

Dear Sir / Madam,

The WLGA welcome the desire to simplify and codify the legislative system for Planning in Wales. Following devolution, the complexity of determining what element of which legislation is extant in Wales has become increasingly burdensome. Therefore, this endeavour is very welcome.

The consultation paper was by necessity extremely detailed and extensive and much of its coverage were simply a tidying up of provisions. Individual planning authorities, POSW and the RTPI are responding in a great deal of detail on the provisions as they impact upon the local authority planning function.

The WLGA represents the 22 Local Authority and the 3 National Parks as associate members at a political level. As such our observations reflect any potential impact upon members and their involvement in the planning process; and the need to ensure timely and informed decision making.

The development of a planning code for Wales will support these aims and ensure that elected members receive the most appropriate advice when considering development management decisions or in the development of strategic plans. It is essential that as part of this process that the Welsh Government commits to a regime of only updating the code as appropriate and not falling into the trap of updating elements of the planning system in associated pieces of legislation. Clearly this is easier said than done but critical to the success of the project.

However, this does mean that the planning code (encompassing primary and secondary legislation and planning guidance) needs to be responsive to the wider legislative programme of government. This is essential for clarity and the effective functioning of the system. An example of this relates to the enhanced biodiversity duty set out in the Environment Act that strengthened the need for public authorities to fully recognise the need to support biodiversity through the delivery of their functions. It appears that often any conditions placed on planning applications on this matter that go to appeal are removed by the Inspectors. The rationale set out by the Planning Inspectorate is that they place more reliance on the specific duties set out in planning legislation and the PPW rather than a general duty set out

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elsewhere. Therefore, planning guidance must be more agile to ensure that the intent of legislation is supported by clarity in all documents.

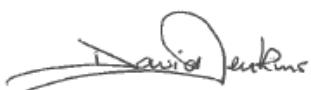
The two broader areas which have raised debate relate to outline planning permission and listed building consent. Whilst the desire to remove outline consent is well intentioned the alternative set out of more detailed consent but with many more areas subject to conditions seems to be effectively the same thing. It is not clear whether one approach or the other aids better decision making and more effective public engagement in the process. Consequently, the WLGA feels that the option should remain to those LPA's who find this approach useful. In terms of amalgamating listed building consent with planning applications does offer the benefit of simplicity. However, again it was felt that this ran the risk of downgrading the unique issue at stake (heritage of the build environment) and losing an opportunity to ensure it remains a key issue. The fact that it would now attract a fee could also encourage some to try and avoid the system and lead to a potential increase in unauthorised activity. Therefore, the WLGA feels that this process should remain separate as we are not convinced that the perceived complexity of the current system is really a hinderance to the public or members in understanding these issues. Whilst outside the scope of this exercise there are some further issues that do need addressing especially as the eventual articulation of this code will result in a new planning Act in the near future.

The first is the costly and largely ineffective requirement to advertise in the press. Whilst all would subscribe to the benefit of a vibrant and involved local media it should not be the role of the planning function to help sustain local papers through revenue from notices. There are cheaper and more effective methods to promote public engagement in planning and LPA's should be free to explore these.

The second is the matter of LDP's and the expiry date and review timetable. The opportunity should be taken to remove the 'drop dead' date for LDP's so that they are still a material consideration. Practical experience has shown where an extant plan is not in place, any reliance on national policy to deal with issues such as affordable housing on a site-specific basis does not fare well. It cannot be Welsh Government's intention to undermine wider policy ambitions in this way. The review cycle also means that limited resources must be devoted to this when there is a clear need for better regional and national planning frameworks.

Whilst there is some recognition that the 'drop dead' date gives clarity and certainty around the Plan's actual lifetime, it does little by way of offering the LPA's the flexibility necessary to respond to situations where a deferment of a replacement Plan's preparation may be both beneficial and necessary. In this respect the positives afforded through the National Development Framework may by virtue of the timing of a replacement Plan be best delivered through a flexibility in the expiration of an LDP. This would allow an LDP to respond more proactively and positively.

Yours sincerely,



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