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Llywodraeth Cymru
Welsh Government

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Welsh Government

Consultation Document

Planning committees, delegation and joint planning boards

Date of issue: **6 October 2014**

Action required: Responses by **16 January 2015**

Overview

This consultation paper contains our proposals to reform the planning application determination process through the introduction of secondary legislation and guidance.

The consultation paper in particular identifies the need to standardise which decisions are delegated to officers and the size and make-up of planning committees across Wales.

It also seeks views on the size and make-up of joint planning boards and strategic planning panels.

How to respond

The consultation paper includes a set of specific questions to which the Welsh Government would welcome your response.

The closing date for replies is **16 January 2015**.

Responses are welcome in either English or Welsh and should be sent by email or post to the address below to arrive no later than **16 January 2015**.

You can reply in any of the following ways.

Email:

Please complete the consultation response form (Annex 2) and send it to:

planconsultations-e@wales.gsi.gov.uk

(please include 'Planning committees, delegation and joint planning boards - WG23070' in the subject line)

Post:

Please complete the consultation response form (Annex 2) and send it to the address provided under the 'Contact details' section.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

This consultation paper is also accompanied by a draft Regulatory Impact Assessment at Annex 1, which should be read in conjunction with this paper.

The proposals details in this paper are informed by the following documents:

- Towards a Welsh Planning Act: Ensuring the Planning System Delivers. Report to the Welsh Government by the Independent Advisory Group. June 2012.
- RTPI Cymru. Study into the Operation of Planning Committees in Wales. Final Report. Fortismere Associates with Arup. July 2013.
- Positive Planning. Proposals to reform the planning system in Wales. Welsh Government December 2013.
- Study to examine the planning application process in Wales. A Report to the Welsh Government by GVA Grimley. June 2010

Reader may want to refer to these documents for further information.

Contact details

All responses should be sent by **16 January 2015** to:

Planning committees, delegation and joint planning boards consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Or by email to:

planconsultations-e@wales.gsi.gov.uk

(please include 'Planning committees, delegation and joint planning boards - WG23070' in the subject line)

If you have any queries regarding this consultation please use the e-mail address above, or phone Luke Seaborne on 029 2082 1573.

Data protection

How the views and information you give us will be used

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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Section 1 - Introduction

- 1.1 The Welsh Government is proposing a package of changes through the Planning (Wales) Bill that deliver comprehensive reform to the planning system in Wales, including development management procedures.
- 1.2 In particular, the Bill proposes changes to the way planning decisions are taken, including provisions which would allow for standardisation of planning committee arrangements and delegation to officers across Wales.
- 1.3 The evidence base that supports the Bill demonstrates wide variation in planning committee and decision delegation practice. In particular, it identified areas where planning committees and delegation arrangements to local planning authority (LPA) officers could be improved.
- 1.4 Recommendation 56 of the Independent Advisory Group (IAG) report¹ suggested that the Planning (Wales) Bill contain a power for the Welsh Ministers to make regulations to:
 - Introduce a national scheme of delegation of decision making powers by LPAs
 - Prescribe the size and make-up of Planning Committees.
- 1.5 In response to the above recommendation, the Welsh Government commissioned the Royal Town Planning Institute (RTPI) to oversee a study into the operation of planning committees in Wales. The RTPI study² agreed with the suggestions made in the IAG report and made recommendations on how a national scheme of delegation and national standard on committee size could be put into practice.
- 1.6 The recommendations of this study were included within the Positive Planning consultation document³ accompanying the Draft Planning (Wales) Bill published in December 2013.
- 1.7 Subsequently, provision has been made in section 37 of the Planning (Wales) Bill to enable the Welsh Ministers to make regulations that introduce a national scheme of delegation in relation to local planning authority planning decisions, and to prescribe the size and make up of planning committees. This consultation seeks views on the proposed content of those regulations.
- 1.8 This consultation also seeks views on joint planning boards and strategic planning panels. Currently, section 101 of part 6 to the Local Government Act 1972 makes provision for the way in which local authorities may arrange for the discharge of their functions. All authorities may operate a planning committee or a joint planning committee with another LPA through a voluntary arrangement

¹ Towards a Welsh Planning Act: Ensuring the Planning System Delivers. Report to the Welsh Government by the Independent Advisory Group. June 2012.

² RTPI Cymru. Study into the Operation of Planning Committees in Wales. Final Report. Fortsimere Associates with Arup. July 2013.

³ Positive Planning. Proposals to reform the planning system in Wales. Welsh Government December 2013.

under this legislation. Additionally however, Welsh Ministers may make arrangements under section 2 of the Town and Country Planning Act 1990 to establish a joint planning board as the LPA for two or more areas, each of which is the whole or part of a Welsh county or county borough. This action would be compulsory.

1.9 Unlike joint planning boards, strategic planning panels will not perform the function of a local planning authority and will be single purpose bodies set up solely for the purpose of preparing strategic development plans (SDPs).

1.10 This consultation is structured as follows:

- Section 2: Planning Committee Protocol** - This section identifies the variation in procedures which planning committees operate throughout Wales and introduces the Welsh Government's proposal to address these variances by establishing a National Planning Committee Protocol.
- Section 3: Planning Committees** - This section outlines how planning committees can be formed and recognises the varying size and make-up of existing planning committees in Wales. It considers the impact of large planning committees on the decision-making process and sets out the Welsh Government's proposals to prescribe the size and make-up of planning committees.
- Section 4: The role of the planning committee** – This section summarises what the Welsh Government considers to be the principles that define the role of a planning committee.
- Section 5: National Scheme of Delegation** - This section identifies the varying nature of schemes of delegation across Wales and the impacts for stakeholders in the planning system. The conclusions of the research are summarised and the Welsh Government's proposals to improve consistency within the decision making-process are set out.
- Section 6: Joint Planning Boards & Strategic Planning Panels** - This section considers the implications of the Planning (Wales) Bill proposals for joint planning boards to perform a full range of local planning authority functions and for strategic planning panels to prepare strategic development plans for greater than one local authority area. It considers how the size and composition of such arrangements can be structured in accordance with the Bill provisions for prescribing the size of planning committees.
- Section 7: Financial Impact** - This section provides an overview of the financial impact of implementing the proposed regulations.

Section 2 - Planning Committee Protocol

- 2.1 The evidence provided by the RTPI research identified significant inconsistencies between procedures adopted by different planning committees across Wales. It highlighted the confusion this causes, a reduction in transparency and undermining of confidence in the planning process. The variances are of matters such as (but are not limited to):

Customer care

The RTPI Cymru study concluded that the overall experience of attending a planning committee as a member of the public can be quite confusing and suggested actions are taken regarding aspects of the committee process, such as the publication of agendas, audio-visual presentations, identification, and room layout.

Procedure for overturning officer recommendations or deferring decisions

Methods for deferring applications and overturning officer recommendations vary between LPAs. The Study to Examine the Planning Application Process in Wales 2010 by GVA Grimley⁴ recommended the use of a cooling off period when members are minded to go against officers' recommendation, to allow committee members time to re-consider. The RTPI study also recommended this approach.

The role of members in a planning appeal following an overturn of an officer recommendation

It is considered important for members to take greater responsibility when overturning an officer recommendation. The Welsh Government should consider the role members should have in the appeal process following the overturning of an officer recommendation.

The 2010 GVA Grimley study suggested that consideration should be given to the practice in Scotland where members who depart from officers' recommendations on applications are required to defend their decisions at appeals without the assistance of officers.

Public speaking arrangements

If it is agreed that public speaking should be permitted nationally (22 of 25 LPAs had speaking arrangements in place), applicants and the public should be afforded the same speaking rights regardless of administrative boundaries. This would ensure consistency, transparency and accessibility, particularly for the public who might be affected by applications.

The process of decision-making

The RTPI study recommended that a broad running order should be set out to provide a clear explanation of the committee decision-making process. It would ensure that firstly, once members are at the point of voting on an application that they have been suitably informed on all aspects of the proposal to enable them to make an informed decision, and secondly, that all planning committee

⁴ Study to examine the planning application process in Wales. A Report to the Welsh Government by GVA Grimley June 2010

meetings have (and follow) a set structure, delivering consistency throughout Wales.

Site visit procedure

LPAs should have a clear and consistent approach on when and why to hold a site visit and how to conduct it. There is however currently differing practice in relation to the use of site visits which contributes towards the variety of decision-making process, depending upon the authority.

Initial and ongoing training obligations

The RTPI study recommended that member training should be mandatory on a national basis; all newly elected members should receive training on the planning system with those members receiving more detailed training should they join a planning committee. It should be based on a single national set of materials to avoid unnecessary effort and duplication by 25 LPAs all preparing the same training materials.

The study also recommended the introduction of mandatory ongoing training but that members should not be compelled to attend every session, accepting that some members with long standing experience might not gain from some sessions. Members should engage in a minimum of 10 hours of CPD and a minimum of one half-day outcome, reflective type training each year. Members that do not meet this requirement should be removed from the committee until this requirement has been met.

Distinguishing between the decision-maker and local representative roles at committee

The RTPI Cymru study recommended that local members who are not on the planning committee should be able to speak at committee on applications within their local area. However, they should form part of the public speaking element of the decision making process and should not appear to be part of the committee. Further, members that are on the committee should be asked to make a conscious decision as to whether they wish to act as a local member and speak on behalf of their constituents or remain as a decision maker on the committee and vote. When acting as a local member they should 'step down' from the committee 'table' and join the public gallery for those applications where they wish to address the committee on their constituents' behalf.

Involvement of members in major applications at pre-application stage or discussions which occur before a decision is taken

Pre-application discussions between a potential applicant and an authority can benefit both parties and are encouraged. Very few LPAs involve members in the pre-application process and the RTPI study revealed that none had prepared a detailed protocol to deal with members' involvement.

Members code of conduct

Some of the adopted codes of conduct are quite old dating from 2003 onwards and many are in need of updating following the introduction of the Localism Act 2011. The Planning Advisory Service (PAS) has produced a guidance document

titled 'Probity in planning for councillors and officers' which provides protocols for members regarding the above-mentioned issues.

- 2.2 In order to address the above variances (as part of standardising the planning system in Wales), the RTPi research recommended the creation of a national planning committee protocol.
- 2.3 The Welsh Government agree with this recommendation and is seeking, through the introduction of a national protocol, to make the committee experience predictable within the application process by standardising procedures so that planning committees are operated in a consistent manner across Wales.
- 2.4 The Welsh Government intends to work with the Welsh Local Government Association (WLGA) to develop the protocol.
- 2.5 The RTPi Study did not recommend legislation to deliver a national protocol. The Welsh Government agrees with this approach. It is imperative that LPAs and members take ownership of the protocol. It should be a set of standards that are developed by them with the assistance of the Welsh Government addressing the problems identified in the existing system. It will require monitoring and refinement overtime so legislative provisions have not been sought for a national protocol.

Section 3 - Planning Committees

Background and Current Position

- 3.1 Section 70 of the Town and Country Planning Act 1990 provides LPAs with the power to determine an application for planning permission. Section 101 of the Local Government Act 1972 allows the local authority to arrange for the discharge of its functions, including the determination of an application for planning permission, by a committee, sub-committee or by delegation to an officer of the authority (normally the Head of Service / Chief Planning Officer in the case of planning decisions).
- 3.2 The RTPI research identified that the size and make-up of planning committees across Wales varies significantly, from a single planning committee consisting of 11 members at Merthyr Tydfil County Borough Council to the City and County of Swansea Council who operate three planning committees (two area development control committees consisting of 35 and 37 members respectively and a development management and control committee consisting of all 72 members).
- 3.3 The table below illustrates the variances in planning committee sizes throughout Wales.

Table 1: The number of elected members and the size of planning committees in Wales

LPA	Total number of members	Number of members on planning committee
Blaenau Gwent	42	15
Bridgend	54	17
Caerphilly	48	20
Cardiff	75	12
Conwy	59	17
Denbighshire	47	30
Flintshire	69	21
Gwynedd	75	15
Isle of Anglesey	30	11
Merthyr Tydfil	33	11
Monmouthshire	43	16
Neath Port Talbot	63	45
Newport	50	11
Rhondda Cynon Taff	75	75*
Pembrokeshire	60	15
Powys	73	20
Swansea (DM & Control Committee)	72	72
Swansea (Area 1)	72	35
Swansea (Area 2)	72	37
Torfaen	44	16
Vale of Glamorgan	47	20

Wrexham	52	20
Brecon Beacons NPA	24	24
Pembrokeshire Coast NPA	18	18
Snowdonia NPA	18	18

*Rhondda Cynon Taff County Borough Council reduced the size of its planning committee to 18 members in May 2014.

The Case for Change

- 3.4 The evidence received to inform the IAG report identified that the size and make-up of planning committees vary across Wales. The IAG suggested that smaller planning committees are more appropriate in order to develop a better culture of informed evidence-based decision making. It recommended that a study on the effectiveness and efficiency of the various planning committee models operating in Wales should be undertaken by an independent body in order to establish the most appropriate arrangements. It also recommended (Recommendation 56(b)) that, subject to the outcomes of the study, the Welsh Ministers should have a power to make regulations regarding the size and make-up of planning committees in order to ensure that the best operating model is adopted by LPAs across Wales.
- 3.5 The RTPI study included a survey of planning officers who generally agreed that committees would be better with smaller sizes and more round table discussions. Those authorities who had reviewed the size/structure of their committee generally felt that a smaller committee made them less parochial, enabled members to be better trained and that decisions were more consistent and based on planning criteria. However, members who were part of large or full committees felt that smaller committees were undemocratic and would not allow sufficient members to have their say.
- 3.6 The Welsh Government consider that large planning committees are resource intensive, including administrative resources, as well as members requiring attendance at committees, training and preparation reading and absorbing the agendas. It can also diminish the valuable role of members because of the responsibilities which accompany planning committee membership. If they are not on the committee they may have a role, expressing support for a particular opinion in advance of the matter being considered by the planning committee and campaign in accordance with that opinion free of potential accusation of having a fixed view on the application, referred to as predetermination. Members, in their role as decision-maker as part of the planning committee, must not put themselves in a situation where they may be perceived as biased. Furthermore, whilst members have a responsibility to their constituents, in their role as a member of the planning committee, their overriding duty is to the wider community, that is to the whole authority. There can be tension can exist between the role of members upholding the wider public interest and their role as representing the views of the community.
- 3.7 The research found that, in general, the larger committee the lower the average attendance. The Welsh Government consequently has concerns about the lack of continuity in membership of larger committees and therefore the consistency

of decision-making. The use of substitute members also impacts upon consistency in decision-making. Substitute members may not be adequately trained to understand the issues being discussed and to make a robust decision based on material planning considerations.

- 3.8 The Welsh Government considers that smaller committees would not only assist in addressing these issues but also enable member training to be more focused, resulting in better trained and robust committees. A culture of better informed evidence-based decision making should be facilitated by the creation of an informed group of councillors with the necessary skills and knowledge to make better decisions in the wider public interest. Therefore, smaller planning committees are likely to provide a consistent, fairer, more transparent planning service.
- 3.9 The changes provide the development industry and local communities with greater confidence that all LPA planning committees have the ability to debate and assess complex development proposals and subsequently make well informed decisions in a timely manner.

Our Proposal

- 3.10 Following from the recommendation made by the RTPI study, it is proposed that planning committees in Wales shall be structured and operated in the following way.

Committee size

The size of the planning committee shall be a minimum of 11 members and a maximum of 21 members but no more than 50% of the authority members (excluding National Park Authorities)

- 3.11 There is a need to strike a balance when identifying the appropriate size of a planning committee. It is important for it not to be too large for the reasons above. However if the planning committee is too small it may result in very few members of the LPA making important locally strategic decisions and not allow for occasions where members are absent or need to declare an interest in a particular item.
- 3.12 The Welsh Government agree with the RTPI Cymru recommendation that setting a range within which LPAs can choose the size appropriate for their circumstances would be better to reflect the differences in size of authority and to allow for apportionment to reflect political composition. On the basis of the RTPI research, a minimum figure of 11 members and a maximum of 21 members are proposed.
- 3.13 It is also proposed that, in the case of National Parks, the requirement that the planning committee shall consist of no more than 50% of the authority members would not apply due to their lower number of members.

QUESTION 1: Do you agree that the size of the planning committee should be limited to a minimum of 11 members and a maximum of 21 members?

Multi-member wards

Where wards have more than one elected member, only one should sit on the planning committee, in order to allow some members to perform the representative role for local community interests.

- 3.14 Members participating in the planning committee process in a local representative role reflect the democratic process in the planning system. Members acting in the local representative role can become involved in local planning issues without the particular constraints which accompany planning committee membership, including taking up a campaigning role on planning issues affecting their constituents. In local authority wards where all local members are on the planning committee, this constituting role is diminished to the detriment of their constituents and, subsequently, democratic inclusivity.

QUESTION 2: Do you agree that where wards have more than one elected member only one should sit on the planning committee?

Quorum

Introduce a quorum for decision-making (50% of the committee)

- 3.15 The Welsh Government agrees with the recommendation of the RTPI study that, if the overall committee size is to be limited, it is important that there should be a quorum for decision making. This is to ensure that where the committee size is small there is a sufficient number of members present to debate the planning issues and make consistent decisions on planning applications. Accordingly, a quorum of 50% of the size of the committee to be present when taking decisions is proposed. Where the total committee size is an odd number it would be 50% of the total committee plus one.

QUESTION 3: Do you agree with introducing a quorum of 50% (rounded up where the total committee size is an odd number) for decision-making?

Substitute Members

Prohibit the use of substitute members

- 3.16 In practise, some authorities permit substitution of members in relation to committee meetings. In line with the RTPI research, it is considered that the use of substitute members should be prevented.
- 3.17 The practice is arguably open to abuse through deliberate substitution. In addition, a substitute member may not be trained to the high standard proposed. Furthermore, inconsistencies in membership of a committee can arise where applications are deferred to a subsequent meeting. This leads to inconsistent

decision-making. Therefore, it is proposed that regulations will make provision to prevent the practice of substitute members.

QUESTION 4: Do you agree that the use of substitute members on the planning committee should be prohibited?

Impact of the Proposed Regulations

- 3.18 Provision has been made in the Planning (Wales) Bill to enable local authorities (should they choose) to delegate decision-making powers to sub-committees. Area-based committee structures, such as that operated by the City and County of Swansea Council, could therefore continue, however the size and make-up of those committees / sub-committees will have to comply with the prescribed requirements detailed in the regulations.
- 3.19 The size of planning committees in local planning authorities in Wales has fluctuated significantly over the years, with both increases and decreases observed. Most recently, the planning committee at Rhondda Cynon Taff County Borough Council has moved from an all member committee to one consisting of 18 members, which falls within the structure proposed by the Welsh Government.
- 3.20 It is acknowledged that the proposed regulations will require a change in practice by a small number of LPAs, requiring them to change the structure of their planning committee. However, the regulations are necessary to ensure that the structure identified as efficient and effective and currently operated by many of the LPAs, is maintained.
- 3.21 In conclusion, the Government is seeking to introduce regulations to limit the size and make of planning committees. It is proposed that the regulations are set out as follows:
- **The size of the planning committee shall be a minimum of 11 members and a maximum of 21 members (but no more than 50% of the authority members – excluding National Park Authorities)**
 - **Where wards have more than one elected member, only one should sit on the planning committee, in order to allow some members to perform the representative role for local community interests.**
 - **Introduce a quorum for decision-making of 50% of the committee**
 - **Prohibit the use of substitute members**

Section 4 - The Role of the Planning Committee

- 4.1 It is essential that the role of the planning committee in making development management decisions is clearly defined in order to inform what types of applications should be delegated to officers and therefore act as the cornerstone to the national scheme of delegation.
- 4.2 Currently, the role of the planning committee in making development management decisions is decided at a local level. The specific responsibilities of the committee are set out in each of the LPAs' schemes of delegation.
- 4.3 The Welsh Government considers that planning committees should not be concerned with small-scale, non-controversial development proposals which can be more efficiently considered by officers under delegated arrangements. It considers the committee's role to be:

To deliver the adopted development plan by making locally strategic planning decisions by determining those applications:

- 1. that are identified as major development;**
- 2. that raise policy issues affecting the delivery of the development plan, such as applications departing from the adopted plan ; and**
- 3. where there is quantifiable, community-wide interest in a development which goes beyond protecting the private interests of one person, or group of people, against the activities of others.**

QUESTION 5: Do you agree with the development management role of the planning committee outlined above?

Section 5 – National Scheme of Delegation

Background and Current Position

- 5.1 A planning application can be determined by either elected members at planning committee meetings, or by delegated means, whereby members agree that an appointed person (normally the head of service / chief planning officer) may make a planning decision on behalf of the authority.
- 5.2 The LPA's scheme of delegation forms part of the council's constitution and sets out circumstances where a planning application will be determined by planning committee and circumstances where it can be determined by the chief planning officer or equivalent under delegated powers. These circumstances normally relate to issues such as the type of development, the number of objections received, and who submits the application.
- 5.3 Most schemes of delegation allow for local members to formally request, on a case by case basis, for the planning committee to determine a planning application within their ward that would have otherwise been delegated to an officer (known as a call-in). The delegation scheme also normally allows for the chief planning officer to refer any application to committee if he/she believed the proposal warrants committee consideration (e.g. because it is controversial or has an authority wide impact).
- 5.4 Some LPAs operate a delegation scheme that requires some applications to be referred to the chair of planning committee or delegation panel to decide whether it should be determined by the planning committee. This can include member "call in" requests, giving the chair of the committee the final decision over whether an application should be determined by officers under delegated powers or by the planning committee.

The case for change

- 5.5 There are significant differences in the criteria that set out which applications are determined by committee and which are dealt with under delegated powers. Appendix 1 provides a breakdown of the criteria used to delegated powers currently used by LPAs in their delegation schemes. It is evident however that most schemes require applications that meet the following criteria to be decided by committee:
 - Member call-in requested
 - Departure / contrary to development plan (where officers recommend approval)
 - Chief officer / Head of Planning decides to refer application to committee
 - LPA employee / council member has a financial or similar interest in the application.
- 5.6 The inconsistencies in schemes of delegation provide uncertainty for applicants and developers, particularly those who operate over several local planning authority areas.

- 5.7 In response to the inconsistencies, the IAG report recommended that Welsh Ministers should have the power to specify by regulation a national scheme of delegation in order to achieve consistency across Wales in the determination of applications so that applicants will have the same type of application considered at the same level throughout Wales.
- 5.8 The RTPI study supported the recommendations made in the IAG report, noting that the variation and complexity of the delegation schemes they studied, and the significant differences in the manner in which these are managed, led them to conclude the need for a clear and simple national scheme.
- 5.9 The IAG report and RTPI study both recommended that the same types of application should be considered at committee throughout Wales, and the Welsh Government supports this view.
- 5.10 The delegation of decision-making to officers has benefits for all stakeholders in terms of simplifying procedures and freeing up committee members to concentrate on major, policy issues or controversial cases, removing applications which typically would elicit no member discussion and evaluation at committee. Where there is no need to await a committee cycle and decision, time can be saved in dealing with planning applications. Increasing delegation is therefore a positive process that gives benefits not just in terms of streamlining internal procedures, but also in terms of improved responsiveness for applicants.
- 5.11 The planning committee should not deal with a plethora of minor development proposals, particularly householder development, which have minimal impact upon the wider area. The national scheme of delegation should allow small scale applications and those in line with the development plan, a straightforward route to determination since the council's policy position is already stated in the development plan, again both in the interests of efficient and the consistency of decision making.
- 5.12 It is important that the national scheme of delegation ensures that the right type of application is determined at the right decision level, reflecting the complexity and conformity of the proposal with policy. Most applications should be decided by officers under delegated powers, with only exceptional cases being reported to committee i.e. major development, those that raise policy issues that would impact upon the delivery of the development plan, or those where there is a public interest.
- 5.13 There is likely to be potential cost savings associated with increasing the number of delegated decisions. Research suggests that it costs on average over twice as much to process an application through a planning committee than an application determined under delegated powers, with a delegated decision costing the LPA £536 compared to £1,201 for a committee decision⁵.

⁵ Planning Service Benchmarking Club 2011: Barchester City Council, PAS/CIPFA Report, February 2012

Our Proposal

- 5.14 In accordance with the recommendations of the IAG report and RTPI Cymru study, it is the intention of the Welsh Government to introduce a mandatory national scheme of delegation. This would deliver greater consistency in the decision-making process across Wales. A national scheme of delegation will be prescribed so that the same type of planning application is dealt with in the same way (i.e. by committee or delegation) across Wales.
- 5.15 Whilst the Welsh Government agrees with the principle of a national scheme of delegation, we do not agree with the structure of the scheme as recommended by the RTPI.
- 5.16 The RTPI study recommended the introduction of a mandatory national scheme of delegation for Wales which would be incorporated into local schemes, reviewed regularly (at least every three years) and approved by the Welsh Government. The scheme would include applications for significant developments'; the definition of significant would be left for local authorities' schemes to determine.
- 5.17 The Welsh Government does not agree with this approach. Firstly, the continuation of local schemes with individual variations (particularly in relation to the definition of significant development) is contradictory to the overriding aim of introducing a national scheme of delegation - to achieve consistency in the way in which the type of application is handled considered throughout Wales. This approach would severely restrict the potential and influence of the national scheme of delegation and would not address the current problems in the decision-making process identified.
- 5.18 Secondly, in respect of the recommendation that local schemes are approved by the Welsh Government, this approach was not taken forward in order to ensure that the national scheme of delegation delivers consistency across Wales.
- 5.19 The RTPI study also recommended a target of 95% of applications be determined under delegated powers. While the national scheme of delegation will be structured to achieve a high level of delegation, setting a target is not considered expedient; by prescribing the delegation arrangements nationally, the Welsh Government would be removing an LPA's ability to control its delegation rate.

Proposed structure and content

- 5.20 The national scheme of delegation will capture all applications for full and outline planning permission and applications for the approval of reserved matters made under Part 3 of the Town and Country Planning Act 1990, i.e. the bulk of applications that currently make up a planning committee's workload. Regulations will not prescribe how the LPA makes decisions about its other functions (such as discharging planning conditions, enforcement, TPO's etc.). These matters will be left to each individual authority. For this reason, it is

envisaged that the national scheme of delegation will form part of the authority's wider adopted constitution.

- 5.21 Research of existing schemes of delegation adopted by each LPA shows that there are two distinct ways of structuring a scheme of delegation. The "by exception" approach, where LPA officers are given the power to determine all planning applications unless they fall into defined exceptional categories that are listed in the scheme. The second approach involves specifying all types of planning application that are to be determined by officers and all types that are to be determined by committee.
- 5.22 The RTPI Cymru study recommended that the national scheme of delegation should adopt the "by exception" approach, and this is the approach that the Welsh Government proposes to adopt. This approach will ensure that, in the first instance, all planning applications are to be determined by officers unless certain exceptions are triggered.
- 5.23 From the research, and taking account of the role of the planning committee as defined in section 4, the Welsh Government considers that the national scheme of delegation should consist of the following exceptions:
1. Departure/contrary to development plan (where officers are minded to approve)
 2. Applications involving an Environmental Impact Assessment (EIA)
 3. LPA employee/Council member has interest in application
 4. Above a specified development threshold
 5. Above a specified objection threshold
 6. Member call-in

Proposed Criteria:

Departure/contrary to development plan (and seeking to approve)

- 5.24 All of the existing schemes of delegation make provision for development proposals that depart from the policies in the approved development plan to be determined by the committee. The key responsibility of the planning committee, as defined by the Welsh Government in paragraph 4.3, is to deliver the adopted development plan for that LPA. Departures from the development plan risk the delivery of approved strategic aims of the LPA and can impact upon the integrity of the development plan. Decisions on such applications should be taken by the planning committee in order for them to be fully and publically debated in light of the implications of approving such applications by members elected to be accountable for those decisions. It is therefore proposed to include this exception as part of the national scheme of delegation. It is proposed that all applications that are contrary to the adopted development plan which are being recommended for approval will be referred to the planning committee.

QUESTION 6: Do you agree with the inclusion of an exception that requires all applications that are contrary to the adopted development plan which are being recommended for approval to be determined by the planning committee? If not, please explain the reasons.

Applications involving an Environmental Impact Assessment (EIA)

- 5.25 An EIA must be undertaken for projects likely to have significant effects on the environment by virtue of their nature, size or location. Such applications involve complex issues which require careful consideration by the LPA.
- 5.26 EIA developments are by their nature major developments and are therefore in-keeping with the principle role of the planning committee as defined in paragraph 4.3.

QUESTION 7: Do you agree with the inclusion of an exception that requires all applications involving an EIA to be determined by the planning committee? If not, please explain the reasons.

LPA employee/Council member has interest in application

- 5.27 The Welsh Government consider it important in the interests of transparency for the national scheme of delegation to include an exception for applications made by members or council staff involved in the planning decision making process. Proposals submitted by serving and former councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. Such proposals must be handled in a way that gives no grounds for accusations of favouritism. This exception is included within the majority of delegation schemes, although the scope of the exception varies.
- 5.28 It is the intention of the Welsh Government for this exception to capture all applications made by serving members of the Council and all current LPA staff who are involved in the processing applications. The exception will also apply to the spouse or partner of any of these persons.
- 5.29 To avoid disproportionate effect, it is proposed that applications submitted by the persons identified above would only be withdrawn from the delegation process and referred to the planning committee if one or more material planning objections have been received within the stipulated consultation period. Whilst the reason for the exception is to provide transparency, there is no need for applications to be determined by the planning committee where there is no interest from the public. A single material objection is deemed to be sufficient public interest to warrant a committee decision in order to ensure transparency.

QUESTION 8: Do you agree with the inclusion of an exception relating to applications made by members, LPA staff and their spouses, partners and close relatives? If not, please explain the reasons.

Development threshold

- 5.30 The size of a development affects whether the application is delegated to officers for determination. Provision is made in 14 existing LPA delegation schemes.

Such development thresholds are currently set by each individual authority and vary significantly across Wales.

- 5.31 Six LPAs currently use the definition of ‘major development’ as prescribed in article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) as their development threshold, which includes:
- a) the winning and working of minerals or the use of land for mineral-working deposits;
 - b) waste development;
 - c) the provision of dwellinghouses where—
 - i. the number of dwellinghouses to be provided is 10 or more; or
 - ii. the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
 - d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
 - e) development carried out on a site having an area of 1 hectare or more;
- 5.32 Two LPAs have development thresholds for residential development of between 2-5 units. 1 LPA bases its development threshold on site area and 1 LPA differentiates between development on allocated sites (10 units) and that on infill (2 units).
- 5.33 Twelve LPAs currently do not have a development threshold as a trigger within their scheme of delegation. Each of these authorities have other exceptions, such as Chief Officer referral, objection thresholds and member call-in, which would capture applications for major development and ensure that they are determined by the planning committee.
- 5.34 The City of Cardiff Council, as might be expected due to the urban nature of the area and its economic strength, delegates applications for development greater than the definition of major development within the DMPWO. Officers can determine applications for up to 20 residential units and non-residential development to a maximum floorspace of 2000 square metres.
- 5.35 Delegated powers to determine applications for residential development above what constitutes major development in the DMPWO are not limited to Cardiff. Officers at Pembrokeshire County Council have delegated authority to determine applications for up to 30 units.
- 5.36 The RTPi Cymru research suggested that these variations in development thresholds may reflect the nature of the local area. The Welsh Government acknowledges that the relationship between members and officers can also be reflected within the degree of delegation. There is not a single straightforward reason for these variations. The inconsistencies in the schemes of delegation provide uncertainty for applicants and developers, particularly those who operate over several local planning authority areas. The Welsh Government agrees with the view taken in both the IAG report and RTPi Cymru study that applicants

should have the same type of application considered at the same level throughout Wales.

5.37 As outlined in section 4, the Welsh Government consider that one of the principal roles of the planning committee is to determine applications for major development. Major developments are large-scale developments where the potential benefits and impacts are significant and, although not of national importance, can include many of the developments that are essential for economic prosperity. Such applications should therefore be determined by the planning committee and would need a development threshold to provide to provide consistency across Wales.

5.38 Views were sought as part of the 'Positive Planning'⁶ consultation paper whether the existing categories and thresholds within the DMPWO remained appropriate in defining major development. This formed part of the wider consultation in respect of a new development management hierarchy. Stakeholders who responded to the consultation supported the definition. The evidence therefore suggests that major development in Wales should remain as defined in the DMPWO.

5.39 Accordingly if it is agreed that it is the role of the planning committee to determine applications for major development, then the development threshold to capture such development within the national scheme of delegation should be as prescribed in the DMPWO.

QUESTION 9: Do you agree that the development threshold should be 'major development' as prescribed in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012? If not, please explain the reasons and suggest an alternative threshold.

5.40 By prescribing delegation arrangements, the Welsh Government will remove control of delegation rates from LPAs. Whilst this approach will achieve consistency in the decision making process across Wales, it will not permit any flexibility for those LPAs who may wish to achieve a higher delegation rate.

5.41 In response to this, the Welsh Government propose to introduce an alternative threshold. LPAs will have the option of adopting the DMPWO threshold or the second threshold which would provide greater delegation to their officers. It is proposed that the alternative threshold would be structured as follows:

- a) the winning and working of minerals or the use of land for mineral-working deposits;
- b) waste development;
- c) the provision of dwellinghouses where—
 - i. the number of dwellinghouses to be provided is 20 or more; or
 - ii. the development is to be carried out on a site having an area of 1 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

⁶ Positive Planning. Proposals to reform the planning system in Wales. Welsh Government. December 2013

- d) the provision of a building or buildings where the floor space to be created by the development is 2,000 square metres or more; or
- e) development carried out on a site having an area of 2 hectare or more;

5.42 Whilst introducing two options would not result in optimum consistency across Wales, it will provide a minimum level of consistency and clarity for the development industry and the public.

QUESTION 10: Do you agree that LPAs should have the choice of two development thresholds?

Objection threshold

- 5.43 The RTPI survey data revealed that in at least nine authorities the level of objections received on an application can trigger an application either going directly to committee or to a panel that will recommend how the application is determined. Currently, the range of objections required varies from as low as one objection to a petition of 30 objections.
- 5.44 Some LPAs operate whereby the local member(s) are informed that an objection has been received on an application which the officers are recommending for approval. This gives the member an opportunity to call-in the application should they consider that there are issues raised that would be best considered by the planning committee.
- 5.45 Other LPAs refer to committee applications where there is a petition containing 30 or more signatures and an indication of a desire to address the committee are put on the agenda. Some authorities make this provision subject to the discretion of the chair and so the number of applications reaching committee relies upon the degree to which the chair exercises this discretion.
- 5.46 The use of objections as a trigger results in a significant number of minor, straightforward applications going to committee that could efficiently and effectively be determined by officers under delegated powers. Often these are householder applications, which do not attract any public speakers and appear towards the end of the agenda, being nodded through without any presentation or debate, perhaps as a result of so many being on the agenda.
- 5.47 Objections, together with member call-ins, are identified in the RTPI study as the most significant factors in the large percentage of applications which would normally be determined under delegated powers, being referred to committee. As a result, the RTPI study does not include an objection threshold as part of its recommendation regarding the content of a national scheme of delegation.
- 5.48 If it is accepted that it is the role of the planning committee to determine those applications where there is a community-wide interest (see paragraph 4.3), the Welsh Government consider that an objection threshold should be included within the national scheme of delegation and used to quantify the degree of public interest. However it is important that, if there is to be an objection threshold, the level of objections required is set at a level that ensures there is a

genuine community-wide interest in a development which goes beyond protecting the private interests of one person, or group of people, over the activities of others.

- 5.49 It is suggested that 20 letters of objection from different people in different addresses should be required. With regard to petitions, it is suggested that a minimum of 30 signatures are required. This level of objection is considered to best represent genuine community-wide interest.

QUESTION 11: Do you agree that the national scheme of delegation should include an exception based on an objection threshold?

QUESTION 12: If yes, is 20 letters from different people in different addresses and/or a petition with 30 signatures appropriate to establish that there is a genuine community-wide interest in the development?

Member call-in

- 5.50 Whilst the process for member call-in varies between local planning authorities, all have a mechanism within their delegation schemes for this. Most require the member to provide a planning reason, and some require the request to be made within a set time frame. Some authorities have an additional process, where the call-in is vetted by the chair/vice chair of the planning committee or a delegation panel before being put on an agenda.
- 5.51 The RTPI Cymru study identified that, from its survey data, around a third of committee agenda items are as a result of member call-ins. It is identified as one of two significant factors (the other being objection threshold) in the large percentage of applications being removed from the delegation procedure and referred to planning committees. However, the study concluded that member call-in is a key aspect of the exercise of democratic control in the planning system and should be retained as part of the national scheme of delegation.
- 5.52 The Welsh Government agrees with this recommendation and will therefore seek to retain member call-in as part of the national scheme of delegation. However, to ensure that member call-in operates within the parameters of the role of the planning committee as defined in paragraph 4.3, limits must be exercised over when members may use the function. The Welsh Government is seeking to create an exception for member call-in on this basis.
- 5.53 The Welsh Government is currently considering three options for this specific exception (see appendix 2):

Option 1 - delegation panels / chair verification

- 5.54 Guidance would be issued to the effect that a delegation panel or the chair of the planning committee would determine formal requests from members that a planning application delegated to the planning officers should be withdrawn from the scheme of delegation and be determined by the planning committee.

- 5.55 Members would submit their request to the delegation panel or chair (via the LPA) within 21 days from the date that the member is notified of the application.
- 5.56 Criteria would be set for members to submit a request for referral. The member would state why they are making the request and how it meets the set criteria.
- 5.57 The delegation panel or chair would assess the validity of the request against the criteria and provide the member with a reason for their decision. The decision of the delegation panel or chair is final.
- 5.58 A delegation panel is currently operated by Pembrokeshire County Council which, according to the RTPi Cymru research, had a member call-in rate of just 5% (of total applications at planning committee) in 2012/13.
- 5.59 The criteria that members at Pembrokeshire County Council must comply for submitting a request for a referral is as follows:
- The development has an adverse planning impact on more than immediate neighbours or other electoral divisions;
 - The decision on a proposed development's impact within the local community is finely balanced between competing interests or is complex and sensitive and would benefit from a public examination of the merits;
 - That issues are raised which highlight conflicting planning policy issues.
- 5.60 The criteria for the national scheme of delegation would be structured so that those applications which members seek to remove from the delegation process and refer to the planning committee can only be of a type/scale which has been identified as falling within the remit of the planning committee (see section 4). Minor development proposals, especially householder development, would therefore be excluded from the call-in process.
- 5.61 Prescribing the criteria nationally would provide a level of consistency across Wales and would provide clarity for members about when they could use their call-in power.
- 5.62 It is acknowledged that implementing and operating a delegation panel may have costs in respect of additional pressure on valuable member time (and officer/technical support staff) and could add delay to the decision-making process.

Option 2 - member call-in linked to objection threshold

- 5.63 Member call-in could be linked to an objection threshold. Members could only call-in an application if the prescribed objection threshold is reached. The triggering of the objection threshold would demonstrate that there is sufficient local concern regarding a development which may constitute quantifiable, community-wide interest and therefore resulting in the application falling within the remit of the planning committee.

5.64 This creates a process of validity of the objections, firstly, to ensure that the issues raised are material planning considerations and secondly, to determine whether there is a genuine wider public interest.

Option 3 - member call-in linked to objection threshold and development threshold

5.65 This option would see the development threshold removed as a stand alone exception and linked to member call-in together with the objection threshold exception.

5.66 Members would not be able to call-in applications that fall outside of the development threshold or those which have not attracted the prescribed level of objection and triggered the objection threshold.

5.67 Through this option, the local member would potentially have an increased involvement in the decision making process. In their role as local representative, they would take the decision whether the development, whilst falling within the category of 'major development' due to its scale, raises any issues which would be best debated in a public forum by the planning committee. The consideration regarding objections and the public interest is as per paragraph 5.63. The local member has significant control of the flow of applications that would be determined by the planning committee.

QUESTION 13: Is it necessary to limit member call-in? If not, please specific the reasons.

QUESTION 14: Should delegation panels be introduced as measure to validate member call-in requests?

QUESTION 15: Should member call-in be linked to another exception? If not, please specific the reasons and provide a suggested alternative measure.

Chief officer/head of planning referral

5.68 Chief Officer/Head of Planning referral was also identified through the research as being a consistent feature of existing delegation schemes. The Welsh Government will not seek to include it as part of the national scheme of delegation. It is expected that those applications that are currently referred to the planning committee as a result of this exception will be captured by other exceptions, such as departure from the development plan, or above the development threshold.

Section 6 - Joint Planning Boards & Strategic Planning Panels

Background

- 6.1 The Welsh Government considers that there may be circumstances in future where it would be necessary to merge local planning authority functions in order to facilitate more efficient and resilient local planning services
- 6.2 Existing powers to merge local planning services lie within Section 2 (Joint Planning Boards) of the Town and Country Planning Act 1990. It provides the Welsh Ministers with powers to establish a Joint Planning Board as the local planning authority for two or more areas, each of which is the whole or part of a Welsh county or county borough.
- 6.3 To date, the existing legislation has not been applied in Wales. In its current form, it is not considered to be fit for purpose as it does not extend to the inclusion of all modern local planning functions such as the preparation of a Local Development Plan or the collection of the Community Infrastructure Levy. The Draft Planning (Wales) Bill and accompanying consultation paper: Positive Planning set out proposals to extend the powers for Joint Planning Boards to include all local planning authority functions. Legislative provisions to this effect are contained in the Planning (Wales) Bill introduced to the National Assembly for Wales; section 13 refers.
- 6.4 The current primary legislative provisions for Joint Planning Boards do not prescribe how Joint Planning Boards will operate. Section 2 of the Town and Country Planning Act 1990 stipulates that how they will operate will be prescribed by the order to establish a Joint Planning Board, as follows:-
- 'A joint planning board constituted by an order ... shall consist of such number of members as may be determined by the order, to be appointed by the constituent councils.'*
- 6.5 The Positive Planning Consultation Paper proposed that a Joint Planning Board 'would be served by a single planning department' and that membership 'would be drawn on a proportionate basis linked to population'. In addition to proposals in this paper to define the size and make-up of planning committees, consideration has been given to how Joint Planning Boards will operate in practice, alongside planning committees.
- 6.6 This consultation focuses on elected membership of the Joint Planning Boards rather than composition of technical staff, including planning officers and associated staff forming part of the Joint Planning Board. It will be the responsibility of the individual Joint Planning Board to determine the make-up of its staff once a Board is established.

Current Practice: Example of Local Planning Authority Joint Working – Anglesey and Gwynedd Joint Local Development Plan

- 6.7 Although there are no examples of where local planning authorities have combined all their functions in Wales, local planning authorities have undertaken collaborative working on a voluntary basis in respect of various elements of their functions. The most recent and notable example of this is the decision by Isle of Anglesey and Gwynedd to prepare a Joint Local Development Plan (LDP).
- 6.8 The two authorities have established a ‘Joint Planning Policy Committee’ in order to consider and finalise various aspects of the Joint LDP during the process of plan preparation. This Committee has been established in accordance with the Local Government Act 1972 and consists of 14 members, with 7 members from Gwynedd Council and 7 members from Isle of Anglesey County Council. Gwynedd Council acts as the host authority for preparation of the plan. However, the Committee is not the decision maker as policies / the plan are subject to approval by the constituent authorities. The approach represents a less formal arrangement of joint working than merger of local planning authorities would entail.

Joint Planning Board Size and Composition: Options

Joint Planning Board: Size

- 6.9 Under powers for Joint Planning Boards sought by the Welsh Ministers, the numbers of elected members who will comprise the Board will be prescribed by the Welsh Ministers through an order. To ensure the number of members elected to the Joint Planning Boards accords with proposals prescribing the size of planning committees, it is proposed that the Welsh Ministers determine the number of decision making members elected to the Joint Planning Board and that this number should fall between the minimum of 11 and maximum of 21 members, in line with recent independent research carried out by RTPI Cymru research (see section 4).

QUESTION 16: Do you agree that the Welsh Ministers should have the authority to determine the size of the joint planning board membership, providing that size is consistent with that for planning committees?

Joint Planning Board: Composition

- 6.10 It will be up to the individual local planning authorities to decide which local authority elected members should sit on the Joint Planning Board, but the numbers of members elected from each contributing authority will be prescribed in order to ensure fairness, transparency and proportionality. It is proposed that a formula based on levels of population will be applied to ensure representative proportionality of Joint Planning Board members elected from each contributing authority. The proposed formula is shown below:

Formula: Determining the proportion of members from each contributing local planning authority elected to a joint planning board

**Total number of members
on the Joint Planning
Board***

Divided

X

**Population for each
contributing local
planning authority**

**Combined population
for the contributing local
planning authority**

Totals should be rounded to the nearest whole number

**an explanation of how this number is proposed to be determined is contained in paragraph 6.9*

6.11 In applying the above formula, for certain cases rounding to the nearest whole number may not match the member figure originally specified by the Welsh Ministers; for example the Welsh Ministers determine a total of 21 members should form the Board, but the total number of members determined by the formula reaches 22. In such cases, the figure calculated using the representative proportionality approach should be used, assuming the final calculation for all contributing local planning authorities does not exceed 21 in total. Should the number of members calculated using this population formula exceed 21, the largest authority should forego one member and, if necessary, the second largest authority should forego one member in order to ensure that the authorities contributing to the Joint Planning Board stay within this member limit.

6.12 An example of how this formula may apply in practice is as follows:

Worked Example 1

The Welsh Ministers use their powers to establish a Joint Planning Board combining the planning functions of Local Planning Authority A (population 80,000) with Local Planning Authority B (population 100,000). The Welsh Ministers determine that 13 members will form the Joint Planning Board.

Applying Formula for Worked Example 1

Firstly, divide number of members forming the Joint Planning Board by combined population for the contributing local planning authorities, as follows:

$$\frac{13}{(80,000 + 100,000)} = 0.0000722$$

To determine representation from Local Planning Authority A

$0.0000722 \times 80,000 = 5.78$ (to 2 decimal places), rounded to the nearest whole number =

6 members from Local Planning Authority A will form part of the Joint Planning Board for Worked Example 1

To determine representation from Local Planning Authority B

$0.0000722 \times 100,000 = 7.22$, rounded to the nearest whole number =

7 members from Local Planning Authority B will form part of the Joint Planning Board for Worked Example 1

QUESTION 17: Do you agree with the proposed population formula for establishing the numbers of members from contributing planning authorities to form the joint planning board?

6.13 Having calculated the number of members from each constituent authority, the next stage is for authorities to identify those members who will represent them on the Joint Planning Board. In doing so, each authority will wish to be mindful of the composition and character of its constituent population, including the importance of securing gender balance on the Joint Planning Board. The Board will have sole responsibility for all planning functions without reference back (collectively or individually) to constituent authorities, except where a strategic development plan is to be prepared.

Strategic Development Plans: Nomination to 'Strategic Planning Panel'

6.14 In addition to the proposals for Joint Planning Boards, the Planning (Wales) Bill and accompanying consultation paper, Positive Planning, set out proposals for the preparation of Strategic Development Plans (SDPs) to tackle strategic plan making in those limited areas requiring a cross local planning authority approach. Responsibility for preparation and approval of the SDP resides with representatives from local planning authorities nominated to a Strategic Planning Panel by constituent authorities. Powers to ensure the panel has decision making capability and other related provisions are contained within the Planning (Wales) Bill introduced to the National Assembly for Wales; sections 3-5 and schedule 1 refer.

6.15 The precise boundary of the SDP area will be prescribed by regulations made by the Welsh Ministers, as well as the number of local planning authority members and number of other nominated members, which together comprise the Strategic Planning Panel. Two thirds of the panel will be drawn from elected members in the constituent local planning authorities, with at least one member from each authority within the strategic planning area. Elected members eligible for nomination will include those councillors representing an electoral division within

the strategic planning area or members of a national park authority so included. The remaining one third of the Strategic Planning Panel will be appointed by the panel, following nomination by a body on a list published by the Welsh Ministers. The bodies listed will reflect economic, social and environmental partners. The Strategic Planning Panel must appoint a chair and deputy chair, both drawn from the local planning authority members, for no more than one year, though they may be re-appointed.

- 6.16 Unlike Joint Planning Boards, Strategic Planning Panels will not perform the function of a local planning authority and will be single purpose bodies set up solely for the purpose of preparing SDPs.
- 6.17 Due to the anticipated numbers of local planning authorities that may be involved in SDP preparation, it is considered that the size of the Strategic Planning Panel is likely to exceed the proposals for planning committees of between 11-21 members. Welsh Ministers will set the total number of Panel members in regulations to ensure the Strategic Planning Panel comprises an appropriate number of members from each local planning authority and bodies representing economic, social and environmental interests.

Section 7 - Financial Impacts

- 7.1 The costs to stakeholders associated with implementing the proposed changes to planning committees and the introduction of a national scheme delegation are outlined in a partial regulatory impact assessment in annex 1

QUESTION 18: Do you have any comments to make about the partial Regulatory Impact Assessment at Annex 1? Are the assumptions made realistic? If not, what figures would be more appropriate?

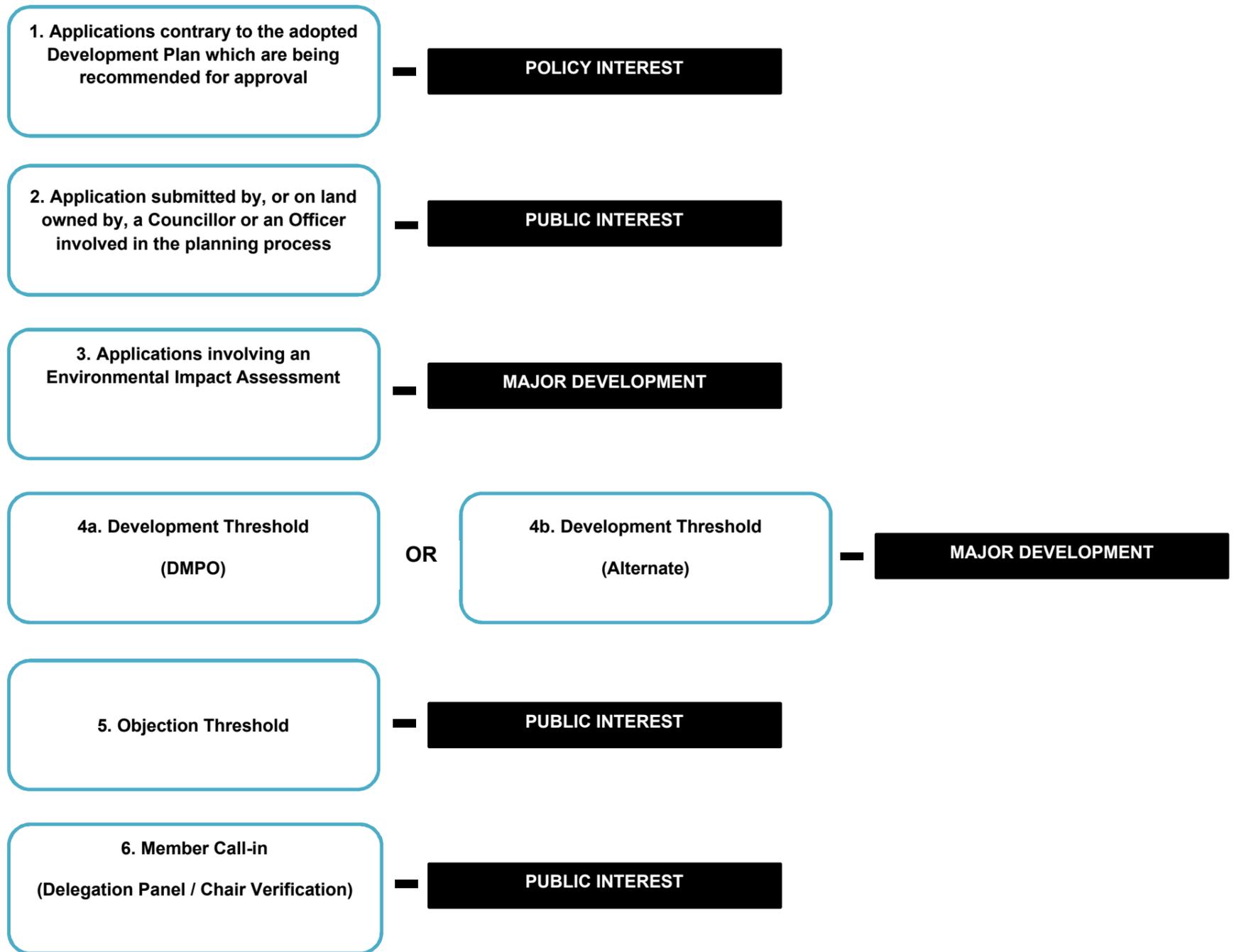
Existing delegation arrangements

Sample of the exceptions to delegated powers (as of August 2014)	Anglesey	Blaenau Gwent	Bridgend	Caerphilly	Cardiff	Cardiganshire	Ceredigion	Conwy	Denbighshire	Fflintshire	Gwynedd	Methyr Tydfil	Monmouthshire	Neath Port Talbot	Newport	Pembrokeshire	Powys	Rhondda Cynon Taf	Swansea	Torfaen	Vale of Glamorgan	Wrexham	National Park	Brecon Beacons National Park	Pembrokeshire Coast National Park	Snowdonia National Park	Number of LPAs operating exception	
Application delegated to officers unless following exception applies...																												
Applicant																												
Application by or on behalf of Council			A										B							B								11
Application made by member or on land owned by member																												18
Applications relating to Council buildings/land where Council has significant interest/stands to benefit																												9
If on Council land and development does not relate to a specific function of the council																												2
LPA employee has interest in application			A																		C							16
Specifics of application																												
Local Member Call in								D																				24
Chief Officer/Head of Planning decides to refer application to committee																												16
Departure/contrary to development plan and recommended for approval																												20
Application of Strategic importance																												3
Major applications (DMPO)																												6
Major residential development (more than 10 residential units or area over 0.5 hectares)																												4
Applications for over # caravans											5																	2
Full application for telecommunication masts and apparatus																												2
Applications with EIA																												9
Applications for electricity lines that have a capacity of 132KV or above																												3
Objections																												
Neighbour objection letters received and LPA are minded to approve (number of letters required)			2F		d	2/6K	H	5	4			3	H	5														12
LPA recommendation contrary to Statutory Consultee advice			F	D																								9
Contrary to Town/Community Council			F											J														5
Other / Unique																												
Leader of the Council call-in																												1
Revocation of a permission																												1
App. to remove/vary condition or S106 previously approved by committee																												1
Residential development for more than 5 dwellings / commercial dev. that exceeds 500sqm																												1
Residential development for more than 20 dwellings / commercial dev. that exceeds 2000sqm																												1
Residential development for more than 2 dwellings (10 on allocated sites)																												1
Full application for more than 5 dwellings, outline for more than 0.5 hectares, or reserved matters for more than 10																												1
Refusal of planning permission							H																					1
Petition of objection with # signatures received and the objectors wish to address committee																												30
Applications where there is conflict between dev.plan policies and policies in emerging plans																												1
Council and 3rd Party enter into a S106 agreement																												1
New non-residential dev. that creates >2000sqm net floor space, exceeds 15m in height, and/or the site exceeds 2 ha																												1
Changes of use to buildings and land where the floor area exceeds 2000 sq.m. or the site area exceeds 2 ha																												1
New-build, or significant extension (more than 50%), to commercial, industrial or retail development																												1
LBC applications for Grade I or II* listed buildings																												1
Extensions to non-residential buildings where the additional net floor space exceeds 2000sqm or 50% of the existing, or where the resultant height exceeds 15 metres above ground level (limits higher on allocated sites)																												1
Change of use to pub or licensed club or applications to extend such premises																												1
Wind turbines over 30m in overall height (to blade tip)																												1
Solar array parks over 5 hectares in area																												1
Tipping of inert, non-toxic waste on sites exceeding 1 ha. in area																												1
Construction above and below ground of storage tanks with a volume greater than 10,000 litres																												1
Pipes, sewers, drains and power lines more than 1Km. in length and associated pumping stations and sub-stations																												1
Contrary to legal advice																												1
Mixed use/ business or commercial development where the gross external floor area exceed 1000 sq. metres where it is within 200 metres of any dwelling or 5000 sq. metres in all other cases																												1
App. to remove or vary a planning condition which has been specifically imposed by committee																												1
Determined previously by committee but could be a significant risk of costs awarded against the council at appeal																												1
Applications for commercial industrial or retail development that exceeds 500 square metres																												1
S106 agreement over the value of £10,200																												1
Ancillary buildings, extensions or structures exceeding 200 square metres in total floor area																												1
Residential development over 1 hectare or 30 dwellings																												1
Class A1 and A2 shops and offices over 500m² floorspace																												1
Class B1 offices and light industry over 1000m² floorspace																												1
Class B2 general industry over 1000m² floorspace																												1
Class B8 wholesale, warehouses and storage over 2000m² floorspace																												1
Class C1 and C2 residential uses and class D1 and D2 other institutions over 500m² floorspace																												1
All tourist, leisure or recreational developments over 500m² floorspace or 0.5ha in area																												1
All applications for mineral extraction or waste handling or disposal over 0.5ha in area																												1
All agricultural buildings over 1000m² floorspace or with a site area over 1ha																												1

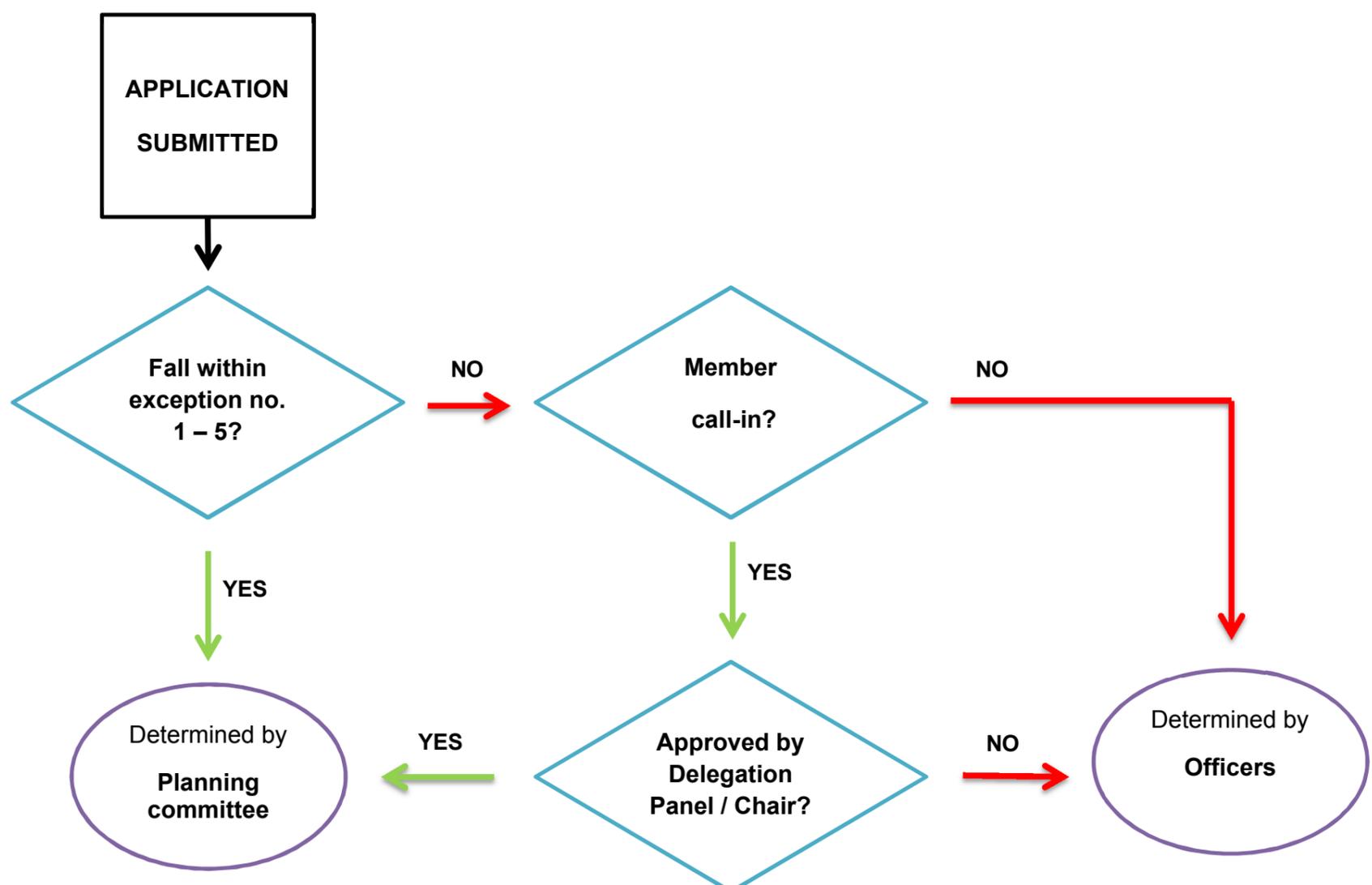
- Key**
- A - Only if material planning objection has been received
 - B - Unless minor/non-contentious
 - C - Chief officers only
 - D - After consultation with the Chair and vice-chair
 - E - Referred to delegation panel
 - F - Unless overcome by condition or negotiation
 - G - Only applies to major applications
 - H - Consult local Member
 - I - Increased to 5000sqm and 5 ha on established sites or allocated land
 - J - and wish to address the committee
 - K - 2 or more written objections required for minor applications, 6 or more written objections required for major development (DMPO)

Option 1 – Member call-in validated by Delegation Panel / Chair:

Structure

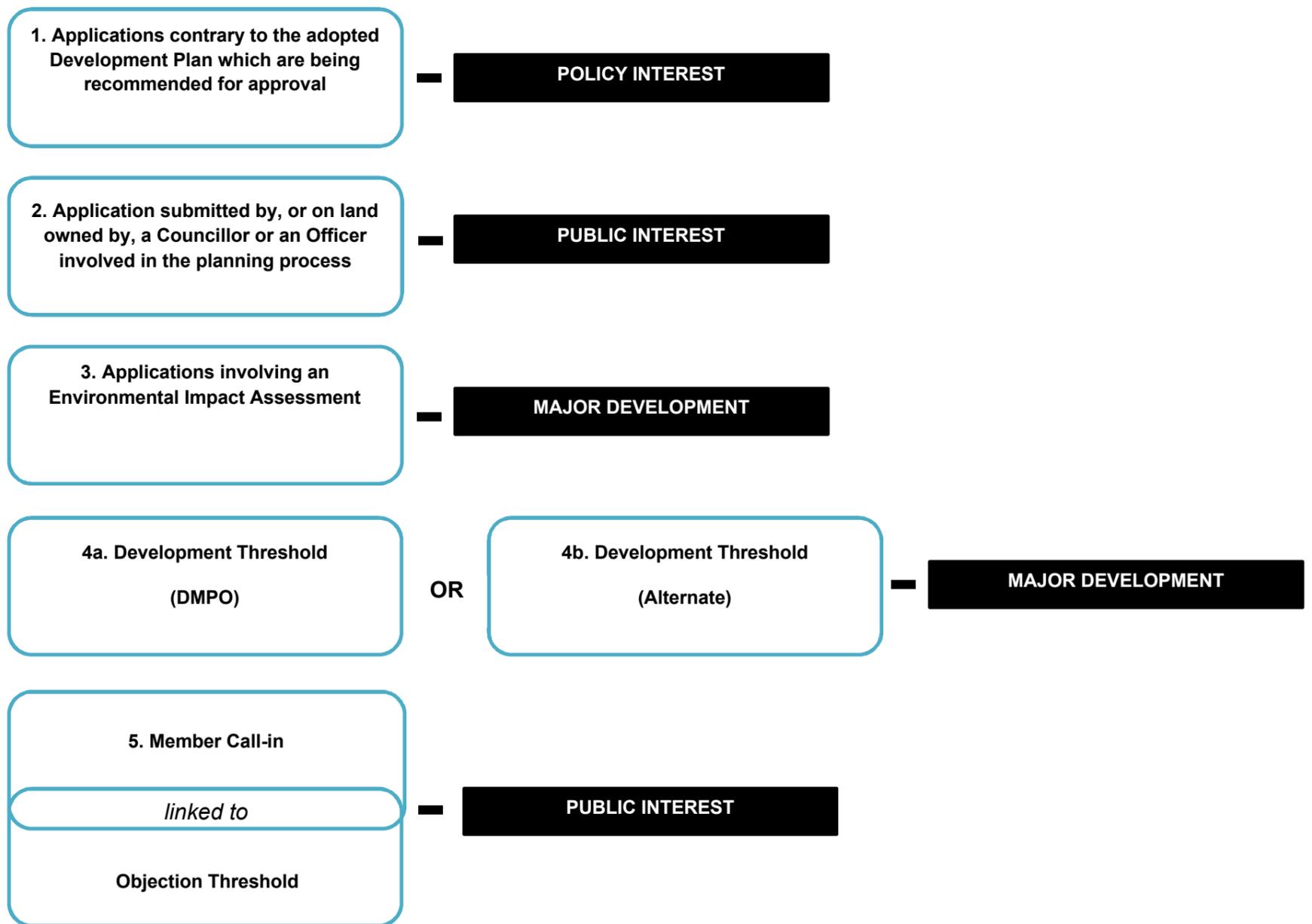


Process

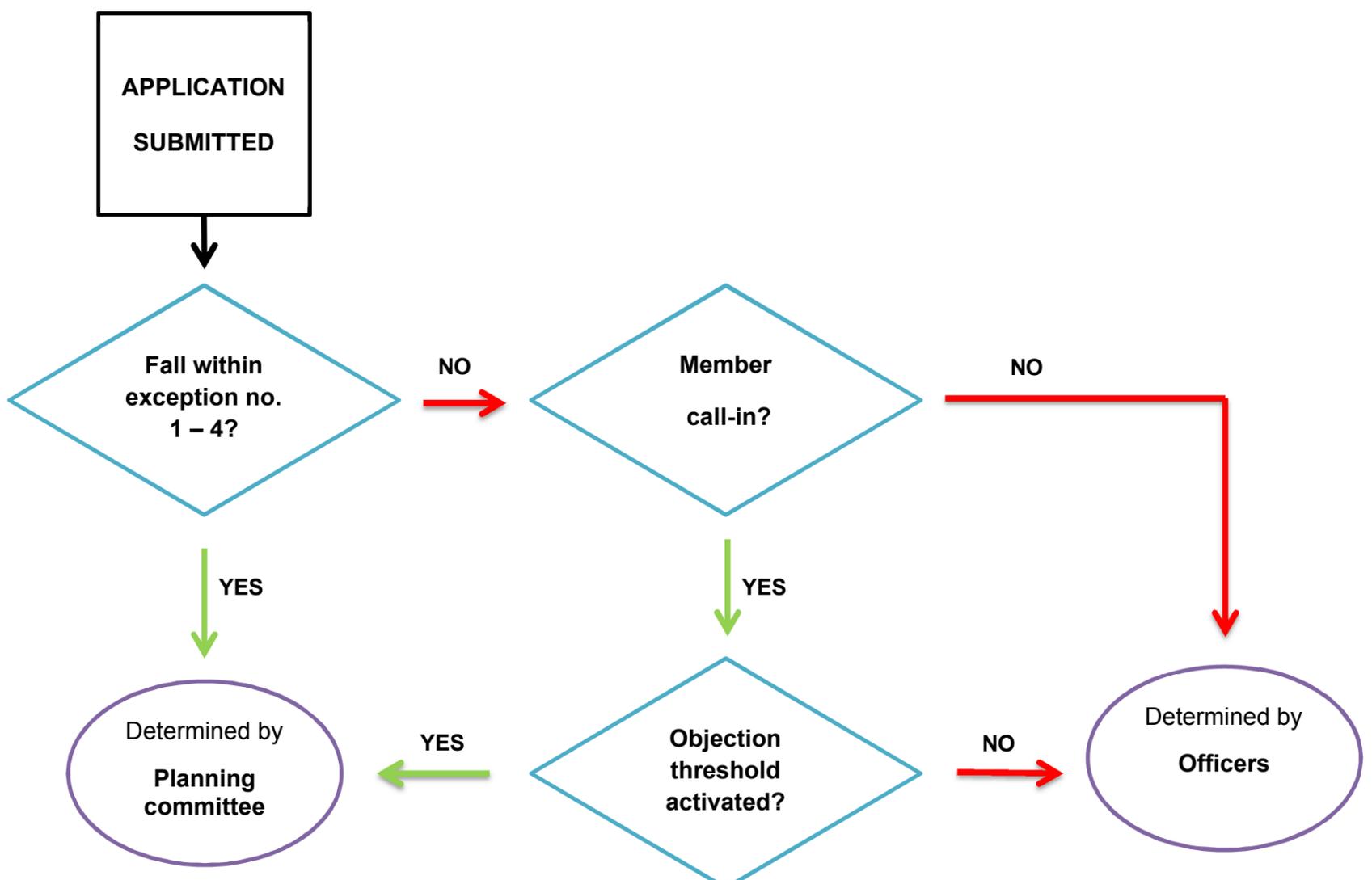


Option 2 – Member call-in linked to objection threshold:

Structure

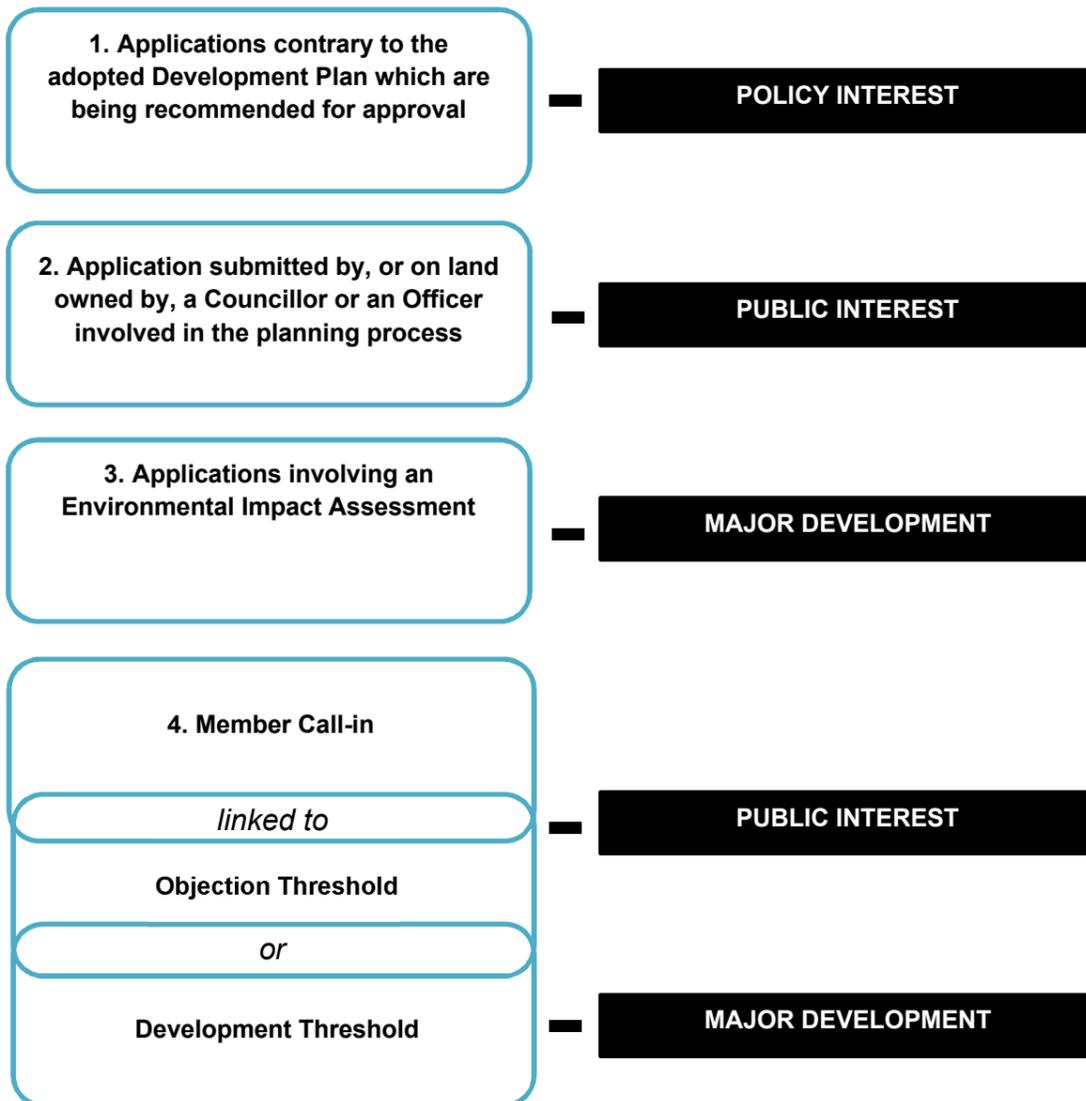


Process



Option 3 – Member call-in linked to objection threshold and development threshold:

Structure



Process

