

Amendments to Permitted Development Rights

Consultation response

Response submitted by National Trust Cymru to Welsh Government's Planning Directorate

14 February 2022

The National Trust is a charity founded in 1895 by three people who saw the importance of our nation's heritage and open spaces and wanted to preserve them for everyone to enjoy. More than 125 years later, these values are still at the heart of everything we do.

Introduction

National Trust Cymru is proud to care for 46,000 hectares of land, 157 miles of coastline and 18 of the nation's finest castles, houses, gardens and industrial sites. With the support of our staff and volunteers, more than 1.8 million visitors enjoy our places in Wales every year.

We place great importance on the conservation, management and enjoyment of the natural and historic environment both within and beyond our boundaries. We are committed to playing our part to help restore and protect our natural environment, which includes making our own visitor business as sustainable as possible, with the ambition to become carbon net zero in Wales by 2030. As a conservation charity, it is our responsibility to look after special places and ensure that they are accessible for future generations, as well as those visiting right now.

We welcome the opportunity to respond to the Amendments to Permitted Development Rights consultation.

Response to consultation questions

Our response addresses those of the Welsh Government's questions that we are best placed to answer based on our experience and expertise.

Question 1: Should the additional days granted by Class A of Part 4A be retained permanently, permitting temporary uses to take place for up to 56 days (28 days for specified uses) in a calendar year?

National Trust Cymru considers that the urgent need we experienced at the height of the pandemic for some of the time-limited Permitted Development Rights (PDR) to aid specific public health measures, support the ability to respond to additional recreational pressure and provide an opportunity to accommodate changes in travel patterns has now passed,

and that consequently Permitted Development Rights introduced during this exceptional time should not be widely extended. It is on this basis that we believe the additional days granted by Class A of Part 4A should not be permanently retained and that temporary uses of land should revert to 28 days (or 14 days for specified uses) as set out in Class B of Part 4.

If the Welsh Government is concerned that there is still a need for emergency response measures to address issues associated with the pandemic then we would suggest that an alternative option to establishing a permanent change in PDR may be to extend it for a further period of time, for example to 31 December 2022.

Question 2: Do you have any evidence as to any benefits and impacts as a result of introducing the additional number of days for temporary uses to take place since April? If yes, please specify

We have used the additional days that the temporary PDR afforded at a number of our Welsh properties to support measures needed in response to Covid, whether that be to aid social distancing or for some of our tenants to “test” diversification opportunities over a longer period of time. However, the Trust has also experienced issues with the additional number of days, initially with a lack of clarity about whether there were restrictions in AONBs as well as National Parks. In some areas, we have also seen the creation of car parks on neighbouring land which has presented challenges in relation to highway safety, as well as impacting landscape character.

Question 3: Do you have views on whether there should be additional restrictions on the use of this PDR to mitigate against potential impacts of making this permanent? If yes, please specify.

We believe that it will be very difficult to introduce additional measures which would adequately protect landscape character, heritage and biodiversity as a result of the extension of this PDR from 28 to 56 days.

The current right has very limited restrictions on where it can be used and it is considered that the impacts that these have on landscape, heritage and biodiversity can be balanced against the fact that they are time limited and can be relatively easily enforced against. These activities can currently take place in National Parks, AONBs, Conservation Areas, SSSIs and Scheduled Monuments. These are locations of our most beautiful landscapes and heritage assets, and it is considered that the introduction of additional restrictions to protect landscape, heritage and biodiversity would lead to complexities not currently evident in the system, as well as additional burdens on Local Planning Authorities in respect of advising people. There is also the issue of longer time periods being harder to monitor and enforce against.

There are opportunities through the planning system for people to secure either planning permission or temporary planning permission for uses beyond the 28 day period and the Trust considers that this is the most appropriate way for these uses to be managed. This allows for the proper consideration of environmental, social and economic issues and will ensure development complies with the plan-led system and sustainable development.

Question 4: Should the number of days for holding a market generally be extended? If yes, what is an acceptable number of days for holding a market? What conditions should apply to manage the planning impacts?

National Trust Cymru does not have any evidence to demonstrate the impact of the use of this temporary PDR. However, we are concerned about the potential for future impacts on the historic environment arising from impact on setting were this PDR to be extended either for a specified number of additional days beyond the current 14 day allowance or for an unlimited number of days in any calendar year. There are also potential impacts on valued cultural landscapes and designated areas such as National Parks, AONBs, and World Heritage Sites, as there is no restriction on the areas where these activities may occur. While it is recognised that there are economic benefits that extending a right can have, these need to be balanced against potential adverse environmental effects.

In light of this concern, we believe there should be no increase in the current number of days in any calendar year in order to limit potential effects associated with market activities that can impact on local communities, heritage assets and protected landscapes. If it is considered by the Welsh Government that there should be an increase in this PDR for holding a market then we would request that any new right aligns with time limits for other temporary land use PDRs to try and ensure consistent timeframes between different PDR and reduce confusion with use of this part of the planning system.

Question 5: Should any additional days over the permitted 14 days be provided for markets operated by or on behalf of a local authority?

We are concerned that in allowing markets to operate on a greater number of days or unlimited basis, this is effectively creating a degree of permanence to such activities which could create issues of concern in respect of traffic management, noise and lighting impacts (in winter) which may impact on the amenity of local communities.

This call for evidence should carefully examine whether issues of nuisance have been raised whilst this Permitted Development Right has been in place. The concerns that we have raised in response to Question 4 of this consultation equally apply to markets operated by or on behalf of a local authority and that there is potential for adverse effects on the historic and natural environment.

Question 14: Do you agree greater flexibility should be provided through permitted development rights to accelerate the rollout of electric vehicle charging infrastructure? If not, please provide your reasons for disagreeing.

We are supportive of the measures needed to bring forward implementation of the Electric Vehicle Charging Strategy across Wales. National Trust Cymru has been at the forefront of the implementation of electric vehicle charging points in Wales, and we are now looking to update our older network of slower charging points where funding and power supply can be brought forward.

We support the principle of facilitating the installation of EV charging points through the proposed amendment to the GPDO through changes to Part 2 and 12 of the GPDO. We

also welcome the consideration of advertisement issues for the casing and support this issue.

For our own sites we are careful in the nature of excavation works in sensitive locations including completing our own internal archaeological scoping works where appropriate, and consider the siting and screening issue as an internal issue for some of our sensitive locations (such as Registered Park and Gardens, Conservation Areas, Sites of Special Scientific Interest).

Whilst we support greater flexibility for EV charging, we believe that permitted development rights should not be brought forward in sensitive settings such as Conservation Areas, Registered Parks and Gardens and within the curtilage of listed buildings. We would like to see consideration of some form of prior approval mechanism being built into the legislation to cover these sensitive locations where design, height, colour and materials may be an important issue for the receiving environment, landscape and townscape.

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