

Consultation reference: WG23314

## Consultation Response Form

### Frontloading the development management system

We would like your views on our proposals for the detailed operation of the pre-application processes introduced by sections 15 and 16 of the Planning (Wales) Bill. We also want your views on our proposals to use powers provided in the Planning (Wales) Bill and the Planning and Compulsory Purchase Act 2004 to place duties on statutory consultees.

**Please submit your comments by 16 January 2014.**

If you have any queries on this consultation, please email: [planconsultations-c@wales.gsi.gov.uk](mailto:planconsultations-c@wales.gsi.gov.uk) or telephone 029 2082 5632.

#### Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response or tick the box at the end of this form. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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Frontloading the development management system		
6 October 2014 – 16 January 2015		
<b>Name</b>		
<b>Organisation</b>	Llandaff Society	
<b>Address</b>		
<b>E-mail address</b>		
<b>Type</b> <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

**Type of development affected**

Q1	Do you agree that all “major” development should be subject to pre-application consultation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comments:**  
 Llandaff Society considers it important that pre-application consultation between the applicant and LPA is integrated with consultation by the applicant with statutory consultees and the public, as it is in Scotland. We consider that this provides a much better model than the separate system in England. An integrated model would ensure a more seamless and understandable system for all parties. If carried out responsibly, developer consultation on all major proposals could be very helpful. However, if carried out badly it could simply add to workload for developers and create consultation fatigue for communities without commensurate improvements in either the quality of development or the time and cost of determining planning applications.

Our comments are based on long experience over many years of dealing with planning applications. Recent major applications and EIA Scoping requests for strategic greenfield sites in North West Cardiff have illustrated an arrogant approach by developers who have undertaken no community consultation, and who have supplied misleading and inaccurate information to support their applications, even at this formal stage. Examples are 14/00852/DCO North of Junction 33, 14/00190/DCO EIA Scoping request re Strategic Site C, 14/02157/MJR North and South of Llantrisant Road, 14/02188/MJR South of Pentreban Road, and 14/02733/MJR Plasdwr (Strategic Site C).

Our experience with these major sites to date gives us no confidence that developers would engage in anything

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more than the bare minimum, and thus meaningless, pre-application consultation.

**Publicising the development proposal**

<b>Q2</b>	Do you agree that the issue of neighbour letters and site notices should follow the guidance in Circular 32/92? If not, how should the notification process operate?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Comments:**  
 Site notices and letters to immediate neighbours are insufficient for proper pre-application consultation, because it does not give anyone other than an immediate neighbour in those areas without a community council, any notice of a major proposal that could will undoubtedly because of its scale have wide consequences. This is a particular problem if, as we suspect, this proposed change is a pre-cursor to future proposals for more cursory consideration of planning applications by local planning authorities (LPAs). It is vital that LPAs continue to give in depth consideration to major planning applications via a transparent and accountable democratic development management process. Only in this way can environmental and habitats regulations be dealt with properly. An integrated pre-application system - as exists in Scotland - with developer consultation with the LPA as well as statutory consultees and the public, would mean that pre-application proposals could be made available on line in a similar way to the LPA's planning application system. This would enable the full process to be followed by the applicant, consultees and the LPA.

<b>Q3</b>	Do you agree that 21 days is an appropriate timescale to allow responses to pre-application consultation?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Comments:**  
 Not unless the integrated system we suggest is adopted as outlined in answer to Qu2 above.

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<b>Q4</b>	Would LPA offices be an appropriate location for viewing a hard copy of the plans and supporting information? If not, where should hard copies of plans and supporting information be made available for public viewing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b> This is the obvious place, and they should also be available to view on the LPA's on-line development management system. An alternative for Cardiff would be the proposed local service hubs.				

**Consultation with “specified persons” (statutory consultees)**

<b>Q5</b>	Do you agree that 21 days is an appropriate timescale for consultees to respond?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Comments:</b> We consider that statutory consultees may well require more time to consider the implications of major proposals. Their views and advice will be crucial in helping applicants refine their proposals.				

<b>Q6</b>	Should provision be made for a time extension when this is agreed in writing between the developer and consultee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b>				

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**Duty on the developer to provide a pre-application consultation report (PAC)**

<b>Q7</b>	Are there any other issues that should be included in the pre-application consultation report? If so, please identify these issues and explain why they should be included in the PAC.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comments:**  
 This report should contain a list of all changes made, plus the full text of ALL comments received, not just those from "specified" consultees, with an explanation of whether - and to what extent - each has been taken into account in changes to the proposal.

**The pre-application enquiry form**

<b>Q8</b>	Do you agree that the information specified in paragraph 3.4 will be sufficient to allow the LPA to respond?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Comments:**  
 The information in para 3.4 is similar to what would be required for an outline planning application, without the Environmental Statement (ES) required by domestic and EU EIA Regulations or the Habitats Assessment (HA) required under EU and domestic Habitats Regulations . If any reasonable pre-application consultation is to be carried out - particularly as it appears to be intended to replace part of the consultation on a planning application - it MUST contain an ES and HA, if only in draft. Otherwise this could be seen as a retrograde step towards "self-certification" or privatisation of development management, which is supposed to operate in the public interest.

**Maintaining records of the pre-application service**

<b>Q9</b>	Do you agree that LPAs should maintain spatial records of pre-application enquiries?	Yes	Yes (subject to further	No

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			comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b> This is important for traceability.				

**The LPA response**

<b>Q10</b>	Should the written response from the LPA contain any other information?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Comments:</b> The LPA should indicate whether the proposal is broadly acceptable, or not, and if the latter to specify the changes that need to be made to make it acceptable in policy terms.				

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**Timescale for response**

<b>Q11</b>	Do you agree that 21 days provides the LPA with sufficient time to provide a written response that meets the requirements set out in paragraph 3.10?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Comments:</b>                  Not necessarily - they should be able to require an extension because para 3.10 envisages an opinion being given on the acceptability or otherwise of the proposal. In an LPA it is usual to seek advice from technical officers to inform such an opinion. The opinion may otherwise not be as helpful as it could have been if it was informed by such inputs rather than rushed to meet an artificial deadline. The use of a Performance Agreement which sets out target dates on both sides would be a more satisfactory alternative to a target.</p>				

**Meeting**

<b>Q12</b>	Do you agree that the timescales and process for the pre-application meeting is appropriate?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Comments:</b>                  Such detailed national targets are overly prescriptive and cannot take account of local circumstances such as staff leave or illness. Planning Performance Agreements (as used for large applications by ALTAS and LPAs in England) would surely be more helpful?</p>				

**Fees for the statutory pre-application service**

<b>Q13</b>	Do you agree that the fee for the statutory pre-application service should be based on existing discretionary charges? If not, how should fees for the statutory pre-application service be calculated?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Comments:</b></p>				

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<b>Q14</b>	Should householder development proposals that are submitted to the statutory pre-application service be exempt from a fee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

**Substantive responses**

<b>Q15</b>	Do you agree with our definitions of “substantive response”?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
<p>The definition in 4.9 would put an extra duty on statutory consultees for which they will apparently receive no fee. Unless the cases are few and they are guaranteed extra funding it is very doubtful whether they will be able to provide substantive responses when they have difficulty in meeting targets for planning applications now. However much effort is made to refine the definition of the word "substantive", whether a reply meets the tests set out in your para will be a judgement call - the issue is "Whose?". Whether statutory consultees can respond in a substantive way within 21 days will depend on the level of resources they have and the number of cases coming forward. We have severe doubts that Cadw for example would be able to meet such a target if any complex cases come forward at the same time. This activity will be in addition to comments on emerging LDPs and on planning applications, and will present an additional burden, which will need to be funded.</p>				

**Timescales for response**

<b>Q16</b>	Do you agree that 21 days is a reasonable timescale for statutory consultees to provide a “substantive response” to consultation requests?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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<b>Q16</b>		Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Comments:</b>                  See answer to Q15 above. It must be recognised that these are MAJOR applications and may be expected to pose challenging questions without the full justification that could be expected with a full planning application. 21 days may be insufficient, so there should be potential to negotiate an extension. It would be better to take more time to give better advice than skimp, possibly resulting in a poor quality application that has to be refused.</p>				

**Performance reports**

<b>Q17</b>	Do you have any comments on the content of the performance report?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Comments:</b></p>				

**Other**

<b>Q18</b>	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Comments:</b></p>				

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I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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## **How to Respond**

**Please submit your comments in any of the following ways:**

<b>Email</b>
Please complete the consultation response form and send it to: <a href="mailto:planconsultations-c@wales.gsi.gov.uk">planconsultations-c@wales.gsi.gov.uk</a>  (Please include "WG213314" in the subject line).
<b>Post</b>
Please complete the consultation form and send it to:  <b>Development Management Branch Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3NQ</b>
<b>Additional information</b>
If you have any queries on this consultation, please Email: <a href="mailto:planconsultations-c@wales.gsi.gov.uk">planconsultations-c@wales.gsi.gov.uk</a> or Telephone: Alan Groves on 029 2082 5362