

Consultation Reference: WG24900

Consultation Response Form

Secondary legislation for new development management procedures

We want your views on our proposals for the detail to be provided in subordinate legislation supporting development management provisions contained in the Planning (Wales) Bill, as well as some other changes to development management legislation.

Please submit your comments by 11 September 2015.

If you have any queries on this consultation, please email: planconsultations-i@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

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. 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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published.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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Date of consultation period: 12 June 2015 – 11 September 2015		
Name	James Caird	
Organisation	Institute of Historic Building Conservation	
Address	Jubilee House High Street Tisbury Wiltshire SP3 6HA	
E-mail address	consultations@ihbc.org.uk	
Type <i>(please select one from the following)</i>	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

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2.0 Invalid Applications: Notices and Appeals

Q1	Do you agree that a notice that an application is not valid should include criteria a) to f)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Is there any information you think should accompany a notice of non-validation? If so, why is this information necessary?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q3	Do you agree that a period of 14 days for the applicant to submit their appeal is sufficient time given the desired quick turn around of appeals under section 29 of the Planning (Wales) Bill (the Bill)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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Q4	Do you agree that the Welsh Ministers should be required to determine appeals within 21 days of the start of the appeal period?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q5	Where an application is considered to be invalid and an appeal submitted in respect of the notice of non-validation, do you agree that the fee should be retained by the LPA pending the outcome of that appeal?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Decision Notices

Q6	Do you agree that when a decision notice is revised it should include a) the date of the approval, and, b) the relevant application reference in the updated version of the notice?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It should also make it clear that the new permission supersedes the former one.				

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Q7	Do you agree that the DMPO should be updated to require LPAs to keep a copy of the most recent decision notice on the planning register?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>It is not clear why this question is necessary as all documents related to the decision are required to be kept. Does the question refer to the index to the Register?</p>				

4.0 Notification of Development

Q8	Are there any other requirements which you think should be made of the developer in respect of the form, content or display of a notification of development?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We think the notification requirements should apply to all developments. This would allow much tighter scrutiny of developments for breaches of planning control which are more likely in smaller developments than in larger ones. We think that local communities have a right to know what is happening in their local environment. We do not think the requirements are, or need to be, onerous.</p>				

5.0 Consultations etc. in Respect of Certain Applications for Approval

Q9	Do you agree that LPAs shall not determine an application subject to consultation until any of the following periods have elapsed:	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>a) a period of 21 days,</p> <p>b) until all statutory consultees have provided a substantive response, whichever is the sooner, or</p>				

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	c) subject to a longer period if agreed in writing between the LPA and consultee?			
Comments:				

Urgent Crown development

Q10	Do you agree that earliest time that Welsh Ministers can determine an application made under s.293A of the Town and Country Planning Act 1990 (TCPA) should remain as 14 days after giving statutory consultees notice of the application, as stated in Article 15 of the DMPO?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

6.0 Appeal Against A Notice Issued in Respect of Land Adversely Affecting Amenity (Unightly Land)

Q11	Do you agree that appeals determined by Welsh Ministers under s.217of the TCPA should follow the same format as existing enforcement appeals?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: This is sensible. The fewer discrete procedures the better.				

Q12	Do you agree that a four week period for LPAs to write their appeal statement is reasonable? If you consider an alternative period is more appropriate for s.217 appeals, please state why.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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7.0 Post Submission Amendments

Q13	Do you agree that where an amendment is submitted in relation to major development applications, LPAs should be given an additional four weeks to determine the planning application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14 i)	Do you think a fee should be charged for minor material amendments to major applications which have yet to be determined?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14 ii)	If yes, do you agree that £190 is an appropriate fee to charge in light of the recent consultation on planning application fees?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
<p>We are aware that some authorities already charge more than this using charges that reflect the cost of delivery. The effect of the proposed fee levels would cause amended applications to be determined at public expense. We think the scale of charges should be flexible and should reflect the cost of service delivery.</p>				

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8.0 Applications that fall within Section 73 of the TCPA 1990

Renewals

Q15 i)	Should the validation requirements for a renewal application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 ii)	Should the LPA have discretion over the consultation requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q15 iii)	Should the LPA have discretion over the notification requirements for a renewal application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Minor material amendments

Q16 i)	Should the validation requirements for a minor material amendment application be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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Q16 ii)	Should the LPA have discretion over the consultation requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q16 iii)	Should the LPA have discretion over the notification requirements for a minor material amendment application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Variation or removal of a condition attached to a planning permission that does not fall within the above categories (renewal and minor-material)

Q17 i)	Should the validation requirements for these applications be the same as the original application?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
Q17 ii)	Should the LPA have discretion over the consultation requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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Q17 iii)	Should the LPA have discretion over the notification requirements for these applications?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q18	Should the fee to accompany an application that falls within s.73 submitted after refusal of an application under s.96A of the TCPA only be that required to make up the difference in fee cost?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

9.0 Statutory pre-application service fees

Q19	Do you agree that extensions of time should be permitted, subject to both the LPA and applicant agreeing in writing?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q20	Do you agree with the level of proposed fees set out in Table 1? If not, what should the fee be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: We are aware that some authorities already charge more than this using				

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charges that reflect the cost of delivery. The effect of the proposed fee levels would cause pre-application advice to be given at public expense. We think the scale of charges should be flexible and should reflect the cost of service delivery.

Q21	Do you have any other comments to make regarding the statutory pre-application service?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q22	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.
Comments:	

I do not want my name/or address published with my response (please tick)

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-i@wales.gsi.gov.uk [Please include ‘ Secondary Legislation for DM ’ in the subject line] _
Post

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Please complete the consultation form and send it to:

Secondary legislation for development management consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-i@wales.gsi.gov.uk

Telephone: Kristian Morgan on 02920 823360