



Ms Virginia Hawkins  
Sustainability Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
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Sent via email: [Sustainability.comm@Wales.gsi.gov.uk](mailto:Sustainability.comm@Wales.gsi.gov.uk)

8 June 2010

Dear Ms Hawkins

## Sustainability Committee Planning Inquiry

Thank you for this opportunity to respond to your invitation to contribute to your inquiry. We welcome this opportunity to present our views, drafted initially by planning officials at the Pembrokeshire Coast National Park Authority (NPA) with additional support and comments from myself, the Brecon Beacons and Snowdonia NPAs.

### Introduction

The Brecon Beacons National Park Authority (BBNPA); the Pembrokeshire Coast National Park Authority (PCNPA) and Snowdonia National Park Authority (SNPA) manage the three National Parks in Wales.

National Parks have two statutory purposes set out within Section 61 of the 1995 Environment Act:

- conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas;
- promoting opportunities for the public understanding and enjoyment of the special qualities of those areas by the public.

In carrying out these responsibilities the NPAs shall to seek to foster the economic and social well-being of their local communities. They are independent local authorities operating within the local government framework. The Welsh Association of National Park Authorities (WANPA) is the partnership of the three NPAs that raises the profile of issues effecting the National Parks and contributes our expertise to applicable policy.

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The National Parks are considerable environmental, economic and social assets. They cover approximately 20% of the land mass of Wales and are home to a wide range of internationally important landscapes that contain unique natural and historic environments. In 2006, the Valuing the Environment partnership study found that the National Parks contributed £205 million to GDP, generated £177 million of income and supported 12,000 jobs.

NPAs are independent local planning authorities (LPAs), constituting 3 of the 25 LPAs within Wales and we value the role the planning system plays in delivering sustainable development consistently within National Park boundaries. Each NPA has adopted a National Park Management Plan (NPMP) which sets out a sustainable, coherent vision and action plan for each National Park. Each is grounded in the principles underpinning sustainable development having undergone a strategic environmental assessment and sustainability appraisal.

### **Response to Questions posed by the Committee**

The questions we have been asked to address are very broad in scope, answering them in detail poses a challenge. In many respects the questions raised under the list of topic areas the inquiry will focus on are of more relevance. We have therefore tried to answer the committee's broader questions in the context of the topic area questions.

#### **1. How are key Welsh Government policy objectives reflected in national and local planning policies/guidance and local planning decisions? Do you think this approach is successful?**

Key Welsh Government Policy objectives were set out in *One Wales*, published in June 2007. National planning policy guidance is in the form of Planning Policy Wales (PPW) and supporting Technical Advice Notes (TANs). PPW was published in March 2002 and all but three of the twenty one TANs were published prior to *One Wales*. Although PPW is updated by Ministerial Interim Planning Policy Statements (MIPPS), four of the six MIPPS pre-date *One Wales*.

A regional element is provided by *the Wales Spatial Plan*, updated in 2008, which LPAs should also have regard to when preparing their plans.

In addition to National Planning Guidance LPAs have to prepare a Local Development Plan (LDP). Guidance emphasises that LDPs must have regard to national policies, however they should not repeat them but rather explain how they apply to the local area. In order to assist with this WAG published their Planning Policy Wales Companion Guide in June 2006. It explains which policies were adequately covered in National Guidance and which may need to be dealt with in LDPs.

Clearly the potential exists for planning guidance to lag behind the strategic agenda of government following an election and/or the formulation of a cabinet. However in practice planning has coped within balancing competing land use needs and meeting the needs of sustainable development. Existing guidance promotes sustainable development, albeit the emphasis on different priorities may differ according to practical and legal considerations (e.g. NPAs are obliged to place landscape protection at the

heart of decision making) that retain a degree of flexibility to change as circumstances or political considerations warrant.

MIPPS provide useful updates to PPW, however the period between drafting and adoption can amount to years. More recently, letters accompanying consultation draft TANs and MIPPS have suggested that they should be treated as material considerations. This raises a credible concern, these are untested policies that are subject to change as consultation documents. If we are asked to assume that they will not change significantly then it calls in to question the role and credibility of the consultation in the first place.

The WAG attempted to address the time lag between draft and adopted guidance in its *Planning for Climate Change* consultation document published in December 2006. This introduced a draft climate change compendium intended to "have the status of national planning policy advice similar to a TAN". It was supposed to be practical and regularly updated to allow planning policy to react quickly to climate change as new issues emerged and scientific knowledge increased. However it appears to us that this concept has been abandoned, the draft MIPPS is to be incorporated into a consolidated version of Planning Policy Wales. This was due to be completed at the end of 2008, although we are still waiting for its publication. Four years after the first publication of draft guidance on climate change there is still no adopted national planning guidance that consolidates policy concerning the issue, although sections of PPW and certain TANs, in particular TAN 12: Design, deal with a number of related issues.

We feel that there is a need to examine the policy-making process with a view to speeding up the adoption of high-quality national guidance. This is particularly important since national guidance is increasingly relied upon to determine planning applications where the issue is not dealt within an LDP. Why should LPAs tolerate the status quo in which a draft TAN on a single issue can take 4 years to produce, when we are obliged to produce LDPs within the same timeframe. In addition, the status that can be given to draft guidance is often uncertain and needs to be clarified. We would welcome the consolidated Planning Policy Wales document as that would get rid of the current tier of MIPPS. However it would also be useful if there were a way of consolidating other guidance too. Current guidance consists of: PPW; PPW Companion Guide; 21 TANs; 6 MIPPS; The Wales Spatial Plan; Local Development Plans; the General Permitted Development Order and Circulars etc. Abundant guidance creates a bureaucratic burden that LPAs are expected to manage, while applicants, consultees and the general public are expected to understand the relationship between publications. Some TANs could be combined, since elements are duplicated, and the "compendium" model could be resurrected and utilised to highlight urgent policy issues, or at least set the priorities government feel should be attached to existing policy.

There are conflicts that arise from trying to deliver different Government objectives through planning policies. The planning service is capable of facilitating development but other agencies promote development, they 'do' the developing. Recently the burden on developers has increased on all fronts. LPAs are under pressure to promote the delivery of WAG's affordable housing targets. At the same time the introduction of the code for sustainable homes, level three, has increased developer costs at a time where the financing of development is increasingly difficult. There are added expectations that developers should be improving or providing infrastructure such as roads, sewerage facilities (Dŵr Cymru expect 60% of investment in improvements to be delivered by the

private sector), open space and contributions for local services such as libraries and schools. The WAG made affordable housing delivery statements a requirement and finalised guidance in 2009. These were intended to increase the delivery of affordable housing through the planning system in advance of Authorities adopting their Local Development Plans. The requirement provided a clear signal that affordable housing was a priority. However there is a lack of clarity on other key issues such as on how far we should treat zero carbon buildings as an “aspiration” or a clear goal. When setting priorities it is important to be realistic about what can be delivered and not stifle development.

Guidance is often riddled with terms such as “promote” and “encourage” and needs to be more assertive and unambiguous where an issue is a priority. This would give all parties certainty on key issues such as improving the sustainability of new buildings. On other issues such as strategy it is important to give LPAs the flexibility to reflect the aspirations of their local communities.

## **2. How successful are current planning policies/guidance in helping planners to reconcile competing demands e.g. renewable energy vs landscape quality, economic growth vs climate change.**

On the whole we believe that current policies allow the flexibility to reconcile competing demands, but feel that there could be greater clarity where the WAG has identified a clear priority. When guidance is issued, the role a National Park may or may not play in meeting specific priorities should be fully addressed. However, on the whole we feel that there are sufficient checks and balances within the current system to ensure that the correct balance has been struck.

Reconciling competing needs will always be a balancing act requiring degrees of compromise, different LPAs will have different priorities. Where there is concern that an LPA has made the wrong decision the WAG can call in the application or if an applicant has been refused they can appeal. There is currently no right of third party appeal and we believe that if it were introduced it could lead to unnecessary delay to a system with very little additional capacity. The interests of a community, and the wider public, may not be best served by allowing third party rights of appeal. Community engagement is extensively sought during planning policy development and through the existing application process. With regard to public involvement in formulating planning guidance, the WAG could do more to engage with the general public when drafting national policies, however we do not believe that the weight of public opinion should necessarily determine local or national policy. The quality and reasonableness of an argument should hold more weight. Local and national government will continue to make certain difficult decisions in the public interest; decisions that some members of the public may disagree with. In general, committee decision making structures allow community (and in the case of NPAs – national) interests to be represented by its membership in addition to the normal consultation procedures for plans and planning applications.

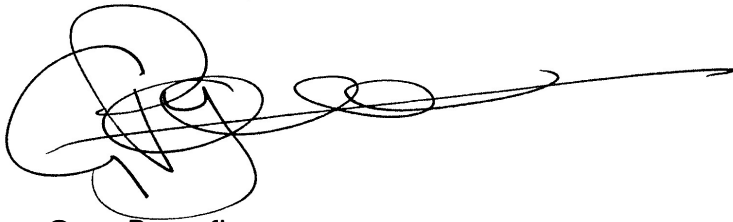
3. Are there examples of good practice in other parts of the UK that we could learn from?

We are not aware of good practice examples from other countries.

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Once again, thank you for this opportunity to share our experience, should you wish to discuss any aspect of this response, please do not hesitate to contact me in the first instance.

Yours sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

**Greg Pycroft**  
Welsh Policy Officer