

Permitted Development Amendments to the Town and Country Planning (General Permitted Development) Order 1995

Consultation Response Form

Respondents are encouraged to submit their responses online:
<https://www.smartsurvey.co.uk/s/5RJZZK/>.

Alternatively, please complete the consultation response form and email to
planconsultations-e@gov.wales.

Your name: [REDACTED]

Organisation (if applicable): [Glandŵr Cymru, The Canal & River Trust in Wales](#)

email / telephone number: [REDACTED]
[REDACTED]

Your address: [REDACTED]

[Canal & River Trust, National Waterways Museum Ellesmere Port, South Pier Road, Ellesmere Port, Cheshire, CD65 4FW](#)

Q.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?		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input checked="" type="checkbox"/>
	Comments: Consideration of any harm caused by these uses and structures, as noted in our response to Q2, should inform a decision on the correct length of time for which these uses and structures should be allowed. However, this should include a requirement for their removal when not in use, in order that any potentially negative impacts would not become permanent.		

Q.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.		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input checked="" type="checkbox"/>
	Comments: The Trust has been consulted previously on various applications for similar uses and structures to those that would benefit from these rights and is aware that some may have been erected near our network as a result of the temporary rights. Whilst we note that some protected/designated sites would not benefit from these rights, they do not extend across the whole of our network in Wales. These types of cases have raised the following issues:		

- Visual, design & heritage impacts – impact of size, design, materials and siting of these structures and any fixings should be considered. There is no suggestion that they should be well maintained, or removed when not in use, and the nature of these kind of structures is that their appearance often degrades over time, causing further harm to visual and other amenity. Whilst they are noted as temporary/movable structures, there are no requirements for them ever to be moved, or for any fixings to prevent damage to historic fabric. Their impact on the setting of article 2(3) land designations, surrounding heritage assets (designated or otherwise) also is not included for consideration.
- Water quality – the lack of clarity around what constitutes a moveable structure and lack of requirement for movement to occur, raises concerns that some moveable structures might include connections to services/utilities. Ancillary functions including catering activities can raise the need for consideration of the risk of pollution of the water environment from discharges that are uncontrolled or misconnected. Consideration of this issue and options to ensure protection of the environment should be considered for inclusion in any further rights or associated conditions.
- Safety near water – risk of obstructing views of, legibility of and access to/from safe use of waterspace and towpaths. Where moveable structures are located near waterside locations, they can result in obstruction of views and make it more difficult to identify routes to/from the waterside environment or reduce clarity of waters edge locations, as well as attracting people to such areas in greater numbers and thus increasing the risk. This can combine to increase the risk of accidents involving people entering the water, rather than their wellbeing benefitting from their waterside experience. Measures to prevent people entering waterspace and to ensure safety and legibility of areas such as public realm should be required/controlled/considered as appropriate.
- Noise/disturbance – where outdoor structures are located near waterspace with unrestricted operating hours there is the potential for the amenity of boaters to be harmed by early/late activities and the use of the area (similar to the potential impact on nearby residential amenities). Consideration of hours of activity and operation should seek to protect such amenity where applicable. Consideration of the materials and noise insulation requirements for moveable structures could also be appropriate.
- Littering – where moveable structures that attract leisure use are located in close proximity to waterspace and towpaths, measures to minimise the littering of the environment, in order to avoid harm to navigation, habitats and visual amenity, should be required. Appropriate refuse collection & disposal measures should be considered.

The Trust also observe that if harmful effects should arise as a result of the use of these rights, there appears to be no means for recourse or control by the Local Planning Authority and thus no way to mitigate or prevent further harm.

Q.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.

Yes ☐

No ☐

Other ☒

Comments:

The Trust seeks to ensure the attractiveness and positive attributes of the canal network in Wales, including through campaigns such as the plastics challenge. We therefore suggest that consideration should be given to the inclusion of limitations within the regulations to protect environmental, historic and structural impacts. These limitations might relate to

exemptions for heritage designations, size, time and location limits, visual impact and design/materials.

This might also allow for some control via LPAs. It is important that if harmful effects do arise, there is a means of recourse and seeking mitigation or cessation. The Trust seeks to protect its network and users and seeks reassurance that the introduction of these rights would not have the potential to result in harm to boaters, towpath users and the communities along our waterways.

Q.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?

Yes ☐

No ☐

Other ☒

Comments:

Consideration of any harm caused by these uses and structures, as noted in our response below, should inform a decision on the correct length of time for which these uses and structures should be allowed. However, this should include a requirement for their removal when not in use, in order that any negative impacts would not become permanent.

Without full planning control there is the potential to erode local distinctiveness to the detriment of the historic environment and the character of an area, of which the waterways are an integral part. We therefore support further consideration of exemptions for designated heritage assets/areas.

Where markets exist in close proximity to the canal network, the following issues have arisen in some locations:

- Water quality – risk of pollution of water environment from stall holder discharges especially in relation to food/drink outlets. Moveable structures are anticipated to be temporary in nature and thus not connected formally to utilities or services, resulting in surface run-off and discharge within and beyond the market area. Washing down can also create polluted run off incidents.
- Safety near water – risk of obstructing views of, legibility of and access to/from safe use of waterspace and towpaths. Where moveable structures are located near waterside locations, market operations and structures can result in obstruction of views and make it more difficult to identify routes to/from the waterside environment or reduce clarity of waters edge locations, as well as attracting people to such areas in greater numbers and thus increasing the risk. Measures to prevent people entering waterspace and to ensure safety and legibility of areas such as public realm should be required/controlled/considered as appropriate.
- Visual impacts – impact of size, design, materials and siting of market stalls on their setting should be considered, along with longevity of impact. The overall impact of a market, especially where size & sprawl is unrestricted, can be significant on (and harmful to) the setting when viewed from waterspace and towpaths. Where markets are located within article 2(3) designated areas, their temporary presence for a limited number of days per year can sometimes be more easily tolerated than if in place for a longer period of time and subject to full planning controls. The Trust note that no restrictions on the moveable structures used for the market appear to be proposed, and that these could be left in situ when the market is not operating, rendering them semi-permanent and thus of greater impact on their setting. We suggest that such requirements should be considered for inclusion in any extension of the existing rights.

- Noise/disturbance – where markets are held near waterspace with unrestricted operating hours there is the potential for the amenity of boaters to be harmed by early/late activities and the use of the area for the market (similar to the potential impact on nearby residential amenities). Consideration of hours of activity and operation should seek to protect such amenity where applicable. This can affect both visitor and residential moorings.
- Impact on heritage assets/historic fabric - the visual impacts of a market in proximity to a heritage asset should be considered, and an opportunity to protect such sensitivities does not appear to exist. No information about the moveable structures allowed is given, but if these need fixing (e.g. to hard surfaces), there should be consideration for the impact of this in locations where this could result in harm to historic fabric. This should also extend to the impact of fixings in close proximity to waterway infrastructure and its maintenance and operation, as well as the retention of the historic interest and integrity.
- Littering – especially where markets are located in close proximity to waterspace and towpaths, measures to minimise the littering of the environment, in order to avoid harm to navigation, habitats and visual amenity, should be required. Appropriate refuse collection & disposal measures should be considered.

A substantial proportion of the Trust's network in Wales lies within World Heritage Sites and other historic/biodiversity designations, and the historic, wildlife and visual sensitivities of these areas should be given consideration when considering permanent changes to the legislation.

The Trust seeks to ensure the attractiveness and positive attributes of the canal network, including through campaigns such as the plastics challenge. We therefore suggest that consideration should be given to the inclusion of limitations within the regulations to protect environmental, historic and structural impacts. These limitations might relate to exemptions for heritage designations, size, time and location limits, visual impact and design/materials.

The Trust also observe that if harmful effects should arise as a result of the use of these rights, there appears to be no means for recourse or control by the Local Planning Authority and thus no way to mitigate or prevent further harm. We ask that these matters be considered fully in reaching a conclusion on the extension of the right and any associated conditions that might be attached. The Trust seeks to protect its network and users and seeks reassurance that the introduction of these rights would not have the potential to result in harm to boaters, towpath users and the communities along our waterways.

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

Yes ☐ No ☐ Other ☒

Comments:

See response to Q4. The planning matters relating to the location, operation and impact of such uses apply equally regardless of the nature of the operator.

Q.6 Do you agree the permitted changes of use within town centres should become permanent? If not, please provide your reasons for disagreeing.

Yes ☐ No ☐ Other ☒

Comments:

Matters associated with such changes of use that are likely to affect Glandŵr Cymru are likely to remain outside the permitted development regime and thus continue to attract applications for permission where we would be statutorily consulted.

Q.7 Do you agree the permitted development right for the use of the highway adjacent to a hospitality use for that purpose should be made permanent? If not, please provide your reasons for disagreeing.

Yes ☐

No ☐

Other ☒

Comments:

The Trust consider that there are likely to be only a limited number of sites where this right would apply that are also located in close proximity to the canal network. However, the effect of allowing these uses in such locations permanently (that would previously have been assessed by LPAs) should be considered in relation to their long-term impact on matters such as:

- Water quality
- Safety near water – users of the space and sharing of space with vehicles.

Measures to prevent people entering waterspace and to ensure safety and legibility of areas such as public realm should be required/controlled/considered as appropriate. It is important that where shared use of highways occurs, visibility for both pedestrians and vehicle users is maintained, along with sufficient space to avoid harm such as vehicles colliding with bridge parapets.

- Visual impacts
- Impact on heritage assets/historic fabric
- Littering

The Trust note that there appear to be no limits on quantity, appearance or size of permitted furniture, and their permanence/means of attachment etc. and ask for consideration of these matters and any others of relevance be considered when assessing the need for conditions.

Q.8 If you answered yes to Q7, are any additional conditions required to mitigate potential amenity impacts?

Comments:

See response to Q7.

Q.9 Do you agree the permitted development right for the installation of awnings at hospitality uses should be made permanent? If not, please provide your reasons for disagreeing.

Yes ☐

No ☐

Other ☒

Comments:

See response to Q2 & Q3, where our comments relate to both the use and associated temporary structures.

Q.10	Do you have any comments regarding Part 3A?		
	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
	Comments:		

Q.11	Do you have any comments regarding Part 12A?		
	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
	Comments:		

Q.12	Do you agree that HMOs should not benefit from permitted development rights for alterations and extensions to a dwellinghouse granted by Part 1 of the GPDO? If not, please provide your reasons for disagreeing.		
	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: <p>The proposal will minimise the risk to Glandŵr Cymru of increased harmful visual impacts on users of the canal network and the setting of heritage assets.</p>		

Q.13	Do you agree with the proposed alterations to Class F? If not, please suggest alternative approaches, restrictions or thresholds that could be adopted.		
	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: <p>The proposal will minimise the risk to Glandŵr Cymru of increased runoff as a result of additional hard standing.</p>		

Q.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.		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input checked="" type="checkbox"/>
	Comments: <p>The Trust ask that the potential for negative impacts from increasing the existing rights is considered. The size, siting and resultant visual impact should be considered, especially in relation to heritage assets, and in areas of designations such as World Heritage Sites, Conservation Areas and Listed Buildings where publicly accessible canals and the impact of these proposals on their users should be assessed fully. Mitigation of any harmful visual or heritage impacts should be included in any revised legislation.</p>		

Q.15	Do you agree with reintroducing permitted development rights for the protection of poultry and other captive birds?		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input checked="" type="checkbox"/>
	Comments: No comment		

Q.16	Do you agree with the proposals for amending Article 4 Directions?		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input checked="" type="checkbox"/>
	Comments: The Trust in Wales welcomes the replication of Article 4(4) which specifies that Article 4 Orders do not apply to statutory undertakers, unless the order itself specifically states that it does. We also note the requirement that we be notified at proposal and confirmation stage.		

Q.17	We would like to know your views on the effects of the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.		
	What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?		
	Comments: No comment		

Q.18	We have asked a number of specific consultation questions. If you have any related issues which we have not specifically addressed, please use the space below to raise them.
	Comments: No comment

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐