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# Delivery of Planning Services in Statutory Designated Landscapes in Wales

Final Report

## **Delivery of Planning Services in Statutory Designated Landscapes in Wales**

This research was prepared for Planning Division  
of the Welsh Government by LUC in August 2012

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# Executive Summary

## Background

This comparative study (running from June 2011 – July 2012) undertaken for Welsh Government has assessed the effectiveness of planning service delivery in statutory designated landscapes (Areas of Outstanding Natural Beauty (AONBs) and National Parks). It has involved review of planning service delivery under different models in the statutory designated landscapes of Wales, England and Scotland; detailed comparative analysis of planning service delivery in statutory designated landscapes in Wales; and stakeholder workshops to discuss findings.

As set out in Planning Policy Wales, “National Parks and AONBs [that together cover 25% of Wales] are of equal status in terms of landscape and scenic beauty and both must be afforded the highest status of protection from inappropriate developments”<sup>1</sup> through both development plan policies and development control decisions. Both National Parks and AONBs are landscapes of national and international importance.

Each National Park in Wales has its own National Park Authority. This is also the planning authority. The other main local authority functions, including economic development and housing, remain with the constituent local authorities of the National Parks. Across AONBs by comparison, planning functions (and all other local authority functions) remain with their constituent local authorities.

This comparative study has identified that planning delivery is, in many respects, similar between AONBs and National Parks with the planning approval rate in AONBs being 84.5% and similar in the National Parks (Snowdonia 87%, Pembrokeshire Coast 85%<sup>2</sup>), and the percentage of applications determined within 8 weeks being on average 64% in both the constituent authorities of AONBs and in the National Parks.

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<sup>1</sup> Planning Policy Wales 5.3.6

<sup>2</sup> These figures are for the year 2008/09 for which comparative figures were available. The figures for Brecon Beacons National Park have varied. In 2008/09 73% of applications were approved. For the financial year 2011 83.5% were approved.

Specific recommendations that have emerged from this comparative study are in the context of needing to:

- conserve and enhance the special landscapes of National Parks and AONBs, reflecting the importance placed on them in statute and in Planning Policy Wales, ensuring that these landscapes are passed on to future generations in as good if not better state than they are now;
- but in so doing ensuring that viable communities and local businesses are able to thrive in harmony with the landscape, demonstrating the very best in sustainable development.

To do this, the planning system needs to recognise the national importance of these statutory designated landscapes, pro-actively support their communities and businesses and have the evidence and policies needed to support sound decision-making.

## Recommendations

Key findings and proposed recommendations set out in this report are:

**1) Improved information on landscape and landscape tools:** National Parks and AONBs are first and foremost landscape designations yet landscape issues are not well covered in national guidance. This suggests that relevant TANs and the revised National Policy Statement on National Parks and AONBs should promote sound landscape planning and the use of landscape character assessment as an important evidence base to inform development decisions, building on LANDMAP.

**2) Improved policy framework at the local level:** This research has identified the value of planning to the boundaries of the statutory designated landscapes to achieve the purposes of designation, as exemplified by National Park Local Plans. But the policy framework is weaker for AONBs, suggesting the benefit of Supplementary Planning Guidance (SPG) that can guide planning decisions within AONBs, working to their boundaries and responding to local circumstances. In all cases local planning

should be informed by a sound evidence-base on the local economy and landscape character.

**3) Improved perception of planning in statutory designated landscapes.** There is a long held perception that planning within statutory designated landscapes stands in the way of community and business development. Overcoming this perception requires a range of focused activities: the preparation of Sustainable Development Strategies for individual statutory designated landscapes; setting up of Planning Advisory Groups to advise on planning delivery; setting targets for the approval of commercial developments; and developing collaborative approaches with local communities planning the future of their area.

**4) Partnership working between planning and the socio-economic functions of local authorities.** The split between the planning functions of the National Park Authorities and the socio-economic functions of their constituent authorities necessitates close partnership working and mutual understanding and respect between the two. It equally applies to the planning and socio-economic functions of the constituent authorities of AONBs who may equally operate largely in isolation. This suggests every opportunity for joint working should be explored, linking planning with socio-economic responsibilities; sharing of staff resources to enable specialist staff to be employed (including landscape staff) and to achieve resource efficiencies; and developing an on-going dialogue between planning and socio-economic functions.

**5) Bringing consistency to development management.** This study has identified general concern about inconsistency in planning determinations. This relates to all LPAs but especially those that have a high percentage of rural applications (as in National Parks and AONBs) which, by their very nature, tend to be unique. Achieving greater consistency will be helped by ensuring that: there is a strong and consistent planning framework in place; valued

pre-application advice provided by LPAs is recorded; written guidance tailored to local circumstances is available to inform both applicants, development management officers, and members of the planning committee; the right specialists should be available to advise on individual planning applications; all planning authorities associated with statutory designated landscapes should have access to landscape advice; and members and planning officers should benefit from consistent training relating to statutory designated landscapes and desired outcomes.

**6) Governance.** Through stakeholder consultation, it has been highlighted that there is poor local community representation on some National Park Authorities, meaning that planning decisions may be decided by people with no direct association with the Park area. Equally it is noted that there is little consistency in the structure and governance of Joint Advisory Committees of AONBs. It is suggested therefore that greater consistency should be brought to the structure and governance of AONB Joint Advisory Committees (JACs).

**7) Performance monitoring.** There is little national reporting on the performance of planning within the statutory designated landscapes. This needs to be addressed so that any criticism of planning in National Parks and AONBs are based on facts. This suggests the need for monitoring against the following indicators: % of planning applications and separately the % of commercial (economic) planning applications; the quality of the planning outcomes, i.e. the suitability of development taking place within National Parks and AONBs with their statutory landscape purposes; and the % of planning decisions that (a) have gone against Community Council recommendations and (b) within AONBs, the % of planning decisions that have gone against the recommendation of the JAC / AONB officer.

# 1 Introduction

- 1.1 LUC was commissioned by the Welsh Government in June 2011 to undertake a “comparative study to evaluate the delivery of planning services in the two different types of statutory landscape designations [National Parks and Areas of Outstanding Natural Beauty (AONBs)] in Wales.” The objectives of this study are to:
- Assess the effectiveness of the delivery of planning services within statutory designated landscapes.
  - Identify examples of good practice in the delivery of planning services within statutory designated landscapes.
  - Identify barriers to the effective delivery of planning services within the statutory designated landscapes.
  - Suggest improvements for the delivery of planning services within statutory designated landscapes.
- 1.2 Our original methodology involved three phases, corresponding to the three main requirements of the Welsh Government’s brief:
- Phase 1: Comparative study with statutory designated landscapes in other parts of the UK.
  - Phase 2: Detailed comparative analysis of planning services and outcomes in statutory designated landscapes in Wales.
  - Phase 3: Stakeholder analysis to evaluate perceptions of the effectiveness of planning services in statutory designated landscapes in Wales.
- 1.3 LUC has prepared the following reports during this study:
- **A Phase 1 report** (August 2011), explaining the method and summarising the findings of the first phase of work, which involved describing the models for the delivery of planning services in Statutory Designated Landscapes in Wales and other parts of the UK, and comparing and contrasting how planning functions are discharged in the different models.
  - **A Phase 2 report** (July 2012), explaining the method and summarising the findings of the second and third phases of work, which were combined as Phase 2.
  - **A Summary Workshop Report** (July 2012), summarising the methods and key draft conclusions from the Phase 1 and 2 reports. This report was circulated to workshop invitees, comprising (a) NPA planners and planners of the constituent local authorities of the National Parks and AONBs, (b) housing and economic development officers of the constituent authorities of National Parks and AONBs, (c) AONB officers, as well as (d) representatives of national and local environmental and business organisations. Two stakeholder workshops were held at the end of July 2012 (one in north Wales and one in south Wales) to help test the emerging conclusions and recommendations from Phases 1 and 2, allow for constructive debate and to help inform the preparation of the final report and conclusions.
  - **Final Report** (September 2012), this report, which summarises the approach taken to all phases of the study and the key findings, and sets out the conclusions and recommendations.
- 1.4 The earlier reports are available from Welsh Government upon request.

## A brief introduction to the Welsh National Parks and AONBs

- 1.5 **Figure 1** shows the location of National Parks and AONBs in Wales, as well as the local authority boundaries. Note that in November 2011 it was announced that the boundary of Clwydian Range AONB was to be extended to form the Clwydian Range and Dee Valley AONB. This means that

the AONB now includes parts of Wrexham as well as Flintshire and Denbighshire. However, because this change occurred after the study had commenced, Wrexham has not been included in the study, although the name Clwydian Range and Dee Valley AONB is used throughout this final report.

### **Statutory purposes and status**

- 1.6 The two statutory purposes of National Parks in Wales and England, as set out in the Environment Act 1995 (Section 61) are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area
- To promote the opportunities for the understanding and enjoyment of the special qualities of their area by the public.

Planning Policy Wales explains that where there appears to be a conflict between these purposes, greater weight shall be given to the first.

- 1.7 Under Section 62(1) of the Environment Act the National Park Authorities also have a duty to “foster the economic and social well-being of local communities within the National Parks but without incurring significant expenditure in doing so.....”
- 1.8 In the case of AONBs, under the National Parks and Access to Countryside Act their sole statutory purpose is: “to conserve and enhance the natural beauty of the area”. Planning Policy Wales states that development plan policies and development control decisions affecting AONBs should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well-being of the areas [5.3.5].
- 1.9 In terms of their landscape, both statutory designated landscapes are of equal (national) importance. This is recognised by Planning Policy Wales which states [5.3.6] “National Parks and AONBs are of equal status in terms of landscape and scenic beauty and both must be afforded the highest status of protection from inappropriate developments. In development plan policies and development control decisions National Parks and AONBs must be treated as of equivalent status. In National Parks and AONBs, development plan policies and development control decisions should give great weight to conserving and enhancing the natural beauty, wildlife and cultural heritage of these areas”.
- 1.10 Planning Policy Wales goes on to note that [5.5.5] “proposals for development must be carefully assessed for their effect on those natural heritage interests which the designation is intended to protect”. Also noting that [5.5.6] “in National Parks or AONBs, special considerations apply to major development proposals which are more national than local in character. Major developments should not take place in National Parks or AONBs except in exceptional circumstances”. Nevertheless, in planning for sustainability the more general guidance for rural areas contained in Planning Policy Wales will apply to statutory designated landscapes so long as this does not compromise the conservation and enhancement of their natural beauty, wildlife and cultural heritage. These priorities for rural areas, as set out in Planning Policy Wales are to secure [4.5.3] “sustainable rural communities with access to affordable housing and high quality public services; a thriving and diverse local economy where agriculture-related activities are complemented by sustainable tourism and other forms of employment in a working countryside; and an attractive, ecologically rich and accessible countryside in which the environment and biodiversity are conserved and enhanced”.

### **National Park Authorities and AONB staff**

- 1.11 In Wales each National Park has its own National Park Authority (NPA) which is also the statutory Planning Authority for the Park area. The NPAs employ a significant complement of staff (see Chapter 3) to deliver their planning and other responsibilities. However the constituent local authorities of the National Parks continue to be responsible for all other local authority services including housing provision and economic development. By comparison, AONBs will usually have a complement of two to four staff including the AONB officer, combined with limited funds and less by way of special governance arrangements compared to National Parks.



### Delivery of planning services in National Parks and AONBs

- 1.12 There is a clear distinction between the way planning services are delivered in National Parks and AONBs in Wales (and indeed across the UK). The National Park Authorities (NPAs) are responsible for all aspects of forward planning and development management within the National Park. On the other hand, within AONBs, all aspects of planning remain the responsibility of the constituent local planning authorities of the AONB, although the AONB Units / Joint Advisory Committees (JACs) of AONBs may be consulted on individual planning applications within the AONB.
- 1.13 The clear difference is that planning within National Parks is planned and conducted to the boundary of the statutory landscape, which reflects the extent of the 'special' landscape of national importance. On the other hand, planning within AONBs is conducted to administrative boundaries over which is superimposed the boundary of the 'special' landscape, which may be taken into account to varying degrees in all aspects of planning.

### Geography of National Parks and AONBs

- 1.14 **Table 1.1** illustrates the percentage of each AONB falling in each of their local authority areas.

**Table 1.1: Percentage of AONB area covered by each Local Planning Authority**

Local Authority	% of AONB falling in local authority area				
	Wye Valley	Gower	Clwydian Range and Dee Valley	Anglesey	Llŷn
Sir Fynwy - Monmouthshire	<b>36</b>	n/a	n/a	n/a	n/a
County of Herefordshire (England)	<b>46</b>	n/a	n/a	n/a	n/a
Forest of Dean District (England)	<b>18</b>	n/a	n/a	n/a	n/a
Abertawe – Swansea	n/a	<b>96</b>	n/a	n/a	n/a
Sir Gaerfyrddin - Carmarthenshire	n/a	<b>4</b>	n/a	n/a	n/a
Sir y Fflint - Flintshire	n/a	n/a	<b>33</b>	n/a	n/a
Sir Ddinbych - Denbighshire	n/a	n/a	<b>67</b>	n/a	n/a
Sir Ynys Môn - Isle of Anglesey	n/a	n/a	n/a	<b>100</b>	n/a
Gwynedd - Gwynedd	n/a	n/a	n/a	n/a	<b>100</b>

- 1.15 The constituent local authorities of the National Parks are:
- Brecon Beacons: Powys, Carmarthenshire, Monmouthshire, Blaenau Gwent, Merthyr Tydfil, Rhondda Cynon Taff, Torfaen County/Borough Councils.
  - Snowdonia: Conwy and Gwynedd County Councils.
  - Pembrokeshire Coast: Pembrokeshire County Council.

- 1.16 In terms of area, the National Parks cover some 20% of the total area of Wales although are home to only 2.9% of the Welsh population – roughly 83,300 people (see **Table 1.2**). By comparison the five AONBs together only cover some 5% of Wales.

**Table 1.2: Area and Population of each National Park**

	Brecon Beacons	Pembrokeshire Coast	Snowdonia
Area (km)	1,370km	620km	2,323km
Population (2008) <sup>3</sup>	32,700	22,100	25,700

#### Similarities between National Parks and AONBs

- 1.17 Nevertheless, there are also considerable similarities between National Parks and AONBs:
- Both derive from the same legislation (1949 National Park and Access to Countryside Act et seq.)
  - They are of comparable status in terms of landscape protection.
  - Both are Category V protected areas<sup>4</sup>.
  - Section 62(2) relating to National Parks in the 1995 Act is now mirrored for AONBs by Section 85 of the CRoW Act 2000.
  - The Sustainable Development Fund (SDF) programme applies to both designations.
  - Like NPAs, AONB authorities have a statutory duty to prepare a Management Plan for their area under the CRoW Act 2000.

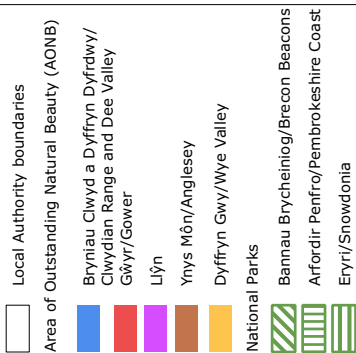
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<sup>3</sup> Statistics for Wales (April 2011) Population Projections for National Parks in Wales, 2008-based.

<sup>4</sup> This is an International Union for the Conservation of Nature (IUCN) category which means "a protected area where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values".

**Figure 1**

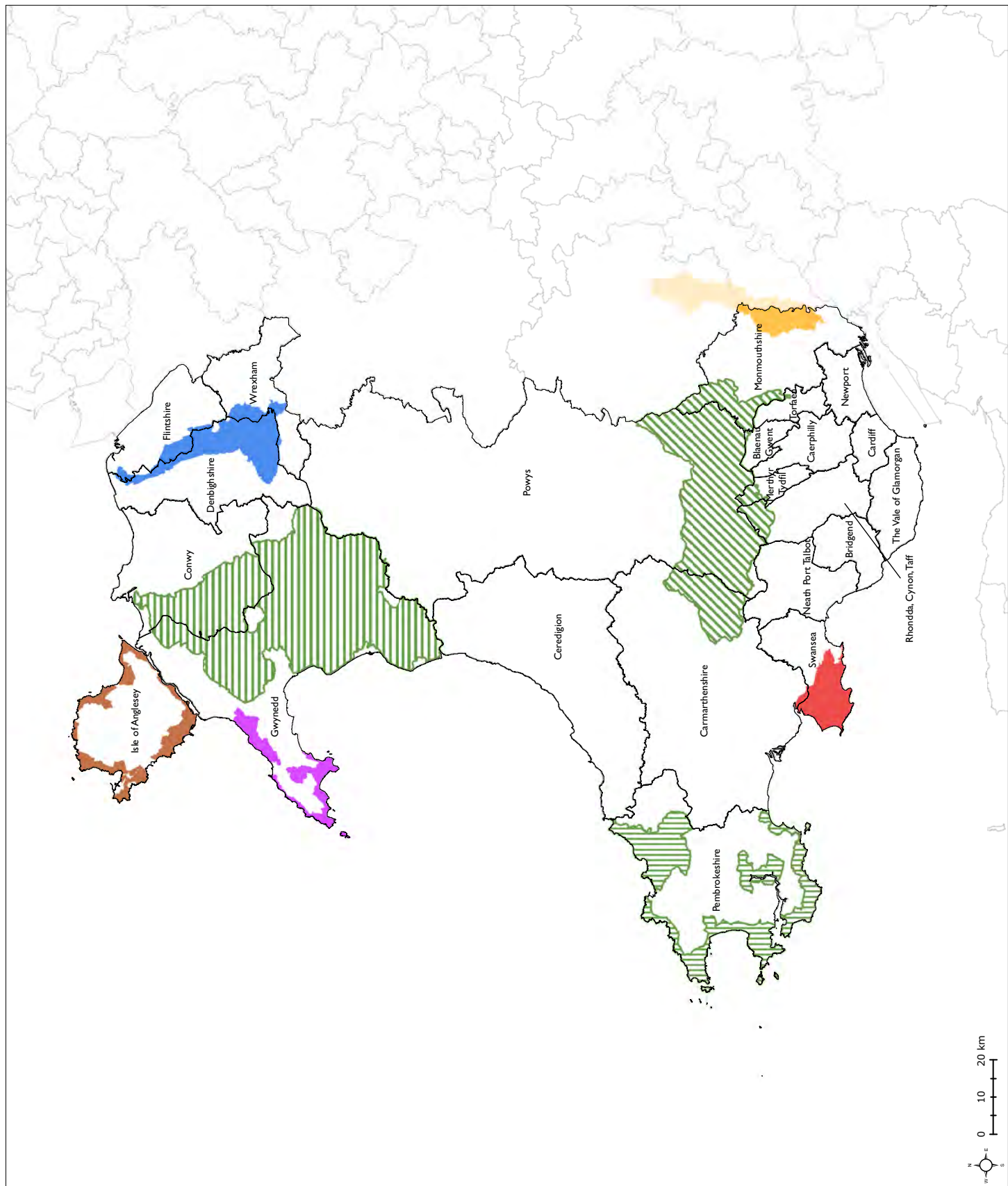
**Location of Wales's Statutory  
Landscape Designations**



Map Scale @ A3:1:1,000,000



Source:



## 2 Methodology

2.1 This Chapter describes the tasks undertaken during the study.

### Phase 1: Comparative study of statutory designated landscape planning models in other parts of the UK

#### Planning Models of Statutory Designated Landscapes

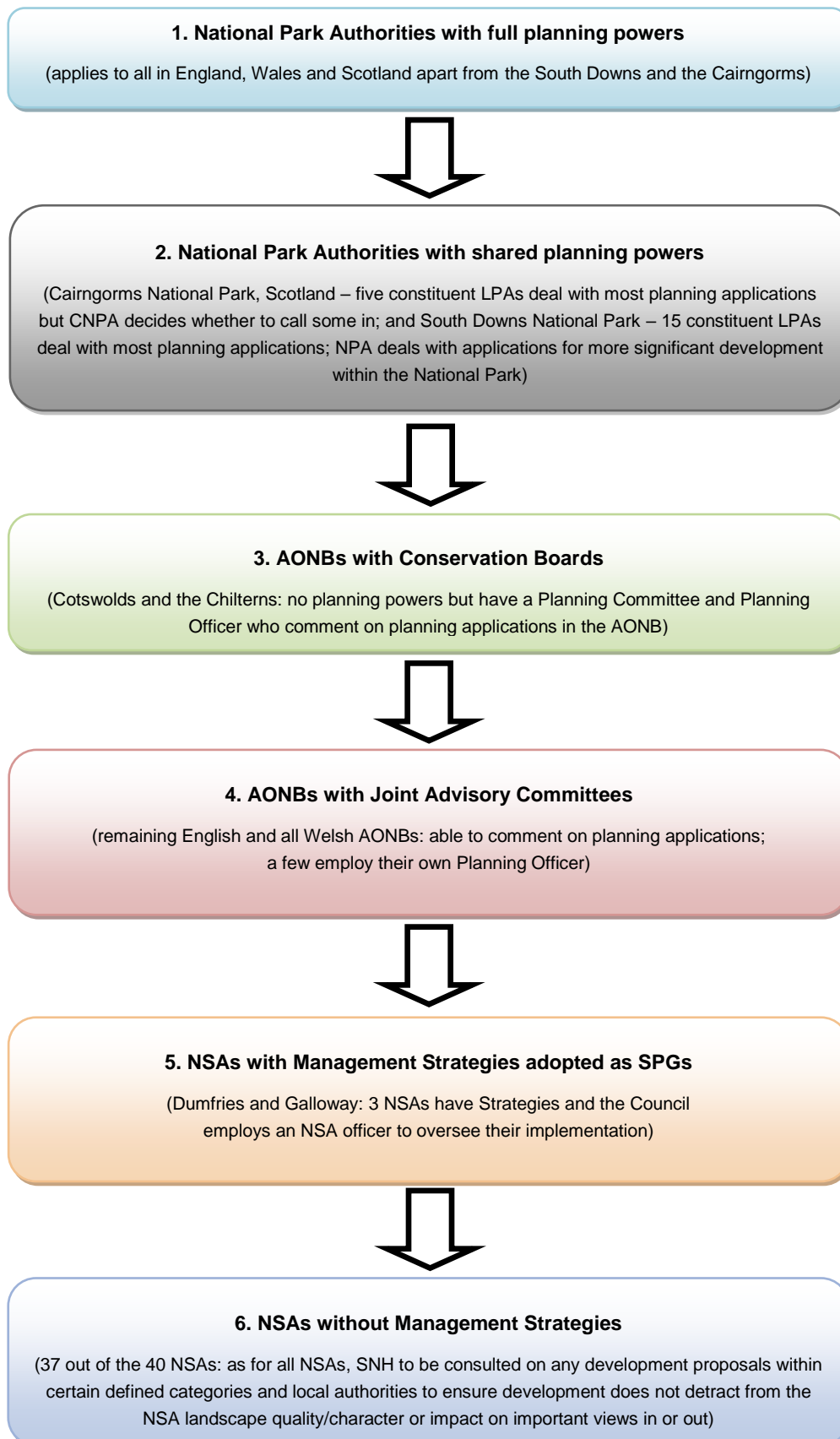
- 2.2 In order to undertake the comparative analysis of planning services delivery in statutory designated landscapes in Wales with other parts of the UK, we identified different models of planning delivery across the statutory designated landscapes of the UK, as shown in **Figure 2.1**.
- 2.3 The categorisation of planning models shown in **Figure 2.1** starts with the National Parks in Wales where planning is clearly to the designated landscape boundary and then looks at other planning approaches where successively greater planning powers rest with the constituent local authorities of the statutory designated landscapes and where, in theory, planning is increasingly to the boundaries of individual local authority areas.

#### Tasks undertaken in Phase 1

- 2.4 Phase 1 involved two main tasks:
- Describing the different planning delivery models at each level of the hierarchy.
  - Comparing and contrasting how planning services are delivered within the same tiers of the hierarchy and between the different models considered in Wales, England and Scotland.
- 2.5 For both tasks we reviewed the different planning delivery models used in the following examples representing each level of the hierarchy:
- **National Park Authorities with full planning powers:** the three National Park Authorities in Wales;
  - **National Park Authorities with shared planning powers:** South Downs in England and Cairngorms in Scotland;
  - **AONBs with Conservation Boards:** Cotswolds and Chilterns AONBs in England where planning powers rest with the constituent local authorities as they do in all the other models below;
  - **AONBs with Joint Advisory Committees:** the five Welsh AONBs;
  - **National Scenic Areas (NSAs) with Management Strategies adopted as SPG:** Dumfries and Galloway Council in Scotland, which has three NSAs each with its own Management Strategy;
  - **National Scenic Areas without Management Strategies:** Scottish Borders Council, which has two NSAs without Management Strategies.
- 2.6 For each example we reviewed the relevant websites **and interviewed the relevant NPA, AONB, NSA or planning officer** in order to describe the organisational structures, governance arrangements, where responsibility lies for planning decisions (e.g. within the National Park Authority, or within one or more LPAs in which an AONB is situated) and how processes are undertaken and decisions made in the following planning services:
- Development plan production
  - Development management processes including appeals

- 2.7 In addition, for the Scottish examples, we spoke to an officer at Scottish Natural Heritage (SNH) to obtain a more general view about how services were delivered across the range of 40 NSAs in Scotland. This is because SNH has specific statutory powers with regard to planning in the NSAs.

**Figure 2.1: Categorisation of Statutory Designated Landscapes with regard to the exercise of planning functions (England, Wales & Scotland)**



## Phase 2: Comparative analysis (including stakeholder perceptions) of planning services and outcomes in statutory designated landscapes in Wales

### Developing an Evaluation/Assessment Framework

- 2.8 The first step in this phase was the development of an evaluation/assessment framework to enable more detailed assessment of how well specific planning services are delivered within the statutory designated landscapes.
- 2.9 The purpose of the evaluation/assessment framework is to assess 'how' (the process by which) the planning functions are delivered within the statutory designated landscapes of Wales.
- 2.10 This evaluation/assessment framework consisted of a set of criteria/questions designed to assess how effectively and efficiently planning services are undertaken within the Welsh AONBs and National Parks (e.g. through questions relating to the provision of pre-application advice or member training). Questions in the framework also sought to address both the nature of planning policy prepared (e.g. questions relating to the coverage of the purposes of designation within local development plans (LDPs)) and the extent to which policies relating to AONBs and National Parks are used in determining planning applications to see whether outcomes are likely to reflect the purpose of the statutory landscape designations. Clearly, to assess the quality of the actual outcomes on the ground would have required site visits to individual application sites, which was beyond the scope of this study. As much as possible, an indication of quality of outcomes was sought through speaking to relevant stakeholders about their perceptions of the planning process and its outcomes.
- 2.11 This evaluation/assessment framework has drawn on other sources where relevant, such as Planning Policy Wales 2011, the Tests of Soundness for examining LDPs, the PricewaterhouseCoopers evaluation framework used in its February 2011 review of planning services in the Welsh National Parks<sup>5</sup> and the national performance indicators<sup>6</sup> relating to planning.
- 2.12 It is important to note that the Phase 2 report does not seek to set out answers to every question in the framework. Rather, the framework has provided a mechanism through which information could be gathered, and from which key issues and emerging themes could then be identified. The key issues covered in the framework are discussed directly within specific sections of the Phase 2 report, while other questions have fed into the overall picture in an indirect way, providing evidence relating to a number of the themes considered in the report.
- 2.13 The evaluation/assessment framework is shown in **Appendix 1**. It is divided into five parts, corresponding to five different elements of planning service delivery and outcomes (plan preparation, plan policies, development management process, example planning applications and enforcement). The questions were colour coded as follows, based on the primary sources that would be used to answer them:
- Green – questions to be answered mainly from review of the LDP and associated information available online.
  - Blue – questions to be answered mainly from Annual Monitoring Reports for the LDPs (where available).
  - Yellow – questions to be answered mainly from the telephone interviews conducted with AONB Officers and Local Authority officers (see below).
  - Pink – questions to be answered mainly from the planning application case studies looked at within each statutory landscape.

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<sup>5</sup> PricewaterhouseCoopers (February 2011) Welsh National Park Authorities Planning Services Review – Stage 2 Part B Technical Supplement.

<sup>6</sup> Data Unit Wales. National Performance Indicator Guidance for Wales 2010-2011: <http://www.dataunitwales.gov.uk/Publication.asp?id=5X8E1A-A77FF955>

- 2.14 Other sources of information, such as the telephone interviews with stakeholders and Local Authority officers (described later in this section) fed into different parts of the framework, depending on the particular views and experience of each person/organisation being interviewed.
- 2.15 A range of tasks was undertaken to gather the information necessary to answer the questions in the framework, and to thereby compare the delivery of planning services within National Parks and AONBs. The tasks undertaken are described in more detail below and included:
- Review of Local Development Plans (LDPs).
  - Interviews with development management officers.
  - Interviews with Heads of Planning.
  - Interviews with Council Members.
  - Interviews with affordable housing officers of the constituent authorities.
  - Interviews with economic development/regeneration officers of the constituent authorities.
  - Interviews with stakeholders.
  - Reviewing example planning applications.
  - Individual applicants' questionnaire.
  - Community Councils' questionnaire.
  - Review of associated reports and studies on planning practice and monitoring indicators.
- 2.16 Interviews involved all the National Park Authorities (NPAs) and their constituent authorities, as well all the constituent authorities of the AONBs, with the exception of Anglesey Council (covering Anglesey AONB) who did not respond to requests for information and telephone interviews during this Phase of the study.

### **Review of Local Development Plans (LDPs)**

- 2.17 The Local Development Plans (LDPs) for each relevant authority were reviewed. These were the latest available adopted version for each National Park Authority (NPA) and each of the six Welsh Local Planning Authorities (LPAs) in which the five AONBs lie, i.e. excluding Herefordshire County and Forest of Dean District which comprise part of the Wye Valley AONB but which are in England<sup>7</sup>.
- 2.18 A large number of the authorities (all except Snowdonia and Pembrokeshire Coast NPAs) did not have an adopted LDP in place at the time of the review. In these cases, the existing planning policy framework was reviewed instead - in most cases this was the adopted UDP, although two authorities (Anglesey Council, within which Anglesey AONB is entirely located, and the Brecon Beacons NPA) had no adopted plan in place. The content of advanced draft versions of the emerging LDPs was also taken into account where relevant, although it is recognised that changes to these plans may occur until such time as they are adopted; therefore no significant weight can be given to their content at this point.
- 2.19 For each LDP (and UDP where relevant), the vision, aims/objectives and policies were reviewed in order to identify references to the statutory purposes of National Parks (and their special qualities) and AONBs, in line with the questions in Parts A and B of the evaluation/assessment framework.

### **Interviews with Development Management Officers**

- 2.20 Separate interviews had been conducted with the Forward Planners of each NPA and LPA covering an AONB as part of Phase 1 of this study. As part of Phase 2, telephone interviews were conducted with the head of Development Management at each NPA and relevant LPAs (of the AONBs). These interviews covered planning policy and more particularly, development management and enforcement. These interviews sought to obtain the officers' views on:

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<sup>7</sup> Note that there is a seventh LPA that contains an area of AONB – part of Gower AONB falls within Carmarthenshire, but due to the very small size of this area it was not considered appropriate to include Carmarthenshire within the review.



- What works well in relation to the delivery of planning services (including examples of good practice).
- Any measures that have already been undertaken to improve service delivery.
- What does not work so well in relation to the delivery of planning services.
- What barriers exist to effective delivery of planning services.
- Any improvements they consider would help to improve delivery of planning services.
- Examples of good practice.

2.21 These telephone interviews focussed on the questions coloured yellow in the evaluation/assessment framework (see **Appendix 1**). Interviews were able to be conducted with Development Management officers at all of the relevant authorities except Anglesey Council.

### Interviews with Heads of Planning

- 2.22 Telephone interviews were conducted with the Head of Planning at the constituent authorities of the National Parks and AONBs, excluding those that only cover a small part of the Brecon Beacons National Park. Therefore, the authorities that were interviewed included Monmouthshire, Swansea, Flintshire, Denbighshire, Gwynedd as well as Conwy Council (which includes part of Snowdonia National Park), Powys and Carmarthenshire Councils (which include part of the Brecon Beacons National Park). In addition, discussions with the Head of Planning at Gwynedd Council also covered Snowdonia National Park as well as Llŷn AONB.
- 2.23 The purpose of interviewing the Heads of Planning at the constituent authorities of the National Parks (i.e. those authorities which include parts of the National Parks but which are not responsible for planning in those areas) was to: gather a high-level overview of how planning services in the National Parks are perceived; to establish how the authorities work jointly with the relevant National Park Authorities, particularly in relation to planning applications for sites that are close to the National Park boundary; and to identify examples of good practice in joint working.
- 2.24 In the case of the AONB authorities, the aim of the interviews with the Heads of Planning was to obtain a high-level overview of the issues that the authority faces in relation to planning within the AONB, and the differences between planning within and outside of the statutory designated landscape. Consideration was also given to any internal processes that exist to ensure that there is consistency in approach between the planning, economic development and housing teams within the authorities. In addition, where the AONBs straddle the boundaries of more than one authority (Wye Valley and Clwydian Range and Dee Valley AONBs), questions focussed on joint working arrangements that are in place to ensure a consistent approach is taken across the AONB area by the constituent authorities.
- 2.25 Interviews were conducted with the Heads of Planning (or a nominated representative where appropriate) at all of the relevant authorities except Anglesey and Carmarthenshire Councils.

### Interviews with Committee Members

- 2.26 Members have an important role to play in the delivery of planning services, particularly in relation to approving versions of LDPs for consultation and in determining planning applications. We therefore carried out telephone interviews with the Chair of the Planning Committee in each NPA and of the constituent local authorities of the AONBs, as they were best-placed to comment on the relevant issues.
- 2.27 A bilingual letter was sent out to the relevant Members, in order to explain the background to the study and the purpose of the interview. Interviews were arranged at a convenient time, bilingually (using a simultaneous translation service) where requested.
- 2.28 Questions covered the following themes:
- Whether there is a difference in the approach to planning services within and outside the AONB (AONBs only).
  - What works well in relation to delivery of planning services in the relevant National Park/AONB.



- Any aspects that do not work so well.
- Whether there are any barriers to the effective delivery of planning services in the relevant National Park/AONB.
- Any changes that would help to improve delivery of planning services in the relevant National Park/AONB.

2.29 Interviews were able to be conducted with the Chairs of the Planning Committee in all of the NPAs and most of the LPAs (all except Monmouthshire and Anglesey Councils who did not respond to requests for interviews) and the information received fed into various parts of the evaluation/assessment framework depending on the views of and issues raised by each Member.

### **Interviews with Affordable Housing Officers**

- 2.30 Telephone interviews were conducted with an officer responsible for the delivery of affordable housing in each constituent authority of the National Parks and AONBs, in order to establish the effect (if any) that the presence of the National Park or AONB designation within the authorities has on the delivery of affordable housing in those areas.
- 2.31 Interviews were conducted with Affordable Housing officers within each of the National Park's and AONB's constituent local authorities, excluding those that only cover a small part of the Brecon Beacons National Park. Therefore, the authorities that were interviewed were the same as those listed above under 'Interviews with Heads of Planning'. In addition, the affordable housing officer from Gwynedd Council was asked about Snowdonia National Park as well as Llŷn AONB.
- 2.32 These interviews sought to obtain the officers' views on whether the relevant National Park or AONB designation affects the delivery of affordable housing in those parts of the authority, and to identify any barriers that exist to the delivery of affordable housing in the National Park or AONB.
- 2.33 Officers from the constituent authorities of the National Parks were also asked:
- Whether the relevant National Park Authority seems to be engaged with the need for affordable housing.
  - What mechanisms are in place in order to facilitate co-working between the local authority and the relevant National Park Authority in relation to affordable housing proposals.
  - Whether the officers' views are taken on board by the relevant National Park Authority when making planning decisions regarding affordable housing proposals.
- 2.34 Officers from the authorities with AONBs in their boundaries were asked:
- Whether it is easier for affordable housing developments to get planning permission outside of the AONB (where relevant) than inside it.
  - Whether there is any co-working between housing officers and AONB staff.
- 2.35 These telephone interviews did not address specific questions from the evaluation/assessment framework; rather they sought to gather evidence from the perspective of affordable housing officers, which would inform the overall conclusions of this report.
- 2.36 Interviews were able to be conducted with affordable housing officers in all relevant authorities except Anglesey Council who did not respond to requests for interviews.

### **Interviews with Heads of Economic Development/Regeneration**

- 2.37 Telephone interviews were arranged and conducted with the Head of Economic Development/Regeneration (or equivalent) at each of the constituent local authorities of the National Parks and AONBs (as listed above under 'Interviews with Heads of Planning'). The aim of these interviews was to establish how the presence of the relevant National Park or AONB designation affects the delivery of regeneration initiatives in each authority, and to gather feedback about the constituent authorities' experience of dealing with the planning system in the context of economic development and regeneration, within and outside the statutory designated landscapes.
- 2.38 Participants in the interviews were asked about any regeneration initiatives in their authorities that are specifically tailored towards the relevant National Park or AONB, and any involvement

that they have had with the planning system. Discussions also focussed on the perceived approach of the NPAs (where relevant) towards economic development and regeneration issues in their areas, and on the relationship between the NPAs and the constituent authorities in relation to the delivery of economic development and regeneration issues i.e. whether advice from economic development officers is sought and taken on board in relation to relevant planning applications.

- 2.39 Interviews were able to be conducted with all of the relevant authorities except Anglesey, Conwy, Carmarthenshire, Monmouthshire and Denbighshire Councils.

### Interviews with Stakeholders

- 2.40 In addition to the telephone interviews with Council officer and Members described above, interviews were also conducted with representatives from the following key stakeholder groups:

- Environmental groups (both national and local level)
- 'Friends' and other community groups specific to the designated landscapes.
- Community councils.
- Business groups.
- Individual planning applicants.

- 2.41 These interviews aimed to cover the whole range of planning services (i.e. development plan production, development management and enforcement) where relevant, and sought to obtain the stakeholder's views on:

- What works well in relation to the delivery of planning services (including examples of good practice).
- Any measures that have already been undertaken to improve service delivery.
- What does not work so well.
- What barriers exist to effective delivery of planning services.
- Any improvements they consider would help to improve delivery of planning services within statutory designated landscapes.

- 2.42 When selecting the stakeholders to interview, the aim was to include a fairly even range of representatives from the groups identified above, across the full geographical spread of the National Parks and AONBs, while also keeping the total number of interviews to a manageable level. Inevitably, a significant proportion of those organisations and individuals that were contacted either did not respond to repeated attempts to make contact or declined to be involved in the study. It is recognised that in some cases, this may be attributable to a lack of resources within small, volunteer-run organisations. In the end, a total of 16 interviews were able to be completed.

- 2.43 These interviews included local community/environmental groups for all of the National Parks and for one of the AONBs, representatives from Community Councils in two of the National Parks, and various national-level organisations. An individual applicant who submitted one of the planning application case studies in each landscape (see task described below) was also contacted, in order to obtain feedback regarding their views and experiences of dealing with the planning system, although due to a low response rate it was only possible to secure telephone interviews with three individual applicants. The interviews that were conducted included:

- Four local environmental groups - the Snowdonia Society, Friends of Pembrokeshire Coast National Park, the Brecon Beacons Park Society and the Gower Society.
- Three national environmental groups - the National Trust, the National Association of AONBs and the Campaign for the Protection of Rural Wales (CPRW).
- Four national groups representing industry – the Country Land and Business Association (CLA), National Farmers Union Wales, the Farmers' Union Wales and the Federation of Small Businesses.

- Two community councils, one each from within Snowdonia and Pembrokeshire Coast National Parks.
- Three individual applicants, one each from within Pembrokeshire Coast National Park, Wye Valley AONB and Llŷn AONB.

### Reviewing Example Planning Applications

- 2.44 In order to complete Part D of the assessment/evaluation framework, which relates to specific examples of planning applications and how they have been processed, a sample of planning application case studies was reviewed. Two case studies were selected from within each National Park and from each LPA area within each AONB. The one exception was Anglesey, which was not included in the sample as the Council had declined opportunities to participate in the study prior to this point.
- 2.45 The NPAs and LPAs supplied a long list of planning applications that they had received between 2008 and 2009 for proposed developments within the relevant National Park or AONB. We are very grateful for the assistance provided in this matter, as in a number of cases the generation of these lists had to be undertaken by hand because the planning register could not be sorted by applications falling within the AONBs. The case studies were selected on a semi-random basis. The lists of applications were reviewed to ensure that all stages of the planning application process were covered and that a range of different types of application (e.g. household, minerals and waste, recreation and tourism, renewable energy, commercial, community facilities (hospitals, schools etc.) agricultural developments and essential dwellings in the open countryside) were included in the sample. In order to obtain the desired spread of applications, the first appropriate example encountered from each list was used. The sample included both successful and unsuccessful applications, as well as one that had gone to appeal; however any applications that had been withdrawn before determination were omitted from the sample.
- 2.46 For each planning application, the documents that were available online were initially reviewed and additional documents were then obtained from the LPA where possible, including officer's reports which in most cases were not published online. In general, the documents available online included application forms, plans and drawings, design and access statements and decision notices, although this varied somewhat depending on the nature and complexity of the application in question.
- 2.47 The review of planning application case studies focussed on the questions coloured pink in Part D of the evaluation/assessment framework and aimed to establish the prominence given to the landscape designations when determining different types of application, and to identify any ways in which the designation affects how applications are processed and determined.

### Individual Applicants' Questionnaire

- 2.48 Because of the small number of telephone interviews that were able to be conducted with individual planning applicants (see above), a questionnaire was subsequently sent out to 240 individuals and organisations who had submitted planning applications within the National Parks and AONBs. These were selected from the long lists of planning applications (lodged in 2008 – 2009) that had been supplied by the relevant planning authorities. Each list was ordered by date, and the first 30 applications from 1st January 2009 onwards were selected. Only those applications for full permission were included in the sample, and any that had been withdrawn before determination were omitted. The purpose of this questionnaire was to gather more comprehensive evidence on the views of applicants on the operation of the planning process within the National Parks and AONBs,
- 2.49 The questions included in the questionnaire were agreed with Welsh Government (see **Appendix 2** for the questionnaire). A stamped return envelope was sent out with each questionnaire, along with a covering letter explaining the purpose of the study and why the applicant was being contacted. Respondents were given a deadline of four weeks in which to return the questionnaires. In total 49 completed questionnaires were received, which represented 20.4% of the total number (240) sent out. Seventeen completed questionnaires were received from respondents in National Parks and 32 from respondents in AONBs. The response rate from applicants in AONBs (21.3%) was slightly higher than that in the National Parks (18.9%) **Table**

**2.1** below presents the number of completed questionnaires received within each planning authority.

**Table 2.1: Questionnaires Completed and Returned by Individual Applicants**

Planning Authority	Number of Questionnaires Received	Percentage of the 30 Applicants in each NPA or AONB that Responded to Questionnaires
Brecon Beacons NPA	7	23.3%
Snowdonia NPA	6	20%
Pembrokeshire Coast NPA	4	13.3%
Denbighshire (Clwydian Range and Dee Valley AONB)	8	26.7%
Flintshire (Clwydian Range and Dee Valley AONB)	2	6.6%
Swansea (the Gower AONB)	8	26.7%
Gwynedd (Llyn AONB)	7	23.3%
Monmouthshire (Wye Valley AONB)	7	23.3%
<b>TOTAL</b>	<b>49</b>	<b>20.4%</b>
<i>Number received from within National Parks</i>	<i>17</i>	<i>18.9%</i>
<i>Number received from within AONBs</i>	<i>32</i>	<i>21.3%</i>

### Community Councils' Questionnaire

- 2.50 In parallel to the above, a questionnaire was sent out to Community Councils lying wholly or largely within either a National Park or AONB. Again, the purpose was to gather more comprehensive evidence on the opinions of the Community Councils, as only a small number were able to be contacted as part of the stakeholder interviews (see above).
- 2.51 A list of all the Community Councils lying largely or wholly within either a National Park or an AONB was produced using GIS analysis (which was undertaken internally by Welsh Government), with the questionnaire sent to the clerk of each council. A total of 185 Community Councils were sent questionnaires.
- 2.52 Again, the questions were agreed with Welsh Government (see **Appendix 3** for the questionnaire). A stamped return envelope was sent out with each questionnaire, along with a covering letter explaining the purpose of the study and why the Community Council was being contacted. Respondents were given a deadline of four weeks in which to return the questionnaires. A total of 28 completed questionnaires were received by the deadline, with a further 17 arriving subsequently, giving an overall total of 45 completed questionnaires. From the total received, 28 were from respondents in National Parks and 17 from respondents in AONBs. **Table 2.2** below presents the number of completed questionnaires received from Community Councils within each planning authority.

**Table 2.2: Questionnaires Completed and Returned by Community Councils**

Planning Authority	Number of Questionnaires Sent Out	Number of Completed Questionnaires Received	Percentage of Community Councils that Responded to Questionnaires sent out in each NPA or AONB
Brecon Beacons NPA	38	9	23.6%
Snowdonia NPA	52	6	11.5%
Pembrokeshire Coast NPA	47	13	27.7%
Denbighshire (Clwydian Range and Dee Valley AONB)	12	5	41.7%
Flintshire (Clwydian Range and Dee Valley AONB)	7	1	14.3%
Swansea (the Gower AONB)	12	5	41.7%
Gwynedd (LIŷn AONB)	10	1	10%
Monmouthshire (Wye Valley AONB)	7	5	71.4%
<b>TOTAL</b>	<b>185</b>	<b>45</b>	<b>24.3%</b>
<i>National Parks</i>	<i>137</i>	<i>28</i>	<i>20.4%</i>
<i>AONBs</i>	<i>48</i>	<i>17</i>	<i>35.4%</i>

### Review of other Relevant Research Studies and Monitoring Indicators

2.53 Prior to this current study, there have been a number of studies that have reviewed and evaluated the planning services within Wales, including the National Parks. These have been reviewed and where relevant, comparison has been made between those and the data collected through this study. These have included:

- 2008-9 the Federation of Small Businesses (FSB) that commissioned the School of City and Regional Planning, Cardiff University to conduct research into the relationship between small and medium enterprises and the planning system in Wales. Two reports were published under the main title 'Small Businesses and the Planning System in Wales': the first in October 2008, 'Stage 1: Small businesses' costs and experiences of applying for planning permission and related consents' covered the first two aims of the project; and the second published in May 2009, 'Review of National and Local Planning Policies' which focused on the planning policy context and related planning procedures that impact on small businesses in Wales. *Information in these two FSB reports has been referred to where relevant in the findings of this report under Part B: Plan Policies and Part C: Development Management Process, as well as in Chapter 5.*
- 2009, 'A Review of the Planning Services of each of the three Parks in Wales' by the Wales Audit Office. The resultant reports included recommendations for improvements specific to

each Park. They also included a common recommendation for all three Parks, that “within the next 12 months the Authorities should work in partnership with other suitably qualified authorities to develop robust comparative data and use this to demonstrate that they are providing value for money”. *Note that this 2009 report has not been referred to specifically, as the PricewaterhouseCoopers report in 2011 (summarised below) was commissioned as a result of this conclusion by the Wales Audit Office, and therefore includes some useful data that has been referred to where relevant.*

- June 2010 the Welsh Assembly Government (WAG) published its report on the ‘Planning Application Process in Wales’ by GVA Grimley. This highlighted a number of key issues and recognised the significant variation between Local Planning Authorities (LPAs) in Wales (including the NPAs) in terms of resources, workloads and process. *This GVA Grimley report has been referred to where relevant within the findings relating to Part C: Development Management Process.*
- February 2011 publication of a ‘Review of the Welsh National Park Authorities’ Planning Services’ by PricewaterhouseCoopers (PWC). This review was commissioned by the three National Parks in Wales to address the specific recommendation of the Wales Audit Office in 2009 and to assess whether the planning services of all three NPAs in Wales currently provide Value for Money. The review provides robust performance comparative data for the development of benchmarking between the three NPAs and other relevant and appropriate LPAs in the UK; and a comprehensive value for money study of the three Parks in Wales, comparing the three NPAs and other relevant and appropriate LPAs in the UK. The PricewaterhouseCoopers review of NPAs sought to identify what a successful planning service looked like, and then develop a framework (in conjunction with the NPAs) of comparable data sets and success criteria against which the NPAs could measure performance and on-going improvement. *Relevant elements from the PricewaterhouseCoopers framework were incorporated into the Assessment Framework used in this current study (see Figure 2.1), and where relevant, findings have been referred to within Part C: Development Management Process.*
- In June 2011 the Welsh Government published its report on ‘Planning for Sustainable Economic Renewal’ by Roger Tym & Partners. This study carried forward one of recommendations from the 2010 GVA Grimley study that the Welsh Government should produce a new policy statement on the importance of economic development. It evaluated how well the planning system in Wales serves national economic development objectives, and also scoped out new national planning policy and guidance to ensure local planning policies and decisions support these economic objectives more effectively. *Relevant findings from the Roger Tym & Partners study have been referred to within Chapter 5.*

## Relevant monitoring indicators reviewed

### National Performance Indicators

- 2.54 In 2010, the Welsh Government passed responsibility for the majority of local government performance measurement activities to the Welsh Local Government Association (WLGA) on behalf of local government in Wales. The Local Government Data Unit website provides a source of information relating to a wide range of statistics and indicators for different areas in Wales, including the national performance indicator datasets. Specifically, the data is held on InfoBaseCymru<sup>8</sup>.
- 2.55 Initially, for 2011-12, the set will consist of indicators drawn from the 2010-11 Performance Measurement Framework. Work with local authority services during 2011-12 will re-shape the dataset to ensure that it meets the needs of the service and its regulators. While work on evaluating and revising the performance measurement framework continues, the 2010-11 performance indicators are set out in National Performance Indicator Guidance for Wales 2010-11<sup>9</sup>. Data are provided for each indicator back to 2006-2007. The 2010-11 national performance indicators include a set of indicators relating to planning service delivery, including:

<sup>8</sup> <http://www.infobasecymru.net/IAS/eng>

<sup>9</sup> Local Government Data Unit (undated) National Performance Indicator Guidance for Wales 2010-11. Version 3.



- Indicator PLA/002 - the percentage of applications for development determined during the year that were approved.
- Indicator PLA/003 - the percentage of planning application & enforcement notice appeals upheld.
- Indicator PLA/004a - the percentage of major planning applications determined in 13 weeks.
- Indicator PLA/004b - the percentage of minor planning applications determined in 8 weeks.
- Indicator PLA/004c - the percentage of householder planning applications determined in 8 weeks.
- Indicator PLA/004d - the percentage of other planning applications determined in 8 weeks.
- Indicator PLA/004e - the percentage of Environmental Impact Assessments determined in 16 weeks.
- Indicator PLA/005 - the percentage of enforcement cases resolved in 12 weeks.
- Indicator PLA/007 - the percentage of additional housing units on previously developed land.

2.56 Data for each of these indicators are provided for the financial year 2010-11 for each of the Welsh LPAs (except for the National Park Planning Authorities) on the InfoBaseCymru website. Some of these datasets have been referred to where relevant in the findings of this report under Part B: Plan Policies, Part C: Development Management Process and Part E: Enforcement.

#### *Development Control Quarterly Survey*

2.57 In addition to the national performance indicators for planning services, the Welsh Government collects information such as speed of determining planning applications and the planning application workload from local planning authorities on a quarterly basis. The results are published on Welsh Government's website<sup>10</sup>, and the latest quarterly survey (January to March 2012) has been referred to where relevant in the findings of this report under Part C: Development Management Process.

#### **Stakeholder workshops**

2.58 At the end of Phase 2, following production of the Phase 2 Report, LUC facilitated two stakeholder workshops hosted by the Welsh Government (one in north Wales and one in south Wales). The purpose of the workshops was to encourage discussion between stakeholders and to help test emerging conclusions and recommendations plus examples of best practice (as well as obtain more examples of best practice). Stakeholders were invited from the following groups (a) NPA planners and planners of the constituent local authorities of the National Parks and AONBs, (b) housing and economic development officers of the constituent authorities of National Parks and AONBs, (c) AONB officers, as well as (d) representatives of national and local environmental and business organisations. Representatives from the Welsh Government Planning Division also attended both workshops and gave a brief introduction to the wider review of the planning system currently being undertaken by Welsh Government as part of the new Planning Bill.

2.59 The north Wales workshop was held on 26<sup>th</sup> July 2012 in Llandudno and was attended by 18 stakeholders representing:

- Campaign for the Protection of Rural Wales
- Clwydian Range and Dee Valley AONB
- Countryside Council for Wales
- Denbighshire County Council
- Environment Agency Wales
- Flintshire County Council
- Gwynedd County Council

<sup>10</sup> <http://new.wales.gov.uk/topics/planning/planningstats/devcontrolquarterlysurvey/?lang=en>

- Isle of Anglesey County Council
- Llŷn AONB
- National Farmers Union Wales
- Snowdonia NPA
- The Snowdonia Society
- Welsh Government

2.60 The south Wales workshop was held on 27<sup>th</sup> July 2012 in Merthyr Tydfil and was attended by 23 stakeholders representing:

- Brecon Beacons NPA
- Brecon Beacons Park Society
- Carmarthenshire County Council
- City and County of Swansea
- Countryside Council for Wales
- Environment Agency Wales
- Federation of Small Businesses
- Gower AONB
- Gower Society
- Pembrokeshire Coast NPA
- Pembrokeshire County Council
- Powys County Council
- Welsh Government
- Wye Valley AONB

2.61 Prior to the workshops, all invitees were sent a summary of the Phase 2 Report, so that they could consider the findings and emerging conclusions/examples of best practice. At both workshops, stakeholders were asked initially to discuss what they thought were the barriers to effective delivery of planning services in the National Parks and AONBs, and subsequently to discuss potential solutions to overcome any barriers identified.

2.62 Therefore, the conclusions and recommendations set out in Chapters 5 and 6 of this report draw on the findings of Phases 1 and 2, plus the outcomes of the discussions held at these two stakeholder workshops.





### 3 Key findings from Phase 1: Models for delivery of planning services in statutory designated landscapes

- 3.1 The different models of delivering planning services within statutory designated landscapes within Wales, England and Scotland are summarised below, with reference to any useful approaches that may be relevant to the Welsh NPAs and AONBs.

#### National Park Authorities with full planning powers

- 3.2 All National Park Authorities (NPAs), with the exception of the Cairngorms National Park in Scotland and the recently created South Downs National Park in England, are the statutory local planning authority (LPA) for land within their boundary, responsible for all aspects of planning, including all development management, with their own local development plans framing their planning policy. Therefore, all three of the Welsh NPAs follow this model. A key difference between the Welsh models and their English and Scottish counterparts is in relation to their governance and Member representation, as described below.

#### Governance and Member representation

- 3.3 Under the Environment Act 1995, the Welsh NPAs are single purpose authorities with one-third of their members appointed by the Welsh Government and two-thirds being councillors nominated by the constituent local authorities of the National Park area. In this way the NPAs aim to represent both national and local interests. Schedule 7 to the 1995 Act provides that the number of local authority members must exceed the number of other members. Schedule 2 to the National Park Authorities (Wales) Order 1995 specifies the actual number of members in each National Park Authority in Wales.
- 3.4 Brecon Beacons NPA has the most members out of the Welsh NPAs at 24, while Pembrokeshire Coast and Snowdonia NPA have 18 members each, although their composition is slightly different due to the number of constituent local authorities, as shown in **Table 3.1**. The members appointed by Welsh Government are appointed through a recruitment process and have experience or specialist knowledge of a particular area, such as environment, tourism, farming or community work.

**Table 3.1: Member representation in the three Welsh NPAs**

Member composition	Brecon Beacons	Pembrokeshire Coast	Snowdonia
No. appointed from <b>constituent local authorities</b>	16 (8 from Powys, 2 each from Monmouthshire and Carmarthenshire, 1 each from Merthyr Tydfil, Torfaen, Blaenau Gwent and Rhondda Cynon Taff)	12 (from Pembrokeshire County)	9 (from Gwynedd) 3 (from Conwy)
No. appointed by <b>Welsh Government</b>	8	6	6
<b>Total number of Members</b>	<b>24</b>	<b>18</b>	<b>18</b>

- 3.5 In the Scottish and English NPAs, Member representation currently includes more local representation than in Wales (see **Table 3.2**).

**Table 3.2: Member representation in Scottish and English NPAs<sup>11</sup> with full planning powers**

<b>Member composition</b>	<b>Loch Lomond and the Trossachs<sup>12</sup></b>	<b>English NPAs (Dartmoor, Exmoor, Lake District, New Forest, North York Moors, Yorkshire Dales)</b>	<b>English NPAs (Northumberland)*</b>	<b>English NPAs (Peak District)**</b>
No. appointed from <b>constituent local authorities</b>	6	12	6	16
No. appointed by <b>national Government</b> / Secretary of State following assessment of applicants	6	6	10	8
No. appointed by <b>direct local elections</b>	5	n/a	n/a	n/a
No. appointed by National Government / Secretary of State from <b>constituent Parish Councils</b>	n/a	4	6	6
<b>Total number of Members</b>	<b>17</b>	<b>22</b>	<b>22</b>	<b>30</b>

\* Northumberland membership reflects the fact that it lies within a single unitary authority. This structure avoids a single local authority appointing an excessive proportion of members.

\*\* Peak District membership reflects the fact that it extends into 11 local authority areas.

- 3.6 Under the existing **English** framework, as in Wales, there is a split between national appointees and local authority nominees but there is a requirement that a proportion of the national appointees are parish council members (equivalent to community council members in Wales). It is a requirement that the combined number of local authority and parish members must outnumber the 'national' members. It is important to note that the selection of parish council

<sup>11</sup> From: Defra (November 2011) Consultation on the Governance arrangements for National Parks and the Broads.

<sup>12</sup> From: <http://www.lochlomond-trossachs.org/looking-after/national-park-authority-board/menu-id-403.html>

members in English National Parks does not involve public voting. Parish members are chosen by the parishes collectively (though formally appointed by the Secretary of State) and in accordance with Schedule 7 to the Environment Act 1995, must be serving councillors of a parish council with land in the Park or, where there is no parish council, the chair of the parish meeting for a parish with land wholly or partly in the Park. It is therefore not a form of direct local election but it does seek to gain significantly greater local representation.

- 3.7 Defra has been undertaking a review of the governance arrangements of National Parks in order to increase local accountability, and carried out a public consultation on this issue between November 2010 and February 2011<sup>13</sup>. . Defra published a further consultation document in March 2012<sup>14</sup>, with a closing date of 31<sup>st</sup> May 2012 inviting comments on the proposed changes to primary legislation which the Government is minded to make through a Public Bodies Act Order. The proposed changes reflected the themes arising from the public consultation and included making it possible for National Park Authorities to include some directly elected members and relaxing the political balance requirement on local authorities when appointing their members to a National Park Authority. However, the results of that consultation are not yet available.
- 3.8 In **Scotland**, following the requirements of the National Parks (Scotland) Act 2000 at least 20% of the governing board of each Park Authority are directly elected (by postal ballot) by people who are on the electoral role for the Park area. Of the remainder, local authorities and Scottish Ministers will each nominate 50% who are then appointed by Scottish Ministers. The Act places an upper limit on the size of the Board of the Park Authority at 25, with a guarantee that at least 20% of the Board's appointed membership will be people who live in the area, or who are its ward or community councillors.
- 3.9 In Scotland a Park Authority is also required to establish one or more advisory groups to involve key interests and organisations in the management of the area. To this end, Loch Lomond and the Trossachs NPA also convenes a Planning Forum, which consists of around 30 people from a variety of backgrounds and interests, including property development, renewable energy, tourism and affordable housing, Community Councils and other organisations such as RSPB Scotland, the Scottish Council for National Parks and a Housing Association are also represented. The Planning Forum meets to share views and experiences of the Planning Service and discuss ideas for its improvement.
- 3.10 In **Wales** in 2006, the Welsh Assembly Government consulted on the potential for direct elections to the National Park Authorities but the majority of respondents were opposed to this proposal and therefore it has not been progressed..

### Function of Planning Committees

- 3.11 All three Welsh NPAs have specific planning committees, which comprise all of the NPA members in each National Park. However, Snowdonia's Planning and Access Committee and Brecon Beacons' Planning, Access and Rights of Way Committee deal with both forward planning and development management issues together, while Pembrokeshire Coast's full NPA Board deals with forward planning but has separate sessions for the Development Management Committee to determine planning applications (although both committees still include all Members).

### Size of planning teams in NPAs with full planning powers

- 3.12 Brecon Beacons NPA has the largest planning team of all the Welsh National Parks employing around 30 planning staff, while Snowdonia and Pembrokeshire Coast NPAs have in the region of 20-25 planning staff. These planning teams cover all aspects of forward planning, development management and enforcement.

### Availability of landscape specialists

- 3.13 All three Welsh NPAs have a wide range of in-house specialists that inform the planning team, however, none of them have an in-house landscape architect. All use consultancies and call off contracts for specialist advice that is not held in-house, including landscape specialists.

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<sup>13</sup> Defra (November 2011) Consultation on the Governance arrangements for National Parks and the Broads.

<sup>14</sup> Defra (March 2012) Consultation on changes to National Park governance.

### Relationship with constituent local authorities

- 3.14 Both formal mechanisms for joint working and informal mechanisms and relationships are important components of how the NPAs work with their constituent local authorities. The level of contact and collaboration between the NPAs and their different constituent authorities or the teams within their constituent authorities varies in response to issues that come up and the need to work together on specific aspects. This applies to all the Welsh NPAs whether they have seven constituent authorities, as with Brecon Beacons, or just one, as with Pembrokeshire Coast.
- 3.15 All NPAs have entered into formal arrangements to share resources / expertise on several issues:
- Pembrokeshire Coast NPA shares a minerals planning applications officer with Carmarthenshire County (not a constituent LPA) and the NPA sits on the Minerals Liaison Group for the wider area. There are also very strong relationships with Pembrokeshire County Council with a joint affordable housing enabler, close working on housing delivery, highways, and tourism and economic development.
  - Likewise Brecon Beacons NPA has a service level agreement with Carmarthenshire for the delivery of minerals planning services and also undertakes some of Powys County Council's planning function on their behalf in the vicinity of the National Park. The NPA, amongst other things, is also heavily involved in regeneration partnerships located along their southern boundary.
  - Snowdonia NPA jointly funds rural housing enablers with their two constituent local authorities, Gwynedd and Conwy, and forms part of a consortium of north Wales LPAs that has set up a joint minerals planning unit in Flintshire to deliver minerals planning on their behalf. The Chief Executive and Director of Planning of Snowdonia NPA lead and sit on a number of Boards including Gwynedd Council's Local Service Board, Gwynedd Housing Partnership, Green Economy for the Conwy County Borough Council Local Service Board and the North Wales Economic Forum

### National Park Authorities with shared planning powers

- 3.16 Both the Cairngorms National Park in north east Scotland and the South Downs National Park in south east England are relatively recent National Parks. The Cairngorms National Park was designated in 2003 under the National Park (Scotland) Act 2000 and the South Downs in 2010 under the National Parks and Access to the Countryside Act 1949 as amended by the Environment Act 1995. Both NPAs are responsible for forward planning, but share the responsibility for determining planning applications with their constituent LPAs. In the case of the Cairngorms the five constituent authorities remain the planning authorities<sup>15</sup> while in the South Downs the NPA is the statutory planning authority but each of the 15 local authorities, whose boundaries fall partially within the National Park, provide the majority of the planning service on behalf of the SDNPA under a legal agreement, signed between each local authority and the SDNPA.

### Forward planning

- 3.17 In the Cairngorms the first Local Plan, prepared by the NPA, was published in October 2010 marking a transition to a common policy framework across the Park, and a new Local Development Plan is in preparation which will cover the whole of the National Park area including the new extension (the Perth and Kinross extension confirmed in 2010).
- 3.18 In the South Downs, the NPA is preparing the first Local Plan for the National Park area which will be formally submitted to the Secretary of State in June 2015 and be adopted by June 2016. In addition, five Core Strategies are being prepared jointly by the NPA and five of the constituent authorities that have a significant population and/or land area within the National Park<sup>16</sup>.

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<sup>15</sup> In Scotland each National Park is brought into being by Designation Orders, which set out the area designated as the National Park and the details of how the authority is to be established, including specific functions and powers. This mechanism allows for the tailoring of individual Authorities to the particular requirements of a Park.

<sup>16</sup> South Downs National Park Local Development Scheme (August 2012)

[http://www.southdowns.gov.uk/\\_\\_data/assets/pdf\\_file/0005/263048/Final-LDS-1st-revision-August-2012.pdf](http://www.southdowns.gov.uk/__data/assets/pdf_file/0005/263048/Final-LDS-1st-revision-August-2012.pdf)

### Development management

- 3.19 The Cairngorms and South Downs National Parks have a very similar approach to development management. Smaller planning applications and those within the established larger settlements of the National Parks are determined by the constituent LPAs, but with the NPAs able to call in and determine more significant applications that may conflict with the purposes of the National Park. In both cases it is the Planning Committee that decides whether an application should be called in, although in the case of the South Downs a scheme of delegation is currently being drawn up.

### Governance and Member representation

- 3.20 The member representation and composition in the Cairngorms and South Downs NPA follows the Scottish and English legislative requirements described above, and is shown in **Table 3.3** below.

**Table 3.3: Member representation in the Cairngorms and South Downs NPAs (with shared planning powers)**

Member composition	Cairngorms	South Downs
No. appointed from <b>constituent local authorities</b>	8	14*
No. appointed by <b>national Government / Secretary of State</b> following assessment of applicants	7	7
No. appointed by <b>direct local elections</b>	5	n/a
No. appointed by national Government / Secretary of State from <b>constituent Parish Councils</b>	n/a	6
<b>Total number of Members</b>	<b>19</b>	<b>27</b>

\* There are 15 local authorities within the Park, and each is entitled to a seat on the Park Authority. Two councils have decided to share a seat.

### Function of Planning Committees

- 3.21 In the Cairngorms the Planning Committee is the same as the National Park Board of 19 members. In the case of the South Downs, the Planning Committee, responsible for both forward planning and development management, has a membership of 11 drawn from the full Board of 27, with the same balance of representation as on the main Board.

### Size of planning teams in NPAs with shared planning powers

- 3.22 Both the Cairngorms and South Downs NPAs have relatively small planning teams relative to their size: the Cairngorms has less than 10 staff while the South Downs has some 20 planning staff excluding administrative assistance<sup>17</sup>.

<sup>17</sup> It is anticipated that there will be up to 4,000 planning applications submitted within the National Park, making the SDNPA the eight biggest planning authority in England in terms of workload. As a consequence, the great majority (about 97%) of these applications are / will be dealt with by the 15 existing Local Planning Authorities

### **Availability of landscape specialists**

- 3.23 The South Downs NPA has two landscape officers and an interactive landscape character assessment working to the boundaries of the Park.

### **Relationship with constituent local authorities**

- 3.24 In both National Parks, informal relationships with the constituent local authorities are very important. In the South Downs it is not possible for the NPA to attend all meetings or have very rigid formal structures with 15 constituent authorities to liaise with, as the resources do not exist to support this level of activity. So in the South Downs, the Planning Working Group (to which all the chief planning officers of the constituent local authorities are invited) forms the central contact point between the NPA planning team and the constituent LPAs backed by other fora. The NPA planning teams rely on this group to find out about other issues that may affect the National Park such as economic development and affordable housing.
- 3.25 Prior to becoming a National Park the transitional body spent 18 months building up relationships with the constituent local authorities, the South Downs NPA feels that this hard work and investment has built very strong relationships across all of its constituent authorities.

## **Areas of Outstanding Natural Beauty with Conservation Boards**

- 3.26 AONB Conservation Boards can be created under the Countryside and Rights of Way (CROW) Act 2000. The Act allows for the creation of Boards to oversee large AONBs that overstep county boundaries and cannot easily be hosted by one local authority. Currently there are two AONBs in England that have Conservation Boards – the Chilterns and the Cotswolds AONBs, having been pioneered by the Sussex Downs AONB Conservation Board, now forming part of the South Downs National Park.
- 3.27 As set out in the CROW Act, the main aims of a Conservation Board are:
- To conserve and enhance the natural beauty of the AONB.
  - To increase understanding and enjoyment of the special qualities of the AONB, ensuring that these complement the conservation and enhancement of the area.
- 3.28 All statutory planning functions remain with the constituent local authorities. However, the Chilterns and Cotswolds AONB Boards are generally consulted by the constituent local authorities early in the plan preparation process, although in a few cases in the Chilterns there has been no early consultation, requiring the AONB planning officer to attend the Examination in Public of the relevant development plan. In both the AONBs the planning officers are trying to ensure that each development plan has a policy or reference to the “need to conserve and enhance the natural beauty of the AONB” and to ensure that there is reference to the AONB Management Plan (in the Chilterns less than half of the constituent local authorities have formally endorsed the statutory Management Plan compared to 13 out of 15 in the Cotswolds). Reflecting the above, the Cotswolds feel that there is general policy consistency in the treatment of the AONB in the development plans of the constituent local authorities while this is less the case in the Chilterns.
- 3.29 In terms of development management, overall, the Cotswolds Board identifies some 2,500 applications per year for consideration but only makes substantive comments on about 25-30 per year out of a total of some 10,000 applications in the AONB, whereas the Chilterns review some 160 applications per year out of a total of some 2,500 applications.
- 3.30 In both cases the planning officers review the weekly lists of applications by local authority. Only major /significant and controversial applications are reviewed by the relevant Planning Committees (see below). The Planning Committees will also comment on significant applications beyond the boundaries of the AONBs that may affect the AONB setting.

### **Governance and Member representation**

- 3.31 Conservation Boards are made up of Secretary of State appointees, representatives of the constituent local authorities and representatives of parish councils, totalling some 35 members.

All members take part in key decisions concerning the AONB. The Chilterns AONB has 13 constituent local authorities and the Cotswolds 15.

### **Function of Planning Committees**

- 3.32 Both the Chilterns and the Cotswolds Conservation Boards have a specific Committee charged with planning matters – the Planning Committee in the case of the Chilterns and the Living and Working Sub-Committee in the case of the Cotswolds. Both have 8-9 members with representation proportional to that on the full Board (i.e. Secretary of State appointees and LPA and Parish Council representatives). In the case of the Chilterns there are also up to four co-opted members that bring specific expertise to the Board: these include the ex-director of planning at Chilterns District Council, a local architect, a planning advisor from the National Trust, and a representative from the Friends of the Chilterns Society (now lapsed). In both cases the Committees meet four times a year.
- 3.33 The principal function of the Chilterns Planning Committee is to 'make all representations on behalf of the Board in relation to planning policy and planning applications' while that of the Cotswolds Living and Working Committee is to 'provide a forum for debate and sharing of best practice on planning, transportation and development issues and developing specific advice for the Board, local authorities and others on common approaches, policies and guidelines'.
- 3.34 As the Committees only meet four times a year, the planning officer in the Chilterns has delegated powers to make representations on individual planning applications on behalf of the Board. On the other hand, in the Cotswolds, the Living and Working Sub-committee has delegated powers from the Executive Committee to make responses on planning applications and Local Planning Documents to the relevant LPAs on behalf of the Board. The Cotswolds' planning officer will draft a response on a planning application (or planning document) and emails this to the Planning Sub-committee members. The planning officer then amends the response in the light of any comments received from Sub-committee members and submits the final response on behalf of the Conservation Board. It is only the more complex applications that tend to go to the formal meetings of the Living and Working Sub-committee, where they will debate the application more formally and decide what response to make on behalf of the Conservation Board.

### **Location and composition of planning/AONB team**

- 3.35 Both the Chilterns and Cotswolds Conservation Boards have a planning officer located at the Conservation Board Offices (which are entirely separate to those of any of the constituent local authorities). They have lead responsibility for all aspects relating to planning, both forward planning and development management.

### **Relationship with constituent local authorities**

- 3.36 Both Boards have a planning protocol setting out the roles and responsibilities of the constituent LPAs with reference to the AONB designation. (In England a number of other AONBs without a Conservation Board also have such planning protocols, such as the Kent Downs AONB.) Equally, both AONBs have a Planning Working Group / Forum that meets every six months and to which planning officers of all the constituent LPAs are invited, although many do not attend.
- 3.37 Relationships between the planning officers and the constituent LPAs vary and work well where there is a strong working relationship between the relevant officers but tend to be weak where only a small part of the LPA area lies within the AONB. Nevertheless, overall, relationships are considered to be good, especially with those authorities covering significant parts of the AONBs.

## **Areas of Outstanding Natural Beauty with Joint Advisory Committees**

- 3.38 All AONBs without Conservation Boards are managed by a partnership of their constituent local authorities and other public and voluntary bodies with an interest in the land area they cover – usually known as Joint Advisory Committees (JACs). The five AONBs in Wales (Gower, Anglesey, Llŷn, Wye Valley and Clwydian Range and Dee Valley) follow this model, and cover nine different



local planning authorities (seven in Wales, and two in England: Herefordshire County and Forest of Dean District – see **Table 1.1**).

- 3.39 JACs are able to consider any planning applications relating to land within their AONB area, and make representations to the relevant constituent planning authorities if they wish.

### Governance and Member representation

- 3.40 All of the AONBs in Wales have a Joint Advisory Committee (JAC). The JACs comprise representatives from the constituent LPAs and a number of other relevant local stakeholders including community councils as shown in **Table 3.4** below.

**Table 3.4: Composition of AONB Joint Advisory Committees and staff teams**

AONB	Staff structure and location	AONB Partnership / JAC structure
Llŷn	2 AONB posts held by 3 staff based at Gwynedd Council (AONB Officer and Projects Officer).	JAC (est 1997) comprising representatives as follows: <ul style="list-style-type: none"> <li>• 10 community councils which form the AONB</li> <li>• 5 Gwynedd Councillors</li> <li>• 2 farming Unions</li> <li>• CCW</li> <li>• EA</li> <li>• CPRW</li> <li>• Cyfeillion Llŷn</li> <li>• Local Tourism Association</li> <li>• Local Fishermen's Association</li> <li>• National Trust</li> <li>• Local Access Forum</li> </ul>
Gower	3 AONB staff based at the Planning Services division of City & County of Swansea Council (Team Leader, Assistant AONB Officer and Ranger)	AONB Partnership (established January 2011); replaces the previous Gower Countryside Forum.  18 members comprising representatives of Swansea Council, the Countryside Council for Wales and other partnership organisations (elected at the Partnership's annual forum).
Clwydian Range and Dee Valley	AONB activities managed by the Denbighshire Countryside Services. All staff located at Loggerhead's country park (AONB Officer, Senior Countryside Officer, AONB Planning Officer (part-time), AONB wardens, and community warden).  AONB team is specifically dedicated to the AONB but also have a responsibility for the wider countryside of Denbighshire.	JAC comprising representatives of the two local Authorities, landowners, farmers, and conservation and recreation interests. It is supported by an Officer's Working Group of relevant officers from the constituent local authorities, CCW and the Agriculture and Rural Affairs Dept., WAG.  The JAC includes a Consultation sub-committee responsible for some planning (major applications) and other consultations (e.g. NATS consultation). It meets about 6 times a year).
Anglesey	6 AONB staff based at the Planning Service of Isle of Anglesey County Council.	JAC comprising representatives of a number of organisations: CCW, FCW, EA, CPRW, RSPB, NWWT, GAT, Menter Môn,

AONB	Staff structure and location	AONB Partnership / JAC structure
	(Countryside and AONB Officer, AONB Project Officer, AONB Community Warden x2, Countryside Warden x2).	Medrwn Môn, NFU, FUW, Coed Cymru, FSB, GeoMôn, Welsh Government, Ramblers, Unllais Cymru, Anglesey Tourism Association, School of Ocean Sciences, CLA, County Councillors and Officers of the County Council.
Wye Valley	5 AONB staff based in their own offices in Monmouth.  (AONB Lead Officer, Development Officer, Information Officer, Community Links Officer, Finance/Admin).	AONB Partnership comprising a JAC and a Technical Officers Working Party (TOWP).  <b>JAC comprises:</b> 2 councillors each from Forest of Dean District and Gloucestershire County Councils; 4 councillors each from Herefordshire Council and Monmouthshire County Council. Also a representative from Council for the Gloucestershire Countryside, Gwent Committee for the Environment, CPRE, CLA & NFU plus up to 5 non-voting members from local organisations.  <b>TOWP comprises:</b> representatives of the 4 local authorities and government agencies, e.g. CADW, NE, FC, Sports Council.

### Function of Planning Committees

- 3.41 For each AONB, the AONB officers/team operates on behalf of the JAC when it comes to commenting on development plans and planning applications. All of the AONBs are given an opportunity to comment on development plan policies over and above statutory consultation procedures. AONB officers are also invited to comment on planning applications within their AONB. .
- 3.42 For all AONBs except Wye Valley AONB, the JAC does not comment on planning applications (usually due to concerns from local authority members who also sit on planning committees). In the Wye Valley there is a Consultation Sub-committee that comments on certain planning applications where the AONB officer thinks the potential impact on the AONB is of an extent that warrants their input.

### Location and composition of AONB team

- 3.43 For some AONBs planning advice is available in-house to the extent that the AONB officer is a qualified planner (Gower and Anglesey); a past Development Control Officer (LIŷn); the Clwydian Range and Dee Valley has a dedicated planning officer (part-time); while Wye Valley employs a planning consultant to advise on some planning applications. In addition, the AONB teams of the Gower and Anglesey are located within the planning departments of their respective local authorities.
- 3.44 The number of constituent authorities of the AONB affects the structure of the AONB team as illustrated in **Table 3.4**.
- 3.45 Officers for all the AONBs, with the exception of the Wye Valley, are part of the planning or countryside services departments of the main constituent local planning authority (Denbighshire in the case of the Clwydian Range). In the Wye Valley the AONB Officers/Unit is a separate body, independent of the constituent local planning authority.

### Availability of landscape specialists

- 3.46 Some of the constituent LPAs of AONBs have landscape architects in-house, such as Monmouthshire and Anglesey but the majority do not. No AONB in Wales has a Landscape Character Assessment prepared to the AONB boundary. This compares with England where all do, funded in the past by the Countryside Commission.

### Relationship with constituent local authorities

- 3.47 The relationship between the AONB officers and the constituent LPAs varied for each AONB and often varied between the constituent LPAs in each AONB. For each AONB, the relationship is often strongest with the LPA that constitutes the majority of the AONB area. Officers indicated this was a result of more contact (as more applications come from these authorities).
- 3.48 Where the AONB officers are located within the constituent local authorities, relationships are good as there is frequent informal contact. However, Wye Valley officers and Clwydian Range and Dee Valley officers who are located in different premises to planning services still felt they were able to maintain frequent contact via telephone and email.

## National Scenic Areas

- 3.49 There are 40 National Scenic Areas (NSAs) in Scotland, which are equivalent designations to AONBs in England and Wales. However, unlike AONBs all NSAs sit within a single local authority area (with some local authorities including more than one NSA).
- 3.50 Until 2010, the only descriptions of most of the NSAs were found in the original 1978 Countryside Commission for Scotland publication Scotland's Scenic Heritage. Therefore, the availability of a concise reference source to inform forward planning and development management within NSAs has been limited. In 2010, Scottish Natural Heritage (SNH) published an up to date list of the special qualities of each NSA having surveyed all the NSAs<sup>18</sup>. Therefore, a clear understanding has been developed of what makes the landscape special within each NSA and provides a consistent reference source for all local authorities containing NSAs.
- 3.51 Dumfries and Galloway Council has been pioneering the use of Management Strategies in its three National Scenic Areas which have been adopted as supplementary planning guidance (SPG). Dumfries and Galloway is also the only local authority to have a dedicated NSA officer, with primary responsibility for project work. The Management Strategies relate more to the delivery of conservation projects within the NSAs, rather than planning policy guidance but they have influenced planning policies within the development plans for Dumfries and Galloway.
- 3.52 Across all NSAs, all aspects of planning remain with their constituent authority. The only important difference for planning delivery in NSAs is that SNH must be consulted on certain categories of development, as follows:
- Schemes for five or more houses, flats or chalets except for those within towns and villages for which specific proposals have been made in an adopted local plan.
  - Sites for five or more mobile dwellings or caravans.
  - Erection of buildings and structures over 12 metres high.
  - All non-residential developments requiring more than 0.5 hectares of land.
- 3.53 In addition, for development proposals that could impact on important views into or out of a National Scenic Area, applicants and planning authorities should seek the advice of Architecture and Design Scotland, as stated in Scottish Planning Policy 20.

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<sup>18</sup> Scottish Natural Heritage (2010). The special qualities of the National Scenic Areas. SNH Commissioned Report No.374

## Themes emerging from Phase 1

- 3.54 From what was learnt through discussions with the NPA and AONB officers during Phase 1 of the study, two themes emerged that were considered worth exploring during Phase 2 of the study:
- 1 Planning to the boundary of the statutory landscape
  - 2 Integration versus independence
- 3.55 These findings from Phase 1 were based on the views provided by NPA and AONB officers, and were therefore tested with other stakeholders during Phase 2.
- 3.56 A third theme that emerged was that of local representation which was picked up during the Phase 2 workshops. This is also discussed below.

### Planning to the boundary of the statutory designated landscape

- 3.57 An overriding characteristic of statutory designated landscapes is that they do not follow administrative boundaries. They reflect instead the geographic extent of nationally important landscapes defined by identifiable special qualities and key landscape characteristics. These landscapes may form a part of one local authority area (as in the NSAs in Scotland, and some AONBs and National Parks in Wales). At the other extreme they may part cover a large number of local authority areas – up to 15 in some English AONBs.
- 3.58 Nevertheless, with the exception of the National Parks, the planning functions are delivered according to administrative boundaries.
- 3.59 A clear view that came through from the interviews in Phase 1 is the benefit of delivering planning services to the boundary of a statutory designated landscape. As expressed by the NPAs in Wales the key advantage of planning to national park boundaries is that NPAs can adopt a consistent approach across the whole of the National Park area in their Local Development Plan regardless of local authority boundaries. This allows clear focus to be given to the national park purposes and allows alignment with the National Park Management Plan, creating a coherent approach and a clear focus across each National Park. This is further supported by member training.
- 3.60 This view is reinforced by the experiences of the Cairngorms National Park Authority in Scotland where development management is achieved through a partnership of the constituent LPAs and the NPA. Here it has been the preparation of a Local Development Plan by the NPA for the total area of the National Park that has brought far greater consistency to development management across the whole area of the statutory landscape, with all planning decisions now informed by the common policy framework provided by the Local Development Plan for the National Park. As a consequence, the NPA's involvement in development management across the National Park has reduced from 13.6% of planning applications in 2006 to 9.2% of applications in 2010. Of those applications that are called-in some 70% - 80% are subsequently approved, with heavy emphasis placed on pre-application discussions.
- 3.61 In the Welsh AONBs, which generally fall within a limited number of local authority areas, there remains a view among the AONB officers that policy specific to the AONBs could potentially be better embedded in local plans and individual planning decisions. This is not the case for the Gower, where its long-standing designation (the Gower was the first AONB in the UK designated in 1956) has ensured that the AONB is now clearly embedded in local planning policy.
- 3.62 Equally in Wales no AONB-wide planning guidance or SPG has been adopted for AONBs with more than one constituent local authority. This is because it has proved challenging to agree responsibility and achieve consensus across local authority boundaries.
- 3.63 Nevertheless, the National Scenic Areas (NSAs) of Scotland possibly indicate mechanisms that can be used to encourage consistent planning to the boundary of statutory landscapes. These are:
- The identification and promulgation of the special qualities of each NSA to help guide planning decisions (commissioned by Scottish Natural Heritage).
  - The statutory requirement that SNH is consulted on certain categories of development within NSAs that have the potential to compromise the special qualities of the designated landscape.

## Integration versus Independence

- 3.64 **Integration:** Across all those interviewed during the first stage of this study, there is strong support for close working relationships between the NPAs and AONB officers and their constituent local authorities. However, this may be compromised:
- where, as already identified, the statutory landscape only makes up a small part of the constituent local authority; and/or
  - by high levels of staff turnover and reorganisation within the constituent local authorities which makes it difficult to maintain continuity of relationship between key members of staff.
- 3.65 In both England and Wales these considerations are being addressed in some statutory landscapes by:
- the preparation of Planning Protocols setting out roles and responsibilities;
  - the creation of AONB Planning Working Groups / Fora to which planning officers of each constituent authority are invited; and
  - officer and member training.
- 3.66 While beneficial these are not seen as a substitute for strong working relationships, as levels of engagement will always be dictated by the perceived importance of the statutory designated landscape. In the Welsh National Parks, 'bonding' with constituent local authorities is aided by significant examples of joint working and shared support for specific roles, such as the joint funding of affordable housing enablers.
- 3.67 In the new South Downs National Park in England the importance of joint working has been identified from the outset. Here very considerable effort has been put into building bridges between the NPA and each constituent local authority during the formation of the NPA. This is now underlined by the creation of NPA planning liaison officers responsible for specific geographical areas of the National Park whose responsibility it is to liaise with 'their' constituent planning authorities.
- 3.68 In the case of both the Cairngorms and South Downs National Parks the sharing of development management activities potentially offers a more integrated and streamlined approach. Nevertheless experience in the Cairngorms suggests there can be considerable duplication of effort in the early processing of planning applications before they are called in by the NPA. This process also raises questions about responsibility for the screening process for EIAs and the subsequent provision of a scoping opinion on the content of EIAs. In addition, the Cairngorms note that they are frequently not included in pre-application discussions meaning that the NPA misses the opportunity to influence the application in ways that would allow approval.
- 3.69 **Independence:** Nevertheless, while strongly supporting integration with the constituent local authorities, there is recognition of the importance of statutory designated landscapes having their own clear identity, separate from that of the constituent local authority(s). This enables consistency in the delivery of planning functions across the statutory landscape. This may be supported by:
- a single local development plan for the total area of the statutory landscape and / or supporting SPG, and other specific guidance;
  - identification of the special qualities of the statutory landscape to guide planning decisions as in the NSAs in Scotland;
  - planning policies specific to the designated landscape within the development plans of constituent local authorities (in the case of AONBs);
  - formal endorsement of the statutory Management Plan for the statutory designated landscape by all constituent local authorities and / or adoption as SPG;
  - the statutory landscape team having a clear and separate identity either within the constituent local authority or by being physically located in a separate office – as in the case of the Wye Valley AONB Unit;
  - in the case of AONBs, potentially by creating a separate planning sub-committee to the JAC (as in the Wye Valley AONB) to provide member input to AONB planning decisions. It is noted

that one of the perceived constraints to this is the potentially conflicting roles of council members.

- 3.70 The decision of Pembrokeshire Coast NPA to revert from a joint development plan with Pembrokeshire County Council to a local plan specific to the national park area is helpful in highlighting the relative benefits of integration versus independence. On the plus side, a joint plan was seen to encourage the development of a spatial strategy that extended beyond the boundary of the statutory landscape and clearly helped co-operation and joint working between the two authorities. Nevertheless, it was also seen as compromising the emphasis on the National Park purposes and duty (leading to accusations that the Plan was not conveying the right messages for a National Park). It also led to divisive arguments that sought to play the NPA off against the constituent authority.

### Local representation

- 3.71 A third theme emerging from this review was the difference in local representation in the Welsh National Park Authorities, compared to other National Park models in England and Scotland and also the AONBs in Wales.
- 3.72 In the Welsh National Parks, National Park Authorities are made up of one-third of their members appointed by the Welsh Government and two-thirds being councillors nominated by the constituent local authorities of the National Park area. There is no specific requirement that any members are local to the Park area and, indeed, for some of the constituent authorities of the individual Parks, all or most of their nominees are currently councillors drawn from outside the local authority boundary, sometimes at some distance. One of the reasons for this geographical disparity is the need to retain a balance of political parties across the nominated councillors of each authority.
- 3.73 By comparison, in the English National Parks a proportion of the Authority members that are national appointees are parish council members (equivalent to community council members in Wales) while in Scotland 20% of the Authority Board members are directly elected by the population of the National Park and at least 20% of the Board members appointed by Scottish Ministers are people who live in the area, or who are its ward or community councillors; thus ensuring local community representation.
- 3.74 Scotland is still the only example where there is direct election of National Park Authority members. As reported in the National Parks Strategic Review Report in 2008<sup>19</sup> both nominations and turnout had decreased since the first elections in 2003. This has for the most part been the case again in the most recent elections in 2010 / 11 in both the Cairngorms and Loch Lomond and the Trossachs. Nevertheless, in England Defra is now consulting on introducing direct elections for a proportion of National Park members in England in line with the localism agenda. For Wales, the results of these pilots in England will allow for closer comparison and consideration with the Welsh situation, allowing further consideration of whether this is a model that could have benefits for the Welsh National Parks.
- 3.75 It is also interesting to note that the Joint Advisory Committees of the Welsh AONBs mostly have strong local representation (although they do not typically get involved in planning matters). They usually include representatives of the farming unions and CLA, as well as the FSB and local Tourism Associations and Access Fora. In the case of the Llŷn JAC it also includes a representative of each of the 10 Community Councils within the AONB area, giving a strength of local representation not seen in the Welsh National Park Authorities.

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<sup>19</sup> <http://openscotland.gov.uk/Resource/Doc/248663/0071297.pdf>



## 4 Key findings from Phase 2: Detailed comparative analysis of the delivery of planning services in statutory designated landscapes in Wales

- 4.1 The Phase 2 report reviewed the delivery of planning services within the Welsh National Parks and AONBs. It sought to identify the key differences between planning in these two statutory designated landscapes. It identified where there are examples of good practice, and highlighted areas of weakness which may be priorities for future improvement. Throughout, it sought to compare the processes and outcomes of the NPAs with those of the constituent authorities of the AONBs.
- 4.2 The completion of the Phase 2 report relied heavily on input from both the National Park Authorities and Local Authorities and wider stakeholders, as described Chapter 2. We are very grateful for the co-operation of the individuals and organisations whose assistance has been invaluable. However, the overall response rate has been relatively **low** to:
- stakeholder interviews, with only around half of the individuals and organisations that were contacted having completed telephone interviews, often after repeated attempts to make contact. In particular, the number of interviews able to be completed with Community Council representatives and individual planning applicants was disappointingly low;
  - the questionnaires sent to planning applicants, where out of 240 questionnaires that were sent out, a total of 49 (20%) were returned, 17 of which were from respondents in National Parks and 32 from respondents in AONBs;
  - the questionnaires sent to Community Councils, where out of 185 questionnaires that were sent out, a total of 45 (24%) completed questionnaires were received, 28 of which were from respondents in National Parks and 17 from respondents in AONBs
- 4.3 Key findings to emerge from Phase 2 are set out below and should be read with the response rates in mind.

### A comparison of planning within National Parks and AONBs in Wales

#### The Local Development Plan

- 4.4 The National Park Authorities (NPAs) have a firm and consistent planning framework in which to operate, planning to the boundary of the statutory landscape. Two of the three National Parks (Snowdonia and Pembrokeshire Coast) have adopted Local Development Plans (LDPs) while that of the Brecon Beacons NPA is an advanced draft approaching adoption (the current status of NPA LDPs is presented in **Appendix 4**). As identified in Phase 1 of this study, each National Park development plan provides a consistent policy context for planning within the statutory designated landscape, as it relates specifically and only to the area of each National Park (although it offers no control over the areas bordering the National Park which continue to be controlled by the surrounding LPAs). All policies are thus framed by the National Park purposes and socio-economic duty, following the guidance in Planning Policy Wales. The local plans also refer to the special qualities of their National Park.
- 4.5 In the case of the AONBs, planning is delivered to the administrative boundaries of the constituent local planning authorities of the AONBs (not to the boundary of the AONBs). The constituent LPAs of the Welsh AONBs do not all have a strong and consistent planning framework for their AONBs and there is limited commonality in the treatment of AONBs across these constituent LPAs. Currently none of the constituent LPAs of the AONBs have an adopted Local Development Plan in

place (although all except Anglesey have an adopted UDP) and there is considerable variation in progress towards this end, with some local authorities only just starting on production of their Local Development Plan (the current status of AONB LDPs is presented in **Appendix 4**). Overall, the NPAs are more advanced in the preparation of their LDPs when compared to the authorities with AONBs. In part this may be because planning to Park boundaries allows consistency in approach across the plan area. In addition, National Parks do not have to contend with major growth areas.

#### *Prominence of statutory designated landscape within plan policies*

- 4.6 All the National Park development plans (referring only to the National Park area) consistently give far greater prominence and weight to the national park designation and its purposes than the LPAs do to their respective AONB designations which, of course, do not cover their whole local authority area.
- 4.7 The National Park designation is referred to repeatedly throughout the three National Park development plans, with detailed information provided on what the designation means in terms of the planning system. All National Park development plans (the two adopted LDPs and one UDP) set out the statutory purposes of the National Parks in the introductory sections of the plan. All three of the National Park development plans also clearly define the special qualities that are referred to in the statutory purposes and summarise these in the plan.
- 4.8 During Phase 1 of this study, AONB officers commented that it was a challenge to get detailed, specific AONB policies into development plans, mainly due to LPAs wanting to avoid repetition of national policy. Only two (out of six) constituent development plans introduce their AONB at the outset of the plan, in these cases highlighting the importance of the AONB in a strategic objective or strategic policy.

#### *Policy content*

- 4.9 Although all current development plans of the constituent local authorities have clear policies for their AONB as shown in **Table 4.1** below, these are usually limited to one or two specific policies in the Environment (or equivalent) section of the plan. These policies are therefore required to 'work hard' to set out the nature of development that will be permitted in the AONB – an area which may cover a third to a half of the authority's area. Indeed, in policies the AONB designation may be given no greater prominence than other designations, such as Conservation Areas, which cover only a very small proportion of the local authority area.

**Table 4.1: AONB-specific policies within relevant development plans**

Planning authority	Is there a policy referring to development within the AONB in general?	Is there clear policy support/ guidance on traditional character and local distinctiveness?
Flintshire Council (Clwydian Range and Dee Valley AONB)	✓	✓
Denbighshire Council (Clwydian Range and Dee Valley AONB)	✓	✓
Anglesey Council (Anglesey AONB)	<i>No adopted UDP or LDP in place.</i>	<i>No adopted UDP or LDP in place.</i>
Gwynedd Council (LIŷn AONB)	✓	×
City and County of Swansea (Gower AONB)	✓	✓
Monmouthshire Council (Wye Valley AONB)	✓	✓



## Design guidance and equivalent

- 4.10 All three National Parks have a common Sustainable Design Guide (2009) prepared for them collectively. Pembrokeshire Coast and Snowdonia National Parks also have a raft of other Supplementary Planning Guidance (SPG) that amplifies their Local Plans and includes a landscape character assessment for each of their Parks – an important evidence document for a nationally designated landscape. Brecon Beacons NPA has recently commissioned a landscape character assessment. Again all these documents work to the National Park boundaries. **Appendix 5** provides a summary of relevant SPG and other guidance available in both National Parks and AONBs.
- 4.11 In the case of AONBs, all the constituent authorities benefit from LANDMAP (as do the National Parks) and some, such as Monmouthshire, Gwynedd and Anglesey have their own landscape character assessments but these work to the local authority boundaries and not that of the AONB (in England all AONBs have their own landscape character assessment funded by the then Countryside Commission / Countryside Agency). The one exception to this is the Gower AONB Design Guide that includes a landscape character assessment specific to the area of the Gower AONB. In addition, the constituent LPAs, while having a raft of relevant SPG have no SPG on Landscape or Design Guidance specific to their AONB other than Anglesey and the Gower with its AONB Design Guide. In only some cases, such as Wye Valley, has the statutory AONB Management Plan been adopted as SPG by the constituent local authority(s).

## Member training

- 4.12 NPAs have a strong programme of joint training for their Members with NPAs joining together to offer this training. In the case of the AONBs by comparison, there is considerable variety in member training programmes amongst the constituent LPAs and in a number there is a recognised need for improvement. Training specific to planning in the AONBs is limited. Nevertheless, in both NPAs and the constituent authorities of AONBs, this training (where provided) tends to focus on planning process and roles (which is important) rather than on desired outcomes associated with the purposes of the statutory landscape designation and the importance of the areas' special qualities.

## Relationship between the AONB officer and the constituent LPAs

- 4.13 Within AONBs the relationship between the AONB officers and the constituent LPAs varies for each AONB and may vary between the constituent LPAs in each AONB (where there is more than one constituent LPA). Depending on the LPA, the AONB officer may be consulted on all planning applications in the AONB, while others rely on the planning officer's judgement on whether the AONB officer should be consulted. In other cases still it is up to the AONB officer to consider whether they will make comment based on a review of the weekly lists of planning applications, as shown in **Box 4.1** below. These differences of themselves may not matter; potentially the greater issue is that through a combination of staff turnover and reorganisations an AONB officer may need to consult with up to nine different officers on a single application.

### Box 4.1: Involvement of AONB officers/members in development management processes

**When the AONB officer is consulted:** In some authorities the AONB officer is consulted on all applications within or near the AONB (for example in Gwynedd the Llŷn AONB officer is emailed the details of applications and asked to respond with comments by a specified date), while others have no formal 'trigger' for consulting the AONB officer, relying on the planning officer's judgement on whether a significant effect on the AONB is likely. Some authorities also specifically consult the AONB officer on applications outside the AONB – for example, in Flintshire the officer is consulted on applications up to 1km away. This recognises that applications outside of the AONB may still impact on the setting of the AONB.

**Identification of applications to be considered by the AONB officer:** In Anglesey and the City and County of Swansea (Gower AONB) the AONB officer receives a list of all planning applications, not just those within the AONB, allowing consideration of which applications may impact on the setting of the AONB. In the City and County of Swansea, the online application system is linked to GIS mapping, allowing the AONB officer to identify those applications that are

within Gower AONB or in locations where they may influence the setting of the AONB. Conversely, the Wye Valley AONB officer is not sent a list of applications by Monmouthshire Council or the other constituent LPAs in England; rather the officer must be proactive and search the weekly planning list to identify relevant applications.

**Scale of developments referred to the AONB officer:** Where AONB officers do not review all planning applications within their AONB, the emphasis is generally on reviewing the larger and more significant applications. In these instances development managers noted that, were the resources available, it would be helpful if AONB officers commented on a wider range of applications. The approach adopted for the Gower AONB, where the AONB officer is able to view a GIS map of application locations both within and near to the AONB, may allow for a more efficient review, enabling the AONB officer to identify the applications of most relevance and direct resources accordingly.

**Involvement of members:** In Flintshire, the Chair of the AONB Committee also sits on the Planning Committee. This ensures that the interests of the AONB are represented on the committee, without the need for an AONB officer to be present at the committee meeting. Likewise the Head of Planning at Denbighshire Council noted that there is crossover between the members involved in the AONB Committee and the Planning Committee.

**Relevance of AONB officer comment:** The involvement of AONB officers in planning decisions is generally seen as very positive in helping to achieve the AONB purposes through the planning process. Nevertheless, in one AONB authority there was concern that the comments of AONB staff may not always be clear or proportionate, or not relevant to the issues that planning can control. As a consequence, their views may be used selectively by the Planning Committee to justify their preferred decision, rather than actually informing or influencing that decision. This underlines the importance of the advice provided by AONB officers being clear, concise and relevant to both the application in question and the remit of planning.

### **The process of dealing with Planning Applications**

#### *Use of specialists*

- 4.14 Interviews indicate that NPAs involve a greater range of specialists on larger or controversial applications than the equivalent for the constituent authorities of the AONBs and will often include a (consultant) landscape specialist.
- 4.15 Nevertheless, a number of the constituent authorities of AONBs (e.g. Anglesey) and National Parks (Powys) follow a Development Team approach from the pre-application stage for larger applications. Under this approach the prospective developer is invited to meet with a collective team that, depending on the nature of the application, will include: the case officer (Development Management); forward planning; AONB officer (in the AONB); landscape; conservation; highways; economic development; and education (where relevant). This ensures that there is an open discussion from the outset on the range of interests that may affect the development. It should also overcome the often quoted problem of applicants receiving different advice from different sections / departments of the local authority.
- 4.16 In addition, some NPAs / constituent LPAs (e.g. Anglesey) have a standard email circulation list to which all enquiries on smaller applications are sent covering forward planning; AONB officer (where relevant); environment / ecological co-ordinator; economic development and highways (where relevant). The case officer will then coordinate these responses. This applies to all smaller applications other than extensions and alterations.

#### *Delegation of Powers*

- 4.17 Generally the proportion of planning applications that are delegated to officers to determine is high – around 85-90% in both NPAs and constituent LPAs of AONBs, and in most authorities, both NPAs and LPAs, the reasons for delegating powers to officers are similar. Applications that go to planning committee for determination are selected based on criteria (usually clearly defined) which generally relate to the size of the application, any potential conflict of interest (e.g. if the application is made by the Council or one of its Members), and the general contentiousness of the application, usually measured by the level of objection received.

- 4.18 None of the constituent authorities of the AONBs include the AONB designation within the criteria for delegation. Nevertheless, applications within AONBs may sometimes be more contentious, which may lead to a higher proportion being determined by Committee – for example, in the City and County of Swansea it was noted that a higher proportion of applications from within Gower AONB are 'called in' to the Planning Committee than elsewhere.

*Determination of planning applications within statutory timeframes*

- 4.19 Within the three National Parks 64% of applications on average are determined within the statutory eight week period compared to a national average of 73% (see **Table 4.2** below). This compares to an average of 63% across the constituent authorities of the AONBs (but with considerable variation between them from 47% - 77%).

**Table 4.2: Percentage of applications determined within eight weeks of receipt**

Planning authority	Percentage of applications determined within eight weeks of receipt (Jan-March 2011 through to Jan-March 2012)
Pembrokeshire Coast NPA	66%
Snowdonia NPA	64%
Brecon Beacons NPA	62%
Flintshire Council (Clwydian Range and Dee Valley AONB)	68%
Denbighshire Council (Clwydian Range and Dee Valley AONB)	77%
Anglesey Council (Anglesey AONB)	73%
Gwynedd Council (Llyn AONB)	55%
City and County of Swansea (Gower AONB)	61%
Monmouthshire Council (Wye Valley AONB)	47%
<b>Wales average</b>	<b>71%</b>

Source: Welsh Government Development Control Quarterly Survey

**Shared issues**

- 4.20 Through this study it is evident that there are two common issues shared by NPAs and the constituent LPAs of the AONBs. These are pre-application advice and enforcement.
- 4.21 **Pre-application advice:** All NPAs / LPAs of AONBs offer pre-application advice, and highlight its importance, especially in statutory designated landscapes. This advice is most commonly offered via informal e mail/telephone contact, although in addition many authorities offer planning surgeries/drop-in sessions (Brecon Beacons NPA, Snowdonia NPA, Denbighshire Council, Gwynedd Council, and Monmouthshire Council). This advice can open up dialogue between the authority and the applicant at an early stage when the application can more easily be amended and the likelihood of success increased in the sensitive environments of statutory designated landscapes. The informality of much of this advice (email, telephone or discussion) is appreciated by applicants but means that there may not be consistent carry through with subsequent advice, as much goes unrecorded. This was a significant issue raised by stakeholders through this study and also identified by the Country Land & Business Association (CLA) who identify inconsistency in pre-application advice as a significant issue for its members<sup>20</sup>. This is a long standing issue, which was recorded in the report on Farm Diversification and the Planning System submitted to the National Assembly of Wales in 2001<sup>21</sup>.

<sup>20</sup> CLA Wales (2012) 'Performance of the planning system in rural Wales', and 'Recommendations to ensure better functioning of the planning system in rural Wales'.

<sup>21</sup> LUC et al (February 2001) Farm Diversification and the Planning System.

- 4.22 Potential introduction of charging for this advice has a number of disadvantages, taking away from the informality and discouraging applicants from seeking such advice. It does have the advantage though, of ensuring that the advice is recorded in some way. The balance between informality and consistency is an issue that needs to be considered more generally.
- 4.23 **Enforcement:** Despite all NPAs and constituent LPAs of the AONBs having enforcement charters in place (which set out their enforcement responsibilities, along with how they will deal with planning breaches), there was widespread concern amongst environmental stakeholders, Members and planning officers, about the frequency of planning breaches and the way in which the planning authorities deal with them. Enforcement of planning breaches and failure to comply with conditions has been identified as the primary weakness within the planning system. Particular types of breach that were cited by interviewees as occurring most frequently within the National Parks and AONBs, were (a) tourism, for example with regard to the number and location of static caravans; and (b) agriculture, such as illegal structures appearing on farmland. Signage was also highlighted as an area of concern within the National Parks in particular, being a prime example of the conflicting interests of different groups. It was noted that only by being consistent in enforcement can the public be encouraged to comply with the planning system. A lack of consistency breeds resentment amongst users of the planning system (this is echoed in the CLA reports) and increases the likelihood of more breaches occurring in the future. Because of resource constraints nearly all planning authorities deal with breaches reactively i.e. when informed by others. There was a desire to see a more pro-active approach.
- 4.24 These issues are shared with the rest of the LPAs across Wales. Two further points raised by the CLA in their recent reports are viewed as common to planning in rural areas in Wales (i.e. including National Parks and AONBs, but not exclusive to these areas):
- 4.25 **Disproportionate requests for further information:** CLA members report that LPAs can often make unnecessary requests for additional information such as transport statements or protected species surveys when these seem irrelevant to the application. Examples cited were a request for a transport statement in relation to an application to install solar panels on a village hall roof, and a protected species survey (for bats) in relation to an application to install an additional velux window in a row of existing velux windows. These can be expensive to provide and can appear disproportionate and unreasonable for small applications.
- 4.26 **Impact of conditions or Section 106 agreements:** The Federation of Small Businesses (FSB) and CLA have also pointed to the costs and delays that can be associated with agreement on conditions and Section 106 agreements. These can render developments unviable either because of the time it takes to reach agreement and / or because of the costs that they will incur.

## Views of stakeholders and of related officers on the treatment of planning within National Parks and AONBs

### National Parks

- 4.27 There are clearly strong and contrasting views amongst stakeholders on the planning performance of the NPAs. Amongst 'environmental groups', at both the national and local level, there is a view that development should be more strictly controlled, especially larger-scale housing and tourism-related developments, to ensure that the National Park purposes are upheld. Related to this, it is also considered that there can be a conflict between the pressure for tourism related development within National Parks (and AONBs) due to the attractiveness of the area, and the sometimes unsightly or intrusive nature of the development and its pressure on local infrastructure and water resources (e.g. caravan parks). There is also a view as noted above that enforcement actions are inadequate and re-active with many breaches not being picked up, sending the wrong message to 'have-a-go' opportunists.
- 4.28 Conversely, amongst groups representing agriculture and other rural industries and amongst affordable housing and economic development officers of the constituent authorities of the National Parks, and some community councils, there is a view that NPAs are too restrictive, to the detriment of the social and economic needs of local communities. This is seen as especially

relating to restrictions on additional dwellings on farms and restrictions on signage (seen as essential for the viability of tourist enterprises).

- 4.29 All of those interviewed recognised the need for higher levels of protection within the National Parks, than elsewhere (in line with the statutory purposes). But many felt strongly that there is a need for more flexibility in the planning system, and a greater recognition of the socio-economic needs of local communities (in line with the socio-economic duty).
- 4.30 A recent Western Mail article<sup>22</sup> reported that house prices in the three Welsh National Parks have increased by 101% in a decade meaning that in the National Parks in 2012 average house prices are typically 10.8 times higher than average gross annual earnings. Much of this increase is driven by the highly attractive landscapes and the pressure for second homes.
- 4.31 The impact of the National Park designation on the delivery of affordable housing appears to be more significant and direct than in the AONBs, although the issue of complying with design guidance affects the viability of affordable housing developments in National Parks and AONBs. However, the views of affordable housing officers in constituent authorities vary significantly between the National Parks and even within the same National Park. Some felt that spatial policies in the National Park LDPs regarding locations where housing in general can be delivered is not releasing enough land for development, forcing land prices up and making affordable housing delivery much harder. Others felt that while the National Park designation does have an effect on the delivery of housing, these issues are being overcome successfully through co-working and good communication. Examples were cited of the constituent local authority and the NPA both sitting on a joint housing planning and strategic group and/or jointly funding a rural housing enabler so fostering a strong sense of joint working.
- 4.32 In terms of economic development, phrases such as the National Parks 'are closed for businesses' were used not infrequently during telephone interviews through this study. There was a view that NPAs needed to understand that they are managing a *living* not a *fossilised* landscape – a landscape that will evolve (not least to meet the challenges of climate change). Of particular concern was the need to meet stringent design policy and guidance with a heavy emphasis on the use of traditional building materials in new development (which can significantly add to the expense of development) rather than an over-arching requirement for development to be of sustainable design in keeping with surrounding landscape character. As a side issue the use of traditional materials (stone) can result in buildings that may not be as carbon efficient as other construction methods, such as the use of timber and straw bale construction which may bring higher carbon benefits.
- 4.33 It was suggested that a National Park designation is a 'double-edged sword' for the local economy. On the one hand, the designation significantly improves tourism potential and provides a destination cache which many other parts of rural Wales look on with envy. On the other hand, this benefit carries the burden of very restrictive planning policies which, even if not the case, is seen to deter would-be applicants who fear wasting time and money.
- 4.34 The issues that arose during the telephone interviews with economic development/regeneration officers reflect the findings of the FSB study into small businesses and the planning system in Wales<sup>23</sup>, which found that business applicants felt that the economic benefits of their proposals were not given adequate weight in planning decisions. The issues relating to the importance of tourism within the local economy were also reflected in the findings of the Roger Tym and Partners study into Planning for Sustainable Economic Renewal<sup>24</sup> which concluded that planning for economic development is more rigid and less responsive than it could be. Although this study was not specific to statutory designated landscapes, it noted the need for stronger links to be forged between land use planning and economic development policies and interventions.

### AONBs

- 4.35 Stakeholder concerns about planning within the AONBs are generally less than in the National Parks and there is also a greater appreciation that many of the issues identified in AONBs are, in

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<sup>22</sup> <http://www.walesonline.co.uk/news/wales-news/2012/08/04/101-house-price-rise-for-wales-top-beauty-spots-91466-31543757/>

<sup>23</sup> Federation of Small Businesses (2008) Small Businesses and the Planning System in Wales. Stage 1: Small Businesses' Costs and Experiences of Applying for Planning Permission and Related Consents.

<sup>24</sup> Roger Tym and Partners (June 2011) Planning for Sustainable Economic Renewal: Research Report to the Welsh Government.

fact, issues that are prevalent across rural areas more generally. AONBs are not picked out as being strongly constraining on development, certainly not to the extent identified for National Parks, nor is there so much concern about inappropriate development in the AONBs, although 'executive style' housing is seen as a significant issue and one that is generally of greater concern than economic development proposals. National Parks are seen as areas of distinct identity of community and place – as distinct and recognisable 'islands' with a very strong public image. Conversely AONBs are seen by the general public and planners as part of the wider landscape and communities of their authorities (although all do have their own very distinct geographical identity). This may in part reflect the different size of National Parks (together covering some 20% of Wales) compared to the AONBs (together covering just 5% of Wales).

- 4.36 The majority of AONB authorities felt that the presence of the AONB designation had no real influence on the delivery of affordable housing within their authorities. Although the officers identified a number of barriers to housing delivery, these were widespread rural difficulties rather than having any direct link to the AONB designation. Nevertheless, as in the National Parks there was frequent reference to the issues associated with strong design policies. In the case of economic development one of the most contentious areas of concern was the restrictive approach taken to signage – often an essential component of any successful tourism business in an isolated rural location.

## Approval rates and appeals in National Parks and AONBs

### National Park approval rates

- 4.37 Looking at the statistics on planning determinations, the reputation of NPAs as over-restrictive does not appear to be entirely justified (see **Table 4.3** below). Against a national average approval rate of 85.7% for the years 2008/09 the equivalent approval rates in Pembrokeshire Coast and Snowdonia National Parks were 85% and 87% respectively (the latter matching the national median quartile of 87% for the same two years). It is also important to note that Pembrokeshire Coast National Park has a target in its Corporate Plan to approve 85% of all commercial (economic) planning applications (which are widely defined to reflect the rural nature of applications made) and that this target is being met. The one National Park where approvals were significantly lower was Brecon Beacons where the equivalent approval rate was 73%. This falls below the 82.7% lower quartile of Welsh LPA approvals (for the years in question) and is the lowest amongst all Welsh LPAs in these two years (see **Table 4.3** below). This might be explained by the juxtaposition of this National Park next to the extensive development at the head of the Welsh Valleys although in England, the Peak District National Park, which is surrounded on every side by major conurbations, had an approval rate above the national average in 2011. However, based on statistics provided by the Brecon Beacons National Park Authority, the equivalent approval rate for the financial year 2011 was 83.5%.
- 4.38 But as already noted, there is a strong view that there are many proposals within the National Parks that never get as far as a planning application because potential applicants are advised by the NPA that they would be inappropriate within the National Park or indeed, shy away from making a planning application because of the perception of difficulties that will be encountered. This is very difficult to verify or quantify.

### AONB approval rates

- 4.39 In the case of AONBs, the overall approval rate for planning applications within the AONBs for the year 2009 was 84.5%, similar to the national average of 85.7% and closely reflecting those in the remaining area of each constituent authority (average 85.3%). These approval rates are very slightly below those in Pembrokeshire Coast and Snowdonia National Parks.



- 4.40 **Table 4.3** below shows the approval rates for each National Park and each constituent authority of the AONBs from which the above figures were derived, for the years 2008 and 2009, being the years for which comparable data is available<sup>25</sup>.

**Table 4.3: Determination of Planning Applications in the Welsh National Parks and AONBs for the years 2008 and 2009**

Statutory designated landscape	Approved	Refused	Total number of applications
Pembrokeshire Coast NP	~85%		
Snowdonia NP	~87%		
Brecon Beacons NP	~73%		
Clwydian Range and Dee Valley AONB (Flintshire Council)	82%	18%	202
<i>Flintshire Council (whole LPA area)</i>	<i>81%</i>		
Clwydian Range and Dee Valley AONB (Denbighshire Council)	85%	15%	170
<i>Denbighshire Council (whole LPA area)</i>	<i>84%</i>		
Anglesey AONB (Anglesey Council)	<i>No data available</i>		
<i>Anglesey Council (whole LPA area)</i>	<i>91%</i>		
Llŷn AONB (Gwynedd Council )	87%	12%	295
<i>Gwynedd Council (whole LPA area)</i>	<i>89%</i>		
Gower AONB (City and County of Swansea)	84%	16%	355
<i>City and County of Swansea (whole LPA area)</i>	<i>78%</i>		
Wye Valley AONB (Monmouthshire Council)	<i>No data available</i>		
<i>Monmouthshire Council (whole LPA area)</i>	<i>89%</i>		

### Planning appeals

- 4.41 In terms of appeals, it is difficult to get actual comparable figures for numbers of appeals that are subsequently approved within the NPAs and AONBs. The national performance data collated by the Local Government Data Unit only includes an indicator relating to appeals (PLA/003) that measures the percentage of both planning application and enforcement appeals upheld for the Welsh LPAs (and does not include the NPAs). It also does not distinguish between planning appeals for proposals within AONB boundaries. The data for 2010-11 shows a range in upheld appeals from 50-100% across the LPAs.
- 4.42 Anecdotally, within the National Parks, the proportion of appeals that are subsequently approved was considered by officers to be in the order of 25% - 35%. This is backed up by figures in the

<sup>25</sup> This data was not taken from the national performance indicators collated on InfoBaseCymru, as these do not provide data relevant to just the areas of the AONBs or the National Parks. Rather the data were gathered from (a) full planning register extracts for the AONB areas for the years in question provided by the constituent LPAs (although these were not provided by Anglesey and in the case of Monmouthshire were provided on a selective basis, and therefore have not been included); and (b) Welsh National Park Authorities Planning Services Review Stage 2 – Part B, PricewaterhouseCoopers (February 2011) that contains equivalent data on planning application approval rates for the NPAs. The actual percentages are not provided in the report but have been taken from Figures 1 and 2 of the Technical Supplement.



PricewaterhouseCoopers report<sup>26</sup>, which stated that in Snowdonia NPA the percentage of planning appeals that upheld the authority's decision was 69% in 2008/09 and 72% in 2009/10. In Pembrokeshire Coast and Brecon Beacons NPA, the percentage of planning appeals that upheld the authority's decision was similarly high in 2008/09 (71% and 88% respectively) but dropped to 47% and 44% respectively in 2009/10. The report recognised that these lower figures in 2009/10 may have been skewed by relatively small changes in the actual numbers of appeals dealt with in that year.

- 4.43 This compares to the AONBs where the number of appeals that are subsequently approved within the constituent authorities was reported anecdotally by officers as ranging between 35-65% - potentially relating to the lack of an up-to-date policy framework in some cases. The number of appeals is not thought to be any higher in the AONBs compared to the constituent authority areas as a whole.

## Differences in the perceived status and performance of National Parks and AONBs

### Consistency in the planning framework

- 4.44 In Planning Policy Wales, National Parks and AONBs are given equal status in terms of landscape and scenic beauty: both must therefore be afforded the highest status of protection from inappropriate developments and treated as of equivalent status in development plan policies and development management decisions. Both also have a socio-economic duty to foster the economic and social well-being of their local communities. Yet the impression gained throughout this study is that, both amongst the planning community and the wider stakeholder community:
- a) National Parks and AONBs are seen as a hierarchy in terms of landscape importance, with National Parks at the top and AONBs coming second
  - b) As one consequence of the above, National Parks are seen to be stifling economic development to the detriment of their communities and their long term sustainability.
- 4.45 There appears to be a conflicting picture. On the one hand there are the National Park Authorities that have a strong and consistent planning framework, operating to the park boundaries, and in terms of certain performance indicators are operating more efficiently than their AONB counterparts. The National Park model provides a clear focus on achieving the statutory purposes of National Park designation but this is often seen as being at the expense of the well-being of local economies and communities.
- 4.46 On the other hand, the AONBs have a variable planning framework covering the designation, with often considerably less focus on the purpose of AONB designation in local plan policy. There is also no evidence that the constituent authorities of AONBs work together to consider the challenges of planning within AONBs – there appears to be little sharing of best practice.
- 4.47 Equally, the constituent LPAs are not being as successful in meeting certain key performance indicators, when compared to the NPAs. Yet the AONB designation does appear to be consistently recognised in planning determinations. There is also generally less concern amongst stakeholders about the performance of the constituent authorities of AONBs, when compared to the NPAs, both in terms of allowing inappropriate development or in constraining activities seen as important to the socio-economic performance of local communities. Nevertheless, strict design policies are of concern in both National Parks and AONBs.
- 4.48 Although based on a very small sample, there is evidence that within AONBs, as within National Parks, AONB policy is regularly considered in the determination of relevant planning applications. From the questionnaire returns from planning applicants: 15 out of 32 applicants in AONBs said they were advised on design guidance or policy in support of their planning application compared to 5 out of 17 applicants in National Parks. Equally, from the same questionnaire 22 out of 32 applicants in AONBs compared to 8 out of 17 applicants in National Parks felt that the statutory designation had a significant bearing on how their application was dealt with. Likewise in the 10

<sup>26</sup> PricewaterhouseCoopers (February 2011) Review of the Welsh National Park Authorities' Planning Services.

randomly selected planning applications in AONBs reviewed through this study, all show evidence that the AONB designation had been considered in the decision-making process, with a high proportion of decisions based on the impact (or otherwise) of the proposal on the AONB. So, despite a variable approach to planning within the AONBs, from the case study applications reviewed and applicant questionnaires it seems that the AONB designation is being regularly considered in planning decisions and consistently referred to during determination of planning applications within AONBs, although AONB officers and local societies have indicated that:

- Some planning decisions do not reflect the intention of the identified AONB policies.
- Amongst some planning officers and members there is a lack of awareness or understanding of the purpose of the AONB policies or their national context.

### Relationship with the constituent authorities

- 4.49 A central issue identified through this research has been the relationship between the statutory designated landscape and their constituent authorities who, in both AONBs and National Parks, retain the primary responsibility for community and economic development. In the AONBs this relationship is straightforward in that the constituent authorities are responsible for both the planning function and socio-economic development, allowing ease of liaison between the two and enabling joint working to a common agenda. Although, as identified in the Roger Tym Report (para 4.37) location in the same authority does not automatically ensure joint working. This research has also indicated that the AONB designation generally fits within the overall local authority strategy in that the AONBs are in the most rural parts of the authority areas. On the other hand, in the National Parks, there is a split in these responsibilities, with planning responsibilities held by the NPA and socio-economic functions retained by the constituent authorities. Joint working, as identified in the socio-economic duty, is therefore key but not universally achieved.
- 4.50 This research has indicated considerable variability in performance amongst NPAs in joint working with their constituent local authorities and others. It is evident that there is very much better joint working where there is a 'one to one' or 'one to two' relationship between the NPAs and their constituent authority(s), often based on a history of joint working. This relates to both plan preparation and subsequent development of strategies and development management. In these instances during plan preparation there has been significant information sharing between NPAs and their constituent authority(s) and joint development of the evidence base, for example co-operating on housing and retail studies. Here conflicts between the National Park purposes and socio-economic duty have been or are being addressed, through co-working and communication. The NPAs may share certain specialist officer posts with their constituent authority(s), work closely with the constituent authority(s), and sit on joint working groups / partnerships. There is a growing sense of mutual respect at officer level, and an emerging view that the NPAs are now quite well-engaged with the need for economic development and regeneration, working towards managing a living environment. Evidence also suggests that there is growing co-operation between these NPAs and their constituent authority(s) on planning applications that are cross-boundary, large or proximate to the National Park.
- 4.51 In addition, it is recognised that having shared objectives will be of particular importance in the context of the two proposed Enterprise Zones in Pembrokeshire and Gwynedd, both of which include an area of National Park. Achieving a balance between the goals of the Enterprise Zones and the purposes of the National Park may be challenging, and it will be necessary for Gwynedd and Pembrokeshire County Councils as well as the Pembrokeshire Coast and Snowdonia NPAs to receive clear and consistent guidance. It would also be good for officers within the relevant local authorities and NPAs to work together on this, to achieve a Wales-wide approach.
- 4.52 Where the relationship between the NPA and its constituent authorities is one to many (four or more constituent authorities) the relationship between the two appears to be much more variable. At the plan-making stage the constituent authorities recognise that there is considerable scope for improvement, with the reasons cited for lack of effective co-working including the differing timescales of the authorities' LDPs and differing agendas and priorities of the authorities, with the NPA being perceived as prioritising environmental issues too highly, to the detriment of socio-economic concerns.

- 4.53 In this case, although the NPA sits on a number of partnerships, NPA officers often do not attend these, tending to reduce trust between the NPA and its constituent authorities and suggesting an unwillingness to engage with economic needs. There is a sense, perceived or real, that there is a lack of engagement with the socio-economic duty. It is this National Park that received the greatest criticism from stakeholders. It was also this NPA (compared to other NPAs) that performed least well against national performance indicators, in terms of plan development and planning approvals. Clearly though, it is very much more difficult to liaise with a considerable number of constituent authorities.



## 5 Conclusions

- 5.1 In summary, while there are many examples of good practice within NPAs and constituent LPAs of AONBs, as well as good performance in relation to national indicators for planning service delivery, from all the findings of our work in Phases 1 and 2, there appear to be two major concerns to be addressed going forward. These can be summarised as:
- Within AONBs, and particularly National Parks, a strongly embedded perception amongst local communities and local businesses that planning stands in the way of ensuring the long term sustainability of local businesses, threatening the economy and communities of these designated landscapes; and
  - In the case of AONBs, the lack of a strong planning framework that clearly recognises that these designated landscapes have an equal status to those of National Parks - *"National Parks and AONBs are of equal status in terms of landscape and scenic beauty and both must be afforded the highest status of protection from inappropriate developments"* [Planning Policy Wales 5.3.6].
- 5.2 Within these two broad concerns are a number of more specific barriers that have been identified as standing in the way of delivering efficient and effective planning services in the statutory designated landscapes of Wales, as set out below. These reflect our discussions with numerous key stakeholders during telephone interviews and at the two workshops in July 2012, and reflect the guidance for planning in National Parks and AONBs provided in Planning Policy Wales.
- 5.3 Chapter 6 then sets out our recommendations and potential solutions for addressing these barriers, with reference where relevant to the current examples of good practice already taking place within Welsh NPAs and constituent LPAs of the AONBs.

### Barriers to effective planning delivery

#### Limited policy guidance on landscape issues

##### **Policy vacuum on landscape issues at the national level**

- 5.4 Many stakeholders were of the view that landscape policy and guidance at the national level is limited (Phase 2 research and Stakeholder workshops in July 2012). While Planning Policy Wales clearly affords National Parks and AONBs the highest level of protection there is felt to be limited guidance in Planning Policy Wales and, more particularly, in any of the supporting TANs as to how this protection can be achieved in practice. This includes little reference to the tools that can help enable the conservation of landscape character and quality – namely LANDMAP and the use of Landscape Character Assessments and linked Landscape Sensitivity and Capacity Studies. For planners unfamiliar with landscape issues, the lack of reference to landscape tools can make it difficult to know how to avoid development affecting the quality of the landscape.
- 5.5 The lack of specific emphasis on landscape in policy for National Parks and AONBs relates in part, no doubt, to the wording of the 1949 National Parks and Access to the Countryside Act which identified the first purpose of National Parks as "preserving and enhancing the natural beauty of the areas" updated in the 1995 Environment Act to read "conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas". In turn, this underpins the current guidance in Planning Policy Wales that "in National Parks and AONBs, development plan policies and development control decisions should give great weight to conserving and enhancing the natural beauty, wildlife and cultural heritage of these areas" [5.3.6]. Reflecting this, both National Park Authorities and LPAs in the past have been much quicker to employ ecologists and building conservation officers than they have landscape specialists, a situation that has been mirrored in

the English National Parks where landscape specialists remain uncommon within National Park Authorities – yet National Parks and AONBs are first and foremost a landscape designation, referred to collectively as the statutory designated landscapes of Wales and the protected landscapes of England.

- 5.6 In part this lack of emphasis on landscape and the tools for landscape conservation in national policy could be picked up in the national policy statement for National Parks that is currently being reviewed but there is currently no equivalent for AONBs.

#### **Policy differences at the local level**

- 5.7 At the local level, each National Park development plan does provide a consistent policy context for planning to the boundary of the statutory designated landscape, in line with the national park purposes. All three National Parks are or soon will be supported by a landscape character assessment for their national park area. Conversely, the constituent LPAs of the Welsh AONBs do not all have a strong and consistent planning framework for their AONBs, with heavy reliance placed on one or two policies (para 4.9). There is limited commonality in the policy treatment of AONBs across these constituent LPAs or indeed between the constituent authorities of a single AONB (Phase 2 research). With the exception of the Gower and Anglesey, there is also no SPG relating to landscape quality and sensitivity. Nevertheless, from our research it appears that AONB policies within local development plans are consistently referred to during determination of planning applications within AONBs (para 4.48), although AONB officers and local societies have indicated that:
- some planning decisions do not reflect the intention of the identified AONB policies
  - amongst some planning officers and members there is a lack of awareness or understanding of the purpose of the AONB policies or their national context.
- 5.8 In addition, while a number of the constituent authorities of AONBs do have landscape character assessments for their Council area (Anglesey, Gwynedd, Monmouthshire) none are specifically for the AONB area other than that for the Gower that forms part of the Gower AONB – Design Guide (para 4.11). Having a consistent Landscape Character Assessment for the whole of the AONB area is particularly beneficial where AONBs cross administrative boundaries

## **Perception of planning in AONBs and National Parks**

### **Public perception of planning in AONBs and NPs**

- 5.9 In groups representing agriculture and other rural industries and amongst affordable housing and economic development officers of the constituent authorities of the National Parks, and some community councils, there is a view that NPAs do not take account of the socio-economic needs of the National Park to the detriment of the sustainability of local communities. Phrases such as the National Parks 'are closed for businesses' were commonly used in consultations through this study. This is seen as especially relating to restrictions on additional dwellings on farms and restrictions on signage (seen as essential for the viability of tourist enterprises). As a consequence, there is a widespread view that individuals are discouraged from attempting to make a planning application.

### **Socio-economic issues**

- 5.10 Directly linked to the above, there is a strong perception that decision-making on applications within National Parks and AONBs is too heavily weighted in favour of conservation, and that more emphasis should be placed on the socio-economic needs of the people who actually live in the area and need to make a living there. Even when applications are approved the nature of conditions and / or requirements under a section 106 agreement may be so stringent (and expensive) as to make the proposal economically unviable. This also has implications for the supply of affordable housing within the statutory designated landscapes. The delivery of affordable local housing usually depends on financing by permitting open market housing within the National Park/AONB. Thus there is financial pressure to permit open market housing which might not accord with National Park or AONB purposes (for example a development of ten houses

within a small rural settlement could result in a large change in character for that settlement). Alternatively the use of exception sites for affordable housing may lead to the unwanted spread of settlements.

- 5.11 There is equally a view amongst some stakeholders that economic and social considerations are not taken into account at the right time. In particular there is a view that socio-economic considerations are not given sufficient consideration at the plan-making stage, nor at pre-application advice meetings.

## Split of responsibilities between NPAs and AONBs and their constituent LPAs

### Geography of NPs versus AONBs

- 5.12 Both the National Parks and AONBs in Wales cover very rural areas. Overall the five AONBs are relatively small in size (when compared to the National Parks) together covering some 5% of Wales. They generally form the most rural part of their constituent authorities and do not include any major settlements of strategic importance. Their area therefore falls naturally into the LDP strategy of their constituent authority(s), falling into the general policy framework for the most rural parts of the local authority area. By comparison, the three National Parks are much larger, together covering 20% of Wales. Unlike the AONBs they also include significant settlements (Brecon in the Brecon Beacons National Park; Bala, Dolgellau and Betws-y-Coed in Snowdonia; and Tenby in Pembrokeshire Coast National Park). These settlements will form part of the economic and housing strategies of the constituent authorities of the National Parks but lie outside their control in terms of planning. In the past this has set up tensions between the constituent authorities and the National Park Authorities in terms of matching their respective strategies for the same areas of land.

### Division of responsibilities between NPAs and constituent authorities

- 5.13 There is a view among some stakeholders (Phase 2 research) within constituent local authorities of National Parks that there is a lack of partnership working between the NPAs and their respective LPAs. This is primarily the case in National Parks that have a number of constituent authorities. This can include a perceived lack of willingness to share information and intelligence, as well as a lack of understanding of the constituent LPAs' objectives, especially with regard to economic development and affordable housing for which they are responsible.
- 5.14 Conversely, there is a perception among NPA stakeholders that constituent local authorities may not recognise their duty under section 62.2 of the Environment Act for all layers of government to have regard to National Park and AONB purposes in their operations. As noted in Planning Policy Wales [5.3.7] "this duty applies to activities affecting these areas, whether those activities lie within or outside the designated areas".
- 5.15 The above underlines a long standing emphasis on partnership working between the NPAs and their constituent authorities, with each understanding the priorities of the other. This was first captured in the Edwards' review of National Parks – 'Fit for the Future' (1991) and set out in the Government's response to this review in 'Fit for the Future: A statement by the Government on Policies for the National Parks', Department of the Environment, Welsh Office, January 1992. This states that National Park Authorities "should take full account of the economic and social needs of local communities as they carry out their park purposes and work in close co-operation with [their constituent] local authorities on economic and social issues" [para 2.4]. And in para 5.12 notes that "....trends in employment may make the National Parks increasingly attractive to new forms of economic activity that are entirely compatible with the Park environment. As planning authorities, Park authorities have opportunities to foster such developments and, in co-operation with local authorities, to create a climate in which their local economies can prosper." This partnership working is being strongly pursued in some NPAs but not others (para 4.50-4.52).



## Inconsistency in development management

### Nature of applications

- 5.16 There is a general view amongst stakeholders that the larger economic and residential development applications are easier to deal with as relevant specialists can help advise on the decision (with some LPAs adopting a Development Team approach) and, in the case of National Parks, appropriate liaison can be established with the constituent local authorities. More problematic are small-scale economic developments, such as those associated with farm diversification, where no two applications are similar making it more difficult to: develop generic advice; be consistent in approach; know which specialists to involve; and, in the case of the National Park Authorities, judge the appropriateness of engaging with the relevant constituent authority in reaching a decision. For the same reason residential development applications in the open countryside can be difficult to determine, especially holiday accommodation, holiday conversions and rural enterprise dwellings. Yet it is these small-scale rural developments that make up a high proportion of the applications in AONBs and National Parks. Open market (executive) housing is considered especially problematic often presenting more significant effects on the landscape than small-scale business / economic developments.
- 5.17 As a consequence, for applicants of small-scale proposals there is general uncertainty as to what would be considered a suitable application / development within a statutory designated landscape.

### Inconsistency in the decision-making process

- 5.18 It is the nature of small-scale rural developments, therefore, that makes it more difficult to achieve consistency in the determination of planning applications. But in the view of stakeholders this is significantly exacerbated by inconsistencies in:
- the way in which AONBs are treated within the policies of the constituent LPAs' LDPs (para 4.9)
  - the interpretation of planning policy by development management officers (para 4.48), as well as inconsistent decision-making between AONBs on similar issues;
  - decision-making between development management officers and Committee members (in both AONBs and National Parks) when officers put forward recommendations that are subsequently overturned at Committee.
- 5.19 However, the greatest concern amongst applicants relates to the inconsistency in advice given by the NPA / LPA at the pre-application stage and subsequently, with some applicants receiving conflicting advice as their application progresses through the application process. This is particularly the case where there is no recording of the advice given at the pre-application stage. This is an issue that can be common to the treatment of all planning applications across Wales but is highlighted in National Parks and AONBs by the individual nature of the applications that they receive (para 4.21).

### Lack of landscape resources

- 5.20 As identified in Chapter 3 none of the NPAs and only some of the constituent authorities of AONBs have in-house landscape specialists. In the case of larger applications this issue can be addressed by bringing in specialist advice but for smaller applications this is unlikely to be practical. It is a view of stakeholders that this lack of landscape specialism combined with a lack of landscape information and guidance (as in Landscape Character Assessments and Sensitivity Studies) can further add to the inconsistency in advice given.

### Over emphasis on the use of traditional materials

- 5.21 Many stakeholders representing small businesses highlighted the requirement to use traditional building materials in new developments as adding significantly to the cost of the development. In part, Planning Policy Wales is blamed for this emphasis although, in fact, its requirement is in "areas with an established and distinctive design character it can be appropriate to seek to promote or reinforce traditional and 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". Thus it can be that fit with landscape character and achievement of environmental sustainability will be as important as the use of traditional materials, encouraging the use of materials such as timber construction in new build.

### **Lack of enforcement (exacerbates perception of inconsistency)**

- 5.22 Finally, there is general agreement amongst all stakeholders that lack of enforcement against planning breaches within National Parks and AONBs exacerbates a sense of inconsistency. Those working within the NPAs and LPAs agree that the enforcement system is not working, and cited barriers such as the complexity of relevant legislation, the process being very complicated, LPAs and NPAs not having enough 'teeth' (i.e. powers) and the high cost of enforcement action (Welsh Government and the LPA bear the costs) (para 4.23).

## **Governance**

### **Lack of community representation**

- 5.23 There are two main issues that have been identified through this study with regard to Governance structures. These are that:
- The National Park Authorities have a well understood structure with one-third of their members appointed by the Welsh Government and two-thirds being councillors nominated by the constituent local authorities of the National Park area. In this way the NPAs aim to represent both national and local interests. However, many of their members are not drawn from within the National Park, with some of the constituent authorities nominating members from entirely outside the National Park in question, to ensure that an equitable balance is maintained between the different political parties. This has led many National Park communities and local businesses to feel poorly represented by their Authority. It has also meant that planning decisions, when referred to the Planning Committee, may be being made by people with no direct association with the National Park area.
  - By comparison, the Joint Advisory Committees (JACs) of AONBs do usually include local representation in the form of local representatives of the farming unions, small businesses and tourism associations, while the Llŷn AONB also includes Community Council representation (from those Community Councils within the AONB area). However, these JACs in the main do not comment on planning matters. There is also little consistency in the structure and governance between the different Joint Advisory Committees and all act differently, making it more difficult for people to know how to engage with them.

### **Member training**

- 5.24 In the case of member training, while NPAs have a strong programme of joint training for their members, there is considerable variety in member training programmes amongst the constituent LPAs of the AONBs and little sharing of member training between local planning authorities who have an AONB. In a number of these Local Planning Authorities there is a recognised need for improvement. Nevertheless, in both NPAs and the constituent authorities of AONBs, this training (where provided) tends to focus on planning process and roles (which is important) rather than on desired outcomes associated with the purposes of the statutory landscape designation and the importance of the areas' special qualities.

### **Position of AONB officer**

- 5.25 Finally, for AONB officers there can be a dilemma in making recommendations contrary to the views of the planning officers of the local authority that employs them. There is a worry that they will be sticking 'their neck out' against the views of their employers. This makes it more difficult for AONB officers to take an independent view, potentially different to that of the local authority that employs them.

## Performance monitoring

### Performance monitoring

- 5.26 While not necessarily a barrier to planning service delivery, there is a limitation in the current framework for measuring performance of LPAs and NPAs, in that there is no national reporting on:
- The % of planning applications approved within National Parks. This information is collected by the National Parks but is not recorded against the national performance indicator PLA/002 - the percentage of applications for development determined during the year that were approved, collated on InfoBaseCymru.
  - The % of commercial (economic) planning applications approved within each National Park and the constituent authorities of the AONBs each year. For example, Pembrokeshire Coast NPA has a target in their Corporate Plan to approve 85% of commercial activities (which is monitored against and is being met). In this instance the definition of 'commercial' activities has been broadly defined to reflect the nature of rural businesses and includes all aspects of farm diversification, including holiday accommodation and associated signage.
  - The quality of the planning outcomes, i.e. the suitability of development taking place within NPs and AONBs with statutory landscape purposes. Currently there are no indicators that have been developed for this, or monitoring undertaken to measure outcomes within the NPAs and constituent authorities of the AONBs.



## 6 Recommendations

### Potential solutions to overcoming barriers to planning service delivery in statutory designated landscapes

- 6.1 From our evaluation of planning service delivery in NPs and AONBs (including examples of good practice), as well as our analysis of stakeholder perceptions regarding planning services, and our review of other models of delivering planning services in statutory designated landscapes in England and Scotland, we have identified a number of potential solutions to overcoming the barriers described in Chapter 5. These are presented as a series of recommendations below.
- 6.2 Ever since National Parks and AONBs were created there has been a strong view expressed by local communities and businesses that the designations stand in the way of necessary development. Through this research it is evident that within National Park Authorities considerable effort has been put in place to try and address this criticism. Within National Park Authorities across the UK there are many examples of good practice on which the recommendations below draw.
- 6.3 At the forefront of these recommendations is:
- the need to conserve and enhance the special landscapes of National Parks and AONBs, reflecting the importance placed on them in statute and in Planning Policy Wales, ensuring that these resources are passed on to future generations in as good if not better condition than they are now;
  - but in so doing ensuring that viable communities and local businesses are able to thrive in harmony with the landscape, demonstrating the very best in sustainable development.
- 6.4 To do this, the planning system needs to pro-actively support the communities and businesses of the statutory designated landscapes and have the evidence and policies needed to support sound decision-making.

### RECOMMENDATIONS

#### National guidance and improved information on landscape and landscape tools

- 6.5 National Parks and AONBs are first and foremost a landscape designation. This study has highlighted the relatively limited reference to the landscape in national planning guidance and to the tools available to provide a sound landscape evidence base to inform forward planning and development management. Planning Policy Wales para 5.3.13 notes:
- “CCW’s LANDMAP information system methodology is an important information resource upon which local planning authorities can draw on, making the landscape assessments needed to inform local policy, guidance and decision making in this field. LANDMAP describes and evaluates aspects of the landscape and provides the basis of a consistent Wales-wide approach to landscape assessment. LANDMAP assessments should be published. They can help to inform supplementary planning guidance on landscape assessment (covering, for example, local distinctiveness, special landscape areas and design).”
- 6.6 This guidance is not expanded in the relevant TANs. It is therefore recommended that:
- RECOMMENDATION 1: Greater reference should be made to landscape and the tools that can assist sound landscape planning in the relevant TANs when they are next***

**updated:** This and the other recommendations in this section are important in encouraging a consistent landscape evidence base for the statutory designated landscapes. This evidence can assist sound decision making both in development planning and development management, allowing decisions to be made on whether individual proposals are compatible with the landscape.

It is recommended that greater emphasis on the landscape tools available to inform decision-making is contained in either an addition to TAN 5: Nature Conservation and Planning to be retitled 'Nature Conservation and Landscape and Planning' or TAN 12: Design and retitled 'Landscape and Design'. Alternatively there could be a new TAN devoted to Landscape Planning. This is particularly important if greater emphasis is to be placed on encouraging sound decision-making in keeping with landscape character. The relevant TAN should then be cross-referred to in TAN 6: Planning for Sustainable Rural Communities.

This advice should:

- Introduce LANDMAP.
- Indicate how LANDMAP can be used as a basis for individual landscape character assessments and, in turn, how landscape character assessments can include guidance specifically aimed at supporting development management decisions including the use of landscape sensitivity and capacity studies.

**RECOMMENDATION 2: The emerging revision to the National Policy Statement on National Parks (which will now also cover AONBs) should stress the equal importance of these landscapes and the landscape tools available to assist in sound landscape planning within them.** This statement offers an early opportunity to stress the importance of providing a sound evidence base on landscape character across the whole of each statutory designated landscape to inform decision making as identified above.

It also provides an important opportunity to:

- Highlight the importance of ensuring that viable communities and local businesses are able to thrive in harmony with the landscape, demonstrating the very best in sustainable development.
- Highlight the importance of developing a sound policy framework for AONBs in the Local Development Plans of their constituent authorities – reflecting the national importance of these landscapes (see Recommendation 4 below).
- Signpost to the Section 62(2) duty (of the Environment Act) requiring "all relevant authorities to have regard to the statutory purposes of National Parks" and the similar duty for AONBs set out in Section 85 of the CROW Act 2000. This is captured in Planning Policy Wales which notes [5.3.7] that "The duty to have regard to National Park and AONB purposes applies to activities affecting these areas, whether those activities lie within or outside the designated areas."

**RECOMMENDATION 3: The current CCW guidance on the preparation of AONB Management Plans should include an addendum on planning within AONBs.** The work undertaken in Phase 1 of this study has highlighted the value of planning to the boundaries of the statutory designated landscape. The statutory AONB Management Plan is the one document that looks at the AONB as a whole and plans for its future as a whole. However, it is appreciated that the whole Management Plan may be too large to adopt as Supplementary Planning Guidance (SPG).

The current AONB Management Plan guidance already encourages all AONB management plans to identify the special qualities that define the AONB and which need to be protected through all decisions. The purpose of the proposed addendum to the CCW guidance would be to encourage the production of a section of the Management Plan that identifies the specific issues that need to be considered in development management within the AONB. This should be drawn up in close consultation with the forward planners of the relevant constituent authorities. It should include:

- A summary of the landscape character of the AONB identifying separate landscape character types / areas as in the Gower Design Guide taken from an up to date Landscape Character Assessment (**Recommendation 6**).
- Guidance notes for development within each of these landscape types / areas.

- More general sustainable design principles that illustrate the types of development that can be accommodated within the landscape.

Depending on the adopted structure of the Management Plan this need not be one section. The main requirement is that the relevant sections, including the identification of special qualities, can be lifted out of the Management Plan to form SPG for planning within the AONB. Clearly these sections will not be required if there is already adopted SPG for the AONB that addresses these issues.

## The policy framework at the local level

- 6.7 The Phase 1 research has identified the value of planning to the boundaries of the statutory designated landscapes in terms of ensuring achievement of the purposes of the designations. In Wales this is exemplified by the National Park Local Plans. The policy framework is weaker for AONBs (para 5.7) and may lack the supporting evidence base in terms of a landscape character assessment that covers the whole of the AONB area. It is therefore recommended that:

***RECOMMENDATION 4: The AONB statutory designated landscape should be identified prominently in the introductory sections of the local development plans of the constituent authorities of AONBs to highlight the importance of the AONB within the local authority area.*** This could either be in the form of a strategic objective or policy. Currently most relevant development plans do not refer to the AONB in the introduction to the plan or in the Vision even if the AONB covers a significant part of the local authority area. Exceptions are Strategic Policy 2 in Gwynedd Council's adopted UDP and the Deposit Draft LDP for Monmouthshire which includes a strategic objective:

*"...protecting high quality landscapes throughout the County, paying particular attention to those contained in the Wye Valley AONB and in the setting of the Brecon Beacons National Park".*

This should be supported by one or more specific policies on development in the AONB. These policies will be particularly important, as they need to set out the principles of what development will be permitted in the AONB and in what circumstances. This may be assisted by providing supporting text to the specific AONB policies that describe the purpose of AONB designation as in the City and County of Swansea's adopted UDP supporting text to policy EV26 (Area of Outstanding Natural Beauty).

**In the case where an AONB crosses a number of administrative boundaries it would greatly aid consistency if all the relevant Local Development Plans adopt a similar policy approach, requiring liaison between the different constituent authorities.**

***RECOMMENDATION 5: The AONB designation should be supported by SPG for planning across the whole of the AONB area (reflecting RECOMMENDATION 3).***

***RECOMMENDATION 6: Planning within statutory designated landscapes (both National Parks and AONBs) should be informed by a sound evidence base relating to the socio-economic needs of the area and its landscape character.***

- In the case of **socio-economic needs** in AONBs this should be picked up through the wider studies for the constituent local authority area(s) but it will be important that these reflect the needs of the more rural areas of the authority(s) (where the AONBs are located). In the case of the National Parks this requires close working between NPAs and the economic development and affordable housing officers of the constituent authorities (see **Recommendation 12**).
- In the case of landscape character, all AONBs that cross administrative boundaries should ideally have a **Landscape Character Assessment** that works to the AONB boundary. Where an AONB lies within a single authority the Landscape Character Assessment for that authority should clearly delineate the boundary of the AONB and all should include guidelines on development for each landscape character area (**Recommendations 3 & 5**).



## Improving the perception of planning (especially development management) in AONBs and especially National Parks

- 6.8 As reported through this study, there is a strong perception that planning in AONBs and especially in National Parks stands in the way of commercial (business) development. This is a perception that has pervaded for many years, reported back in the 1991 Edwards' Review. Because it is of long standing it is deeply embedded, even if the record of some National Parks in terms of planning approvals is similar to that of some other rural planning authorities (**Table 4.3**).
- 6.9 National Park Authorities therefore need to pro-actively seek sustainable socio-economic opportunities in harmony with the designated landscape, identifying opportunities of mutual benefit. This fits with the agendas of the Green Paper – Living Wales and the forthcoming Sustainable Development Bill, as well as the Rural Development Programme 2014 - 2021. All are seeking sustainable development that considers the needs of the economy, communities and the environment together. In the case of statutory designated landscapes the need to protect the landscape remains but there are many types of economic activity that can be accommodated in these environments especially many forms of micro-business, those that add value to land based products, and sustainable tourism, as well as 'high tech' businesses. There is a strong case for National Park Authorities to adopt a 'can-do' outward facing mentality that is welcoming (including through the planning system) of those businesses that have a good fit with the environment of the National Parks. It is therefore recommended that:

**RECOMMENDATION 7: National Park Authorities should prepare a Sustainable Development Strategy which is subsequently adopted as SPG.** The purpose of this Strategy would be to identify the types of Sustainable Development that will be welcomed in the National Parks, the reasons why, and key criteria of acceptability associated with the economy, community and environment. Such a Strategy should not overlook the importance of existing local businesses that have established networks into the local economy and employ local people (assuming that their impact on the environment is benign). Such a strategy (and planning more generally) should be prepared to back winners that are embedded in the local economy and community where there is confidence in a business's continuing local benefits.

Such a Strategy would need to draw on a strong local evidence base (**Recommendation 6**). It would need to be developed in close partnership with the economic development team of the constituent authority(s) and in close collaboration with local businesses and communities, being a Strategy with very clear shared ownership. It would need to take full account of any economic development strategies of the constituent local authority(s) and also the Local Development Plan for the National Park. The process of preparing the Strategy should be as (or more) important than the Strategy itself, building trust and mutual respect between the National Park Authorities and their communities and businesses.

Recognising the need to maximise cost-effectiveness, such a Strategy might directly link to the delivery of the next Rural Development Plan (RDP) 2014 – 2021. Early indications are that the RDP will prioritise protecting the environment and resource efficiency; climate change adaptation; community-led local development; and the renewal of rural communities. Early thinking suggests that there will be a strong focus on job creation and bottom-up approaches that directly involve local communities. It is anticipated that funding will be focused on defined geographical areas displaying common issues and opportunities, supported by close collaboration between different agencies and authorities working within these defined areas.

A purpose of this Strategy will be to provide a broader context to development management allowing business and community needs to be seen alongside environmental constraints – trying to encourage development that is good for business, community and environment<sup>27</sup>.

**RECOMMENDATION 8: National Park Authorities should consider collaborative approaches with local communities for planning the future of their settlement, exploring socio-economic needs.** These should link to the Park's Sustainable Development

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<sup>27</sup> This may be informed by 'Mapping the Rural Economy – A Toolkit for Decision-making Support' (2004) prepared for the WDA and Monmouthshire County Council.

Strategy and could follow the example being set by the Brecon Beacons National Park Authority, which is piloting a Community Strategy in Sennybridge.

**RECOMMENDATION 9: Working with the WLGA, the National Parks Wales (NPW), the Campaign for National Parks, and the National Association of AONBs, NPAs and the constituent authorities of AONBs should positively promote examples of socio-economic development in the statutory designated landscapes that fit with their statutory purposes and which have brought strong local economic and community benefits.** This would be through material on the websites of the respective organisations, illustrating the types of development being promoted in the Sustainable Development Strategies – developments that are bringing economic and community benefits, as well as blending with the landscape / townscapes of the statutory designated landscapes. All should illustrate the importance of good design but should not be overly dependent on the use of traditional materials, also illustrating the use of relatively inexpensive materials such as timber and natural roof materials that can be incorporated into high quality design and can enable developments to blend into the landscape. The emphasis should be on living and working landscapes that are retaining their special qualities but are changing with the times. The purpose would be to build a picture of the types of sustainable development that the National Parks and AONBs are keen to encourage. Examples may, in part, be drawn from projects funded through the Sustainable Development Fund (SDF) of National Parks and AONBs.

**RECOMMENDATION 10: Each National Park Authority should set up a Planning Advisory Group to advise on the on-going delivery of planning services within the National Parks.** This would follow the example of the Loch Lomond and Trossachs National Park in Scotland where under the National Parks (Scotland) Act 2000 the National Parks are required to establish one or more advisory groups to involve key interests and organisations in the management of the area. In this case the NPA has convened a Planning Forum, which consists of around 30 people from a variety of backgrounds and interests, including property development, renewable energy, tourism and affordable housing, Community Councils and other organisations such as RSPB Scotland, the Scottish Council for National Parks and a Housing Association with the purpose of sharing views and experiences of the Planning Service and discussing ideas for its improvement (para 3.9).

Again the purpose of such Advisory Groups in Wales would be to build trust and co-operation between the businesses and communities of the National Parks and the Planning Section of the National Park Authority and to grow understanding of the needs of businesses and communities on the one hand and the purposes of the statutory designated landscapes on the other. This could meet once every six months. These Advisory Groups will only be of value if there is a willingness on both sides to understand the position of the other and if the planning authority, within current financial constraints and legal requirements, seeks to meet concerns that are raised.

It would also be helpful if there was more direct engagement between the NPAs and their constituent Community Councils. As an example, Snowdonia NPA has recently held a successful open day for all their constituent Community Councils explaining the role and activities of the NPA. They have also produced guidance notes for Community Councils on the wording that should be used when making recommendations on individual planning applications so as to avoid any ambiguity.

**RECOMMENDATION 11: National Park Authorities and the constituent authorities of AONBs should set targets for the approval of commercial developments in their Corporate Plans.** This is illustrated by Pembrokeshire Coast NPA that in its Corporate Plan has a target that 85% of all commercial applications will be approved. This figure is monitored and is being achieved (para 5.26). These targets and the monitoring results need to be clearly advertised.

## Partnership working between the planning and socio-economic functions of National Park Authorities and their constituent authorities and between the constituent authorities of AONBs

- 6.10 The split between the planning functions of the National Park Authorities and the socio-economic functions of their constituent authorities necessitates close partnership working between the two. This has been recognised through all reviews of the National Parks (para 5.15). It might also be assumed that within the constituent authorities of AONBs there is close working between their planning departments and the economic development sections and affordable housing enablers but this is not necessarily the case, as identified in previous studies of Planning and the Rural Economy<sup>28</sup> and as identified in the recent study of Roger Tym and Partners into Planning for Sustainable Economic Renewal<sup>29</sup> which concluded that planning for economic development is more rigid and less responsive than it could be. Although this Roger Tym study was not specific to statutory designated landscapes, it noted the need for stronger links to be forged between land use planning and economic development policies and interventions.
- 6.11 If closer partnership working is to be achieved between planning and the socio-economic activities of the constituent authorities, it is very important that this partnership working is not purely perfunctory but is based on a common understanding, mutual respect and a desire to find common ground, with solutions that help support the businesses and communities of the statutory designated landscapes while meeting their statutory purposes. This requires that the NPAs and AONB officers / JACs understand the socio-economic needs of their businesses and communities and that economic development officers and affordable housing officers / work within the spirit of the Section 62.2 duty (para 5.14).
- 6.12 It is also important, in times of economic restraint, that all opportunities for sharing staff and resources are explored. It is therefore recommended that:

***RECOMMENDATION 12: Every opportunity should be explored for partnership working between NPAs and their constituent authorities and between the constituent authorities of AONBs, particularly in terms of linking planning functions with the economic development and affordable housing functions, and to achieve resource efficiencies.*** This should apply to both Forward Planning and Development Management. This is needed to develop common understanding and to maximise resource efficiency.

**Forward Planning:** There are already considerable examples of partnership working. Pembrokeshire Coast NPA has worked closely with Pembrokeshire County Council to develop the evidence base for their respective Local Plans, for example, co-operating on housing and retail studies. Indeed, in the last round of Unitary Plans the two authorities prepared a Joint Unitary Plan. This had certain advantages including agreeing a spatial strategy that extended beyond the boundary of the National Park (this is not an issue unique to statutory landscapes and equally relates to joint working across local authority boundaries), and ensured co-operation and engagement between the authorities involved. However, it led to accusations that the National Park was not being true to its purposes and led to divisive arguments that sought to play the NPA off against the constituent authority. It ultimately also proved less cost-effective than preparing two complementary plans. Preparing an LDP specifically for the National Park allowed the process to be tailored to the needs of the statutory landscape, with the LDP reflecting the National Park Management Plan, and allowing combined consultation events that dovetailed the two plans together. Looking forward, the interaction between the National Park Management Plan and its delivery in part through the National Park LDP reflects the agenda of Living Wales, with the LDP helping to deliver the ecosystem services identified in the Management Plan.

Running two separate LDPs (one for the National Park and one for Pembrokeshire County) also avoided disagreements over a combined strategy and preferred options that in the last round had been a compromise for both the NPA and the County Council, leading to significant delays in the overall programme of the joint UDP. There remains an important need though, for the NPAs to

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<sup>28</sup> Land use Consultants in collaboration with the University of the West of England and Atlantic Consultants (August 2002).

<sup>29</sup> Roger Tym and Partners (June 2011) Planning for Sustainable Economic Renewal: Research Report to the Welsh Government.

take account of the economic development and affordable housing needs identified by the constituent authority(s).

Overall, it is instructive to look at the Cairngorms National Park in Scotland where there is strong combined working with its five constituent authorities. Despite shared delivery of development management within the National Park it has proved to be of significant benefit to have an LDP drawn up to the boundaries of the National Park (paras 3.58 – 3.60). Having a Local Plan for the National Park area has brought far greater consistency to development management across the whole of the statutory landscape, with all planning decisions now informed by the common policy framework provided by the Local Development Plan. It is for this reason that it is recommended that AONB Management Plans should have a section devoted to planning across the full area of the AONB, adopted as SPG (**Recommendation 5**) and also that National Parks should have a sustainable development strategy (**Recommendation 7**) to inform planning within the Park.

There is of course equal need for liaison between forward planning and the socio-economic functions of the constituent authorities of AONBs to cover not only the AONB but all rural areas within their LPA (see also recommendations in Roger Tym and Partners into Planning for Sustainable Economic Renewal<sup>30</sup>).

**Development management and more general liaison:** As already noted, where there is a one to one or one to two relationship between an NPA and its constituent authority(s) there is a history of close working, with both sitting on joint working groups /partnerships. There is a growing sense of mutual respect at officer level, and an emerging view that the NPAs are now quite well-engaged with the need for economic development and regeneration, working towards managing a living environment.

Where the NPA has a one to many relationship with its constituent authorities, there may be a case for setting up stronger joint working arrangements, built on mutual respect and the sharing of tasks to reduce overall costs. To minimise the number of additional meetings attended, there would be a case for setting up a Planning Working Group (to which all the chief planning officers of the constituent local authorities are invited) that forms the central contact point between the NPA planning team and the constituent LPAs. This, as in the South Downs National Park (para 3.24), would provide the avenue for finding out about the issues that may affect the National Park, primarily relating to economic development and affordable housing and would be the route through which joint working relationships are agreed. This could include an assessment of whether there would be any resource efficiencies if development management within the main settlements of the National Park passed to the constituent authorities on an agency agreement with the relevant NPAs, as in the Cairngorms National Park (para 3.19).

Issues relating to development management are also considered in **Recommendations 15 – 20**.

***RECOMMENDATION 13: Every opportunity is explored for the sharing of staff resources between National Park Authorities and their constituent authorities and indeed between constituent authorities of AONBs both to achieve economies and to allow specialist staff to be employed.*** Again, there are already many examples of the sharing of resources and these should be developed further. Pembrokeshire Coast NPA shares a minerals planning applications officer with Carmarthenshire County (not a constituent LPA) while Brecon Beacons NPA has a service level agreement with Carmarthenshire for the delivery of minerals planning services. In north Wales, Snowdonia NPA forms part of a consortium of north Wales LPAs that has set up a Joint Minerals Planning Unit in Flintshire to deliver minerals planning on their behalf, and the NPA sits on the Minerals Liaison Group for the wider area.

Similarly, Pembrokeshire Coast NPA jointly funds an affordable housing enabler with Pembrokeshire County Council as does Snowdonia NPA, which jointly funds rural housing enablers with its two constituent local authorities, Gwynedd and Conwy. Brecon Beacons NPA also used to fund a joint affordable housing enabler with Powys County Council although this arrangement has now ceased. Equally, Pembrokeshire Coast NPA and Pembrokeshire County Council have reciprocal arrangement on the sharing of specialist staff, with Pembrokeshire Coast NPA making their tree officer available to the County Council and the County Council making their landscape specialist available to the NPA. Pembrokeshire County Council is now making one of its ecologists

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<sup>30</sup> Roger Tym and Partners (June 2011) Planning for Sustainable Economic Renewal: Research Report to the Welsh Government.

available to the NPA one day a week to advise on individual planning applications. Pembrokeshire County Council planning staff have also been seconded to Pembrokeshire Coast NPA to cover for staff on maternity leave. In addition to offering economies, this sharing of staff helps in the building of trust and mutual support between the two authorities.

In terms of the AONBs, all forward planning functions for Gwynedd and Anglesey are being undertaken by the Gwynedd Joint Planning Policy Unit which is preparing the joint development plan for the two Counties of Gwynedd and Anglesey under a service level agreement. This has two interesting prospects: First, this will be the first development plan in Wales to consider two AONBs within the same plan - Anglesey AONB and Llŷn AONB. Second, the Policy Unit is divided by themes rather than geographically (to encourage bonding between the Anglesey and Gwynedd forward planners that form the Unit), the two main themes are Economy and Environment (allowing exploration of the interplay between these two different areas of interest) and Housing and Community. It will be interesting to see the outcome of this joint and integrated working.

**RECOMMENDATION 14: NPA Planning Committees and JACs should invite economic development officers, rural housing enablers and development managers from their constituent authorities to make presentations / attend workshops to discuss the interplay of commercial and community needs with the purposes of statutory designated landscapes.** Again the purpose will be to explore the interplay between economic and community development and the purposes of designation, helping develop mutual understanding.

## Bringing consistency to Development Management

- 6.13 There is general concern about the inconsistency in the way that individual planning applications are determined. This relates to all LPAs but especially those that have a high percentage of rural applications (as in National Parks and AONBs) which, by their very nature, tend to be unique (paras 5.16 – 5.17).
- 6.14 Equally there is a view expressed by rural businesses that the planning system is insufficiently flexible. There are two ways to view flexibility – (a) a relaxation in planning controls but this risks harmful development; or (b) the need for the planning system to take more account of local circumstances and the circumstances of individual businesses. It is suggested that greater flexibility could be exercised for local businesses where there is both a sound understanding of the local economy (**Recommendation 7**) and of the local landscape through a Landscape Character Assessment (**Recommendation 6**).
- 6.15 It is also recommended that greater consistency will be brought to planning determinations by:

**RECOMMENDATION 15: Ensuring that there is a strong and consistent planning framework for each statutory designated landscape that reflects both its landscape importance and socio-economic needs (RECOMMENDATIONS 4, 5 & 7 supported by a sound evidence base (RECOMMENDATION 6)).**

**RECOMMENDATION 16: There should be greater consistency in pre-application advice, with recording of the advice given.** Pre-application advice is very important for ensuring good planning applications that take account of relevant planning policies. However, it is very important that there is recording of pre-application enquiries and the advice given to ensure that there is continuity in advice received during the planning determination and so that any changes in advice are clearly signalled during the planning process and reasons for the changes provided. This recommendation was originally made in 2001 but has not been followed through<sup>31</sup>. An example of the approach that could be adopted is illustrated by Gwynedd County Council. Here a meeting note of the pre-application advice given is agreed and signed by both parties as an audit trail of the advice provided.

**RECOMMENDATION 17: The right specialists should be available to provide advice on individual planning applications including at the pre-application stage.** It is also important that at the pre-application stage applicants receive advice from all necessary

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<sup>31</sup> Land Use Consultants et al (February 2001) Farm Diversification and the Planning System.



specialisms. In the case of larger applications this is best achieved through a Development Team approach or similar supported by clear protocols. This is illustrated, for example, by Powys and Anglesey County Councils. Under this approach a Development Team comes together to provide pre-application advice to the applicant with the team including the case officer (Development Management); Forward Planning; AONB officer (in an AONB); landscape; conservation; highways; and economic development officers; and education and affordable housing enabler where relevant. In the case of NPAs this will involve a Development Team drawn partly from the NPA and partly from the constituent LPA(s). In Monmouthshire, a similar approach is taken under the name of 'New Systems Thinking', where pre-application advice and all the necessary consultations (including with statutory consultees) are undertaken up front, before the planning application is submitted.

In the case of smaller applications it is still important that NPAs / LPAs set up a system to ensure that these still have the benefit of advice on economic development; affordable housing (where relevant); landscape; and the AONB officers' advice and that of other specialisms as relevant, at the pre-application / application stage. This is illustrated by Anglesey County Council where all smaller application enquiries, other than extensions and alterations, are forwarded by email in a standard memo for comment to: forward planning; AONB officer (where relevant); the landscape / ecological co-ordinator; economic development and highways (where relevant).

This highlights that there should be better communication between planning teams and economic development/housing teams (whether in the same authority or not) (para 6.10). Economic development and affordable housing officers should be involved in pre-application discussions, and should be consulted by development management officers when assessing planning applications, as should landscape officers (**Recommendation 18**).

**RECOMMENDATION 18: All LPAs with AONBs and NPAs should have access to landscape advice able to comment on smaller applications as well as larger ones.** Stakeholders have commented on the lack of landscape expertise within government, from the Welsh Government downwards. This is a particular shortcoming within statutory designated landscapes where stakeholders have commented that there should be greater emphasis on development that is of a sustainable design in keeping with surrounding landscape character.

There may be a case for the development of a Landscape Unit to serve those statutory designated landscapes that do not currently have internal landscape advice, as in the current provision of minerals' planning in south Wales by Carmarthenshire and in north Wales by Flintshire. There is also a case for ensuring that there is an on-going interchange of ideas and support amongst local authority landscape specialists, as in the North Wales Tree and Landscape Officer Group.

**RECOMMENDATION 19: All NPAs and LPAs with AONBs should consider if there are other areas of guidance (in addition to RECOMMENDATIONS 3, 5 & 7) that would bring greater consistency to decision-making. Any such guidance should be adopted as SPG.** Guidance adopted as SPG can help define the appropriateness of different forms of development in different locations. For example, Pembrokeshire Coast NPA has found that its SPG on renewable energy (of all forms) has enabled the authority to take a much more consistent and pro-active approach to these developments, supporting those that meet identified criteria. In the case of AONBs covering more than one constituent authority such guidance should be adopted as SPG by all the constituent authorities of that AONB.

The emphasis should be on good and innovative design and landscape fit, emphasising that good design does not have to cost more.

**RECOMMENDATION 20: With the assistance of the WLGA / NPW and NAAONBs there should be more consistent member and officer training specific to statutory designated landscapes. This should focus on desired outcomes as well as process. This training should be extended to the Chairs of Community Councils.** Joint NPA member training works well with all new members required to attend. This includes an initial day of formal training on the planning system followed by site visit training sessions (identifying good and bad examples of development) and regular update sessions. Training also covers enforcement. There would be great benefit though, if this training, including regular updates on desired outcomes within statutory designated landscapes (statutory purposes, landscape fit and appropriate economic development), could be extended to:

- Members of LPAs with AONBs.
- Members of AONB JACs.
- Chairs of Community Councils that lie wholly or partially within a National Park or AONB.
- New and/or inexperienced planning officers within constituent LPAs of AONBs and NPAs.

There would also be great benefit if there was a greater exchange of good practice between all the constituent authorities of AONBs, potentially enabled by WLGA and the NAAONBs.

***RECOMMENDATION 21: Reconsider as part of the current enforcement research the ability for LPAs to serve temporary stop notices (implementing the provision in Planning and Compulsory Purchase Act 2004, which has already been implemented in England).***

- 6.16 There is general agreement amongst all stakeholders that lack of enforcement against planning breaches within National Parks and AONBs exacerbates a sense of inconsistency (paras 4.23 and 5.22). Those working within the NPAs and LPAs agree that the enforcement system is not working, and cited barriers such as the complexity of relevant legislation and the enforcement process, LPAs and NPAs not having enough 'teeth' (i.e. powers) and the high cost of enforcement action. However, it is recognised that concerns about enforcement are shared with many LPAs, not just those within AONBs or National Parks.
- 6.17 The only specific recommendation arising from this research project and discussions with stakeholders was that the legislation relating to enforcement needs to be reviewed at national level to make it easier for LPAs to serve notice, including the use of Temporary Stop Notices as in England.
- 6.18 As part of the evidence gathering process for the Planning Bill, Welsh Government is currently conducting an enforcement research project, which builds on the earlier enforcement review undertaken in two stages in 2004 and 2006. The Welsh Government conclusions<sup>32</sup> of that two stage review were that there was a consensus that the existing enforcement regime is effective and does not need radical change, but that did not mean that the system could not be improved or have further work done on it. The earlier review highlighted a number of issues where further research would be of benefit, as listed below, and these form the basis of Welsh Government's current enforcement research project:
- Training needs of those involved in the enforcement system and the establishment of fora for the exchange of views and practices.
  - Need for changes to the time limits for taking enforcement action.
  - The use and usefulness of stop notices and the impact of the compensation provisions on their use.
  - Level of fines currently imposed and their effectiveness and guidance provided to magistrates.
  - The need for, and possible benefits of, introducing new powers to attach conditions to control an aspect of unauthorised development that is unacceptable in all other aspects, for example a condition to restrict hours of operation.
- 6.19 It was also noted in the Welsh Government letter accompanying the conclusions of the review that the above research would be extended to include a commitment to carry out research comparing enforcement practices in designated areas such as National Parks and Areas of Outstanding Natural Beauty with those outside such areas. Finally, the Welsh Government letter notes that there will be a need to amend guidance relating to the planning enforcement system, which would be informed by the research and done in due course.
- 6.20 The outcomes of the current research will clearly be very relevant for enforcement officers within the NPAs and constituent LPAs of AONBs, in particular in relation to the training needs and the use of stop notices, and may help to improve the enforcement system across Welsh LPAs, not just in the National Parks and AONBs.

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<sup>32</sup> Welsh Assembly Government (as was) (December 2009) Planning Enforcement System Review. Conclusions of the Welsh Assembly Government.



## Governance

- 6.21 We are aware that there have been recent suggestions that there should be a single administrative structure for the three National Parks in Wales, as considered in the earlier Edwards' Review (1991). This would seem to run counter to the stated concerns of local stakeholders that they wish to see greater local representation (para 5.23). To move away from the current model would, no doubt, increase the concerns of local people that their interests were being decided remotely (this was clearly stated in the Edwards' review). This is especially the case as the three National Parks lie at a considerable distance from each other. Such proposals also go well beyond the delivery of planning services in the National Parks and therefore cannot be considered in isolation from these wider issues and therefore are not considered further here. Nevertheless, as discussed under other of the recommendations, there is a strong case for the sharing of some activities and support, potentially also including with the constituent authorities of AONBs (as in **Recommendation 18**).
- 6.22 Turning to local representation, through stakeholder consultation, it has been highlighted that there is poor local community representation on some National Park Authorities, meaning that planning decisions may be decided by people with no direct association with the Park area. Equally it is noted that there is little consistency in the structure and governance of Joint Advisory Committees of AONBs, making it difficult for others to know how to engage with them. It is therefore recommended that:

***RECOMMENDATION 22: There should be increased representation of National Park residents amongst the nominated membership of the National Park Authorities.***

Reflecting the emerging proposals of Defra for the English National Parks, there should be a relaxing of the political balance requirement on local authorities when appointing their members to a National Park Authority. In turn, the constituent authorities should only nominate councillors who represent Wards that are entirely or largely within the National Park so overcoming the current situation where many council nominees sitting on the National Park Authorities may be drawn from Wards at some distance from the National Park.

There is also a case for the Welsh Government to keep an eye on how the pilots are developing in England for the direct election of local community representatives to National Park Authorities, considering the applicability of findings to the Welsh situation (paras 3.7, 3.74).

***RECOMMENDATION 23: Through the WLGA and NAAONBs greater consistency should be brought to the structure and governance of AONB Joint Advisory Committees (JACs) ensuring that the high level of local representation is retained and ensuring that all JACs have the opportunity to comment on forward planning proposals and major planning applications within their AONB.*** Currently some JACs are entirely ineffectual in dealing with planning matters. A potential model is provided by the Wye Valley JAC which includes a Consultation sub-committee that comments on some (major) planning applications and other consultations, meeting about six times a year. The purpose of involving the JAC in this way is to ensure that comment on individual applications properly reflects local views.

One of the concerns of some AONB officers, is that they feel in an invidious position if they offer comments / recommendations that are at variance with the recommendations of the case officer on individual planning applications. However, if it is the collective view of the JAC this barrier is removed (para 5.25).

***RECOMMENDATION 24: All NPA and JAC members (see below) should sign a pledge stating that they are supportive of the purposes relevant to the statutory designated landscape and understand the socio-economic duty.*** This already forms part of the induction package and training of NPA members and is a requirement in Denbighshire where the LPA requires the members of the Clwydian Range and Dee Valley JAC to sign a pledge stating that they are supportive of AONB purposes.

There may also be a case for following the approach adopted in Denbighshire where, if a decision on a delegated application is made which goes against AONB officer or JAC advice, the decision is called in and goes to the Planning Committee for decision, ensuring that the views of the AONB officer / JAC are fully aired.

**RECOMMENDATION 25: Where possible the Chair of the JAC or other member(s) of the JAC should also sit on the planning committee ensuring that the interests of the AONB are brought into the debate.** An example of this is in Flintshire where the Chair of the AONB Committee also sits on the Planning Committee. This ensures that the interests of the AONB are represented on the committee, without the need for an AONB officer to be present at the committee meeting. Likewise the Head of Planning at Denbighshire Council noted that there is crossover between the members involved in the AONB Committee and the Planning Committee.

## Improved performance monitoring

- 6.23 There is little national reporting on the performance of planning within the statutory designated landscapes. This needs to be addressed so that any criticism of planning in National Parks and AONBs are based on facts. It is recommended therefore that:

**RECOMMENDATION 26: There should be monitoring against the following national indicators** (para 5.26):

- The % of planning applications approved within National Parks. This information is already collated for all other local authorities on InfoBaseCymru. Poor performing LPA/NPAs should be supported to make improvements.
- The % of commercial (economic) planning applications approved within each National Park and the constituent authorities of the AONBs each year. The definition of 'commercial' activities should be broadly defined to reflect the nature of rural businesses, including signage.
- The quality of the planning outcomes, i.e. the suitability of development taking place within National Parks and AONBs with their statutory landscape purposes. Currently there are no indicators that have been developed for this, or monitoring undertaken to measure outcomes within the NPAs and constituent authorities of the AONBs. This monitoring could be greatly assisted by better use and co-ordination of voluntary monitoring by AONB and National Park Societies.
- The % of planning decisions that (a) have gone against Community Council recommendations (Denbighshire already monitors this) and separately (b) within AONBs, the % of planning decisions that have gone against the recommendation of the JAC / AONB officer.

In addition, as part of the forthcoming Sustainable Development Bill, there may be the opportunity to develop and monitor wider sustainable development indicators.

## **Appendix 1**

### Evaluation/Assessment framework

## Evaluation/Assessment Framework used in Phase 2 of the study

<b>Assessment questions</b>	
<b>Part A: Plan preparation</b>	
<b>A1</b>	Was the Local Development Plan (LDP) prepared and adopted <b>within 4 years</b> ? (Local Development Plans Wales 2005 para 4.9)
<b>A2</b>	What have been/are the reasons for delays in plan preparation/approval?
<b>A3</b>	If adopted, has a <b>review date</b> been set for the LDP? (Local Development Plans Wales, 2005, para 4.45 states that an authority should complete a full review of its plan every four years.)
<b>A4</b>	Did the LDP adhere to its <b>Delivery Agreement</b> (which sets out a project plan for the preparation, adoption and review of the plan as well as a timetable)? (PPW 2011 para 2.2.2)
<b>A5</b>	Have <b>Annual Monitoring Reports</b> been submitted by 31 <sup>st</sup> October each year in connection with the LDP? (PPW 2011 para 2.1.6 and Local Development Plans Wales 2005 para 4.42)
<b>A6</b>	Were/are <b>key stakeholders consulted</b> early in the plan preparation process? (CCW, AONB officers, landscape, biodiversity and cultural heritage specialists) (The earliest formal consultation stage is the Pre Deposit Plan – Local Development Plans Wales, 2005, para. 4.19 and Figure 1)
<b>A7</b>	Were / are comments made incorporated into the Plan? [This will involve asking about consultation through interviews, but also checking any consultation reports prepared following early stages of LDP preparation to see what comments were made and how they were addressed by the LPA]
<b>A8</b>	If adopted, did the <b>inspector</b> feel that policies for <b>the statutory designated landscapes were adequately</b> covered? [This will involve checking the relevant Inspector's Report if the LDP has been through Examination]
<b>A9</b>	<b>National parks only</b> Was <b>there close liaison with the housing departments</b> and committees of the constituent local authorities?
<b>A10</b>	How effective was this liaison in terms of the plan preparation and resulting policies? [This will need to be asked through interviews]
<b>Part B: Plan Policies</b>	
<b>B1</b>	<b>National Parks and AONBs</b> Are the <b>National Park / AONB purposes</b> clearly <b>embedded in the vision and overall strategy</b> for the Park / AONB area?  To conserve and enhance their natural beauty, wildlife and cultural heritage (both National Parks and AONBs)  To promote opportunities for public understanding and enjoyment of their special qualities (National Parks only)  [This will involve checking the LDP Vision, Objectives and Core Strategy, as well as any specific policies relating to the NP or AONB]
<b>B2</b>	<b>National Parks only</b> Are the <b>special qualities</b> of the National Park clearly identified in the Local Plan?
<b>B3</b>	<b>AONBs only</b> In policies for <b>development in open countryside</b> , are there particular criteria relating to the statutory designated landscape?
<b>B4</b>	<b>National Parks and AONBs</b> Is there clear policy support for the principle that policies should give <b>greater weight to conserving and enhancing natural beauty</b> , wildlife and cultural heritage of these areas over other interests? (PPW 5.3.4 and 5.3.6)
<b>B5</b>	<b>National Parks and AONBs</b> Is there a specific policy for <b>major developments</b> that are more national than local in character? (Major developments should not take place within National Parks and AONBs except in exceptional circumstances PPW5.5.6) [‘National’ in this context means UK.]

<b>Assessment questions</b>	
<b>B6</b>	<b>National Parks and AONBs</b> <i>Is there clear policy support for <b>the fostering of the economic and social well-being</b> of local communities within the National Park/ AONB?</i>
<b>B7</b>	<i>Is there guidance on how this can be achieved while conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park / AONB? PPW 5.3.4 &amp; 5.3.6,</i>
<b>B8</b>	<b>National Parks and AONBs</b> <i>Is there clear policy support or SPG or other <b>guidance for promoting or reinforcing traditional character</b> and local distinctiveness? PPW 4.10.10</i>
<b>B9</b>	<b>National Parks and AONBs</b> <i>Does the <b>Annual Monitoring Report</b> show that policies relating to the statutory designated landscape are used frequently in making planning decisions?</i>
<b>Part C: Development management process</b>	
<b>C1</b>	<b>AONBs only</b> <i>Are applications within the AONB dealt with in any different way compared to those in the rest of the local authority area? If yes, what are the differences?</i>
<b>C2</b>	<i>Does the NPA/LPA provide <b>pre application advice</b>?</i>
<b>C3</b>	<i>In the case of AONBs, is an AONB officer ever involved in pre application discussions?</i>
<b>C4</b>	<i>What format does the pre application advice come in (e.g. website advice, planning surgeries, direct discussions with applicants, provision of information, site visits)?</i>
<b>C5</b>	<i>Does the LPA / NPA charge for pre application advice/discussions?</i>
<b>C6</b>	<i>Are applicants advised of NP <b>special qualities or of design guidance</b> or similar?</i>
<b>C7</b>	<i>Is <b>the standard UK application form</b> (available through the Planning Portal) used, or is a modified version of it used?</i>
<b>C8</b>	<i>Will the NPA / LPA seek the <b>advice of other specialists</b> – what are the common specialisms sought?</i>
<b>C9</b>	<i>Are <b>site visits</b> normally made to application sites?</i>
<b>C10</b>	<b>AONBs only:</b> <i>In the case of AONBs will the AONB officer ever be present on a site visit? And in what circumstances?</i>
<b>C11</b>	<i>Are applications within AONBs / NPs <b>modified</b>, and in what circumstances?</i>
<b>C12</b>	<i>If an application is modified, is a re-application requested i.e. is the applicant advised to withdraw the application and re-submit?</i>
<b>C13</b>	<i>What programme of <b>member training</b> is in place re planning determinations?</i>
<b>C14</b>	<i>Is there a code of behaviour for Members and Officers, available and complied with? (PWC success criterion)</i>
<b>C15</b>	<i>Which <b>statutory consultees</b> are involved, when are they consulted and how significant are their comments in relation to determination of the application and appeals?</i>
<b>C16</b>	<i>In what circumstances do LPA/NPA officers have <b>delegated powers</b> to determine applications within NPs and AONBs (i.e. for what types of planning applications)?</i>
<b>C17</b>	<b>AONBs only:</b> <i>Do the circumstances or types of planning applications differ for applications outside the AONB?</i>
<b>C18</b>	<i>Is there a <b>high percentage of decisions delegated</b> to LPA/NPA officers? (PWC success criterion – suggested a high percentage would indicate a high level of trust between Members and officers)</i>
<b>C19</b>	<i>What percentage of applications within NPs and AONBs determined by the Planning Committee, <b>go against officer recommendation</b>?</i>
<b>C20</b>	<b>AONBs only:</b> <i>Is the percentage different for applications outside the AONB?</i>
<b>C21</b>	<i>What is the average <b>time taken for applications to be determined</b> within statutory protected landscapes?</i>
<b>C22</b>	<i>At what point does the clock start ticking for the statutory timeframe for planning applications to be determined within?</i>
<b>C23</b>	<b>AONBs only:</b> <i>is this any different to the time taken for applications to be determined outside the statutory designated landscape?</i>
<b>C24</b>	<i>What <b>% of applications in open countryside</b> within the statutory designated landscape are <b>approved</b>? (<b>NPI: PLA/002</b> The percentage of applications for development determined during the year that were approved.)</i>
<b>C25</b>	<b>AONBs only:</b> <i>is this any different to % approvals outside the statutory designated landscape?</i>

<b>Assessment questions</b>	
<b>C26</b>	How does this compare with the % of approvals within rural LPAs?
<b>C27</b>	What are the types of <b>planning condition/ legal agreements</b> that are typically applied to approvals within the statutory designated landscape?
<b>C28</b>	In what circumstances are these typically applied?
<b>C29</b>	<b>AONBs only:</b> is this any different to conditions applied / legal agreements entered into outside the statutory designated landscape?
<b>C30</b>	What number of refusals <b>go to appeal</b> each year within the statutory designated landscape?
<b>C31</b>	<b>AONBs only:</b> is this any different to the number of appeals outside the statutory designated landscape?
<b>C32</b>	How many <b>appeals</b> are subsequently <b>approved</b> (i.e. go against the LPA's decision)?
<b>C33</b>	<b>AONBs only:</b> is this any different to the patterns outside the statutory designated landscape?
<b>C34</b>	Is there a <b>high success rate at planning appeals</b> with no costs being awarded against the NPA/LPA? (PWC success criterion) ( <b>NPI: PLA/003</b> The percentage of appeals determined that upheld the authority's decision in relation to planning application decisions and enforcement notices.)
<b>C35</b>	Is there a <b>formal complaints procedure</b> – are all complaints logged and how are they acted upon?
<b>C36</b>	Were there <b>any justified criticisms</b> arising from the authority's formal complaints procedure relating to the planning application process within the statutory designated landscape? (PWC success criterion – suggested that LPA monitoring against former Best Value target 205 'Quality of Planning Services' would show the percentage of applicants satisfied with the service received.)
<b>Part D: Example planning applications</b>	
<b>D1</b>	Application reference number and name
<b>D2</b>	Date of application
<b>D3</b>	Type of application – for what? Size?
<b>D4</b>	Location – statutory designated landscape and more precise location?
<b>D5</b>	Outline or full?
<b>D6</b>	Did <b>pre-application discussions</b> take place between the applicant and the AONB officer / NPA/LPA officer in relation to: <ul style="list-style-type: none"> <li>the purpose(s) of the statutory designated landscape and conserving its special qualities / key characteristics?</li> <li>design guidance and promoting traditional character and local distinctiveness</li> <li>other</li> </ul>
<b>D7</b>	<b>Who prepared the application</b> - the applicant or other? [State 'other' e.g. professional planner]
<b>D8</b>	Does the <b>application adequately describe the development</b> , allowing likely impacts to be assessed?
<b>D9</b>	Does it identify that it is in a statutory designated landscape?
<b>D10</b>	Does it identify the likely environmental sensitivities of the application e.g. in relation to landscape, wildlife and cultural heritage?
<b>D11</b>	Did any <b>specialist advisors</b> assist the LPA in making a recommendation to permit/decline planning permission?
<b>D12</b>	What disciplines did they cover, what was the significance of their advice in the decision, and any subsequent appeals? (In particular, was specialist landscape advice sought, and how significant was the advice in the decision?)
<b>D13</b>	Was a site visit made by the <b>planning officer</b> ?
<b>D14</b>	Was he / she accompanied by any specialists? Who?
<b>D15</b>	Were any <b>modifications</b> required of the planning application relating to the special status of the statutory designated landscape?
<b>D16</b>	What were these?
<b>D17</b>	How were these dealt with – was a new planning application required?
<b>D18</b>	What number of <b>letters of support and objection</b> were received?
<b>D19</b>	What were the main reasons for support and from whom?



<b>Assessment questions</b>	
<b>D20</b>	What were the main reasons for objection and from whom?
<b>D21</b>	Which <b>statutory consultees</b> were involved, when were they consulted and how significant were their comments in relation to determination of the application and appeals?
<b>D22</b>	What was the <b>officer's recommendation</b> for determination? [Need to obtain the officer's report]
<b>D23</b>	<b>Who determined the application</b> - Head of Planning or the Planning Committee?
<b>D24</b>	What was the <b>planning decision</b> ?
<b>D25</b>	What were the <b>main reasons given for this decision</b> relative to the statutory designated landscape?
<b>D26</b>	What was the <b>time taken</b> to determine the application? (Was it within the statutory timeframe?)
<b>D27</b>	What were the reasons for any delays?
<b>D28</b>	If approved, what <b>conditions / legal agreement</b> were applied that related to the special status of the statutory designated landscape?
<b>D29</b>	If refused due to the purpose(s) of the statutory designated landscape, did the applicant <b>appeal</b> the decision?
<b>D30</b>	What was the result of the appeal?
<b>D31</b>	If approved, what reasons did the inspector give for the approval? [Need to obtain the Inspector's report]
<b>Part E: Enforcement</b>	
<b>E1</b>	Is there an <b>enforcement charter</b> in place which sets out the LPA's responsibilities and how they will record and deal with breaches of planning control, including the public's role in identifying possible breaches (as in the Cairngorms)?
<b>E2</b>	If there is no charter in place is there other standard / internal guidance on enforcement?
<b>E3</b>	Are regular <b>monitoring reports</b> produced on reported breaches of planning – failure to comply with conditions / illegal developments?
<b>E4</b>	How are planning breaches identified?
<b>E5</b>	<b>AONB LPAs only:</b> Is there any different pattern within the statutory designated landscape?
<b>E6</b>	How many planning breaches per year are there within the statutory designated landscape?
<b>E7</b>	What are the most common forms of planning breach?
<b>E8</b>	<b>AONB LPAs only:</b> is the pattern any different within and outside the statutory designated landscape?
<b>E9</b>	Are s.215 Notices for tidying an area up served more regularly within the NPs and AONBs than by other LPAs / outside the AONB?
<b>E10</b>	Is <b>enforcement action</b> taken where necessary, and are cases resolved within 12 weeks?
<b>E11</b>	What <b>enforcement action</b> is taken in the case of planning breaches – reversal of the development / retrospective planning/ enforcement of the conditions / other?
<b>E12</b>	Is <b>advice/consultation</b> sought during the enforcement process from relevant consultees (including AONB team)?



## **Appendix 2**

### Questionnaire sent to Individual Planning Applicants

## Questionnaire: Reviewing the Delivery of Planning Services in Welsh National Parks and AONBs

Name

Application number

**1) Overall, how would you rate your experience of applying for planning permission within a National Park or Area of Outstanding Natural Beauty (AONB)?** (1 = extremely poor, 10 = extremely good)

1      2      3      4      5      6      7      8      9      10

*Please explain your answer*

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**2a) Did you refer to policies in the adopted local plan for guidance when preparing your application?**

☐ Yes

☐ No

☐ Not sure/can't remember

**2b) Were you advised of any design guidance or similar, that applies to the relevant AONB or National Park, to inform your application?**

☐ Yes

☐ No

☐ Not sure/can't remember

**3) Did you feel that the National Park or AONB designation had a bearing on how your application was dealt with by the local planning authority?**

☐ Yes

☐ No

☐ Not sure/can't remember

*Please explain your answer*

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**4a) Did you request any pre-application advice from the local planning authority?**

☐ Yes

☐ No

☐ Not sure/can't remember

**4b) If yes, what format did this come in?**

☐ Letter

☐ E mail

☐ Verbally over the phone

☐ In person via a drop in session or similar

☐ In person via a site visit

☐ Other (please specify) \_\_\_\_\_

☐ Not sure/can't remember

☐ N/A

**4c) Was the pre-application advice that was provided helpful?**

☐ Yes

☐ No

☐ Not sure/can't remember

☐ N/A

*Please explain your answer*

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**4d) Did the pre-application advice identify issues specific to the AONB/National Park designation?**

☐ Yes ☐ No ☐ Not sure/can't remember ☐ N/A

*If yes, please explain your answer.*

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**5) AONBs ONLY: Were you aware of the AONB officer being involved in any stage of your application?**

☐ Yes ☐ No ☐ Not sure/can't remember ☐ N/A

**6) Were you aware of a site visit having been undertaken by the local planning authority?**

☐ Yes ☐ No ☐ Not sure/can't remember

**7a) Which parts of the planning system do you think work well in your area?**

- |   |   |
|---|---|
| <input type="checkbox"/> Planning policy                      | <input type="checkbox"/> Pre-application advice                     |
| <input type="checkbox"/> Processing applications              | <input type="checkbox"/> Appeals                                    |
| <input type="checkbox"/> Enforcement                          | <input type="checkbox"/> How planning applications are determined   |
| <input type="checkbox"/> Time taken to determine applications | <input type="checkbox"/> Nature of conditions attached to approvals |
| <input type="checkbox"/> Other (please specify) _____         |   |

*Please explain your answer*

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**7b) Are there any aspects of the planning system in your area that you think need improving?**

- |  |   |
|--|---|
| <input type="checkbox"/> Planning policy (e.g. the Local Plan)     | <input type="checkbox"/> Pre-application advice available to applicants |
| <input type="checkbox"/> Processing applications                   | <input type="checkbox"/> Appeals by applicants against decisions        |
| <input type="checkbox"/> Enforcement on non-authorised development | <input type="checkbox"/> How planning applications are determined       |
| <input type="checkbox"/> Time taken to determine applications      | <input type="checkbox"/> Nature of conditions attached to approvals     |
| <input type="checkbox"/> Other (please specify) _____              |   |

*Please explain your answer*

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**8) Are there any general comments that you'd like to make?** (Please continue on another sheet if necessary)

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## **Appendix 3**

### Questionnaire sent to Community Councils

## Questionnaire: Reviewing the Delivery of Planning Services in Welsh National Parks and AONBs

**Community Council:**

**National Park/AONB:**

**1) Has your Community Council participated in consultations for the Local Development Plan, particularly in relation to the relevant National Park or Area of Outstanding Natural Beauty (AONB) designation?**

☐ Yes

☐ No

☐ Not sure

**2) How well do you feel that the Local Development Plan contributes to achieving the purposes<sup>1</sup> of the relevant National Park or AONB? (1 = not at all, 10 = extremely well)**

1      2      3      4      5      6      7      8      9      10

*Please explain your answer*

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**3) Do you feel that the National Park or AONB designation has a significant bearing on how planning applications within the relevant designation are dealt with by the local planning authority?**

☐ Yes

☐ No

☐ Not sure

*Please explain your answer*

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**4) Are there any commonly arising issues that your Community Council is aware of in relation to planning applications in the relevant National Park or AONB?**

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**5) If you have any involvement with the enforcement process, how would you rate this particular aspect of the planning system? (1 = very poor, 10 = excellent)**

1      2      3      4      5      6      7      8      9      10

☐ N/A – we do not have any involvement with enforcement.

*Please explain your answer*

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<sup>1</sup> Note that for National Parks these purposes are (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas and (b) promoting the opportunities for the understanding and enjoyment of the special qualities of those areas by the public. When National Parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the National Parks. In AONBs, the primary purpose of designation is to conserve natural beauty.

**6) Overall, how well do you feel that planning services are delivered in relation to the relevant National Park or AONB designation? (1 = not at all, 10 = extremely well)**

1      2      3      4      5      6      7      8      9      10

*Please explain your answer*

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**7a) Which parts of planning service delivery do you think work well in your area?**

- |   |   |
|---|---|
| <input type="checkbox"/> Planning policy                      | <input type="checkbox"/> Pre-application advice                     |
| <input type="checkbox"/> Processing applications              | <input type="checkbox"/> Appeals                                    |
| <input type="checkbox"/> Enforcement                          | <input type="checkbox"/> How planning applications are determined   |
| <input type="checkbox"/> Time taken to determine applications | <input type="checkbox"/> Nature of conditions attached to approvals |
| <input type="checkbox"/> Other (please specify) _____         |   |

*Please explain your answer*

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**7b) Are there any aspects of planning service delivery in your area that you think need improving?**

- |   |   |
|---|---|
| <input type="checkbox"/> Planning policy                      | <input type="checkbox"/> Pre-application advice                     |
| <input type="checkbox"/> Processing applications              | <input type="checkbox"/> Appeals                                    |
| <input type="checkbox"/> Enforcement                          | <input type="checkbox"/> How planning applications are determined   |
| <input type="checkbox"/> Time taken to determine applications | <input type="checkbox"/> Nature of conditions attached to approvals |
| <input type="checkbox"/> Other (please specify) _____         |   |

*Please explain your answer*

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**8) Are there any general comments regarding the delivery of planning services that you'd like to make? (Please continue on another sheet if necessary)**

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## **Appendix 4**

Status of LDPs in the national parks and AONBs, and range of AONB-specific policies in development plans



**Table 6.1: Status of Local Development Plans in the Welsh National Parks and AONBs**

Statutory Designated Landscape	Relevant planning authority(ies)	Status of UDP and/or LDP
Pembrokeshire Coast National Park	Pembrokeshire Coast National Park Authority	LDP adopted September 2010.
Snowdonia National Park	Snowdonia National Park Authority	LDP adopted July 2011.
Brecon Beacons National Park	Brecon Beacons National Park Authority	<p>LDP nearing adoption – Focussed Changes consultation took place in late 2011.</p> <p>UDP (2007) was approved but not adopted.</p> <p>Current planning framework therefore consists of:</p> <ul style="list-style-type: none"> <li>i) Adopted Gwent Structure Plan (March 1996)</li> <li>ii) Mid Glamorgan County Structure Plan: Approved Plan Incorporating Proposed Alterations No.1 (September 1989)</li> <li>iii) Powys County Structure Plan (replacement) (February 1996)</li> <li>iv) Dyfed Structure Plan (including Alterations No.1) (November 1990)</li> <li>v) West Glamorgan Structure Plan (Review No.2) (February 1996)</li> <li>vi) Brecon Beacons National Park Authority Local Plan (May 1999)</li> </ul> <p>Given that a number of these documents are now out of date, the National Park Authority has approved the UDP for use for development management purposes and considers the UDP to carry considerable weight over the documents listed above.</p>
Clwydian Range and Dee Valley AONB	Flintshire County Council	<p>UDP was adopted in September 2011.</p> <p>Yet to begin production of LDP – this will be produced to replace the UDP which runs to 2015.</p>
	Denbighshire County Council	<p>UDP was adopted in 2002.</p> <p>LDP is nearing adoption – currently undergoing examination, with an additional period of consultation on additional sites and additional hearings to be carried out with Inspectors later in 2012.</p>
	Wrexham County Borough Council <sup>33</sup>	<p>UDP was adopted in 2005.</p> <p>LDP was submitted for examination in September 2011, but withdrawn in March 2012 due to fundamental</p>

<sup>33</sup> Note that the status of Wrexham's UDP and LDP has been included in this table for the final report, but was not reviewed during the study as it commenced prior to the extension of the Clwydian Range AONB into Wrexham.

Statutory Designated Landscape	Relevant planning authority(ies)	Status of UDP and/or LDP
		concerns raised by the Inspector. The Council are currently awaiting formal confirmation from the Welsh Government about which stage of Plan preparation they will have to return to before they can proceed.
Gower AONB	City and county of Swansea	UDP was adopted in 2008.  LDP preparation process has started and consultation on the LDP Vision, Objectives and Strategic Options commenced on the 23rd July, 2012 <sup>34</sup> .
Llyn AONB	Gwynedd Council	UDP was adopted in 2009.  Joint LDP being produced with Anglesey Council; this is currently at an early stage, with the Vision Objectives and Strategic Options consulted on late 2011-January 2012.
Ynys Môn/Anglesey AONB	Isle of Anglesey County Council	UDP reached inquiry stage in 2004 but was withdrawn in 2005 in order to move to LDP system.  LDP reached Pre-Deposit stage but was withdrawn in December 2010 in order to prepare a Joint LDP with Gwynedd Council. This is currently at an early stage, with the Vision Objectives and Strategic Options consulted on late 2011-January 2012.
Wye Valley AONB	Monmouthshire County Council	UDP was adopted in 2006.  Deposit LDP was consulted on in late 2011, and underwent consultation on alternative sites December 2011-February 2012, and are now preparing for the next stage, submission to Welsh Government.

<sup>34</sup> Note that this LDP has not been reviewed as it was not available at the time at which this task was undertaken during Phase 2. Only its status has been updated in this table for the final report.

## **Appendix 5**

SPG and other guidance available in National parks and AONBs

**Table 6.2: Supplementary Planning Guidance and other Guidance available in National Parks and AONBs**

Local Authority	Adopted SPGs and other guidance
<b>National Park Authorities</b>	
The three National Parks share a <b>Sustainable Design Guide</b> (Spring 2009) which promotes better design and construction techniques that could help lower harmful emissions whilst also offering economic and social benefits.	
<b>Brecon Beacons</b>	UDP Guidance Note Policies ES26 & ES27 Replacement of Dwellings and Extension of Dwellings in the Countryside (Sept 2008).
<b>Snowdonia</b>	<p><b>Draft SPGs:</b> Nature Conservation and Biodiversity (Sept 2011); Landscape of Eryri (Sept 2011) – <i>a landscape character assessment of the National Park</i>.</p> <p><b>Adopted SPG:</b> General Development Considerations (Sept 2011); Planning and the Welsh Language (Sept 2011); Affordable Housing (Sept 2011).</p> <p><b>Design leaflets:</b> Some 25 leaflets on all aspects of building design from design in the open countryside to specific leaflets on slate roofs and windows.</p>
<b>Pembrokeshire Coast</b>	Affordable Housing (March 2011); Loss of Hotels and Guest Houses (June 2011); Landscape Character Assessment (June 2011); Historic Environment (Archaeology) (June 2011); Renewable Energy (October 2011); Conservation Area Proposals (October 2011).
<b>Constituent authorities of the AONBs</b>	
<b>Flintshire Council (Clwydian Range and Dee Valley AONB)</b>	<p>Local Planning Guidance Note No. 10: New Housing in the Open Countryside (Adopted by Council (April 2006).</p> <p>Plus other SPGs of which the most relevant to the AONB are likely to be: Extensions and Alterations to Dwellings; Landscaping; Conversion of Rural Buildings; Listed Buildings; Conservation Areas; Nature Conservation and Development; Affordable Housing.</p>
<b>Denbighshire Council (Clwydian Range and Dee Valley AONB)</b>	<p>Residential Development Design Guide (March 2005); Householder Development Design Guide (October 2005)</p> <p>Plus a large range of other SPGs of which the most relevant to the AONB are likely to be: Extension to Dwellings; Landscaping New Developments; Agricultural and Forestry Workers' Dwellings; Infill Housing in the Countryside; Conservation Areas; Listed</p>

Local Authority	Adopted SPGs and other guidance
	Buildings; Archaeology; Conversion of Rural Buildings; Nature Conservation and Species Protection; Static Caravan and Chalet Development; and Affordable Housing.
<b>Isle of Anglesey Council (Ynys Môn/Anglesey AONB)</b>	Design in the Urban and Rural Environment SPG. This SPG is made up of 32 Guidance Notes, with Guidance Note 30 covering development in the AONB.
<b>Gwynedd Council (Llyn AONB)</b>	Building New Housing in the Countryside; Affordable Housing and New Housing in Rural Areas; Holiday Accommodations.
<b>Swansea City and County Council (Gower AONB)</b>	The Council has a wide range of SPG. Those post UDP adoption likely to be relevant to the Gower AONB are: Lighting Scheme Guidance for Gower Area of Outstanding Natural Beauty; the Conversion of Rural Buildings; Draft Gower AONB Design Guide.
<b>Monmouthshire Council (Wye Valley AONB)</b>	Local Biodiversity Action Plan: Biodiversity and Development (2005); Policy H7 Conversion / Rehabilitation of Buildings in the Countryside for Residential Use (November 2006); Affordable Housing (March 2007); Policy H13, H15: Replacement Dwellings and Extensions to dwellings in the Countryside (October 2007); Wye Valley AONB Management Plan (October 2009).

