

Positive Planning

Sustrans submission to Welsh Government consultation on proposals to reform the planning system in Wales

February 2014

Summary & Overview

Sustrans Cymru welcomes the opportunity to respond to the draft Planning Bill and offer some thoughts. Sustrans is a leading UK charity enabling people to travel by foot, bike or public transport for more of the journeys we make every day. We work with families, communities, policy-makers and partner organisations so that people are able to choose healthier, cleaner and cheaper journeys, with better places and spaces to move through and live in.

We look forward to the detailed policy stage of the process, including the proposed documents National Development Framework and Strategic Development Plans (SDPs) and responding in more detail as these emerge.

While having more national involvement in the planning process can lead to greater certainty for developers, this could risk local issues and communities becoming disengaged from the process. Sustrans Cymru supports putting local communities at the heart of making decisions that directly affect them, and so we await further detail on how this will work in practice. A one-size-fits-all approach could see local factors disregarded in the planning process. With additional layers of the planning process, we also raise concern of 'consultation fatigue', with local communities unclear as to the appropriate level to engage. We would welcome Welsh Government clarification on how this is to be avoided.

Sustrans Cymru strongly supports the Welsh Government's public commitment to sustainable development, and we have some concern that sustainability only appears once on the face of the draft Bill. The Westminster Government's National Planning Policy Framework enshrines the principle of Sustainable Development, and we would support the inclusion of this within the Bill.

With the Williams Commission having reported and the Welsh Government and other stakeholders considering the response, we would seek further clarification on how this Bill will be future proofed; for example, will there be a need for SDPs if Wales moves to a model of 10, 11 or twelve Local Authorities?

In our written and oral evidence to the Enterprise and Business Committee of the Welsh Assembly on the, then, Active Travel (Wales) Bill, we raised concern that Compulsory Purchase Orders (CPOs) did not properly support the creation of new, direct, safe and comfortable active travel routes.¹ We believe the Planning Bill is an opportunity to explore this further and would welcome further exploration into whether CPOs (or guidance to the Planning Inspectorate the sits alongside CPOs) meets the needs of the Active Travel (Wales) Act and, indeed, other Welsh Government legislation.

Climate Change is one of the key challenges facing Wales and the UK, and the planning process can be used to both adapt to and mitigate the impacts of climate change. It is disappointing,

¹ <http://www.senedd.assemblywales.org/documents/s15367/AT%201%20Sustrans.pdf>

therefore, that climate change does not feature on the face of the draft Bill and is mentioned only once in the consultation document.

Answers to certain specific questions are below:

Question 6: Do you agree that a core set of development management policies should be prepared for consistent application by all local planning authorities?

Sustrans Cymru welcomes the clarity provided by national policies, which should also assist when “tidying up” old policies and understand which are no longer applicable. Lessons can be learnt from the introduction of the National Planning Policy Framework in England, where in places there has been discrepancies between policies and guidance. All participants in the planning system need to be aware at any time what is still relevant in the way of policy, guidance and background material.

Question 7: Do you agree that the proposed development hierarchy will help to ensure that planning applications are dealt with in a proportionate way dependent on their likely benefits and impacts?

Sustrans Cymru broadly welcomes the hierarchy set out by the Welsh Government, although we hope that local circumstances and local communities will still be taken into account as part of the National Development Framework. Central Government in Wales must provide a strategic planning overview, but it remains important that local communities are empowered over the future of the places where they live. Community involvement is an essential element in delivering sustainable development and creating sustainable and safe communities. We have extensive experience in community consultation and we support other bodies who are influential in this area such as the Civic Voice who seek to ‘reform the planning system to help people shape their surroundings more effectively’.²

Sustrans Cymru would welcome further clarification on the timescales for determining applications that are considered of national significance.

Question 10: Do you agree Developments of National Significance applications should be subject to mandatory pre-application notification, and consultation?

In principle, Sustrans Cymru has no objections to pre-application notification and consultation. However, the Bill does not make it clear how non-statutory bodies and members of the public can engage with these processes on matters of national significance. We would welcome additional guidance in this area.

Moreover, as written the Bill may place local authorities and local communities on the defensive when it comes to new development in Wales and may mean only well-resourced national groups could get involved in the process. Sustainable Development is built around the involvement of local communities in their own future

Question 17: Do you agree that the statement of case and draft statement of common ground should be produced when submitting an appeal?

² http://www.civicvoice.org.uk/uploads/files/National_Planning_Policy_Framework_Civic_Voice_submission.pdf

In the case of appeal against refusal this seems a reasonable objective. However, the Welsh Government must recognise that in some cases appeals for non-determination need to be made where the local planning authority have been remiss in decision making and in these cases it will not be practical to provide full statement of case or common ground.

Question 21: Should fees be introduced to cover the costs of the Welsh Ministers resulting from an appeal?

We are concerned that introducing fees to cover the costs of Welsh Ministers would render it impossible for smaller organisations and members of the public to appeal decisions taken by Ministers.

In reality, such a move would limit appeals only to those able to afford it, which would reduce engagement with the planning process in Wales.

Question 26: Do you agree that the scope of Strategic Development Plans should be limited to the key issues identified in paragraph 5.29?

Transport, and in particular planning sustainable transport from an early stage, is a key part of the planning process. New developments covered by SDPs that do not consider transport could lead to an increase in car dependence (and therefore an increase in transport poverty in Wales), could lead to increased congestion and therefore pollution, which would be unsustainable.

If SDPs are necessary, Sustrans Cymru believes it is vital they have the scope to consider transport as part of their remit to ensure fully sustainable development.

Question 27: Do you agree that a partnership between local planning authorities and social, economic and environmental stakeholders should oversee preparation of Strategic Development Plans?

We welcome the proposal to have a lead authority for each SDP, and believe that partnership with other stakeholders and the local community is vital to ensuring the plans take account – including developers, third sector organisations, businesses and local community representation. External organisations could bring significant experience and practical knowledge in how to work with communities and develop sustainably, while meeting challenges such as tackling the housing shortage and the impact of climate change.

Question 32: Do you agree that Welsh Ministers should be able to direct preparations of a joint LDP?

Sustrans Cymru deals with sustainable transport which frequently involves, or should involve, cooperation between Local Authorities in, for example, creation of through routes for walking and cycling between and urban area and its hinterland; and rail and bus links.

Question 36: Do you support the proposal to allow a right of appeal against an LPA not registering a planning application?

The type of application that Sustrans Cymru have been involved in is often one in which LPA offices are unfamiliar and therefore may request an unnecessary amount of material to validate an application. We therefore welcome the proposal to allow the validation requirement disputes to be resolved in a quick and simple procedure.

Question 41: Do you agree that the proposals strike a balance between the need to preserve land used as Town and Village Greens and providing greater certainty for developers?

Sustrans Cymru supports the Welsh Government in seeking to place additional restrictions on applications for Town and Village Greens. It is vitally important that local communities' issues and concerns are properly taken account of during the planning process, but in our experience these applications are often used as a delaying tactic simply because an application has been made.

We therefore support the principle of the Welsh Government's changes to these specific instruments, as long as community engagement with the planning process is increased.

Contact Details

Sustrans Cymru
123 Bute Street
Cardiff
CF10 5AE

Tel: 029 2065 0602

Email: sustranscymru@sustrans.org.uk

Head Office
Sustrans
2 Cathedral Square
College Green
Bristol
BS1 5DD

Tel: 0117 926 8893

Email: policysubmissions@sustrans.org.uk

© Sustrans February 2014
Registered Charity No. 326550 (England and Wales) SC039263 (Scotland)
VAT Registration No. 416740656