sites remediated as soon as their use ceases. Planning authorities should use planning conditions or legal agreements to secure the decommissioning of developments and associated infrastructure and remediation of the site.



### **Energy Minerals**

4.149 The demand for energy minerals has been largely based on power generation. Welsh Government has set climate change targets for the reduction of greenhouse gas emissions and promoting decarbonisation. At the UK level coal powered generation is being phased out. This means moving away from the extraction of fossil fuel for use in energy generation. In terms of the planning energy hierarchy, the extraction of minerals for the



purpose of generating energy is undesirable as it is the most carbon intensive form of production. The purpose of this hierarchy is to encourage preferred generation proposals to come forward and to discourage proposals supported by the extraction of fossil fuels.

## **Onshore Oil and Gas**

4.150 The extraction of gas and oil whether by conventional or unconventional methods is classed as mineral development and onshore activities under relevant oil and gas licences must be carried out in accordance with the requirements of planning permission<sup>2</sup>.

4.151 Several licences have been issued in Wales but no significant oil and gas production has been undertaken to date. Unconventional oil and gas proposals for coalbed methane, shale gas and underground coal gasification are subject to Notification Directions requiring that all such development proposals be referred to Welsh Government for consideration should the planning authority be minded to approve the application.

### Stages of Onshore Oil and Gas Development

4.152 The general stages relating to onshore oil and gas development are:

- Exploration using seismic surveys to provide information about geological structures and exploratory drilling to verify the presence or absence of oil or gas reserves;
- Appraising the assessment of exploration prospects using extended well tests and additional drilling to determine if reservoir development is economically feasible;
- Development and production cover the development of field infrastructure and the production of hydrocarbons from the reservoir until economically feasible reserves are depleted; and
- Decommissioning, restoration and aftercare refer to operations for the abandonment of wells, the removal of surface installations and the restoration of the site.

4.153 Each stage generates impacts both on the surface and underground and will involve slightly different processes, timescales, equipment, and vehicle movements. Therefore it is necessary to consider all these matters anew for each planning application submitted. It does not follow that just because it has been appropriate to grant planning permission to explore for the resource it would necessarily be appropriate to allow commercial extraction in the same location. Each planning application for any stage of development should be determined on its own merits<sup>3</sup>.

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<sup>2</sup> licence system brought into effect in 1995 introduced a single licence, the Petroleum Exploration and Development Licence (PEDL), covering exploration, appraisal and developmental activity for petroleum, whilst underground coal gasification is covered by Coal Authority licensing.

<sup>3</sup> A Regulatory Roadmap, which identifies all the regulatory processes that an operator will need to satisfy before drilling for unconventional gas and oil, has been produced by Welsh Government and the Office for Unconventional Oil and Gas.

## Onshore Oil and Gas Resources

4.154 Coalbed methane extraction equipment is similar to that for conventional gas reservoirs but coalbed methane is more difficult to extract, particularly from virgin coal seams, because of the low permeability of coal. The most common method of extracting coal bed methane is by pumping water from the seam. Dewatering the seam lowers pressure allowing methane to flow out of the pores and fractures in the seam. Hydraulic fracturing is another process used to enhance the recovery of gas from coal seams (see below).

4.155 Other types of unconventional gas from coal include abandoned mine methane (drilling into abandoned mine workings to collect methane), coal mine methane (collecting the methane gas released during mining operations) and underground coal gasification (producing methane gas by partially combusting underground coal seams).

4.156 Shale oil and gas is trapped in the pore spaces and fractures within shale rock. It is more difficult to extract than oil or gas from conventional reservoirs because of the low permeability of the shale source rock. As a result, a combination of horizontal drilling and hydraulic fracturing techniques are used.

### Specific Considerations for Unconventional Extraction of Onshore Oil and Gas

4.157 There are particular environmental and technical considerations associated with unconventional extraction including:

- The total estimated lifespan of a site can be up to 20-30 years depending on whether the site is suitable for production;
- The production phase of an individual well typically lasts around 15 years. While shale gas wells, for example, have a long life, output drops to about 10% of initial production after about 5 years or so. The pad would remain in place, alongside some small pieces of surface infrastructure and equipment;
- If a site is suitable for production, extraction usually entails many more wells than conventional gas with accompanying site activity and will take more land space than conventional activities;
- After around two years, the major on-site activity would cease and would be replaced by routine maintenance. The primary activities at a site would then be maintenance and movement of goods from the site, although further wells may be drilled;
- Extraction involves the use of horizontal as well as vertical drilling methods;
- The use of hydraulic fracturing fluid, which is primarily composed of water, but with the addition of sand as a proppant to keep the fractures open and the addition of chemicals to improve the efficiency of the process;
- The disposal of water produced during well stimulation and gas production which may vary in contamination; and
- Potential adverse effects on subsurface resources such as groundwater.

## Planning Proposals for Onshore Oil and Gas

4.158 The Welsh Government has set challenging targets for decarbonisation and increased renewable energy generation. The continued extraction of all fossil fuels, including shale gas, coal bed methane and underground coal gasification, will not usually be compatible with those targets. The Welsh Government's policy objective is therefore to avoid the continued extraction and consumption of fossil fuels. When proposing the extraction of on-shore oil and gas, robust and credible evidence will need to be provided to the effect that proposals conform to the energy hierarchy, including how they make a necessary contribution towards decarbonising the energy system. In all other respects, minerals policies aimed at preventing and limiting the environmental impacts of extraction and ensuring restoration will apply.



4.159 In Wales, there is limited information about the resources that are likely to be commercially viable for extraction and comprehensive data is required to provide robust baseline information against which any applications could be considered. As part of a precautionary approach, a comprehensive and robust examination of any proposals for onshore oil and gas should be made before determining planning applications and any relevant policies for minerals development which seek to protect amenity and the environment should be considered.

### **Coal**

4.160 It is part of UK and Welsh Government energy policy to remove the role played by coal in energy generation. Current UK Government plans seek to phase out coal fired generation by 2025 and in Wales demanding targets to limit carbon emissions are enshrined in the Environment (Wales) Act 2016. Coal extraction has reduced to a level where there are relatively few active opencast coal sites operating in Wales. Continued demand for local coal is uncertain, both in terms of the increased use of imports and challenging abatement requirements.



4.161 Proposals for opencast, deep-mine development or colliery spoil disposal should not be permitted. Should, in wholly exceptional circumstances, proposals be put forward they would clearly need to demonstrate why they are needed in the context of climate change emissions reductions targets and for reasons of national energy security.



4.162 A Health Impact Assessment should be provided to accompany any application for opencast coal working. If the planning authority decides that an applicant has failed to provide adequate information on health impacts, it may decide that it cannot process and proceed to determine the application without that information. Where an application for opencast coal working is EIA development, for the purposes of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, and coal working is likely to have a significant effect on human health, the Health Impact Assessment may serve to inform the Environmental Statement.



4.163 The safeguarding of primary coal resources should be undertaken as a precautionary measure in development plans for the sole purpose of preserving options for the long term energy security of the UK. Planning authorities should not need to indicate areas where coal operations would not be acceptable.

## **CIRCULAR ECONOMY AND MAKING BEST USE OF MATERIAL RESOURCES**

4.164 Sustainable and place based outcomes will involve securing multiple benefits which embrace the inter-relationships between the built and natural environment, including economic prosperity, the resilience of ecosystems, as well as the amenity, social aspirations and health of communities. The planning system should help to conserve non-renewable resources for future generations, including the built environment itself, and protect renewable resources from serious harm, depletion or pollution by promoting the best choice of buildings and materials for the intended purpose and preventing the creation of waste for future generations.

4.165 A circular economy is one which aims to keep materials, products and components in use for as long as possible. There are environmental, social and economic benefits of taking such an approach, most notably the increased value and productivity of materials, financial savings for the construction sector and the prevention of waste for society as a whole.

4.166 The planning system can promote change towards a circular economy by influencing the choices of materials used as part of development, encouraging a more adaptable and durable approach to building design, designing out waste using materials which are or can be remanufactured, can be refurbished, can be disassembled and recycled or can be deconstructed and reused and ensuring security of supply of materials which society needs, including primary minerals. This will help to ensure the availability of materials in the long term so as not to burden future generations. Time spent at the design stage is a vital means of making effective use of resources and securing multiple benefits.



4.167 The planning system must embrace the following materials preferences when considering development proposals:

- promoting the use of the most appropriate material available so as to prevent waste arising and resource depletion over the long term, for example encouraging use of renewable resources, locally sourced sustainable products and those with low embodied energy;
- promoting the use of recycled or secondary material to ensure they are used where they are suitable and available and so limit the use of non-renewable resources;
- using the materials chosen, including renewables and non-renewable resources, to best effect by ensuring efficiency of use, where this means the use of fewer resources in the first place and to prevent the creation of waste which cannot be effectively reused in the short term; and
- both providing for an adequate supply of primary minerals that society needs now and in the future and considering their availability as part of development choices, where appropriate.



4.168 This preference should be taken into account alongside other policies governing the extraction and production of materials or the proposing of development more generally at both the plan-making and development management levels. When considering the formulation of plan strategies and development proposals themselves the materials or resources needed and made available by the development and those it may generate should be considered at an early stage to assist in ensuring a more cost effective build.



4.169 Understanding and identifying the characteristics of a circular economy as far as this relates to planning will include:

- designing out waste by choosing the right materials/products for buildings and infrastructure and through site selection and treatment;
- design choices which are adaptable, both during the lifetime of development and at the end of its use; and, considering design elements such as layering, designing for adaptability; and
- designing in reused elements, such as wastes, secondary materials and recycled materials and the selection of materials which can be reused and recycled.

### **Design Choices to Prevent Waste**

4.170 Promoting the best choice of materials and efficiency of use will often go hand in hand. The use of fewer resources in the first place will help to avoid the creation of waste which cannot be effectively reused in either the long or short term and waste prevention is key to the efficiency use of natural resources<sup>4</sup>. Opportunities to reduce or recycle waste as part of the design, construction and operation of new buildings should be identified when proposing plan strategies and policies, including any specific allocations.

4.171 Planning authorities should consider both design choices and site selection and treatment as part of assessing development proposals and encourage a shift towards embedding circularity in the flow of materials. Measures which prevent waste arising include reducing the quantity of wastes produced, the reuse of products and extension of the lifespan of products. Where waste is produced it should be kept separate for reuse or recycling. All opportunities should be explored to incorporate re-used or recyclable materials or products into a new buildings or structures.

### **Materials Balance on Site**

4.172 Construction sites of all sizes inevitably require a degree of cut and fill engineering operations. Minimising the level of earthwork cut and fill volumes not

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<sup>4</sup> Construction Excellence in Wales research has demonstrated that, on average, savings of 2% project costs can be achieved by consideration of prevention, reduction and reuse of resources and waste.

only reduces waste but also protects soils, reduces energy consumption and reduces transport movements to and from a site. Ultimately it also reduces materials being sent to landfill and makes sustainable use of a finite resource.

4.173 As part of site treatment, the cut and fill balance of materials excavated should be assessed so as to avoid the creation of waste which cannot be effectively re-used due to lack of suitable storage facilities, such as 'urban quarries', and re-processing facilities. Developers should achieve an earthwork balance by carrying out a natural material management plan (or construction management plan) which seeks to minimise cut and fill before operations commence on a site. There may be significant cost reductions, in material costs, reduction in disposal costs and significant reduction in vehicle movements associated with material movements, associated with careful pre-operational planning of this nature.

### **Adaptable Design Choices**

4.174 When identifying the design characteristics of a circular economy it is useful to consider that the product is the building or infrastructure asset and the components are the things which comprise it, namely the construction materials. When an asset is refurbished or no longer required it can be dismantled and its components (bricks, blocks, concrete) can be seen as raw materials for reclamation and reuse or recycled, with zero landfill. Development proposals should incorporate design features and materials, such as layering, which enable flexibility and adaptability throughout the design life of a building and which enable re-use upon deconstruction and so providing future proof and cost effective solutions.

### **Design in Locally Sourced, Alternative or Recycled Materials**

4.175 Industrial by-products have been used for many years to produce secondary aggregates so as to conserve primary resources. Slag from steel making, material from colliery shale, ash from power stations and slate waste can be processed and used in construction in place of other minerals and form about 10% of total aggregate supply. The use of these materials could contribute further to the overall supply of aggregates.

4.176 Road planings and construction and demolition waste are a significant potential source of alternative aggregate material and much of this is already re-used as part of on-site treatment and redevelopment proposals. Research has identified key factors that tend to constrain re-use, including insufficient recycling facilities and unnecessarily high specifications for roads. Planning authorities should encourage the practice of on-site recycling on minerals sites, taking proper account of all likely costs and benefits, and encourage the recycling of construction and demolition waste in conjunction with other suitable uses, such as builders merchant yards. Such innovative new approaches bring multiple benefits by reducing energy costs and associated emissions and these should be encouraged.

## Recycling Facilities as Part of Design

4.177 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development as well as waste prevention efforts at the design, construction and demolition stage.

## Sustainable Waste Management Facilities

4.178 The planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:

- minimising adverse environmental impacts and avoiding risks to human health;
- protecting areas of designated landscape and nature conservation from inappropriate development; and
- protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.



4.179 The benefits which can be derived from proposals for waste management facilities as well as the impact of proposals on the amenity of local people and the natural and built environment must be adequately assessed to determine whether a planning application is acceptable, and, if adverse impacts on amenity or the environment cannot be mitigated, planning permission should be refused.

4.180 Planning authorities, other relevant local authority departments and Natural Resources Wales (NRW) must work closely together to ensure that conditions attached to planning consents and those attached to Environmental Permits are complementary and do not duplicate one another. However, planning authorities will need to be satisfied that proposals are capable of effective regulation and NRW should assist in establishing this position. In certain circumstances, where proposals are complex, it will be good practice to encourage the parallel tracking of planning and environmental permitting applications.



## Waste Hierarchy

4.181 The Welsh Government's policy for waste management is contained in Towards Zero Waste and associated sector plans. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible.

4.182 The waste hierarchy provides the key starting point for all types of waste management proposals, however, consideration of the hierarchy should be set against the wider social, economic, cultural and environmental factors which are relevant in any given case. Waste prevention and approaches towards encouraging reuse and recycling are also considered as part of the materials preference early in this chapter.

4.183 NRW has a statutory role in relation to the management and regulation of waste and the collection of waste production and management data. It has a key role in providing expert advice to planning authorities as part of development plan preparation, as a consultee on certain planning applications. This role is important in assisting planning authorities in evaluating complex waste information and making technical judgments, where necessary. NRW will contribute to the development and implementation of waste monitoring through the provision of data and expertise.

### **Waste Facilities/Infrastructure**

4.184 The Collections, Infrastructure and Markets (CIM) Sector Plan describes the waste management framework to provide the best solutions to meet environmental, social and economic needs to 2050. It indicates a move towards the reduction of disposal and recovery options for treating waste in favour of high volume source segregated collection followed by reprocessing (as well as preparation for re-use and prevention).

#### Making it Easier to Reuse and Recycle Materials

4.185 There is likely to be a significant change in the nature and type of infrastructure needed to support a transition towards circularity. Facilities will need to support high efficiency and high quality reuse and recycling, for example collection hubs will be necessary to support the returning of materials to the point of manufacture. As part of development plan preparation planning authorities should encourage the recycling and re-use of construction and demolition wastes as well as mineral and industrial wastes. Every planning authority should, either independently or in concert with its neighbours, make provision for storage and processing of inert materials arising from construction, demolition and maintenance operations by the identification of preferred locations for recycling facilities in development plans. On the rare occasion where suitable sites cannot be identified in development plans, then clear criteria should be set out to assess planning applications for recycling sites.

4.186 Proposals aimed at preparation for reuse and reuse facilities should be supported by planning authorities, taking into account factors associated with the deposit and collection of goods, the nature of the repairs, maintenance and treatment, the need to ensure satisfactory transport and accessibility for the deposit and collection of goods and any potential environmental and amenity implications.

#### Provision of Wide-ranging and Diverse Waste Infrastructure

4.187 Planning authorities must support the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy. The extent to which a proposal demonstrates a contribution to the waste management objectives, policy, targets and assessments contained in national waste policy will be a material planning consideration.

4.188 The 'Nearest Appropriate Installation' concept and the principle of self sufficiency will only be applicable in relation to wastes covered by Article 16 of the revised Waste Framework Directive and should guide the provision of an integrated and adequate network for the treatment of such wastes. The network should include all necessary supporting facilities such as waste transfer stations and processing facilities.

4.189 For all wastes, suitable locations for sustainable waste management development should be identified in development plans as well as criteria by which applications for such developments will be determined, recognising that the most appropriate locations will be those with the least adverse impact on the local population and the environment and with the best potential to contribute to a broad infrastructure framework. Collaboration and joint working may be necessary to respond strategically to requirement identified as part of waste monitoring. Individual authorities should not, however, exclude provision for waste or other potentially polluting projects or prohibit all applications to set them up. They should make realistic provision for certain types of industry or facility that may be detrimental to amenity or conservation interests, or a potential source of pollution.

#### Waste Assessments and Monitoring

4.190 Development plans should demonstrate how national waste policy, and in particular the CIM Sector Plan, along with any updated position adopted in the waste planning monitoring reports and any other form of waste management priorities relevant to its local area have been taken into account.



4.191 This does not mean that the waste assessments contained within the CIM Sector Plan will have to be repeated by planning authorities at a regional or local level, however, it will be important that planning authorities monitor progress towards the provision of an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste and similar wastes from commercial and industrial sectors as well as private households. For this reason, monitoring arrangements are in place to ensure an up to date position is available to inform decision making. Further detail can be found in Technical Advice Note 21: Waste.



#### Minerals

4.192 Society needs, and will continue to need for the foreseeable future, a wide range of minerals. Minerals are the principal constituents of most construction products, many pharmaceutical, chemical, agricultural, automotive, metallurgical, electronics, aerospace, plastics ceramic and paper products. Construction related minerals and mineral products are particularly important in Wales and are essential for housing and infrastructure, such as schools, roads, railways, airports and flood defences and a steady and adequate supply of materials is necessary.



4.193 The essential role of planning authorities, in relation to mineral working is to ensure that a proper balance is struck between the fundamental requirement to ensure a prudent use of finite resources and the protection of existing amenity and the environment. Notwithstanding the materials preference, the key principles are to:

- Provide positively for the safeguarding and working of mineral resources to meet society's needs now and in the future, encouraging the efficient and appropriate use of high quality materials;
- Protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;
- Reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits; and
- Achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment.



4.194 For planning purposes mineral extraction and related development in Wales includes all minerals and substances in, on or under land extracted either by underground or surface working. Mineral working is different from other forms of development in that:

- Extraction can only take place where the mineral is found to occur;
- It is transitional and cannot be regarded as a permanent land use even though operations may occur over a long period of time; and
- When operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife.

### **Efficient Use of Minerals**

4.195 Although there are large resources of useful minerals in Wales, it is important to ensure that they are not wasted and that they are used efficiently and for the purpose(s) specified in the planning permission, although flexibility may be necessary in some circumstances.

4.196 In some exceptional cases, planning permission may have been granted because of UK or regional need for the mineral in areas which would not normally be suitable for mineral extraction because of environmental or policy objections. If this is the case, it is essential that the mineral is not exploited for a lower grade purpose than that originally intended. Where it is an exception to normal policy to allow mineral extraction at a particular location in order to fulfil a specific need, appropriate conditions and/or time limits should be considered carefully to ensure that the mineral extraction for the intended end-use is adequately controlled. Such controls would be particularly appropriate in National Parks, Areas of Outstanding Natural



Beauty, Special Protection Areas, Special Areas of Conservation and Ramsar Sites, but may be applicable elsewhere, for example, World Heritage Sites or registered historic landscapes. The method of extraction and processing to prevent waste production should be taken into account in determining planning proposals.

### **Safeguarding Mineral Resources and Infrastructure**

4.197 It is important that access to mineral resources, including secondary, recycled and marine dredged materials, which society may need, as well as the minerals related infrastructure to deliver this need, is safeguarded in order to prevent sterilisation by other forms of permanent development. Planning authorities should consider the long term and the need for preventative action to avoid the creation of problems in the future. Safeguarding does not indicate an acceptance of mineral working, but that the location and quality of the mineral is known and that the environmental constraints associated with extraction, including the potential for extraction of mineral resources prior to undertaking other forms of development, have been considered.



4.198 The importance of the mineral resource or infrastructure required to support minerals development, such as existing or planned wharves, railheads, associated processing facilities and batching plants, relative to the need for non-minerals development should be given careful consideration so as to avoid the loss of infrastructure and resources which may be needed over the long term.

4.199 Areas to be safeguarded should be identified on proposals maps and policies should protect potential mineral resources from other types of permanent development which would either sterilise them or hinder extraction, or which may hinder extraction in the future as technology changes. Development plans should promote the integration and co-ordination of transport and land use planning for minerals production, including the preference for non-road transport and provision of adequate storage and processing facilities for minerals at docks and railheads.

### **Ensuring Supply**

4.200 Each mineral planning authority should ensure that it makes an appropriate contribution to meeting local, regional and UK needs for primary minerals which reflects the nature and extent of resources in the area and their best and most appropriate use, subject to relevant environmental and other planning considerations<sup>5</sup>.



4.201 The contribution that a resource could make to UK demand where the mineral is of limited or restricted supply or regional demand must be taken into account when taking planning decisions and seeking to meet only local needs or ruling out all forms

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<sup>5</sup> For aggregates this should be done under the aegis of the North and South Wales Regional Aggregates Working Parties, whose role is to provide a regional overview of supply and demand and through the framework provided by the Regional Technical Statements for Aggregates

of mineral working within an area will only rarely be acceptable on the basis of adverse environmental impacts.

4.202 The contribution of recycled waste materials and secondary aggregates should be taken into account where these can be used satisfactorily and realistically instead of primary land-won minerals, as well as the use of marine-dredged materials where this can be obtained in a sustainable way. However, these sources must not be relied upon to justify failing to adequately assess the potential supply of land-based resources and to safeguard potential primary land-won mineral resources for future generations.



### Assessing Supply and Demand

4.203 Development plans should set out the broad strategy for mineral working and related development and as far as practicable, areas for future working should be identified, where this can be undertaken in a sustainable way. Such a strategy should outline the expectation of the planning authority with regard to the manner in which the existing mineral sites are operating both now and in the future.

4.204 Development plans should assess with regard to local, regional and national considerations, the significance of all types of mineral working in their area including the need, distribution and production of each type of mineral. It is essential to have a comprehensive and up-to-date set of information to facilitate future sustainable planning for mineral extraction. An examination of landbanks for aggregates should be undertaken to highlight any shortfalls and to ensure productive capacity is maintained.

4.205 A land-bank is a stock of planning permissions which usually relates to the extraction of non-energy minerals and provides for continuity of production in spite of fluctuations in demand. For the purposes of commercial stability, the aggregates industry requires a proven and viable landbank. Authorities should include policies in their development plans for the maintenance throughout the plan period of land-banks for non-energy minerals which are currently in demand. This must be adequate but not excessive. A minimum ten year landbank of crushed rock and minimum seven year landbank for sand and gravel should therefore be maintained during the entire plan period of each development plan except within National Parks and AONBs, unless agreement is reached for other authorities to make a compensating increase in their provision.

4.206 Planning authority boundaries may form a suitable area basis on which to base a land-bank policy, however for some unitary authorities the administrative area may be too small, the environmental constraints too important, or the availability of a workable resource too limited to enable an individual land-bank policy to be applied. In these circumstances, authorities must agree a joint approach with neighbouring authorities in line with current regional arrangements and are likely to require liaison with relevant mineral planning authorities in England.



## Inactive Sites

4.207 Inactive sites with planning permission for future working which are considered unlikely to be reactivated for the foreseeable future should be identified in the development plan and should be the subject of a suitable strategy and associated policies to explain future proposals for the land. This could reasonably include:

- using prohibition orders to ensure that no further extraction takes place without a further planning consent so as to provide certainty about future workings;
- restoration and after care proposals (which could include natural re-vegetation for nature conservation/ecological interests in accordance with local Biodiversity Action Plans, green infrastructure assessments or the conservation of historic assets for tourism); and
- a suitable proposed after-use.

4.208 In Mid and North Wales in particular, aggregate landbanks are extensive, but a significant proportion of the reserves are contained in long inactive sites which may never be worked again. It is important that the future of these sites should be finally determined to provide certainty to the local community and secure the restoration of old workings at the earliest opportunity, including capturing any potential for improving the resilience of ecological networks. It is in the interests of the minerals industry that landbanks reflect real possibilities for future mineral working. In some circumstances, it may be necessary to maintain an adequate landbank by approval of new permissions in more acceptable locations. Mineral operators should discuss with authorities inactive permissions which will not be reactivated. Where these sites have been inactive and there is no prospect of future working, authorities should consider the use of prohibition orders.



## Areas of Future Working

4.209 Where necessary, planning authorities should provide a clear guide to where non-energy mineral extraction is likely to be acceptable and include policies which protect sensitive environmental designations or historic features and environmental and resource protection. This approach brings a high degree of certainty to all. Policies and proposals should relate to identifiable areas of land unless there is a good reason why this is not possible and should cover mineral resources which are currently used or which may need to be used in the foreseeable future. These should be clearly identified on a proposals map and should, in the following order of preference, take the form of:

- Specific Sites where mineral resources of commercial significance exist and where any planning applications which come forward for those sites are likely to be acceptable in planning terms (indicated as allocations);
- Preferred Areas which will be areas of known resources with some commercial potential and where planning permission might reasonably be anticipated;
- Areas of Search where it is likely that some sites will be appropriate for mineral extraction, depending on economic and/or environmental

circumstances. Areas of search will define broad areas that are believed to contain mineral resources of commercial significance but whose extent is uncertain. Within these areas it is likely that appropriate mitigation measures can overcome all environmental effects. Within areas of search, planning permissions could be granted to meet a shortfall in supply should specific sites, preferred areas, or extensions to existing sites identified in the plan, not come forward. It will not usually be appropriate for an authority to identify only areas of search in a plan; full justification for adopting such an approach would be needed; or

- Other Areas: Planning permission should not be granted in areas outside those identified in the plan except where the mineral is needed to make good a proven shortfall in supply, and where the proposal is demonstrably proven to be environmentally acceptable and to have no adverse impact on the amenity of nearby residents or communities.

4.210 Planning authorities should undertake regular assessments of mineral resources in their areas and of the reserves for which planning permission has been granted. They may do this individually or in collaboration with adjoining authorities<sup>6</sup>.

### **National, Regional and Local needs for Non Energy Minerals**

4.211 Non energy minerals can be divided into aggregates and non-aggregates, though in practice some minerals, such as limestone, may be worked to meet a variety of end- uses. The recovery of high purity or high quality minerals to meet a particular specification may necessitate the removal of lower grade material. Wherever possible, scarce resources of high grade material should be reserved for the most appropriate high end use.

#### Aggregates

4.212 It is essential to the economic health of the country that the construction industry is provided with an adequate supply of the minerals it needs. The main sources of aggregates are crushed rock and sand and gravel – both land-won and marine-dredged. A number of secondary materials are used for construction purposes. These materials are often by-products of industrial processes and include slag from steel manufacture, ash from power stations, colliery spoil, slate waste and recycled material such as demolition arisings and road planings. The importance to the UK of aggregates should be taken into account when planning applications are being considered together with other policies in this guidance and relevant Minerals Technical Advice Notes (MTANs) and Technical Advice Notes (TANs). In order to conserve natural resources, particular emphasis should be given to increasing the use of alternative products to primary materials where appropriate.

4.213 Aggregates suitable for road surfacing construction and maintenance, where high specification aggregates are required for skid resistance, are of importance to the UK and significant resources occur in Wales. The UK and regional need for such

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<sup>6</sup> For aggregates via RAWP annual surveys and the preparation of five yearly regional technical statements

minerals should be accorded significant weight provided environmental impacts can be limited to acceptable levels. The fundamental characteristics of these materials, which distinguish them from more general-purpose aggregates, are their ability to meet the stringent specifications required for road construction and repair and wherever possible high specification aggregates should be used for these purposes. Authorities should identify potential high specification aggregate resources and consider whether there is a need to protect these resources and potential rail connections to the resources from sterilisation.

4.214 Slate is used for roofing, cladding and decorative purposes, and in powder and granular form for specialised applications such as fillers for bituminous products or as reconstituted slate tiles. The slates of north-west Wales are of high quality and are available in extensive quantities. The total area of land affected by slate extraction is relatively small, but vast quantities of waste materials have been generated and at the present time there are only limited potential uses. In South Wales, slate is more restricted in distribution and the resource has not been worked on any scale for many years although some slate waste has been used as aggregate material. In North Wales the increased use of slate waste should be encouraged, as for all potential sources of secondary material and where this option is not commercially viable, areas should be identified for restoration. Active slate quarries play an important part in maintaining local building character where the use of slate of a specific appearance is a strict planning policy. It is important that the supply of slate is maintained but balanced against the need to protect important landscapes.

### Non-Aggregates Minerals

#### *Dimension Stone*

4.215 Suitable building stone is important for the restoration of historic buildings and ancient monuments and may be available from small operations in specific locations to supply local markets. Dimension stone is used in new buildings where it is important to maintain local building character. It may be necessary to obtain dimension stone from geological formations which are restricted in occurrence in order to obtain a particular colour, texture or homogeneity. There is often a large proportion of waste produced that may be utilised as general construction aggregate. Market demand will usually result in low rates of output from relatively small sites which may be temporary or intermittent and a flexible approach may be necessary to deal with the long duration of planning permissions which result from such a working pattern. The cumulative impact of a number of small sites operating in close proximity should be taken into account.

#### *Limestone for Industrial Uses*

4.216 Limestone provides the raw material for major industries and it is important for the national economy that minerals of the quality and quantity required continue to be produced and are safeguarded for future use against sterilisation and from use as a lower grade material. There may be a need to maintain a longer landbank of reserves at such sites than required for general aggregates to justify the considerable investment in plant. Mineral planning authorities are encouraged to

discuss these matters with the industry with a view to reaching agreement on the extent of resources likely to be required during the life of a development plan.

4.217 Limestone resources with a certain minimum calcium carbonate content and low levels of impurities are used for industrial purposes, such as iron and steel making, as a catalyst in flue gas desulphurisation equipment and in cement manufacture. High purity limestone occurs in south Wales where most of the outcrop contains some high purity material but is particularly consistent in the area near Bridgend where quarries produce limestone used in the Port Talbot Tata steelworks. The low grade Jurassic limestones in the Vale of Glamorgan and high grade Carboniferous limestones provide raw material for cement manufacture. In north Wales, the thickest deposits of high purity limestone occur near the Flintshire/Denbighshire border, which supply stone for cement manufacture at Buckley.

4.218 In most quarries, high purity limestone is extracted jointly with limestone for aggregate use and it can be difficult to differentiate between the material produced for the two different markets until after processing has been completed. The environmental impact of quarrying for high purity materials is similar to that for aggregates, except that processing plant may be on a larger scale and transportation of output may involve longer distances to industrial markets. Where quarries produce limestone for both aggregate and non-aggregate use, the reserve will normally be split and each category determined by the predicted reserve for each type. Operators should ensure such reserves are calculated using up to date information and using recognised trade formulae (for example PERC).

#### *Peat*

4.219 Peat has traditionally been used as a growing medium or soil improver to enhance the physical condition of soil, however, the use of alternatives has increased considerably over recent decades.

4.220 Peat bogs are of significant nature conservation interest and are frequently important for archaeological interest as well as providing a carbon sink and resources should be protected and conserved for future generations. Future peat extraction should not be granted permission unless it is limited to exceptional circumstances in areas which have already been damaged significantly by recent human activity where restoration towards wetland habitats could improve the nature conservation importance of a worked out bog. NRW or the planning authority's archaeological advisor should be consulted on proposals for peat extraction.

#### *Other Minerals*

4.221 Historically minerals such as fireclay, silica sand, chert and metalliferous minerals all contributed to a diverse mineral extraction industry. Over time these activities have declined and some are unlikely to be reactivated. If applications for development do come forward the criteria based policy applicable for the extraction of aggregates should be applied. It may be appropriate to consider other policies, determined on a case by case basis, including an assessment of the need for the mineral.



4.222 Coking coal, which is generally imported, is used in coke manufacture for the steel industry and directly in blast furnaces. Should, exceptionally, planning applications come forward for industrial uses for coking coal then the policies contained in MTAN 2: Coal should be applied, including the test outlined in paragraph 45 of MTAN 2.

### *Borrow Pits*

4.223 Borrow Pits are temporary mineral workings operated to supply particular construction projects, usually major highway contracts, or small shale fill sites. Such contracts may require the supply of large quantities of minerals as engineering fill over a short timescale which may cause significant environmental impact and disturbance to local communities. Borrow pits should be located within or close to a construction site and wherever possible the mineral should be supplied direct without using public roads. Planning authorities must ensure that there are clear environmental benefits from meeting supply from a proposed borrow pit as opposed to supply from secondary or recycled aggregates, or from established mineral working sites or areas identified in the development plan. Borrow pits have potential for impacting adversely on buried archaeological evidence and early consultation should be undertaken with the planning authority's archaeological advisor so that all known sensitive archaeological features can be identified. Borrow pits must be restored to the high standard expected of other forms of mineral development. The potential cumulative impact of a number of closely sited borrow pits must be carefully considered and it is likely that the impact will not be acceptable in particularly sensitive locations. Early consultation should take place with planning authorities so that all options for supply can be considered without causing delay to the construction project.

### **Protecting Special Characteristics and Qualities of Places**

4.224 Minerals development should not take place in National Parks and Areas of Outstanding Natural Beauty (AONBs) except in very exceptional circumstances. All mineral applications must therefore be subject to the most rigorous examination and all major mineral developments demonstrated to be in the public interest before being allowed to proceed. Consideration will include an assessment of:

- the need for the development in terms of UK considerations of mineral supply;
- the impact on the local economy of permitting the development or refusing it;
- whether alternative supplies can be made available at reasonable cost, and the scope for meeting the need in some other way;
- the detrimental effect of the proposals on the natural and historic environment and local community and landscape and the extent to which that can be moderated, and/or the detrimental effect of the proposals on the nature conservation interest of the site in terms of habitat, protected species, biodiversity; and



- in the case of extensions to existing quarries and other mineral extraction sites, the extent to which the proposal would achieve an enhancement to the local landscape and provide for nature conservation and biodiversity.

4.225 Development adjacent or close to these areas may have significant detrimental effect on their special qualities. Minerals development proposed adjacent or close to a National Park or AONB that might affect the setting of these areas, should be assessed carefully to determine whether the environmental and amenity impact is acceptable or not, or whether suitable, satisfactory conditions can be imposed to mitigate the impact.

4.226 Minerals proposals within or likely to significantly affect Sites of Special Scientific Interest and National Nature Reserves, potential and classified Special Protection Areas, designated, candidate or proposed Special Areas of Conservation or Ramsar sites must be carefully examined. If the proposal would adversely affect the integrity of the site (taking into account advice from Natural Resources Wales) and conditions would not remove this effect, planning permission will not be granted unless alternative supplies cannot be made available at reasonable cost, there is no scope for meeting the need in some other way and regard has been paid to considerations such as the need for the development in terms of UK mineral supply and the impact on the local economy of permitting the development or refusing it.

4.227 Mineral proposals within the setting of a scheduled ancient monument are likely to have an impact on its significance and should be carefully considered.

4.228 Planning authorities and the industry should take into account the need to protect the quantity and quality of surface and groundwater supplies. Changes in the water table as a result of mineral extraction or the disposal of mineral wastes must not cause unacceptable impact or otherwise damage or adversely affect water resources or sources of water, in line with the principles contained in the Water Framework Directive, which might be an integral part of sites of high landscape value or nature conservation importance, including protected habitats and species.



4.229 Changes in the water table may also cause significant geohazards such as the shrinkage of clay soils leading to subsidence or karstic collapse in limestone areas. The impact of changes to surface and groundwater are likely to require monitoring and require remedial measures to be introduced. Planning authorities must consult Natural Resources Wales on these complex issues and, where doubt exists, should adopt the precautionary principle in taking planning decisions on mineral development.

### **Reducing the Impacts of Mineral Extraction and Related Operations**

4.230 Mineral workings should not cause unacceptable adverse environmental or amenity impact. Where this is not possible working needs to be carefully controlled and monitored so that any adverse effects on local communities and the environment are fully mitigated to acceptable limits. Any effects on local



communities and the environment must be minimised and thereafter ameliorated to an acceptable standard.

4.231 In certain areas, mineral extraction may not be acceptable. For example, where a proposal for mineral extraction would cause demonstrable harm to the environment, including on designated sites, or amenity, which cannot be overcome by planning conditions or agreements, planning permission should not be granted.

## **Buffer Zones**

4.232 There is often conflict between mineral workings and other land uses as a result of the environmental impact of noise and dust from mineral extraction and processing and vibration from blasting operations. Buffer zones should be used by planning authorities to provide areas of protection around permitted and proposed mineral workings where new development which would be sensitive to adverse impact, including residential areas, hospitals and schools, should be resisted. Within the buffer zone there should be no new mineral extraction or new sensitive development, except where the site of the new development in relation to the mineral operation would be in a location remote from the active mineral site or on the far side of an existing built up area which already encroaches into the buffer zone. Other development, including industry, offices and some ancillary development related to the mineral working, which are less sensitive to impact from mineral operations, may be acceptable within the buffer zone on a case by case basis.

4.233 To avoid conflict between mineral workings and other land uses buffer zones should be identified around existing or proposed minerals sites. The maximum extent of the buffer zone would depend on a number of factors: the size, type and location of workings, the topography of the surrounding area, existing and anticipated levels of noise and dust, current and predicted vibration from blasting operations and availability of mitigation measures.

4.234 Buffer zones will of necessity vary in size depending on the mineral being extracted and the nature of the operation, but must be clearly defined and indicated on proposals maps. This will ensure that there is unequivocal guidance on the proximity of mineral operations to sensitive land uses and that the potential impact of existing and future mineral workings is recognised and planned for in the area around the mineral operations. Further guidance on the factors that should be taken into account when defining buffer zones for particular minerals is provided in Technical Advice Notes. Whilst the primary purpose of buffer zones is to limit the impact of mineral working their wider beneficial role as part of green infrastructure provision and protecting and enhancing biodiversity should be explored.

4.235 Development plans should set out clearly the criteria that will be applied to minerals proposals to ensure that they do not have an unacceptably adverse impact on the environment and the amenity of nearby residents. Issues that must be addressed include:

- access and traffic generation including the routes to be used for minerals transportation;
- noise (in terms of limits, type and locations);



- the control of air pollution namely dust, smoke and fumes;
- disposal of mineral waste;
- blasting controls;
- land drainage, impact on groundwater resources and the prevention of pollution of water supplies;
- visual intrusion and general landscaping;
- impact on sites of nature conservation and historic assets, setting out clear and distinct policies for statutorily designated areas and non-statutorily designated areas;
- land instability;
- promotion of the use and treatment of unstable, derelict or contaminated land;
- cumulative impact; and
- restoration, aftercare and after-use.

## **Extensions**

4.236 Extensions to existing mineral working, whether they be time, lateral or depth extensions should be considered in the same manner as applications for new sites. Each application will need to consider the impact on the site as a whole and will need to be considered on its own merits.

## **Transport of Minerals by Road**

4.237 Whilst rail is the preferred option for transporting bulky minerals, if road transport is the only means available to serve new mineral development, the capacity of the road network to deal safely with the movement of minerals and related products is a relevant consideration. As mineral development usually takes place in rural locations where the road network may be inadequate to accommodate a significant number of heavy vehicles, the impact of traffic generated by mineral development needs careful consideration and a traffic impact assessment may be required. If necessary, the routes to be used by mineral vehicles should be controlled through Section 106 agreements or by planning conditions to encourage certain directions of movement through careful access design and appropriate signage. A reduction in the level of road traffic should be encouraged in order to protect amenity and the environment by minimising disturbance and congestion, particularly in residential areas.

## **Restoration and Aftercare**

4.238 Unless new mineral extraction provides satisfactory and suitable restoration, planning permission should be refused. Planning conditions should ensure that land affected by mineral extraction is restored to a high standard suitable for its agreed after-use at the earliest opportunity, and work begun within six months of cessation of working wherever this is practicable (except where progressive restoration has already commenced). Restoration and aftercare should provide the means to at least maintain, and preferably enhance, the long-term quality of land and landscapes taken for mineral extraction. The statutory five year aftercare period should be extended as



appropriate for the intended end-use. End uses such as nature conservation will normally require a minimum of 15 years and commuted sums may be required to cover long term maintenance costs. This will be to the benefit of local communities and ensure that a valuable natural asset will be passed onto to future generations.

4.239 Reclamation can provide opportunities for creating or enhancing sites for nature conservation and contribute to the targets in the UK Biodiversity Action Plan and those adopted in local Biodiversity Action Plans throughout Wales. Reclamation can also provide opportunities for the conservation of historic assets and their settings. Capturing the potential of these opportunities should be explored at a strategic level through green infrastructure assessments.

4.240 In view of the long life of many mineral working sites, it is essential that progressive restoration is introduced at the earliest opportunity where appropriate and practicable. The increased use of phased restoration reduces the visual impact of mineral activities at any one time and provides continuity of restoration works throughout the active operations, so reducing the potential environmental damage left by any failure to restore.

### **After-Use**

4.241 After-uses may include agriculture, forestry/woodland, nature conservation, heritage, public open space, recreation or other development. A separate planning permission is likely to be required for any after-use except agriculture, forestry, nature conservation or informal recreation which is normally permitted development.

4.242 The guiding principles determining the potential after-use of a site should form part of the application submission for proposed mineral extraction or the review of mineral planning permissions, although flexibility and review will often be necessary during the life of the mineral operations. Using the guiding principles as a framework, and even for long term working sites, there must be a defined and acceptable minimum standard of restoration outlined at the application stage. To maximise the opportunities provided by the reclamation operation, it is essential that consultation is undertaken with the mineral planning authority prior to the submission of the application for mineral extraction, to determine the most appropriate guiding principles and thus the most suitable after-use of the restored land.

4.243 Where appropriate, development plans, informed by green infrastructure assessments, including local biodiversity action plans and countryside strategies, should provide guidance on the preferred after-uses and reclamation standards. A choice of after-use will depend on many issues, including the overall strategy of the development plan, as well as the location, final landform, availability and quality of soils or other restoration materials and neighbouring land uses.

## Financial Guarantees

4.244 Planning conditions should be able to secure the restoration, aftercare and after-use of mineral sites<sup>7</sup>. Operators and landowners should ensure that sufficient finance is set aside to enable them to meet restoration and aftercare obligations. The full cost of restoration does not need to be put on deposit at the outset, but it should build up commensurate with the programme of activity or extraction. The objective is to ensure that the full restoration costs are covered commensurate with the stage of the development as set out in the Coal Authority's Best Practice guidance note. For larger sites, progressive restoration should be achieved using a stream of funding required at various stages throughout the operation. Operators are encouraged, as a reasonable alternative, to participate in established mutual funding or guarantee schemes which safeguard against possible financial failure.

4.245 Sites left unrestored for a long period or delay in legitimate restoration is not acceptable. To address the uncertainty of local communities about the completion of restoration proposals and having regard to the polluter pays principle, wherever it is reasonable to do so, authorities may require financial guarantees as a means of ensuring that sites will be restored properly and in a reasonable time period. An authority may require financial guarantees by way of a Section 106 planning obligation/agreement as part of the approval of planning permission to ensure that restoration will be fully achieved. Some authorities have local legislation to enable them to impose this provision by way of a condition attached to the planning permission. Mineral planning authorities should have regard to the need to avoid imposing costs that are larger or longer than strictly required to meet best standards.



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<sup>7</sup> On coal sites financial bonds will be required and imposed either by way of local Acts or conditions/legal agreements



## 5. Distinctive and Natural Places

### Introduction

5.1 The Natural and Distinctive Places theme of planning policy topics covers: landscape, historic environment, biodiversity and habitats, coastal characteristics, air quality, soundscape, water services, flooding and other environmental (surface and sub-surface) risks.

5.2 The special and unique characteristics and intrinsic qualities of the natural and built environment must be protected in their own right, for scenic, aesthetic, historic and nature conservation reasons. These features give places their unique identity and distinctiveness and provide for cultural experiences and healthy lifestyles.

5.3 The environmental qualities of places, in particular, also play a role in sustaining and creating places which are adaptable to change, where the ability of natural processes to take place or be managed without unacceptable effects on the natural environment and people is safeguarded. Natural and Distinctive places must maintain or incorporate green infrastructure and other multiple benefit solutions as key components of their natural and built fabric. Doing so will maximise health and well-being of communities and the environment.

### Natural and Distinctive Placemaking and Well-being

5.4 The Natural and Distinctive theme covers many aspects of placemaking and the National Sustainable Placemaking Outcomes which are integral to the other two themes. Collectively, the topics in this theme work together to sustain and create Natural and Distinctive Places. The diagram below graphically indicates how these outcomes work together as a whole, with Natural and Distinctive outcomes emphasised.



5.5 Places which are natural and distinctive contribute to the seven goals of the Well-being of Future Generations Act in the following ways.

5.6 A **Prosperous Wales** can be realised by valuing the quality of our landscapes and historic environment as important for tourism, in attracting inward investment and to be accessed and enjoyed by local communities. By protecting and enhancing biodiversity, and other components of our natural environment, it will be possible to future proof economic assets both in response to the challenges presented by climate change and in promoting low carbon and appropriate resource choices which address the causes of climate change.

5.7 A **Resilient Wales** can be supported by protecting sufficient scales, extent and connectivity of, and between, landscapes and habitats to enable them to withstand the pressures of change, to tackle pollution, allow for the protection of water resources and quality, the creation of carbon sinks especially in urban areas, and promoting opportunities for social and economic activity based on valuing and enabling access to the natural and built environment.

5.8 A **Healthier Wales** can be achieved by enabling opportunities for connecting with the natural environment, tackling airborne pollution and other environmental risks and the promotion of active travel and encouraging healthier lifestyles with the benefit of improving physical and mental well-being.

5.9 A **More Equal Wales** can be achieved through facilitating access to the natural and historic environment for physical and social benefits. Tackling historical mining and industrial legacies in a sensitive way for beneficial end uses can enable regeneration and allow communities and the natural environment to thrive.

5.10 **Cohesive Communities** are sustained and created by providing spaces for people to interact and undertake community activities, including recreational spaces, play, food growing and opportunities to connect with nature. Pollution or risks such as flooding are mitigated or avoided and based on maximising opportunities for communities to flourish and undertake social, cultural and economic activities in attractive and pleasant surroundings.

5.11 A **Vibrant Culture and Thriving Welsh Language** will mean building on those unique and special characteristics which give places their distinct 'feel' and identity. Fostering and sustaining a sense of place through the protection and enhancement of the natural, historic and built environment and allowing for and supporting uses and activities which provide for creative and cultural experiences.

5.12 A **Globally Responsive Wales** will be promoted by reducing carbon emissions, addressing airborne pollution and managing environmental risks. This must be achieved in a way which promotes a natural and historic environment which should be protected and enhanced for the sake of its special characteristics and nature conservation value as well as the way in which it contributes to wider social, economic and cultural objectives.

5.13 Development plan strategies, policies and development proposals should be formulated to look to the **long term** protection and enhancement of the special characteristics and intrinsic qualities of places, be these of natural, historic or built environments, ensuring their longevity in the face of change. This means both protecting and enhancing landscapes, habitats, biodiversity and the historic environment in their own right as well as other components of the natural world, such as water resources or air quality. Problems should be **prevented** from occurring or getting worse. Biodiversity loss should be reversed, pollution reduced, environmental risks addressed and overall resilience of ecosystems improved. When appropriate development is proposed, it must be taken forward in an **integrated** way to ensure common issues are considered and accommodated early on and multiple benefits secured, such as safeguarding or securing green infrastructure.

5.14 **Collaboration** must occur in strategically planning for the protection and enhancement of landscapes, the historic environment, biodiversity, air quality and soundscapes as well as addressing environmental risks to ensure priorities align and opportunities, such as regeneration and the provision of homes, can be sustainably provided. There will be issues which require cross boundary collaboration and will be best addressed through joint working on plans. To do this close **involvement** of various agencies and the public will be required to ensure needs and aspirations can be aligned and investment is targeted to the right places and beneficial outcomes can be gained by better use of shared information, evidence and assessments. The State of Natural Resources Report (SoNaRR) and Area Statements will provide evidence on a range of environment and natural resources issues and an effective de-risking approach should facilitate greater transparency about environmental risks, appropriate solutions and the potential for wider associated benefits.

### **Natural and Distinctive Trends**

5.15 The future trends of relevance to the Natural and Distinctive theme will need to be addressed, both individually and in an integrated way by embracing the National Sustainable Placemaking Outcomes and the objectives for places identified in the Productive and Enterprising and Active and Social themes. Certain trends will be beneficial and should be facilitated by the planning system. Negative trends or cycles must be challenged and more sustainable behaviours and outcomes sought. Change must be fostered in the way all those involved in the planning process respond, both strategically and when drawing up and designing individual proposals.

5.16 The key issues in this theme include:

- Long term and chronic decline of biodiversity and habitat loss: SoNaRR reports losses of habitat and species' populations over the last century and suggests that decline is chronic, that decline will continue due to events which have already occurred and events associated with climate change and habitat fragmentation in the future. At present, there is insufficient resilience in Wales' ecosystems, primarily evidenced by species not recovering;
- Adaptation to the effects of climate change: The combination of warming that has already occurred, together with additional warming (as projected by the latest climate change evidence), means there are potentially significant impacts for Wales in terms of adaptation. Priorities to address include flooding

and coastal change risks to communities, businesses and infrastructure; risks to health, wellbeing and productivity from high temperatures; risk of water shortages in the public water supply, for agriculture, energy generation and industry and risks to soil, biodiversity and terrestrial, coastal, marine and freshwater habitats. Climate change is also likely to have significant impacts on landscape character, historic buildings, local distinctiveness and quality, directly through changing land cover (migrating habitat and species ranges) and indirectly by influencing land use decisions;

- Recognising and addressing the factors influencing landscape change: National landscape change to 2015 has been small overall, but some changes have been substantial locally. The key contributors to landscape change which can be influenced by the planning system include the expansion of settlements, commercial, industrial, energy and quarrying developments, road improvements and large recreational related developments, including any associated mitigation measures resulting from renewable energy generation, water resource management and through the planned expansion of woodland;
- Reducing average levels of airborne pollution: SoNaRR reports increases in air pollution across a range of pollutants from urbanisation, road traffic and intensification of agriculture. Further problems should be prevented, existing problems should not be made worse and in general average levels of pollution reduced;
- Promoting and encouraging healthy lifestyles by valuing and protecting the intrinsic qualities of the environment, such as green infrastructure, which are conducive to outdoor activities;
- Ensuring historic assets can be safeguarded, used, enjoyed and accessed in a sustainable way reinforcing a sense of local identity; and
- Ensuring environmental risks are understood and addressed as part of fulfilling wider social, economic and cultural objectives and making best use of land and existing buildings.

## **Natural and Distinctive Linkages**

5.17 Driven by the National Sustainable Placemaking Outcomes, the policy topics of the Natural and Distinctive places theme must be considered together and alongside the Productive and Enterprising and Active and Social themes when formulating development plan strategies, policies and proposals and when designing and developing individual proposals and making decisions on planning applications.

5.18 The characteristics and environmental qualities of places will vary across Wales, creating distinctive or unique features associated with their particular natural or cultural heritage and these should be recognised and valued, in and of, themselves and should be protected and enhanced. In broad terms priorities for rural and urban areas will reflect how these characteristics and qualities contribute to the attractiveness, liveability, resilience, functioning, economic prosperity and ultimately the health, amenity and wellbeing of people and places.

5.19 Desired Natural and Distinctive outcomes will be based on sustaining and creating places in which:

- The role which landscapes, the historic environment, habitats and biodiversity, the characteristics of coastal, rural or urban environments play in contributing to Natural and Distinctive places are identified, understood, valued, protected and enhanced;
- Sites designated for their landscape or nature conservation importance are fully considered and their special characteristics and features protected and enhanced, whilst the network of sites of should be recognised as being at the heart of improving the resilience of ecosystems.
- Opportunities in all areas to improve the resilience of ecosystems are taken by addressing building on floodplains, diffuse pollution, soil compaction and sealing and improving approaches to coastal flood defence in urban areas and coastal margins;
- Opportunities, particularly in urban areas, to improve health and wellbeing are taken, in particular to reduce average levels of airborne pollution, secure sustainable drainage systems, ensure water sensitive design, address soil carbon management and secure access to informal spaces for recreation through green infrastructure provision so as to improve capacity for adaptability to the challenges of climate change, such as flood risk and increased temperatures; and
- Support development which contributes positively to an area and addresses environmental risks which constrain potential and impact adversely on communities and the natural and built environment by using previously developed land or existing buildings and taking opportunities to 'clean up' land and address dereliction, where this is informed by and respectful of the historic and natural environment.

## **RECOGNISING THE SPECIAL CHARACTERISTICS OF PLACES**

### **Landscape**

5.20 Landscape is an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors.

5.21 The landscapes of Wales are rich and varied. Many Welsh landscapes are iconic, and a quarter of the land area of Wales is designated as either a National Park or AONBs. The character and special qualities of all our places and landscapes, both urban and rural, can provide a strong sense of place, inspiration and belonging, and contribute to the distinctive cultural identity of Wales.

5.22 All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places. Considering landscape at the outset of formulating strategies and policies in development plans and when proposing development is key to sustaining and enhancing their special qualities, and delivering the maximum well-being benefits for



present and future generations as well as helping to deliver an effective and integrated approach to natural resource management over the long term. Collaboration with adjacent planning authorities, Natural Resources Wales (NRW) and the third sector will be necessary to draw on a wide range of expertise and evidence. This means:

- ensuring action in Wales contributes to meeting international responsibilities and obligations for landscapes;
- ensuring statutorily designated sites are properly protected and managed;
- ensuring the value of landscapes for their natural beauty is protected; and
- ensuring the opportunities landscapes provide for tourism, outdoor recreation, local employment and physical and mental well-being are taken into account and multiple wellbeing benefits for people and communities secured.



5.23 In some cases, where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission.

### **National Parks and Areas of Outstanding Natural Beauty**

5.24 The statutory landscape designations that apply in Wales are National Parks, and AONBs. Planning authorities have a statutory duty to have regard to National Parks and AONB purposes. This duty applies in relation to all activities affecting National Parks and AONBs, whether those activities lie within, or in the setting of, the designated areas. The designated landscapes should be drivers of the sustainable use and management of natural resources in their areas, and planning authorities should have regard to their identified special qualities in the exercise of their functions and any relevant management plans.



5.25 National Parks: Planning authorities should give great weight to the statutory purposes of National Parks, which are to conserve and enhance their natural beauty, wildlife and cultural heritage, and to promote opportunities for public understanding and enjoyment of their special qualities<sup>8</sup>. Planning authorities should also seek to foster the economic, cultural and social well-being of their local communities.



5.26 AONBs: Planning authorities should give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and economic and social well-being of the areas.

5.27 National Parks and AONBs are of equal status in terms of landscape and scenic beauty, and must both be afforded the highest status of protection from inappropriate developments.

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<sup>8</sup> the Sandford Principle provides that, where there is a conflict between these purposes, greater weight shall be given to conserving and enhancing natural beauty, wildlife and cultural heritage.



5.28 Proposals in National Parks and AONBs must be carefully assessed for their effect on those features which the designation is intended to protect, and the special qualities of designated areas should be given great weight in development planning. The contribution that development makes to the sustainable management of the designated area should be considered.

5.29 In National Parks or AONBs, special considerations apply to major development proposals which are more national<sup>9</sup> than local in character. Major developments should not take place in National Parks or AONBs except in exceptional circumstances. This may arise where, after rigorous examination, there is demonstrated to be an overriding public need and refusal would be severely detrimental to the local economy and there is no potential for locating the development elsewhere or meeting the need in some other way. Any construction and restoration must be carried out to high environmental standards. Consideration of applications for major developments should therefore include an assessment of:

- the need for the development, in terms of national considerations, and the impact of permitting it or refusing it upon the local economy;
- the cost of and scope for providing the development outside the designated area or meeting the need for it in some other way; and
- any detrimental effect on the environment and the landscape, and the extent to which that could be moderated.



## Landscape Information

5.30 LANDMAP is an important information resource, methodology, and monitoring baseline for the landscapes of Wales, which can help inform planning for the sustainable management of natural resources in an area. LANDMAP describes and evaluates the physical, ecological, visual, cultural and historic aspects of the landscapes of Wales, and provides the basis of a consistent, quality assured national approach to landscape assessment. LANDMAP assessments can help to inform green infrastructure assessments, supplementary planning guidance on landscape character assessment, special landscape areas, local distinctiveness, design, and landscape sensitivity studies.

5.31 Planning authorities should draw upon LANDMAP in the preparation of landscape plans and assessments needed to inform local policy, guidance and decision making. LANDMAP assessments should be published.

## Characteristics of Local Landscapes

5.32 Planning authorities should provide for the conservation and, where appropriate, enhancement of local landscapes. This may include policies for landscape features, characteristics and qualities of local significance, and the

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<sup>9</sup> 'National' in this context means UK.

designation of Special Landscape Areas (SLAs). Planning authorities should state which features, characteristics or qualities require extra protection, and explain how the policy or designation will achieve this protection. LANDMAP and any associated landscape character assessments should be used to inform local landscape policies and supplementary planning guidance, and to help identify or revise SLAs.

5.33 SLAs are non-statutory designations that define local areas of high landscape importance, which may be unique, exceptional or distinctive to the area. Planning authorities should apply these designations where there is good reason to believe that normal planning policies cannot provide the necessary protection.

5.34 Geological features are a key part of our natural environment, and protecting geodiversity underpins the wider protection and management of our natural resources, including land availability, renewable energy potential, groundwater supply and flood risk.

5.35 UNESCO Global Geoparks are areas of international geological significance, managed with a holistic concept of protection, education and sustainable development. Regionally Important Geodiversity Sites (RIGS) are non-statutory site designations that recognise locally or regionally important geological and geomorphological landscape features. RIGS are selected for their educational, scientific, historic and aesthetic qualities, and evidence has been compiled to support the designation of RIGS through development plans.

5.36 Planning authorities should protect the features and qualities for which Geoparks and RIGS have been designated, and are encouraged to promote opportunities for the incorporation of geological features within the design of development, particularly where relevant evidence emerges as part of Green Infrastructure Assessments.



5.37 Some statutory Sites of Special Scientific Interest (SSSIs) are also designated for their nationally important geological or geomorphological features, and planning authorities have a duty to further the conservation and enhancement of those features.

## **Common Land**

5.38 Common land is a finite resource and should not be developed unnecessarily. It is important in agricultural terms and valued for its leisure and environmental interests, particularly its significant role in habitat conservation. Access to it should not be prevented or impeded unnecessarily to ensure its proper management. Its role and wider value should be explored through green infrastructure assessments.

5.39 In addition to planning permission, certain works which prevent or impede access to or over common land or involve new resurfacing require consent from Welsh Ministers. Where planning permission is being granted to develop on common

land, an advisory note should be attached stating that the consent of the Welsh Ministers may also be required under common land legislation<sup>10</sup>.

## **Biodiversity and Ecological Networks**

5.40 Biodiversity underpins the structure and functioning of ecosystems. It is the diversity of living organisms whether at the genetic, species or ecosystem level. An ecosystem is made up of living organisms (plants, animals and micro-organisms) in conjunction with their non-living environment (air, water, minerals and soil) and all the diverse and complex interactions that take place between them.

5.41 The Environment (Wales) Act 2016 introduced an enhanced biodiversity<sup>11</sup> and resilience of ecosystems<sup>12</sup> duty (section 6 duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Nature Recovery Action Plan supports this legislative requirement to reverse the decline in biodiversity and address the underlying causes of biodiversity loss by putting nature at the heart of decision-making and increasing the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species.



5.42 The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR and Area Statements should be taken into account. Development plan strategies, policies and individual development proposals must take into account the need to:



- promote the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily designated sites are properly protected and managed;
- safeguard protected species; and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the

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<sup>10</sup> This may be required under the various common land legislation, the most usual being Section 38 of the Commons Act 2006 or Section 16 of the Commons Act 2006

<sup>11</sup> **Biodiversity** is defined by the CBD as “the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems”<sup>14</sup>. Diversity is a structural feature of ecosystems, and the variability among ecosystems is an element of biodiversity.

<sup>12</sup> **Ecosystems** The CBD defined **ecosystems** as “a dynamic complex of plant, animal and micro-organisms and their non-living environment interacting as a functional unit”. The key feature of ecosystems is that they are fully integrated systems with ‘emergent properties’ arising from interactions between the living and non-living elements of which they are composed.

resilience of ecological networks and the components which underpin them, such as water and soil; and

- seek enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

5.43 It is important that biodiversity and resilience considerations are taken into account at an early stage in both plan preparation and when proposing or considering development proposals. Since these considerations are not confined by administrative boundaries they must be addressed strategically through consultation and collaboration with adjoining planning authorities and other bodies such as Natural Resources Wales and the third sector. All reasonable steps must be taken to protect or enhance biodiversity and these should be balanced with the wider economic needs of business and local communities. In some cases, where adverse effects on the environment cannot be avoided, it will be necessary to refuse planning permission on conservation grounds.

### **Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)**

5.44 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. Planning authorities must also take account of and promote the resilience of ecosystems, in particular the following aspects:

- a) Diversity between and within ecosystems;
- b) The connections between and within ecosystems;
- c) The scale of ecosystems;
- d) The condition of ecosystems (including their structure and functioning); and
- e) The adaptability of ecosystems.

5.45 In fulfilling this duty, planning authorities must have regard to:

- a) The list of habitats of principal importance for Wales, published under Section 7 of the Environment (Wales) Act 2016;
- b) The State of Natural Resources Report (SoNaRR), published by NRW; and
- c) Any Area Statement that covers all or part of the area in which the authority exercises its functions.

5.46 A proactive approach towards facilitating the delivery of biodiversity and resilience outcomes should be taken by all those participating in the planning process. In particular, planning authorities should demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. The broad framework for implementing the duty and building resilience through the planning system includes addressing:



- Diversity: to ensure mechanisms are in place to minimise further loss and that circumstances allow for species' populations to expand and recolonise their natural range (former range) or adapt to future change. This means development should provide a net benefit for biodiversity, and at the very

least, with no significant loss of habitats or populations of species, locally or nationally;

- **Extent:** to ensure mechanisms allow for the maintenance of existing assets and networks and promote the restoration of damaged, modified or potential habitat and the creation of new habitat. This means that planning choices should incorporate measures which seek the creation and restoration of green networks and linkages between habitats and maintaining and enhancing other green infrastructure features and networks;
- **Condition:** this is more complex to address, not least because of the interactions of various factors which underpin habitats. At the very least planning approaches should not compromise the condition of ecosystems. By taking an integrated approach to development, for example, which considers both direct and wider impacts and benefits it should be possible to make a positive contribution through the planning system; and
- **Connectivity:** to take opportunities to develop functional habitat and ecological networks across landscapes, building on existing connectivity and quality and encouraging habitat creation and restoration. The opportunities could include enlarging habitat areas, developing buffers around designated sites or other biodiversity assets or corridors (including transport and river corridors) and the creation of 'stepping stones' which will strengthen the ability of habitats and ecological networks to adapt to change, including climate change.

5.47 Adaptability to change, primarily in the form of climate change, for both species (diversity) and ecosystems requires action to protect the extent, condition and connectivity of habitats, features and ecological networks. Planning approaches built on protecting designated sites and securing and enhancing green infrastructure will be key ways of addressing the attributes of ecosystems resilience identified in the Environment Act as well as facilitating social and economic resilience aspirations of the Well-being of Future Generations Act.

### **Designated Sites**

5.48 Many of the most important areas of nature conservation value have been statutorily designated. These statutorily designated sites make a vital contribution to protecting biodiversity and can also be important in providing opportunities for achieving wider well-being objectives.

### **Hierarchy of Designations: International, National, Local**

5.49 Planning authorities should have regard to the relative significance of international, national and local designations in considering the weight to be attached to nature conservation interests. Further guidance, particularly in relation to Natura 2000 sites, is contained in TAN 5: Nature Conservation and Planning.

5.50 The supporting reasoning for the designation at all levels and an outline of the qualifying features of the designation should be clearly recorded as part of the Green Infrastructure Assessment and considered in policy and decision making.

5.51 Differentiation should be given to the relative significance of the designation within the hierarchy set out below, when considering the weight to be attached to nature conservation interests.

<b>Tier</b>	<b>Name</b>	<b>Statutory/Non Statutory</b>
International	Special Area of Conservation (SAC)	Statutory
	Special Protection Area (SPA)	Statutory
	Ramsar sites	Statutory
	UNESCO Biosphere Reserve	Non-Statutory
National	Site of Special Scientific Interest (SSSI)	Statutory
	National Nature Reserve (NNR)	Statutory
Local	Sites of Interest for Nature Conservation (SINC)	Non-Statutory
	Local Nature Reserve (LNR)	Non-Statutory

5.52 Statutory designation of a site does not necessarily prohibit development, but proposals for development must be carefully assessed for their effect on those nature conservation interests which the designation is intended to protect. International responsibilities and obligations for conservation should be fully met, and, consistent with the objectives of the designation, statutorily designated sites protected from damage and deterioration, with their important features conserved by appropriate management. For further information on habitats regulation assessment see TAN 5: Nature Conservation and Planning.

### **Protection and Management of Designated Sites**

5.53 Statutorily designated sites should be protected from damage and deterioration, with their important features conserved and enhanced by appropriate management. The contribution of the designated site to a wider network of resilient ecosystems should be recognised and captured as part of policy and decision making.

5.54 Planning authorities should consider opportunities to restore networks of habitats to a healthy condition identified as a result of undertaking the Green Infrastructure Assessment and the identification of appropriate interventions to secure delivery against the five aspects of resilience (diversity, connectivity, scale, condition and adaptability).

### **Sites of Special Scientific Interest**

5.55 SSSIs are of national importance. The Wildlife and Countryside Act, as amended by the Countryside and Rights of Way Act 2000, places a duty on all public bodies (including planning authorities) to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features by reason of which a SSSI is of special interest. SSSIs can be damaged by developments within or adjacent to their boundaries, and in some cases, by development some distance away. There is a presumption against development likely to damage a SSSI. Before authorising development likely to damage any of the notified features on a SSSI, planning authorities must give notice of the proposed operations to NRW, and must take its advice into account in deciding whether to



grant planning permission and in attaching planning conditions. For the purposes of land use planning proposed SSSIs will be considered under the same policy principles as designated SSSIs.

## Potential Special Protection Areas and candidate Special Areas of Conservation

5.56 Potential SPAs and candidate SACs (included in the list sent to the European Commission) should be treated within the planning system in the same way as classified SPAs and designated SACs. Sites which the UK and the European Commission have agreed as Sites of Community Importance and which are to be designated as SACs attract the same legal protection as if they had already been designated. The same considerations should, as a matter of policy, be applied to listed Ramsar sites.

## Protection for Non-statutory Designations

5.57 Although non-statutory designations carry less weight than statutory designations, they make a significant contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in policy and decision making. Where a Green Infrastructure Assessment has identified that certain features or characteristics of the site need to be conserved or enhanced, planning authorities should state in their development plans what features or characteristics require this extra protection and why, and explain how the policies will achieve this protection. Assessments should similarly consider the presence of protected and priority species including those on the section seven list and appropriate weight attached to their protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate developments.



## Maintaining and Enhancing Biodiversity

5.58 Planning authorities should follow a step-wise approach to protecting and enhancing biodiversity and building resilient ecological networks by ensuring that any adverse environmental effects are minimised and mitigated:

1. In the first instance, planning authorities should ensure that features and elements of biodiversity or green infrastructure value are retained on site wherever possible, and enhanced or created where appropriate, by adopting best practice site design and green infrastructure principles. Where necessary, planning authorities should seek to **modify** the development proposal through discussion with the applicant at the earliest possible stage. Biodiversity and green infrastructure modifications should draw on the issues and opportunities identified through the Green Infrastructure Assessment.
2. Where there may be significant harmful environmental effects, planning authorities will need to be satisfied that any reasonable **alternative sites** that would result in less or no harm have been fully considered.
3. In some circumstances, it will be appropriate to attach planning **conditions, obligations or advisory notes** to a permission, to secure beneficial

biodiversity outcomes. Planning authorities should take care to ensure that any conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.

4. When all other options have been exhausted, and where modifications, alternative sites, conditions or obligations are not sufficient to secure beneficial environmental outcomes, offsite **compensation** for unavoidable damage should be sought:
  - a. This should normally take the form of habitat creation, or the provision of long-term management arrangements to enhance existing habitats.
  - b. The Green Infrastructure Assessment should be used to identify suitable locations for securing offsite compensation. Where possible, a landscape-scale approach, focusing on promoting wider ecosystem resilience, should help guide locations for compensation. This exercise will determine whether locations for habitat compensation should be placed close to the development site, or whether new habitat or additional management located further away from the site would best support biodiversity and ecosystem resilience at a wider scale.
  - c. Where compensation for specific species is being sought, the focus should be on maintaining or enhancing the population of the species within its natural range. This approach might also identify locations for providing species-specific compensation further away from the site. Where they exist, Spatial Species Action Plans should be used to help identify suitable locations.
  - d. Any proposed compensation should take account of the Section 6 duty (Biodiversity and Resilience of Ecosystems Duty), and the five key ecosystem resilience attributes that it outlines.
5. Finally, where the adverse effect on the environment clearly outweighs other material considerations, the development should be **refused**.

## Protected Species

5.59 The presence of a species protected under European or UK legislation is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site (and potentially the surrounding area) concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the planning decision.



5.60 Developments are always subject to the legislation covering European protected species regardless of whether or not they are within a designated site. New developments for which development works would contravene the protection afforded to European protected species require derogations from the provisions of the Habitats Directive. A derogation may only be authorised if there is no satisfactory alternative and if the action authorised will not be detrimental to the maintenance of

the population of the species concerned at a favourable conservation status in its natural range. The development works to be authorised must be for the purposes of preserving 'public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'. Derogations are granted by a licence issued by NRW (NRW should notify planning authorities when a licence application has been granted). Planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities should take the above three requirements for derogation into account when considering development proposals where a European protected species is present.

## **Trees, Woodlands and Hedgerows**

5.61 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, air quality, recreation and local climate moderation. They also play a vital role in tackling climate change by locking up carbon, and can provide a sustainable energy source and building materials.

5.62 Planning authorities should protect trees, hedgerows, groups of trees/shrubs and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or supplementary planning guidance.

5.63 Ancient and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and often have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded additional levels of protection and every effort should be made to prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consult with NRW. Planning authorities should also have regard to the Ancient Tree Inventory.

5.64 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs)<sup>13</sup>. They should also be incorporated into Green Infrastructure Assessments and plans.

## **Green Infrastructure**

5.65 Green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements

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<sup>13</sup> Local authorities have a general power to make TPOs if it appears it is expedient to do so in the interests of amenity. They can make a provisional TPO which takes effect immediately, and it can remain effective for six months or until the TPO is confirmed

of green infrastructure can function at different scales. At the landscape scale green infrastructure can comprise entire ecosystems such as wetlands, waterways and mountain ranges. At a local scale, it might comprise parks, fields, public rights of way, allotments, cemeteries and gardens. At smaller scales, individual urban interventions such as street trees, hedgerows, roadside verges, and green roofs can all contribute to green infrastructure networks.

5.66 The Environment (Wales) Act 2016, provides a strong driver for the delivery of multi-functional green infrastructure. Its provision can make a significant contribution to the sustainable management of natural resources, and in particular to maintaining and enhancing biodiversity and the resilience of ecosystems in terms of the diversity between and within ecosystems and the extent, condition and connectivity of ecosystems and their ability to deal with and recover from unexpected events. This means that the development of green infrastructure is an important way for local authorities to deliver their section 6 duty.



5.67 In addition, green infrastructure is capable of providing several functions at the same time and as a result offers multiple benefits, for social, economic as well as environmental resilience. The components of green infrastructure, by improving the resilience of ecosystems, can result in positive benefits to wellbeing including flood management, water purification, improved air quality, reduced noise pollution and local climate moderation, climate change mitigation and food production. These benefits are particularly important in urban environments, where they can facilitate health and wellbeing-related benefits of open space, clean air and improved tranquility, for example, as well as creating a sense of place and improved social cohesion. In addition, green infrastructure has a role in protecting local distinctiveness, providing economic benefits and social and community opportunities.



### Integrating Green Infrastructure and Development

5.68 Green infrastructure plays a fundamental role in shaping our places and our sense of wellbeing, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing these needs.

5.69 Full advantage should be taken of opportunities to improve the quality of the built environment by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the



potential for conflicting objectives, and contributing towards a variety of health and well-being outcomes. There will be multiple ways of incorporating it, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places outlined in this chapter.

### Green Infrastructure Assessments

5.70 Planning authorities should adopt a strategic and proactive approach to green infrastructure and biodiversity by producing up to date inventories and maps of existing green infrastructure and ecological assets and networks. Such Green Infrastructure Assessments should make timely, pragmatic and inclusive use of existing datasets, and the best available information, to develop an integrated map-based evidence resource. Doing so will facilitate a proactive approach and enable contributions towards the well-being goals to be maximised.



5.71 The Green Infrastructure Assessment should be used to develop a robust approach to enhancing biodiversity, increasing ecological resilience and improving wellbeing outcomes, and should identify key strategic opportunities where the restoration, maintenance, creation or connection of green features and functions would deliver the most significant benefits.

5.72 The outcomes of the Green Infrastructure Assessment should draw from the evidence base provided by Area Statements and be integrated into development plans to ensure the early and co-ordinated consideration of opportunities to inform the other development, design and land related strategies of the plan. The Green Infrastructure Assessment should also be given early consideration in development proposals, and inform the implementation of project proposals.

5.73 It is important that the Green Infrastructure Assessment be regularly reviewed to ensure that information on habitats, species and other green features and resources is kept up-to-date, so that decisions are informed by sufficient and appropriate information about the potential effects of development on biodiversity and green infrastructure functions. Planning authorities should use the best available data to monitor a set of key species and habitats, and incorporate these indicators into both their Annual Monitoring Reports and, where appropriate, into the appropriate Section 6 Plan and Report. At the end of each reporting period they should use this data to indicate whether there has been a net gain or loss of biodiversity, and should use the trends identified to determine future priorities for planning and decision making, with the aim of furthering the goals of the Section 6 Duty.

5.74 The need for ecosystems, habitats and species to adapt to climate change should be considered as part of the Green Infrastructure Assessment. This should include identifying ways to minimise or reverse the fragmentation of habitats, and to improve habitat connectivity through the promotion of wildlife corridors and identifying opportunities for land rehabilitation, landscape management and the

creation of new or improved habitats. Planning authorities should ensure that development minimises impact within areas identified as important for the ability of species to adapt and/or to move to more suitable habitats.

5.75 Planning authorities should encourage the appropriate management of features of the landscape which are of major importance for wild flora and fauna in order to complement and improve the ecological coherence of the Natura 2000 network. The features concerned are those which, because of their linear and continuous structure or their function as ‘stepping stones’ or ‘wildlife corridors’, are essential for migration, dispersal or genetic exchange. The development of networks of statutory and non-statutory sites and of the landscape features which provide links from one habitat to another can make an important contribution to ecosystem resilience and the maintenance and enhancement of biodiversity and the quality of the local environment, including enabling adaptation to climate change.

### **The Historic Environment**

5.76 The historic environment comprises all the surviving physical elements of past human activity and illustrates how past generations have shaped the world around us. It is central to Wales’s culture and its character, whilst contributing to our sense of place and identity. It enhances our quality of life, adds to regional and local distinctiveness and is an important economic and social asset.

5.77 The historic environment is made up of individual historic features which are collectively known as historic assets. Historic assets are a non-renewable resource. Examples of what can constitute an historic asset include:

- Listed buildings and conservation areas;
- Historic assets of special local interest;
- Historic parks and gardens;
- Townscapes;
- Historic Landscapes;
- World Heritage Sites; and
- Archaeological remains (including scheduled monuments).

5.78 The ways in which historic assets are identified can vary. The most important historic assets have statutory protection. Other assets are included in formal registers, which identify them as being of special historic interest. Many others may not as yet be formally identified, such as buried archaeological remains.

### **Conserving the Historic Environment and its Assets**

5.79 The planning system must take into account the Welsh Government’s objectives to protect, conserve and promote the historic environment as a resource for the general well-being of present and future generations. The historic environment is a finite, non-renewable and shared resource and a vital and integral part of the historical and cultural identity of Wales. It contributes to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life. The historic environment can only be maintained as a resource for future generations if the individual historic assets and their settings are protected, conserved and properly



looked after. Cadw's published Conservation Principles highlights the need to base decisions on an understanding of the impact a proposal may have on the significance of an historic asset.

5.80 The Welsh Government specific objectives for the historic environment seek to:

- protect the Outstanding Universal Value of the World Heritage Sites;
- conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy;
- safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;
- preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous;
- preserve the special interest of sites on the register of historic parks and gardens; and
- protect areas on the register of historic landscapes in Wales.



5.81 It is important that the planning system looks to protect and conserve the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

5.82 It is the responsibility of all those with an interest in the planning system, including planning authorities, applicants, developers and communities, to appropriately care for the historic environment in their area. The protection, conservation and enhancement of historic assets is most affective when it is considered at the earliest stage of plan preparation or planning applications.

5.83 Any decisions made through the planning system must fully consider what the impact would mean to the historic environment and to the significance and heritage values of individual historic assets and their contribution to the character of place.



### Listed Buildings

5.84 There should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.

5.85 For listed buildings, the aim should be to find the best way to protect and enhance their special qualities, retaining them in sustainable use. The continuation or reinstatement of the original use should generally be the first option, but not all original uses will now be viable or appropriate. The application of planning and listed building controls should recognise the need for flexibility where new





uses have to be considered in order to secure a building's survival or provide it with a sound economic future.

5.86 The demolition of any listed building should be considered as exceptional and require the strongest justification.

5.87 Applicants for listed building consent must be able to justify their proposals, show why the alteration or demolition of a listed building is desirable or necessary and consider the impact of any change upon its significance. This should be included in a heritage impact statement, which will be proportionate both to the significance of the building and to the degree of change proposed.

### Conservation Areas

5.88 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas. Positive management of conservation areas is necessary if their character and appearance are to be preserved or enhanced and their heritage value is to be fully realised. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should be reviewed. The preparation of conservation area appraisals and management plans can assist planning authorities in the exercise of their development management functions.

5.89 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

5.90 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

5.91 Conservation area designation introduces control over the total or substantial demolition of unlisted buildings within these areas, but partial demolition does not require conservation area consent. Procedures are essentially the same as for listed building consent. When considering an application for conservation area consent, account should be taken of the wider effects of demolition on the building's surroundings and on the architectural, archaeological or historic interest of the conservation area as a whole. Consideration should also be given to replacement structures. Proposals should be tested against conservation area appraisals, where they are available.

### Historic Parks and Gardens

5.92 Planning authorities should value, protect and conserve the special interest of parks and gardens included on the register of historic parks and gardens in Wales. The register should be taken into account in planning authority decision making.

Green Infrastructure Assessments should be used to explore the role of historic parks and gardens and the findings of other landscape character assessments should be fed into historical and cultural assessments to ensure consistency of information.

5.93 The effect of a proposed development on a registered park or garden, or its setting, should be a material consideration in the determination of planning applications.

#### Historic Landscapes

5.94 The Welsh Government seeks to protect areas on the register of historic landscapes in Wales.

5.95 Planning authorities should protect those assets included on the register of historic landscapes in Wales and take the register into account in their decision making. As above, the sharing and use of evidence and assessments undertaken for wider reasons, such as Green Infrastructure Assessments, should be used to identify and better understand historic landscapes and ensure their qualities are protected and enhanced. In particular, the register should be taken into account in considering the implications of developments which meet the criteria for Environmental Impact Assessment.

#### World Heritage Sites

5.96 The planning system recognises the need to protect the Outstanding Universal Value of World Heritage Sites in Wales. The impacts of proposed developments on a World Heritage Site and its setting and, where it exists, the World Heritage Site buffer zone, is a material consideration in the determination of any planning application.

#### Archaeological Remains

5.97 The planning system recognises the need to conserve archaeological remains. The conservation of archaeological remains is a material consideration in determining planning applications, whether those remains are a scheduled monument or not.

5.98 Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection *in situ*. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting.

5.99 In cases involving less significant archaeological remains, planning authorities will need to weigh the relative importance of the archaeological remains and their settings against other factors, including the need for the proposed development.

5.100 Where archaeological remains are known to exist or there is a potential for them to survive, an application should be accompanied by sufficient information (through desk-based assessment and/or field evaluation) to allow a full understanding of the impact of the proposal on the significance of the remains. The needs of archaeology and development may be reconciled, and potential conflict very much reduced, through early discussion and assessment.

5.101 If the planning authority is minded to approve an application and where archaeological remains are affected by proposals that alter or destroy them, the planning authority must be satisfied that the developer has secured appropriate and satisfactory provision for their recording and investigation, followed by the analysis and publication of the results and the deposition of the resulting archive in an approved repository.



### Historic Environment Records

5.102 The statutory historic environment records for each local authority area are managed and kept up-to-date by the Welsh Archaeological Trusts on behalf of the Welsh Ministers and can be accessed online. These records must be used as a key source of information in making planning decisions affecting the historic environment. Advice on their use should be sought from the Trusts.

### **Locally Specific Historic Environment Policies**

5.103 Development plans should consider the inclusion of locally specific policies relevant to the historic environment. These must be distinctive and only cover those elements deemed as important considerations from a local planning perspective. They might include locally specific policies relating to:

- **World Heritage Sites** - development plans must reflect that individual World Heritage Sites have been inscribed by UNESCO because of their Outstanding Universal Value. If assets cover more than one authority's jurisdiction, there is a need to ensure there are consistent planning policies in the relevant development plans. The most effective way of implementing the conservation of World Heritage Sites through the adoption of consistent and agreed supplementary planning guidance by all relevant authorities.
- **Archaeological remains** – unscheduled archaeological remains and their settings, may be identified in development plans as of local importance and worthy of conservation. Development plans should not include policies relating to the financing of archaeological works in return for the grant of planning permission. Planning permission for archaeologically damaging development should not be granted merely because it is proposed to record sites whose physical preservation *in situ* is both desirable (because of their level of importance) and feasible.
- **Listed buildings and conservation areas** – development plans may include locally specific policies for the conservation of the built historic environment, including the protection or enhancement of listed buildings and conservation

areas. They may also include policies relating to re-use or new development that affect particular historic areas and/or buildings, which may assist in achieving urban and rural regeneration. Development plans should not include policies for the designation of new conservation areas or extensions to existing conservation areas, nor should they include detailed statements or proposals for existing conservation areas. The process of assessment, detailed definition or revision of boundaries and formulation of proposals for individual conservation areas should be pursued separately from the development plan.

- **Historic assets of local importance** - Planning authorities may develop lists of historic assets of special local interest, that do not have statutory protection, but that make an important contribution to local distinctiveness and have the potential to contribute to public knowledge. Where a planning authority chooses to identify historic assets of special local interest, policies for their conservation and enhancement must be included in the development plan.

### **Enabling Development**

5.104 Enabling development is development which can deliver substantial heritage benefit but would usually be contrary to other objectives of national or local planning policy.

5.105 Enabling development may be appropriate if the public benefit of rescuing, enhancing, or even endowing an important historic asset decisively outweighs the harm to other material interests. It must always be in proportion to the public benefit it offers.

5.106 When considering a scheme of enabling development, planning permission should be granted only where all of the following can be applied:

- where the impact of the development was precisely defined in the application at the outset, and normally through the granting of full, rather than outline, planning permission;
- where the achievement of the heritage objective is securely and enforceably linked to the enabling development;
- where the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation of the enabling development; and
- where the planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

### **Distinctive Characteristics of Coastal Areas**

5.107 The interface between land and sea gives rise to the unique characteristics associated with coastal areas. As well as opportunities, these characteristics present their own set of challenges which demand particular considerations and responses.

5.108 Identifying and understanding these unique characteristics and their interaction with each other<sup>14</sup>, will help to ensure planning approaches in coastal places are environmentally and economically sustainable, socially equitable and cohesive and recognise the threat posed by climate change. The Welsh National Marine Plan is being developed to optimise opportunities for the sustainable development of Wales's seas.

5.109 The main planning principles for coastal places are to support urban and rural development whilst at the same time being aware and appropriately responsive to the challenges resulting from the dynamic interaction of natural and development pressures in coastal areas. This requires responses which are ecologically and physically resilient and where wider adaptability (social and economic resilience) in the face of the change unique to coastal places/environments is promoted.

5.110 Landward development pressures may include major developments on the coast, port and harbour works, leisure and recreational facilities, renewable energy generation or coastal defences. Seaward development pressures may include waste disposal, sea fishing, increased leisure sailing, dredging of navigable channels, water sports and bathing, marine aggregates extraction or tidal and wave power generation. The impacts associated with such activities can be widespread and may relate to inappropriate land use, pressure for services and facilities, and impacts on existing businesses and employment as well as on the natural and historic character of the coastline.



5.111 Climate change also exacerbates the challenges faced in coastal places resulting in losses of protected habitat, through 'coastal squeeze', or the loss of features which protect against inundation, such as sand dunes, as well as consequential effects on recreational beaches, people and property.

5.112 Planning authorities should clearly establish what the coast means for them and develop, or apply, specific policies through their development plans which reflect the characteristics of their coastlines. In doing so they should acknowledge the interrelationships between the physical, biological and land use characteristics of their coastal areas and the impacts of climate change.



5.113 For some authorities this may mean identifying areas likely to be suitable for development as well as those subject to significant constraints and considered to be unsuitable for development. Areas subject to constraints or considered unsuitable for development may include those where conservation or enhancement of the natural and historic environment requires development to be limited, where visual intrusion will need carefully to be considered, including the policies to be pursued in Heritage Coast areas, and where there may be risks of erosion, flooding or land instability. In other areas the economic potential of the coast may be unlocked in a sustainable

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<sup>14</sup> Integrated coastal zone management is intended to be a participatory and dynamic process for integrating the policies influencing coastal places

manner. Area Statements and other locally based plans for coastal areas should provide relevant information.

### **Development on the Coast**

5.114 Development should not normally be proposed in coastal locations unless it needs to be on the coast. In particular, undeveloped coastal areas will rarely be the most appropriate location for development. Where new development requires a coastal location developed coastal areas will normally provide the best option, provided that due regard is paid to issues associated with coastal change, namely the risks of erosion, flooding, land instability and the preferred approaches to address such risks, and impacts on ecological resilience.

5.115 Before permanent and long term developments, including those of regional or national importance, can be granted permission, it will be essential to demonstrate that a coastal location is required based on the characteristics of the coastline in question. Where development is considered to be justified it should be designed so as to be resilient to the effects of climate change over its lifetime. Where appropriate planning authorities should identify key sites for proposed developments of national or regional importance requiring a coastal location in development plans, particularly where the need for such developments has already been identified. The implications of such allocations are likely to be wide-ranging and require collaboration beyond administrative boundaries.

5.116 Temporary forms of development may not have adverse impacts on coastal characteristics or coastal change yet offer an opportunity to facilitate tourism based activities. Care is needed, however, to ensure risks can be acceptably managed, particularly for sensitive uses where occupants may reasonably expect to be safe from coastal risks. The potential for conflict may arise where the impacts of sea level rise and development (including coastal management) may impact on inter-tidal habitats or historic assets and preserving the resilience of such environments should be given appropriate consideration as part of any new development proposals.

### **Designated or Protected Sites on the Coast**

5.117 Development proposals should aim to protect or enhance the natural or historic character and landscape of undeveloped coastlines. The particular landscapes of the coastline should be recognised and protected where they represent significant characteristics of place. Designation as a heritage coast does not directly affect the status of the area in planning terms, however, the features which contributed to the designation of such areas will be important considerations in making planning decisions.

5.118 It is important to recognise that on-shore development can often have an impact off-shore and often conservation designations will extend below the low water mark whilst planning control does not. Designated marine and coastal areas should be protected where a land based development might have an effect on the reasons for designation, and in preventing any significant unacceptable effects. For estuaries and parts of the open coast, planning authorities and other agencies and interest groups may cooperate to prepare estuary or coastal management plans. These

should complement and be consistent with development policies and Shoreline Management Plans. Collaboration will be necessary to ensure scale, extent and connectivity between sites of nature conservation importance can be maintained and enhanced.

## Coastal Change

5.119 As part of understanding the characteristic of coastlines it should be recognised that sea level rise, storm surge, wave action and changes in coastal morphology and sediment supply can lead to both direct and indirect effects at the coast. Uncertainty is further exacerbated by the effects of climate change.



5.120 Whilst coastal morphology can be a protective feature against sea level rise, storm surge and wave action, the construction of coastal defences can potentially influence sediment supply by transferring the risks of erosion elsewhere. This possibility, given that erosion and the risk of inundation are likely to be exacerbated by climate change, should be avoided. It is not appropriate for development in one location to unacceptably add to the impacts of physical change to the coast in another location.

5.121 Shoreline management plans establish long-term local policy frameworks for the management of coastal risk. The priorities contained within them should influence and inform the preparation of development plans. Where it is established that coastal defences will no longer be maintained, development plans should include clear and specific policies to manage development in such areas, including where they feel development would be unsuitable or where specific characteristics should be considered.

5.122 Proposals should be designed and planning authorities should take decisions on plans and individual proposals with an awareness of plans and strategies for addressing coastal risks in their areas, including Shoreline Management Plans, because such factors will influence whether development itself can be justified or how it should be designed. Some areas of coastline will be covered by active policies of intervention in Shoreline Management Plans to defend the line and clear timescales will be in place governing these policies. Other areas, which may already be developed, will not have active interventions associated with defence or may have managed setback (or realignment) identified as the appropriate response to inundation. Managed realignment may also be the favoured option in areas of low public exposure to risk or where land values make it difficult to justify public expenditure on engineering works, such as the case in low lying undeveloped coastal areas.

5.123 Enabling adaptation to change, including climate change, will be a key consideration and measures to both reduce vulnerabilities and seek opportunities to build resilience in communities should be identified. The nature of new uses which may be suitable in areas subject to change should be carefully considered. Connections should also be made to strategies for the provision of green infrastructure and sustainable drainage schemes and to wider wellbeing plans to ensure social and economic resilience of settlements and which safeguards their



ability to adapt to change over the long term. Development should not generally be proposed or permitted in areas which would need expensive engineering works, either to protect developments on land subject to erosion by the sea or to defend land which might be inundated by the sea.

5.124 In considering new coastal defence works, account should be taken of all potential environmental effects, both on and off-shore, including the impacts on habitat fragmentation and consequential 'coastal squeeze', as well as information contained in Shoreline Management Plans and other relevant documents such as Area Statements.

## **RECOGNISING THE ENVIRONMENTAL QUALITIES OF PLACES**

### **Air Quality and Soundscape**

5.125 Clean air and an appropriate soundscape<sup>15</sup>, contribute to a positive experience of place as well as being necessary for public health, amenity and well-being. They are indicators of local environmental quality and integral qualities of place which should be protected through preventative or proactive action through the planning system.

5.126 National air quality objectives are not 'safe' levels of air pollution. Rather they represent a pragmatic threshold above which government considers the health risks associated with air pollution are unacceptable. Air just barely compliant with these objectives is not 'clean' and still carries long-term population health risks. Nitrogen dioxide and particulate matter, which are the pollutants of primary national concern from a public health perspective, currently have no safe threshold defined and therefore the lower the concentration of those pollutants the lower the risks of adverse health effects. It is desirable to keep levels of pollution as low as reasonably practicable.

5.127 Certain sounds, such as those created by trees, birds or water features, can contribute to a sense of tranquillity whilst others can be reassuring as a consequence of their association with the normality of everyday activities. Problematic forms of sound are generally experienced as noise pollution and can affect amenity and be prejudicial to health or a nuisance. Noise action plans drawn up by public bodies aim to prevent and reduce noise levels where necessary and preserve soundscape quality where it is good. Noise levels used to identify priority areas contained in noise action plans are usually set quite high in order to focus resources on the most polluted areas and noise must meet a number of tests before it qualifies as a statutory nuisance. Lower levels of noise, however, can still be annoying or disruptive and impact on amenity.



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<sup>15</sup> by which we mean the acoustic environment as perceived or experienced and/or understood by a person or people, in context

## Framework for Addressing Air Quality and Soundscape

5.128 The planning system is preventative and should maximise its contribution to achieving a healthier Wales by aiming to reduce average population exposure<sup>16</sup> to air and noise pollution alongside action to tackle high pollution hotspots. In doing so, the agent of change principle will be a relevant consideration. The planning system must:



- consider the long-term effects of current and predicted levels of air and noise pollution on individuals, society and the environment as part of supporting the development of sustainable places;
- prevent the creation of any new, or the worsening of any current, air quality or noise pollution problems from arising as a consequence of development; and
- identify and pursue any opportunities to minimise increases in, or preferably reduce, current levels of population exposure to air and noise pollution, and improve soundscapes, where it is practical and feasible to do so and the measure can achieve what it is intended to.

5.129 In taking forward these broad objectives planning authorities will need to consider the effects which proposed developments may have on air or soundscape quality and the effects which existing air or soundscape quality may have on proposed developments. In doing so, they should:

- address any implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas, or areas where statutory nuisance are more likely to arise;
- not create new areas where pollution becomes a problem;
- consider the relationship between pollution sources and receptors (such as sensitive uses); and
- seek to incorporate measures which reduce overall exposure to airborne pollution and create appropriate soundscapes, including using best practice in terms of acoustic design and safeguarding tranquillity.

5.130 To assist decision making it will be important that the most appropriate level of information is provided and it may be necessary for a technical air quality and noise assessment to be provided by the developer. Mitigation measures must be capable of being effectively implemented for their intended purpose, and could include those related to:

- traffic management and road safety;
- ensuring progress towards a shift to low or zero emissions means of road transport (such as electrical charging points);
- supporting low or zero emissions public transport;
- providing active travel infrastructure; and
- incorporating green infrastructure, where it can improve air quality by removing air pollution and aiding its dispersal, reduce real or perceived noise

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<sup>16</sup> the number of people exposed to the pollutant as well as the levels to which they are exposed

levels by absorbing and scattering noise and introducing natural sounds to soften man-made noise, provide areas of relative tranquillity, and reduce exposure by putting a buffer between sources of pollution and receptors.

5.131 Planning authorities must take into account the importance of balancing short-term needs against long-term objectives to reduce public exposure to airborne pollution, especially where development to meet short-term needs may have a detrimental long-term effect. This means ensuring that incompatible uses of land are separated, in order to avoid potential conflict between different types of development and the creation of additional pollution problems and giving particular consideration to the presence of air quality management areas, noise action planning priority areas and areas associated with statutory nuisances when proposing new allocations. They should work closely with bodies such as the Public Service Boards in the preparation of their well-being plans.



### Understanding and Identifying the Sources of Airborne (Air and Noise) Pollution

5.132 Air and noise pollution are often, but not exclusively, emitted from the same sources, notably road transport, commercial and industrial activities. Consequently, areas of poor air quality often coincide or overlap with areas subject to high noise levels. Even where they do not, poor air quality at one location and high levels of noise at a neighbouring location may be related to one another, depending on the characteristics of the place in question, including the way in which people use and occupy places, the way in which uses and activities are juxtaposed and the way in which traffic is managed in the wider area. Where air and noise pollution are generated from the same source they should be considered and addressed together and links should be made with active travel and other strategies for reducing vehicular use.

5.133 Planning authorities must consider current and future sources of air and noise pollution as part of developing their strategies for locating new development. The pattern of proposed development should be informed by the sensitivity of, and compatibility of, uses in relation to the sources of airborne pollution and the importance of ensuring appropriate soundscapes. Green infrastructure provision will be an important means of addressing the cumulative impacts of air pollution and soundscapes on individuals and society and provide benefits for social and ecosystems resilience.

5.134 When developing strategies, proposing or considering development it will be essential to understand the implications of the transport demand associated with the proposal and the effect this may have now and in the foreseeable future. When proposing to introduce a development activity into an area the impacts which existing sources, such as roads, railways and industrial or commercial sites, have in terms of airborne pollution should be carefully considered, particularly taking into account any increases in air and noise pollution levels which may be reasonably expected in the foreseeable future as a result of increased transport activity.



5.135 Proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum to limit or constrain any effects that do occur. In circumstances where impacts are unacceptable (for example, where adequate mitigation is unlikely to be sufficient to safeguard local amenity) it will be appropriate to refuse permission.

#### Location of Polluting Development

5.136 Potentially polluting development should be located in areas where airborne pollution will not be such an important consideration because of low potential for public exposure or where its impact can be minimised. For example, potentially noisy development should not be proposed in areas which benefit from being relatively undisturbed by noise.



5.137 Relevant considerations in determining applications for potentially polluting development are likely to include:

- location, including the reasons for selecting the chosen site itself;
- impact on health and amenity;
- effect of pollution on the natural and built environment and the enjoyment of areas of landscape and historic and cultural value;
- the risk and impact of potential pollution from the development, insofar as this might lead to the creation of, or worsen the situation in, an air quality management area, a noise action planning priority area, an area where statutory nuisances occur or another area of concern exist; and
- impact on the road and other transport networks, and in particular on traffic generation.



5.138 Particular consideration is required where air pollution or noise-generating development is likely to affect a protected species, or is proposed in or near to statutorily designated areas such as Natura 2000 sites, SSSIs, tranquil urban green spaces (including but not limited to formally designated 'quiet areas') valued for the restorative respite and contact with nature that they offer to residents of busy towns and cities, and other sensitive locations such as schools, nurseries, hospitals and care homes.

#### Sensitive Development

5.139 The health imperative of good air quality and appropriate soundscapes in contributing to the overall character and quality of places and the health and well-being of people and wildlife should be fully recognised. Using the broad air/soundscape framework described above it will not be appropriate to locate sensitive uses adjacent to busy roads or other transport, where there are no connectivity benefits to be gained, or adjacent to industrial or commercial infrastructure, where health impacts associated with increased exposure of people to pollution will be unacceptable. Whilst some uses can be compatible with the aid of

mitigation, air quality and soundscape considerations can be overriding factors, especially for sensitive uses, if they cannot be adequately mitigated.

5.140 Where sensitive developments, such as hospitals, schools and housing, need to be located close to the existing transportation infrastructure for sustainable movement and access, they should be designed, as far as practicable, to limit harmful substances and noise levels within and around those developments both now and in the future, for example by employing the principles of good acoustic design. Such development, however, should preferably be located away from existing sources of significant noise, including aircraft noise or programmed developments such as route improvements or new roads.



5.141 Regard should be paid to current air quality and noise levels and the quality of the existing soundscape and account taken of any relevant local air quality action plan, noise action plan and/or local or regional air quality strategy as part of development strategies and proposals in development plans and before determining planning applications.

#### Soundscapes and Compatibility of Uses

5.142 It should be acknowledged that certain qualities of sound can be associated with particular places and the activities within them. Taking steps to foster the continued longevity of uses and activities which provide wider cultural benefit and experience for people and contribute towards the local economy, both in terms of a vibrancy of place and in creating a space for creativity to flourish, is an important role for the planning system.

5.143 The agent of change principle says that a business or person responsible for introducing a change is responsible for managing that change. When considering the formulation of strategies or individual proposals in line with the air quality / soundscape framework it will be necessary to identify the nature of the soundscape which exists in an area and the characteristics of the place, or specific activities, which have shaped it.

5.144 The potential impacts of noise pollution and other potential nuisances arising from existing development, be this commercial, industrial, transport-related or cultural types of development, must be fully considered to ensure effects can be adequately controlled to safeguard amenity. This will help to prevent the risk of restrictions or possible closure of existing premises or adverse impacts on transport infrastructure due to noise and other complaints from occupiers of new developments. Where individual proposals are brought forward an assessment of noise levels will be necessary and appropriate mitigation should be provided, which must be capable of serving the intended purpose and must be implemented as part of any proposed developments.



5.145 Planning authorities should identify areas, such as areas of cultural or historic importance, to be given special consideration in terms of soundscape where this may be necessary to safeguard the vibrancy of places or provide tranquil, restorative

environments within busy built-up areas. As well as this, it will be invaluable to identify synergies between the mapping of green infrastructure and the moderating effect the protection of, or provision of, green infrastructure may have in terms of maintaining good air quality and appropriate soundscapes, including the role of tranquil green spaces such as the 'quiet areas' designated in noise action plans.

### Managing Potential Environmental Risk Arising through Construction Phases

5.146 Planning authorities must consider the potential for temporary environmental risks, including airborne pollution and surface and subsurface risks, arising during the construction phases of development. Where appropriate planning authorities should require a construction management plan, covering noisy plant, hours of operation, dust mitigation and details for keeping residents informed about temporary risks.



### Lighting

5.147 There is a need to balance the provision of lighting to enhance safety and security to help in the prevention of crime and to allow activities like sport and recreation to take place with the need to:

- protect the natural and historic environment including wildlife;
- retain dark skies where appropriate;
- prevent glare and respect the amenity of neighbouring land uses; and
- reduce the carbon emissions associated with lighting.



5.148 Dark sky reserves exist in various parts of Wales, including Snowdonia, Brecon Beacons and the Elan Valley. Dark sky reserves can contribute positively to an area in economic and environmental terms and their characteristics should be taken into account when preparing development plan strategies and policies and when considering individual development proposals.

5.149 Lighting to provide security can be particularly important in rural areas. Planning authorities should adopt policies for lighting, including the control of light pollution, in their development plans.

5.150 Local authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems (for example, requiring energy-efficient design) and prevent light pollution.



### Water Services

5.151 As well as a direct requirement for life, well planned water services provide a range of benefits and services for society. The water industry itself is a source of green jobs and water services support energy and food production, recreation and tourism and connect homes and businesses to the infrastructure networks upon which they depend.



5.152 The key water services are water supply and drainage. Water is normally sourced from a water undertaker, but in remote areas private water supplies may be the only viable option.

5.153 There are three main types of public drainage (often termed “mains drainage”) – foul sewers, surface water sewers and combined systems which convey both. Whilst legislation prohibits surface water discharge to foul sewers, additionally, surface water from new developments should not be discharged to combined systems because of the risk of pollution when combined systems overflow, and because they increase the volume of contaminated water requiring transporting and treating. This is a costly and energy intensive process and contrary to aims for the Welsh public sector to become carbon neutral by 2030.

5.154 Public foul and combined sewers are provided by a sewage undertaker and remove contaminated water (foul sewage) from a development for treatment and discharge to the environment. Separate surface water sewers may be provided by a sewerage undertaker or local authority, for example highways drainage and Sustainable Drainage Systems (SuDS), and these discharge directly without treatment. Whatever drainage options are proposed for a development, provisions should be in place for future maintenance in the short and long term.

5.155 The ability of the planning system to protect water features and foster sustainable water management as key attributes of attractive and resilient places to live is closely aligned with securing the multiple benefits of green infrastructure. Multi-faceted approaches should help to secure the long term health and well-being of people, places and wildlife and make a contribution toward achieving the requirements imposed by EU Water Framework Directive along with Welsh Government policy for the integrated planning and management of water both in urban and rural areas.

5.156 The provision of water services underpins economic competitiveness and provides opportunities for households and businesses to achieve more socially and environmentally desirable ways of living and working. At the same time, development which is poorly designed or badly located can exacerbate problems associated with resource depletion, exposure to surface water flooding and diffuse pollution.

5.157 The Welsh Government aims to secure the provision of water services necessary to achieve sustainable development objectives, while minimising adverse impacts on the environment, health and communities, in light of the consequences of climate change. The planning system should:

- protect and improve water resources by promoting and encouraging increased efficiency and demand management of water as part of new developments, particularly in those areas where water resources may be under pressure or may not be available;
- ensure that the infrastructure on which communities and





businesses depend is adequate to accommodate proposed development so as to minimise risk to human health and the environment and prevent pollution at source; and

- ensure sustainable drainage systems are an integral part of design approaches for new development.

## **Development and Water Supply**

5.158 Water related issues must be taken into account from an early stage in the process of identifying land for development and redevelopment. The protection of water resources should be based on ensuring sustainable use in the future. Meeting short term needs should be balanced against ability to protect water resources over the long term. This may mean that the location of new development, and its type, requires careful consideration. Water intensive uses may not be appropriate in areas of water shortage and constraint.



5.159 New development should be located and implemented with sustainable provision of water services in mind, using design approaches and techniques which improve water efficiency and minimise adverse impacts on water resources, including the ecology of rivers and groundwater.

## **Capacity of Water Supply and Sewerage/Drainage Infrastructure**

5.160 The planning system has an important part to play in ensuring that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development. The adequacy of water supply and sewerage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity.

5.161 The need to balance the growing demand for water services with the needs of the environment is crucial. Even where there is theoretical capacity, timely investment in infrastructure is required to ensure that new development does not adversely affect water supplies or sewerage drainage systems and have consequential impacts on water quality and surface water flooding.

5.162 Planning authorities must develop a strategic and long-term approach to infrastructure provision when preparing development plans. This means maximising the use of existing infrastructure and considering how the provision of different types of infrastructure can be co-ordinated.



5.163 The capacity of existing infrastructure and the need for additional facilities require early identification when locating future development. Planning authorities should encourage the use of sites where existing water supply and/or sewerage and drainage provision problems can be solved and seek to avoid the use of sites where adequate provision is unlikely to be achieved.

5.164 As part of this, they should consider both the siting requirements of the utility companies responsible for these services to enable them to meet community needs and the environmental effects of such additional uses. Development may need to be phased, in consultation with the relevant utilities providers, to allow time to ensure that the provision of utilities can be managed in a way consistent with sustainable development policies.

### **Water Quality and Surface Water Flooding**

5.165 Increased rainfall intensity presents challenges for drainage systems, causing surface water flooding and diffuse pollution. There are two drainage and sewerage systems, one for waste water and the other for surface water. The relationship between the various types of drainage infrastructure is complex, for example, some highway drains carry surface water from public sewers and some highway infrastructure discharges into public sewers. Understanding the role which the various types of infrastructure play is important in securing the best approach to avoid both flooding and diffuse pollution. Effective collaboration between drainage, highway and planning authorities will be required.

5.166 Drainage authorities should plan strategically for sewerage and drainage systems in the same way as for water supply services, and sustainable places will be those with resilient, well-maintained networks for sewerage and drainage with sufficient capacity to manage the demand placed on them without causing pollution or surface water flooding.

5.167 Diffuse pollution and surface water flooding arise as a result of run-off from built surfaces and through sewage discharges from overloaded sewers or from private infrastructure, for example, septic tanks. Planning authorities should secure better management of drainage and surface water so as to tackle these issues by:

- ensuring sustainable drainage systems are incorporated into development enabling surface water to be managed close to or at source; and
- ensuring connection to the sewer in sewered areas and by minimising the proliferation of private sewage systems.



### **Sustainable Drainage Systems and Development**

5.168 In guiding new development the planning system should ensure the incorporation of measures at an individual site scale, particularly in urban areas to provide cumulative benefits over a wider area. A concerted effort to secure individual nature based measures such as sustainable drainage systems, through the planning system will bring benefits over a whole catchment.

5.169 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle. Design for multiple benefits and green infrastructure should be secured wherever possible. As part of green infrastructure assessments suitable approaches towards the provision of SuDs should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred

because of practical considerations, but taking into account the role of water services in contributing to the quality of place, multi-benefit solutions should be the preference.

### **Development in Sewered Areas**

5.170 Development proposals in sewered areas must connect foul drainage to the main sewer, and it will be necessary for developers to demonstrate to planning authorities that their proposal site can connect to the nearest main sewer. To ensure consistency of design and facilitate long-term maintenance, sewers should be built to Welsh Government standards and adopted. Developers need an adoption agreement in place before construction commences and should consult sewerage undertakers in the early stages of design and planning.

### **Development Proposing Non-mains Foul Drainage**

5.171 Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible. Where non-mains sewage proposals, such as septic tanks and or independent sewage treatment systems, are included in development applications they should be subject to an assessment of their effects on the environment, amenity and public health in the locality, in accordance with the criteria set out in Circular 10/99, prior to the determination of the planning application.

### **Development and Flood Risk**

5.172 Climate change is likely to increase the risk of flooding as a result of sea-level rises and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers defined as zone C on the Development Advice Maps.



5.173 The continued construction of hard engineered flood defences to protect development in areas of floodplain is not sustainable. Government resources for flood and coastal defences are directed at protecting existing developments and are not available to provide defences in anticipation of future development. Measures such as managed retreat, the creation of washlands and flood plain restoration should be considered as alternatives to engineered flood defences.

5.174 Development Advice Maps enable planning authorities to take a strategic approach to flood risk and consider the catchment as a whole by providing a preliminary representation of flooding consequences. They illustrate how natural and man-made defences work as integral components of places and provide a means by which the cumulative effects of development can begin to be understood. Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself.

5.175 In areas of flood plain currently unobstructed, where water flows in times of flood, built development should be wholly exceptional and limited to essential transport and utilities infrastructure. Such infrastructure should be designed and constructed so as to remain operational even at times of flood, to result in no net loss of floodplain storage, to not impede water flows and to not increase flood risk elsewhere.

5.176 It is inappropriate to locate highly vulnerable types of development such as schools, hospitals, residential development and emergency services in C2 areas. Less vulnerable developments may only be located in such areas where the likelihood and consequences of flooding can be managed and minimised to acceptable levels.



Developments in such areas must not cause a loss of flood storage capacity, impact on any flood flow routes or increase the risk of flooding elsewhere, including whether development itself represents an intensification of built surface which reduces the capacity of soil to transmit and sustainably manage surface water. Planning authorities should recognise that developments located within Zone C as a whole remain at risk from flooding even if mitigation measures are applied.

5.177 Planning authorities should be aware of the risk of surface water flooding, usually caused by heavy rainfall, and ensure developments are designed and planned to minimise potential impacts. Development should not cause additional run-off, which can be achieved by controlling surface water as near to the source as possible by the use of Sustainable Drainage Systems (SuDS). Care should be taken in places of shallow groundwater or where flooding is caused by combined surface and groundwater processes. In such situations direct infiltration SuDs may not be appropriate.



Consultation with NRW should be undertaken and relevant evidence and information drawn from Area Statements taken into account.

5.178 New or improved flood defences in coastal and/or riverside locations should be carefully planned, ensuring all potential environmental effects, both on and off-shore, and relevant Shoreline Management Plan policies are taken into account. Flood defence works can provide opportunities to achieve wider economic, environmental and social benefits, which should be maximised where possible. These opportunities include green infrastructure, leisure facilities or renewable energy generation.

5.179 The ability of emergency services to respond to flood events should be taken into account when considering if a development in a flood risk area is appropriate.

### **Unlocking Potential by Taking a De-risking Approach**

5.180 Understanding the barriers to unlocking the potential of places, including the transformation or regeneration of an area or the development of a single site, is a key part of achieving sustainable places. Barriers could include dereliction or risks such as flooding, land contamination or instability. A de-risking approach, where the consideration of natural and human-made surface and subsurface hazards and environmental risks is factored in as an integral part of a better understanding of the characteristics of places, should be actively facilitated by planning authorities. This

means that the role of planning authorities is to facilitate awareness of environmental hazards and risks and to identify opportunities for creative placemaking.

5.181 Often surface and subsurface hazard gives rise to both actual and perceived risks. A key principle for planning is that surface and sub-surface risks are fully understood and can be effectively communicated to both developers, so as to inform investment decisions, and the public and others who may have concerns regarding dereliction, contamination and other physical or chemical constraints affecting land. Taking early action, based on the precautionary principle, not only reduces costs but ameliorates the potential for long term risk to communities and future generations.



5.182 An effective approach to de-risking would help to offer reassurance to communities and improve overall well being by securing safety and health benefits, whilst over the longer term economic costs could be reduced. A de-risking approach:

- would complement nature based approaches, such as securing green infrastructure;
- may contribute towards identifying opportunities for renewable energy resources as part of energy assessments;
- achieve compact, low carbon places, where communities are connected and increased opportunities for active travel provided; and
- may contribute towards pollution reduction, waste prevention and fostering circularity in the economy.



5.183 The benefits of ‘cleaning up’ land through the planning process stretch beyond the uplift in land value and reduction of liabilities gained by landowners. There are wider societal and natural resource benefits, particularly on sites where past uses have left a legacy of surface and subsurface hazards. High value uses may be necessary to make investment viable and whilst development objectives can align in some places, in others, re-development potential may be limited.

5.184 A de-risking approach is one based on all stakeholders playing their part to enhance transparency and awareness and where data and information is increasingly shared and refined. Creating conditions where plan strategies, policies and proposals are based on preliminary site or area based risk information which can be brought together at a strategic level should facilitate the creation and formulation of better proposals/places and ensure early awareness of potential risks as an integral part of the planning process.



5.185 The continual sharing and refinement of information submitted as part of development proposals enables better forward planning, avoids duplication of effort and unnecessary expense at later stages of the process. This does not mean that requirements for detailed site investigation, where necessary, should be curtailed but that strategies and proposals would be based on better awareness and understanding of the constraints which exist in an area and this knowledge base would continue to improve over time.



5.186 A de-risking approach could involve, but not be limited to, surface and sub-surface information on derelict land and buildings, ground conditions, soil structure, radon, unstable ground, geotechnical issues, land contamination and the location of historical or disused infrastructure and mining legacy. It should facilitate a better understanding about managing potential risk arising but need not be limited to addressing risk, rather it should form part of wider approaches to plan making. It could identify opportunities for sustainable resource management and support decisions on infrastructure requirements. It could also be applied to managing the risks which arise through the construction phases of a development.

### Integrated Approaches to De-risking

5.187 As part of combining a de-risking approach with other strategies (such as securing opportunities for green infrastructure and biodiversity) to realise the potential of place and encourage investment, development plans or supporting supplementary guidance should indicate the general location of known areas of dereliction, contamination, flood risk and unstable ground and other constraints in recognition that addressing surface and sub-surface dereliction and risk at an early stage is a key part of unlocking barriers to growth and ensuring the resilience of places.



5.188 A joint approach should be taken in relation to issues which cross administrative boundaries, such as taking a catchment approach towards flood risk where actions across a catchment may have implications at various different locations and scales. Addressing flood risk as part of an integrated approach towards de-risking may be useful where there is a strong imperative to fulfil the regeneration potential of an area.

5.189 Plans should include policies and proposals for the rehabilitation and development of existing derelict sites. They may also include specific proposals for allocated sites known as being subject to land contamination or where the site history suggests a potential risk of land contamination as well as the action which may need to be undertaken. It would be beneficial to compile a register of sites available for development which provides details on the likely constraints on each site, likely receptors and any other remedial measures necessary to enable beneficial use of land – a brief preliminary risk assessment - which can be accessed by developers to assist them in better establishing risks.

5.190 Policies for areas of land contamination or instability must be accompanied by the warning that they have been defined on the basis of the best information available to the planning authority, are not necessarily exhaustive and that responsibility for determining the extent and effects of such constraints remains that of the developer. Plans may indicate that the planning authority will need to be satisfied that any actual or potential contamination can reasonably be overcome.

### De-risking Development

5.191 The planning system should guide development to reduce the risk from natural or human-made hazards affecting the land surface or sub-surface. The aim is not to

prevent the development of such land, though in some cases that may be the appropriate response. Rather it is to ensure that development is suitable and that the physical, geo-technical, chemical and other relevant constraints on the land, including the anticipated impacts which climate change may have, are taken into account at all stages of the planning process.

5.192 When considering development proposals planning authorities should take into account the nature, scale and extent of surface and subsurface hazards which may pose risks to health and environment, to ensure that:

- new development is not undertaken without an understanding of the risks, including those associated with the previous land use, pollution, groundwater, flood risk, subsidence, landslips, rock falls, mine and landfill gas emissions and rising groundwater from abandoned mines;
- development does not take place without appropriate remediation or precautions;
- consideration is given to the potential impacts which remediation of land, including land contamination, might have upon the natural and historic environment;.
- development is not allowed if expensive engineering projects, which have implications for the public purse, will be required to serve it, for example, to prevent erosion, or in the case of receding cliffs, if a site is likely to be affected by loss of land to the sea during its lifetime or if it could contribute to pollution at a later date; and
- unstable land is restored to safeguard investment and, where possible, returned to productive use.



5.193 Responsibility for determining the extent and effects of surface and subsurface hazards remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners. However, by taking a de-risking approach at the plan level planning authorities will create the conditions for risks to be addressed and opportunities to be gained.



5.194 To facilitate the gathering of evidence to inform de-risking approaches planning authorities should seek to require technical, risk based information and evidence from developers which is capable of being put to further use..

## **Land Contamination**

5.195 Opportunities offered by the planning system to address land contamination should be maximised as part of its preference for the use of previously development land. Whenever development or re-development potential exists the planning system will be the preferred means of addressing potential land contamination.

5.196 There are two areas of interface between the planning system and the contaminated land regime. The first will be where land is already designated as contaminated land under Part IIA and the owner wishes subsequently to develop the



land. The second will be where a development proposal may introduce changes to a site which may result in land potentially meeting the definition of contaminated under Part IIA, where such land would not be considered contaminated in its existing state under the provision of the regime. In both circumstances, the onus will remain with the developer to ensure that the development of the site will remove any unacceptable risks and the planning authority in granting planning permission will need to ensure that the land is suitable for its proposed use and would not meet the legal definition of contaminated land under Part IIA.

5.197 Planning authorities should take into account the nature, scale and extent of land contamination which may pose risks to health and the environment so as to ensure the site is capable of effective remediation and is suitable for its intended use. In doing so, planning decisions need to take into account:

- the potential hazard that contamination presents to the development itself, its occupants and the local environment; and
- the results of a specialist investigation and assessment by the developer to determine the contamination of the ground and to identify any remedial measures required to deal with any contamination.



5.198 Where significant land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land. Where it is known that acceptable remedial measures can overcome such contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their implementation, including provision for remediating any unexpected contamination which may arise during construction. If contamination cannot be overcome satisfactorily, the authority may refuse planning permission.



5.199 Ensuring that remediation measures are implemented to required standards is essential and planning authorities will require proof, in the form of a validation /verification report or equivalent, that this has occurred. For example, if a property is at risk from the migration of underground gases then a validation/verification report should contain a test certificate demonstrating that it has been constructed with gas membranes which have been correctly installed, and the risks adequately mitigated.

5.200 When planning permission is granted, a notice should be issued to inform the applicant that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. It should also advise the applicant that, although the planning authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from contamination.

### **Physical Ground Conditions and Land Instability**

5.201 When considering development proposals planning authorities should take into account the nature, scale and extent of ground instability which may pose direct

risks to life and health, buildings and structures, or present indirect hazards associated with ground movement, including mine entry collapse, which provide potential pathways for the migration to the surface of landfill or mine gases.

5.202 Made ground, the presence of tips and shallow coal workings are extensive in some parts of Wales and their proximity to the surface could present potential instability risk to future development. Information on shallow working has been published by the Coal Authority, alongside data on mine entries, adits and surface hazards. Planning decisions will need to take into account:

- the potential hazard that instability could create to the development itself, to its occupants and to the local environment; and
- the results of a specialist investigation and assessment by the developer to determine the stability of the ground and to identify any remedial measures required to deal with any instability.



5.203 Any planning application in coal mining consultation areas may need to be accompanied by a coal mining risk Assessment report, or equivalent. Any works which may intersect coal mine workings, mine entries or coal seams may have implications for mine gas, spontaneous combustion and surface collapse and liaison with the Coal Authority must take place.

5.204 Where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission.

5.205 When planning permission is granted, a notice should be issued to inform the applicant that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. It should also advise the applicant that although the planning authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability.