



**Welsh Liberal Democrats
Democratiaid Rhyddfrydol Cymru**

Permission to plan

**Reforming the planning
process in Wales**

Policy paper for debate

Spring Conference 2013

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Introduction

The planning process is at the heart of how we develop our economy and land as a nation, and how we protect our environmental and cultural assets. It underpins policy development on economic growth, regeneration, and sustainability. That is why it is important that we develop policy that balances the wishes of local communities for development with the desire for speedy decisions. We also want to improve the efficiency of the process in delivering decisions.

Conference first recognised the complexity of this policy area in October 2011 when it passed a motion asking the National Policy Committee to review policy on the planning process. The Committee followed up this debate with a formal consultation process in March 2012. They have now produced this full planning policy paper.

Throughout this process, the committee have taken the approach that local communities know more about how developments will affect them than the government in Cardiff Bay. That is why we are proposing to improve the flexibility of the process and giving additional powers for local authorities to determine what sort of development they wish to see.

We also believe that the planning process can be used not just to spur economic growth and local regeneration but also to develop imaginative, sustainable and innovative proposals for new developments.

In addition, we have tried to improve the process by making it quicker in areas where the local council wishes to focus development. Better knowledge about the impacts of development will lead to better decisions. We also want to provide flexibility within the current set of guidance to authorities which will allow them to tailor planning guidance to their own vision for the future.

This policy paper presents a wide range of policy proposals to improve the planning system.

Promoting development in preferred areas

The economic benefits of a speedier and more efficient planning system are well-rehearsed. Quicker decisions lead to greater levels of investment and help to regenerate areas. A number of Welsh councils would like to see investment in specific areas made easier in order to help promote economic growth and to ease the planning process.

Making the planning process simpler in specific areas will help local authorities to plan their growth and also to encourage investment in the areas where local authorities wish to see it implemented. We believe that giving councils the powers to make the planning process simpler in areas where they wish to attract greater investment will allow a boost to the Welsh economy.

We wish to allow councils the opportunity to speed up investment in their areas. So we will allow them to designate certain areas where there would be a presumption in favour of development. In these areas, there would have to be a compelling reason not to grant the development. These areas could cover any area the council chose, apart from Greenfield sites, and could be attached to other economic projects such as Enterprise Zones. Councils would still be empowered to demand certain design standards if they wished. These **Development Presumption Areas** would then be able to attract investment with the knowledge that it was more likely to be granted. This would allow councils to focus investment and help to kick-start any new regeneration programmes that required investment.

In addition, we would develop a new category of **pre-consent** for some development in local authority areas. Under this system, a local authority would apply for permission for broadly what it wanted to see built, in line with its local plans for development. Once this was agreed, it would allow councils to tender out the right to develop the land to interested businesses who would be free from applying for new planning permission so long as they developed to the permission that had already been granted. This would allow councils to attract development in their preferred areas – as it would be cheaper for developers to build in areas where permission had already been granted.

These two changes would allow local authorities to ensure that they could make the system more efficient in areas where they wanted to see advanced development. Local authorities, the democratic bodies representing local areas, would be able to spur their local plans for growth.

Increasing expertise in the planning system

We believe that part of the process of striking a balance between efficiency and accountability must include making the expertise that exists in the planning system more widely available and seeking out opportunities to ensure that planning expertise can be improved.

In the current system, local authorities are responsible for employing planners who provide advice to planning committees on whether or not a development should be approved. This advice forms the basis of discussions and provides significant evidence on ahead of determination of proposals.

Consequently, improving this advice will help improve the quality of planning decisions made by the 25 local planning authorities¹. We believe that planning authorities must remain at the heart of the process for the vast majority of planning decisions and as a result we would prefer to focus our efforts on supporting them to make the correct planning decisions.

We would increase this expertise in the three ways.

Firstly, by introducing a **National Planning Agency**. This agency would be constituted on a national basis and would be legally responsible for professional development and would help local authorities to contact planners who had knowledge or skills for very complex proposals in their areas. This would not alter the position of local authorities as the employer of planners but would allow a more structured approach to developing professional expertise. As well as this, it would provide clearer career support for planners and would allow, where planners were willing, an easier route to developing secondments. Planning authorities would find it easier to tap into existing specialisms.

In addition, where external reports have recommended that decisions be taken on a national basis, such as the Simpson Review recommended for minerals planning, we would use this body to provide the initial advice.

Secondly, by **trailing a system of accreditation for planning agents**. We are concerned that, in some areas, the advice provided by independent planning agents to members of the public considering planning applications is not sufficiently robust. As a result, applications are being submitted that do not meet the quality needed for members of the public to secure permission for new developments and complicate the planning process for the planning authority by providing inaccurate or incomplete information.

¹ The 22 local authorities and the 3 National Park Authorities.

As a result, we would like to see expertise built up not just for the planning authorities but for people who use the process. We would like to a register of accredited planning agents and we would trial this in the first instance in selected planning authority areas. They would simply be accredited and able to advertise themselves as such. This is likely to be dependent on how strong the local market is for planning agents.

Thirdly, by improving the **speed and accuracy of decisions undertaken by National Park Authorities**. We would allow them to commission their planning advice from local authorities to ensure that additional work is not duplicated and that greater expertise can be acquired. This would allow National Park Authorities to benefit from economies of scale. Welsh Liberal Democrats have long-supported the direct election of a significant proportion of members to National Park Authorities and we remain committed to this. We will use the model developed in Scotland as a basis and aim for a minimum of one-third of members elected directly.

Empowering communities

Welsh Liberal Democrats have, in the past, argued for a number of changes to guidance or to regulation that affect planning decisions. For example, we have argued for changes to be made to:

- Limit the number of second homes or Houses of Multiple Occupation in a community
- Give protection to buildings that are of importance for social and cultural reasons
- Create a new listing system for village green and other spaces that have community value
- Develop plans, similar to the Liberal Democrats in the UK Government, to restrict “garden-grabbing,” by designating gardens as greenfield sites in planning law so they cannot be built over so easily
- Require an economic impact assessment on proposed out-of-town shopping centres.
- Increase the flexibility of rules on parking spaces for new residential developments
- Propose tightening exemptions for retrospective planning permission, including the powers for councils to halt and speed up removals of properties without planning permissions.

These accord with our views that decisions about the way in which development should occur should be taken by the most appropriate local level of government. For example, it makes no sense that inflexible national guidance should be issued about the number of car-parking spaces for a new block of flats, when only local planning

authorities operate at a level close enough to the people affected to make a reasoned determination on what is appropriate.

As a result, we would develop a wider range of flexibility in the guidance that would allow **local authorities to vary the planning framework** on issues such as those listed above.

Local authorities would be free to either retain the existing national guidance, where it exists, on planning issues or to implement their own guidance. They would have the choice about whether or not to make it easier or more difficult to obtain planning permission. For example, using the parking guidance mentioned above, in an area where on-street parking is difficult the local authority may wish to issue new guidance on how many parking spaces must accompany the development. In areas where on-street parking is ample, they may wish to facilitate development by reducing the requirement.

We would allow, were necessary, local authorities to develop a differing guidance for different communities in their area if they could demonstrate a difference in need (Examples may include a different levels of existing development or existence of a conservation area). However, applications would have to be assessed on the guidance in force at the point at which the application was submitted.

We would maintain a list of which elements of guidance local authorities would be able to supplement but we would not allow sustainability or accessibility criteria to be made less restrictive.

It is important to remember that our proposals would put local communities at the heart of deciding what sort of development they would like to see in their area. This could include preserving local environments but it could also see them adopt a process that would be more willing to allow innovative developments. In addition, certainty over the rules for new development in an area will provide additional clarity for potential developers.

We are also keen to ensure that local communities are able to promote innovative and imaginative new buildings which are sustainable. Examples of areas where we would **allow and encourage councils to provide the opportunity to encourage innovation in development** include:

- Allowing imaginative, environmentally- or culturally-sensitive development outside settlement boundaries, in keeping with the non-nucleated character of settlement in much of rural Wales.

- Taking a more flexible and imaginative approach to allowing development which makes use of landscaping or woodland to conceal or ameliorate the visual impact of new buildings.
- Removing any infrastructure restrictions and guidance which impede the development of innovative green and off grid developments.
- Facilitating the replacement of industrial style agricultural buildings with sensitive and appropriately designed housing.
- Seeking to further facilitate the use of space above shops for much needed housing and development of town centre community.
- Taking a more flexible approach to change of use where retail or business premises may be changed into much needed housing in town centres.
- Facilitating small-scale extensions and loft conversions to increase housing capacity.
- Increasing the use of trees and designed green space in developments, including more natural drainage for flood prevention.
- Being prepared to consider imaginative developments such as garden, or woodland suburb developments, or “new villages” where these provide greater environmental benefit than current land use.
- Considering whether innovative public housing developments could be sensitively incorporated into Welsh Government held woodland sites.

Our new guidance framework in this area would not equate to a presumption of development but would provide additional leeway in planning applications for which match new criteria.

We will additionally strengthen the voice of local communities in the planning process within local authority areas, by making **town and community councils statutory consultees on planning applications** and encouraging the **delegation of minor planning decisions to town and community councils** that can meet criteria including commitments to appropriate training, procedures and resources.

Nationally-significant developments

We recognise that there will always be a case for approval of nationally-significant projects, such as major infrastructure development, that affects the nation as a whole, rather than individual communities. In these cases, it is not appropriate for decisions about planning permission to be determined by local planning authorities. We have to consider how to make determinations on these projects.

In recent years, such projects in England had been decided by the Infrastructure Planning Commission (IPC), an unelected body which determined nationally-significant projects, some of which will have been in Wales. The coalition

government have scrapped this in order to make greater use of bills and to grant powers to the relevant secretary of state.

We have considered whether a body to determine nationally-significant projects, which under the Welsh Government's existing powers would mostly be transport infrastructure and some energy projects, should be determined by a body such as the now-defunct IPC. This would present some advantages, notably ensuring that decisions are made independently.

However, we still retain our concerns that such a body would be unaccountable. Unlike in local authorities, where the planning committee remains accountable to both the council as a whole and to the electorate, this body would not be held to account for its actions.

In our initial consultation paper we looked at a variety of options for determining nationally-significant projects. We have concluded that **nationally-significant projects should continue to be determined by Welsh Ministers**. Ministers remain accountable to both the National Assembly and to the electorate. However, we would expect them to be clear both on the process and evidence that had led to their decision and on why they felt it was a nationally-significant project.

In addition to this, we would like to see greater collaboration between local authorities on developing mutually-supportive development plans. As a result, we will **support and continue the implementation of City Regions** and will develop a similar model, where appropriate, for local authorities outside of the city regions who can demonstrate that joint planning efforts will deliver better results.

Implementation

Many of the changes outlined above would require legislative action to accomplish. Indeed, some of these proposals may well appear in the Welsh government's proposed Planning Bill. However, we also note that significant consultation would be required on some proposals, such as on establishing a National Planning Service, which may well include negotiation with both local planning authorities and with trade unions. In addition, significant work would need to re-draft the guidance framework that local authorities would be able to vary.

As a result, we would expect to carry out initial work on a white paper in the early part of the next Assembly term and **produce a draft bill for scrutiny within the first half of the next Assembly term**. We would then aim for any related secondary legislation to be produced by the end of the term.