Evaluation of the Processes used to Develop National Planning Policy in Wales

Final Report to the Welsh Assembly Government

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C3348 / August 2007

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Executive Summary

The aim of the study is "*to evaluate the processes by which it has undertaken planning policy development and to make specific recommendations for improvement, together with an assessment of how policy should be presented.*"

The study has a number of objectives, which are:

1 To evaluate the existing processes / methodology by which planning policy and technical advice are produced.
2 To consider how the process of planning policy development is undertaken in other parts of the United Kingdom (UK) and Europe to provide a comparative analysis outlining where lessons can be learned in Wales.
3 To advise on the appropriate scope and level of detail of national planning policy and advice necessary to support the Local Development Plan (LDP) system and efficient decision making.
4 To make recommendations about the way in which future reviews of planning policy and advice should be undertaken, including stakeholder engagement.
5 To consider the format for presenting planning policy in Wales (both in terms of its structure and presentational form) and to make specific recommendations on how it is maintained and kept up to date.
6 To assess whether mineral planning policy should be integrated with other planning policy advice.

The evaluation was carried out using a combination of desk based research and consultations. In addition to a background literature review to set the evaluation in context, we took a series of ten policy and guidance documents, and analysed how these were prepared, including the timescale taken. We carried out in depth interviews with all 25 Local Planning Authorities (LPAs) in Wales and a series of interviews to take account of views outside LPAs. A number of ad hoc interviews were also held to explore particular aspects around engagement with the non-planning community. These consultations provided valuable input from a range of perspectives for informing the evaluation. Once the report had been drafted, two events were held to discuss the emerging conclusions.

Wales Planning Policy Framework

From an overview of the Wales land use planning policy framework, we draw out the following conclusions:

- Land use planning policy is a devolved responsibility to the Assembly. This responsibility has been further enhanced by the Government of Wales Act 2006; the Assembly can now apply for powers to make legislation using Assembly Measures.
- Since devolution national planning policy in Wales has developed its own distinctive framework.
- Planning Policy Wales (PPW) and Minerals Planning Policy Wales (MPPW) together provide national planning policy for Wales. PPW is updated through the use of Ministerial Interim Planning Policy Statements (MIPPS).
- Technical Advice Notes (TANs) and Minerals Technical Advice Notes (MTANs) are used to provide technical guidance and advice in support of policies contained in PPW and MPPW.
- Circulars and Circular Letters are used to explain particular pieces of legislation.
- The Wales Spatial Plan, whilst outside the formal land use planning framework, is an important national policy for consideration in the LDP process.
- The Wales Planning Research Programme (WPRP) provides research to support the policy development process.

The Policy Development Process

An evaluation of the processes used to produce planning policy and guidance in Wales was undertaken.

- Overall the policy development process is appropriate and has the support of its users. Although there are areas of the process which could be improved or adapted.
- Awareness of forthcoming reviews and updates on their progress to the wider planning community is generally low. External stakeholders would welcome the opportunity to play a role in the process of developing the forward programme which would assist in their preparations for forthcoming reviews.
- Research is essential; however, its relevance to the policy review process needs to be tightened. It was also felt that ways of sharing resources to fund relevant research should be explored, for example in conjunction with the DCLG. More detailed recommendations regarding research activities to support planning policy in Wales is considered in the separate Quinquennial Review and Evaluation of the Wales Planning Research Programme, 2006. Where appropriate, links have been made with the recommendations in this report.

- The Wales Planning Forum and its sub-groups have provided a useful mechanism for developing working links between the Planning Division and external stakeholders, although there could be adaptations to enhance dialogue and develop its role further.
- Canvassing views prior to the drafting process would be useful in raising issues to be taken account of in drafting. This could consider how existing policy and guidance has worked and identify any shortfalls in its implementation. Sounding boards which engage with the wider community could be a useful mechanism for this.
- It is essential to involve stakeholders in the drafting process effectively. A number of issues were identified which effect the operation of stakeholder groups and can influence the ability of individuals to be involved. These include:
  - ► Time constraints and capacity of individuals and organisations;
  - ► Optimum group sizes;
  - ► Effective use of participants;
  - ► Clear and understood roles of membership; and
  - ► Involving the most appropriate people.
- The Technical Advisory Groups (TAGs) are useful groups for developing TANs and should be retained, although their operational arrangements and membership needs reviewing in line with the above factors.
- There have been some cases where resources have been diverted away, or reduced, from review processes which have already started; this has caused delays in the review process. By starting the review external expectations are raised and can be damaging to the relations of external bodies, if not fulfilled. The use of consultants to extend resources and also where specialist support and knowledge is required, is valid.
- Some groups find the consultation response period to be too short particularly for those who need to take it to committees or management boards and umbrella groups who need to cascade information to members. However, there is a reluctance to extend the period, as this would lengthen an already long process.
- It was evident that there needs to be more interaction with regard to consultation exercises. The use of questions for framing consultation responses is useful, although many felt that they were restrictive and they did not know how the Assembly used responses outside of the questions. An important issue raised was the lack of feedback on consultation responses and how they were used. These are all important factors in continuing the dialogue and building effective relations with stakeholders.
- There is a general need to improve communications throughout the policy process, from information about forthcoming reviews, their progress, and when consultations are likely to be issued. This advance warning is important in encouraging and enabling

engagement by a whole range of stakeholders, including promoting wider, non-planning, interests. There is also a need for information which supports the understanding of new and amended policy and guidance.

- There is a lack of confidence in knowing what is extant primary and secondary legislation and policy and where to find documents. The Index of Planning Policy for Wales was highlighted as a useful document. However, it is not updated regularly and does not include Primary or Secondary Legislation.
- Inclusivity with wider community groups needs to be considered, although this should be undertaken through resource efficient means and managed so as not to raise expectations which cannot be met.
- Underpinning all of these factors was the lack of staff resources in the Assembly's Planning Division to support the process.

Scope and Detail of National Policy

Consideration of the scope and detail of Wales' national planning policy took into account the case studies and the various consultation interviews and workshops held. Here we summarise the key findings:

- The PPW and TAN framework is generally supported and should be retained. There is no evidence to support a complete re-think on the framework used in Wales.
- However, the delineation between policy and guidance is not clear between the two types of documents.
- PPW is a strong document, providing a single and coherent national policy document.
- However the format of PPW does not facilitate easy updates. The publication format needs to be changed to enable updates / reviews to be more easily integrated.
- National policy generally supports the LDP process.
- Where spatial definitions are included within national guidance, the evidence base needs to be appropriate to avoid inaccuracies and the rationale for the need for the spatial perspective needs to be clearly set out and justified.
- Relationships between planning policy and other national policies need to be strengthened and defined more clearly, particularly the Wales Spatial Plan and its sub-regional work.

Lessons from Elsewhere

From an overview of the systems adopted in England, Scotland and the Republic of Ireland, we draw out a number of key comparisons to Wales:

- England and Scotland have continued to use a system of individual policy documents, Planning Policy Statements (PPSs) and Scottish Planning Policy Statements (SPPs) respectively, as opposed to an overarching document, PPW, as in Wales;
- Since devolution the planning system in Wales has become increasingly recognised as a separate system to that in England. Through the adoption of PPW, Wales has favoured a framework which uses a single overarching policy document for land-use planning, supported by a series of technical guidance, through TANs, and this foundation sets it apart from England and Scotland;
- The Barker Review which places a great deal of emphasis on streamlining the planning system, questions whether the Wales' system achieves this, and suggests that it could restrain the flexibility of government to review policy;
- All three systems have an active research programme to support policy development, and this is seen as an important component of all the frameworks;
- Scotland appears to favour an inclusive approach to its development of planning policy at the local level and has produced a specific PAN on participation and community engagement for LPAs;
- There are differences in the nature of the Wales Spatial Plan, compared to the English Regional Spatial Strategies (RSS) which are integrated within the planning system. They are seen as different tools, and are not comparable;
- In Ireland, national planning policy is more closely integrated with the National Spatial Strategy (NSS) – the equivalent to the Wales Spatial Plan - which forms part of the planning system. This provides it with a hierarchy of plans to support the control of development and guide other planning-related policies.

The consideration of practices from a number of regions and countries has facilitated the identification of aspects of systems or processes which may be useful tools to be adopted to support some of the recommendations of this report. Here we highlight the key points of relevance to the Wales' situation:

- In many cases there is a tighter integration of traditional land use planning with spatial planning, in the sense of resource allocation, compared to Wales. This enables a closer alignment of national strategies in their spatial application. This is particularly demonstrated in the Irish, Dutch, Singaporean and British Columbian examples.
- Switzerland places a strong importance on bringing together and coordinating national policies and actions. The Chief Planner for Singapore plays a strong role in coordinating actions by other agencies. The Netherlands has a particularly strong coordination of national policies, as all undergo intensive discussion both in Government and wider a

field and have to have agreement from all ministries before they can be recommended and approved by Parliament, although this does make it a lengthy process.

- For significant policy reviews, the Department for Communities and Local Government (DCLG) / Royal Town Planning Institute (RTPI) event to involve a wide group of stakeholders, including those representing community sectors, is a useful case. The use of IT to facilitate this event appears to be particularly constructive.
- The use of IT also features as a useful tool, particularly as a practical way of keeping wider groups informed and involved. However, the tools used need to be tailored and integrated with other groups, the North Sea Interreg E Voice project provides some interesting thoughts on using IT to reach community groups effectively. The North West Regional Assembly (NWRA) also provides an example of using IT for consulting wider groups. Although with all of these examples, the problem still remains in how to demonstrate to non-planners the relevance of national planning policy to them.
- Using umbrella groups has been found to be a useful mechanism to connect with wider communities. For example the NWRA worked with Planning Aid, and the Scottish Executive with Planning Aid for Scotland.
- The use of briefings and workshops to help promote understanding of new or adapted policy and guidance has been found to be particularly useful for those operating in Washington State.
- In Ireland, the large number of groups which the small planning division works through is very demanding on resources. They have found that interchanging professional staff between local and national levels has helped in enabling staff to be more alert to issues and be fast in responding to them.

Conclusions and Recommendations

There are four fundamental messages from this evaluation of the processes used to develop national planning policy in Wales.

Firstly, the framework using PPW as a single policy document, supported by technical guidance in TANs, is supported and effective and there should be no wholesale change to this system for Wales.

The second message is with regard to effectively resourcing the process throughout the policy cycle. Many of the recommendations made require additional staff resourcing to enable them to be taken forward, particularly around communications and engagement. These in turn would provide support to the policy process, adding value to what it is able to achieve. We propose this is primarily done through increasing the size of the Planning Division. It can also be achieved by working with appropriate organisations and networks,

such as RTPI Cymru, Planning Aid Wales and other umbrella groups. This could include information dissemination and joint events and activities. Contracting out appropriate services may also be cost and resource effective.

Thirdly, improving communications throughout the process would help engage with the planning community and help promote an inclusive approach with non-planners. There should be communications regarding the policy timetable, as well as promoting understanding for the rationale and purpose of draft and extant policy and guidance. This also includes involving stakeholders in informing the policy cycle and contributing to the drafting of policy and guidance.

Finally it is important that the process promotes the alignment of national strategies and policies, with relation to land use planning. Improving internal mechanisms for communications would help this. By aligning national policies, there would be greater certainty and clearer messages for those using the policies, including investors.

The following table provides a summary of the recommendations, with a ranking to reflect their importance vis-à-vis each other.

Summary of Recommendations

Recommendation	Rank	Timescale
1 Improve communications		
Quarterly Newsletter	Medium	Medium
e-mail alert service	Medium	Medium
Communications with umbrella groups	High	Short
2 Regularly updated list of extant primary & secondary legislation, policy & guidance	Medium	Short
3 Briefing Events to Promote Understanding of Policy and Guidance	Medium	Medium
4 Reforming the Wales Planning Forum	Medium	Medium
5 Developing closer links between all aspects of the policy cycle	Medium	Short
6 Canvassing Views Pre-Consultation	Medium	Medium
7 Involvement of Stakeholders in the Drafting Process	High	Ongoing
8 Engaging through the Consultation Process		
Advance warning	High	Ongoing
Use of questions	High	Ongoing
Events to explain background	Low	Long
9 Increasing Staff Resources	High	Short
10 Aligning other National Policies with Land Use Planning	High / Medium	Ongoing
11 Framework for managing introduction of new policy & guidance into emerging LDPs	Medium	Ongoing
12 Spatial Definitions in national planning policy	Medium	Ongoing
13 Regular Review of Policy and Guidance	Medium	Medium
14 Production of Best Practice Documents	Low	Medium
15 Clarifying the Status of Draft Policy	Medium	Medium
16 Retain current framework of PPW and TANs	High	Short
17 Common structure for TANs and MTANs	Low	Ongoing
18 Hard Copy Loose leaf Format	High	Medium
19 Electronic Versions	High	Ongoing
20 Document Content	High	Ongoing
21 Improvement to the Web Site	Medium	Ongoing
22 Introductions to promote understanding	Medium	Ongoing
23 Integration of minerals planning & land-use planning	Low	At next PPW review

1.0 Introduction

1.1 ECOTEC Appointment

ECOTEC Research and Consulting Limited (ECOTEC) was appointed by the Welsh Assembly Government (Assembly) in January 2007 to evaluate the processes used to develop national planning policy in Wales.

1.2 Acknowledgements

ECOTEC wish to acknowledge the valuable input provided by Patsy Healy, Cliff Hague and Christabel Myers, for their contributions to the comparator study and identification of processes and tools used by other national regional planning authorities.

1.3 Aims and Objectives of the Evaluation

The tender documentation[1] provides a clear articulation of the aim and objectives of the evaluation.

1.3.1 Aim

The aim of the study is "*to evaluate the processes by which it has undertaken planning policy development and to make specific recommendations for improvement, together with an assessment of how policy should be presented.*"

1.3.2 Objectives

The study has a number of objectives, which are:

1. To evaluate the existing processes / methodology by which planning policy and technical advice are produced.
2. To consider how the process of planning policy development is undertaken in other parts of the United Kingdom (UK) and Europe to provide a comparative analysis outlining where lessons can be learned in Wales.
3. To advise on the appropriate scope and level of detail of national planning policy and advice necessary to support the Local Development Plan (LDP) system and efficient decision making.

[1] Specification for a contract to evaluate the processes used to develop national planning policy in Wales (Contract Number: 236/2006): National Assembly for Wales, 2006

4 To make recommendations about the way in which future reviews of planning policy and advice should be undertaken, including stakeholder engagement.

5 To consider the format for presenting planning policy in Wales (both in terms of its structure and presentational form) and to make specific recommendations on how it is maintained and kept up to date.

6 To assess whether mineral planning policy should be integrated with other planning policy advice.

1.4 Background

Wales: A Better Country[2] sets out the strategic agenda of the Assembly. This states that:

".. the Assembly Government attaches great importance to the way in which it works. Achieving our vision demands active participation from all parts of society and empowering people affected by its policies and those working at grass roots to implement policies and programmes."

In the development of planning policy in Wales a number of statutory obligations must be adhered to, as well as the need to ensure inclusivity in the process as set out in Wales: A Better Country. Both of these factors, as highlighted in the brief, result in the need for a high level of resource input, principally staff, and a lengthy process. The time process is one of the major constraining factors, in that the policy base, or even technological change for some policies, can change resulting in a variation to the policy.

The Assembly's corporate programme: *Making the Connections: From Vision to Action*[3] seeks to ensure that public services are delivered effectively and is underpinned by four principles for better service:

- citizens at the centre;
- equality and social justice;
- working together as the Welsh public service; and,
- value for money.

The Assembly published its five year action plan *Delivering the Connections: From Vision to Action*[4] to implement the strategic aspirations of its corporate programme. With reference to planning, Delivering the Connections includes the revision of guidance to

[2] Wales: A Better Country, Welsh Assembly Government, 2003
[3] Making the Connections: From Vision to Action, Welsh Assembly Government, 2004.
[4] Delivering the Connections: From Vision to Action, Welsh Assembly Government, 2005

ensure that communities and business are involved early and continuously in formulating LDPs and also support all local authorities in developing e-planning services.

The *Planning: delivering for Wales* (PdW) Programme sets out how the planning system in Wales should change to meet these corporate values and ambitions. PdW outlines how the Assembly intends to modernise the land-use planning system, including minerals, in Wales. A consultation document[5] was produced in 2002 to set a framework for the planning system in Wales under the mantra that planning should:

- be fair, transparent and open;
- inspire public and business confidence;
- deliver improved quality and speed; and
- integrate with other plans, processes and actions.

According to PdW the Assembly has promoted:

"Involving a far wider number of people in developing policies for planning which are recognised as being at the "leading edge" in UK terms. Both the Wales Planning Forum[6] and the Planning: delivering for Wales Programme Board have played, and continue to play, key roles in this. This way of working has set a firm basis for developing and implementing our new Local Development Plan system, and for the Wales Spatial Plan[7]."

The Assembly have introduced a new system for the process of plan development at the local level, through the introduction of LDPs, to encourage a speedier process. To support this new system, the Assembly now wishes to review the process by which national policy is developed "*to ensure it is consistent with the requirements it places on other bodies*."

Planning Policy Wales (PPW),[8] the overarching policy document for Wales, is also at a point where there would be benefit from its review. It has been produced as a single document as opposed to a series of policy guidance documents, to ensure cohesion across its contents. However this means that it has now become out of date, with a number of amendments made (using Ministerial Interim Planning Policy Statements (MIPPS)). A number of the Technical Advice Notes (TANs) providing technical detail to support PPW have been updated and these have themselves also generated policy change.

[5] Planning: Delivering for Wales: Consultation Document, Welsh Assembly Government, 2002

[6] The Wales Planning Forum was established in January 2000. The Planning Forum's role was to advise the Minister on the review of national planning policy. The Forum is comprised of 24 members from local government, business, the voluntary sector and academia and is chaired by the Minister for Environment and Rural Affairs.

[7] People, Places, Futures - The Wales Spatial Plan, Welsh Assembly Government, 2004

[8] Planning Policy Wales, Welsh Assembly Government, 2002

Minerals policy is presently presented in a separate document, Minerals Planning Policy Wales (MPPW) [9], and if PPW is to be reviewed, then consideration also needs to be given to whether land use planning and minerals policy should be combined.

The key underpinning factor for this study, as set out in the brief, is therefore to examine how the process for "*developing planning policy in Wales can be expedited and improved whilst still holding true to the Assembly Government's over-riding principles of inclusion. The project should identify the most efficient way to develop planning policy, having regard to the availability of staff and financial resources.*"

1.5 Approach and Work Undertaken

The evaluation was carried out through a phased approach, with a number of tasks run in parallel:

- Task 1 – Inception
- Task 2 – Project Management
- Task 3 – Desk Research and policy case studies
- Task 4 – Comparator Study
- Task 5 – Local Planning Authority Consultations
- Task 6 – Stakeholder consultations
- Task 7 – Analysis, Report Writing and Dissemination

1.5.1 Inception

Our broad approach and methodology for the study is set out in full in our Proposal Document.[10] This was rehearsed with Assembly officials and members of the project Steering Group[11] at an inception meeting and confirmed in an Inception Report.[12]

1.5.2 Desk Research

This task included a literature review to ensure the background context for the study is in place. The mechanisms and timescales of the policy development process in Wales were mapped out for a selection of policy and technical guidance documents. This considered

[9] Minerals Planning Policy Wales, The National Assembly for Wales, 2000
[10] Evaluation of the Processes Used to Develop National Planning Policy in Wales: A Proposal to the National Assembly for Wales 236/2006, ECOTEC Research and Consulting Limited, 2006.
[11] The Study Steering Group was convened by the Welsh Assembly Government and has the following representation: Neil Hemington (Planning Division), Jonathan Fudge (Planning Division), Sue Martin (Planning Division - Minerals, Waste and Energy), Paul Robinson (Planning Division), Huw Evans (WLGA), and John Davies (The Planning Inspectorate). Craig Mitchell (WLGA) attended the Inception Meeting on behalf of Huw Evans.
[12] Evaluation of the Processes used to Develop National Planning Policy in Wales: Inception Report, ECOTEC Research and Consulting Limited, 2007.

the process from the identification of the need for policy development or revision through to the adoption and publication of revised policy or guidance. It provided analysis of the actual time taken for different stages of the process and identification of the drivers and barriers influencing the process. This was mainly completed through desk based analysis. However, where there were gaps in the information available relevant Planning Division staff were consulted. Both land-use planning and minerals and waste planning policy case studies were included, as illustrated in Figure 1.1.

Figure 1.1 Case studies

Planning Policy Wales
Minerals Planning Policy Wales
PPW Companion Guide
TAN 1: Joint Housing Land Availability Studies
TAN 2: Planning and Affordable Housing
TAN 8: Renewable Energy
TAN 13: Tourism
TAN 16: Sports and Recreation
TAN 18: Transport
TAN 21: Waste

1.5.3 Comparator Study

The comparator study sought to identify examples of best practice used in other planning systems in the UK and Europe, which could contribute to improving the current Wales' system. This was undertaken by an Expert Panel[13] convened by ECOTEC, through desk based research.

1.5.4 Local Planning Authority Consultations

Local Planning Authorities (LPAs) in Wales are significant users of national planning policy. They have a direct interest in the process and ensuring it is efficient and that the process is relevant. We therefore interviewed senior officials from all 25 LPAs to ensure input from all geographic perspectives and types of Authority e.g. rural / urban, north / south. The purpose of these consultations was to ascertain information and feedback from these key stakeholders on the process and the presentation of national planning policy. We also attended the Planning Officers Society Wales (POSW) meeting on 2nd March 2007, to provide a briefing on our study and provide the opportunity for their input as an all-Wales group to the evaluation.

[13] The Expert Panel comprised Patsy Healy, Christabel Myers and Cliff Hague.

1.5.5 Stakeholder Consultation

Whilst LPAs are key stakeholders, we also recognise that there are a number of other stakeholder groups which are either directly or indirectly involved in, affected by or users of national planning policy in Wales. To engage with this wide ranging and varied group, we considered the most appropriate means of capturing their views to be through a series of focused workshops, organised by their 'grouping'. The following workshop groups were held:

- the development industry e.g. housebuilders;
- conservation / environmental interests;
- the wider business community e.g. via the CBI;
- planning consultants / planning agents;
- the wider planning community and professional interests e.g. RTPI Cymru[14], and RICS[15].

A meeting of members of the Wales Planning Forum was held on 7th March 2007[16], at the Millennium Stadium, Cardiff. The meeting of Forum members provided the opportunity to discuss the method in which PPW was drawn up and agreed. It also provided an opportunity to review the role of the Forum from the perspective of its members.

We also met with organisations who are involved with engaging with communities and lay people to explore how input by communities and lay people into planning policy preparation and the presentation of policy might be improved. These included Planning Aid Wales, the Wales Council for Voluntary Action (WCVA) and the Wales Association of County and Voluntary Councils (WACVC) and Disability Wales.

To ensure we captured as many views as possible, we also set up an on-line consultation. This included prompt questions and guidance for responding to encourage responders to include evidence to support their statements. An e-mail providing links to the bilingual survey was circulated widely to all those interviewed for wider circulation and a number of networks.

1.5.6 Consultation on Interim Findings and Final Dissemination

In addition to the consultations described above, two workshops were held with external and internal Assembly stakeholders on the 9th and 10th May respectively, at which our interim findings were presented and discussed. The aim of the workshops was to present

[14] Royal Town Planning Institute
[15] Royal Institute of Chartered Surveyors
[16] The invitation to attend the meeting was open to all Forum members but it was not an official meeting of the Forum and had no Ministerial presence.

the findings to date, test them and where appropriate add to them. In addition a summary presentation was made to a meeting of POSW on 4th May to provide feedback on the findings.

1.6 Status of the Report

This is the final report and has been prepared for the Planning Division of the Welsh Assembly Government.

1.7 Structure of the Report

The remainder of the report is structured as follows:

- **Section 2: Planning Policy Framework**. This provides an overview of the planning system in Wales, setting out its evolution since devolution and providing a context for the evaluation.
- **Section 3: Comparator Overview**. This discusses the systems operating in England, Scotland and the Republic of Ireland. The aim of this section is further build the contextual setting for the evaluation, providing an overview of other national frameworks.
- **Section 4: Policy Development Process**. Here we provide an evaluation of the processes which have been used in Wales to develop national planning policy and guidance.
- **Section 5: Scope and Detail of National Policy.** In this section we continue the evaluation, focusing on the policy and guidance documents produced.
- **Section 6: Lessons from Elsewhere.** This section of the final report provides details of processes used in a series of regions and countries in the UK and wider a field to provide lessons for Wales.
- **Section 7**: **Conclusions and Recommendations.** This highlights the key findings from the study, and sets out our recommendations for future national planning policy reviews and the format of policy and guidance.

The report is supported by the following annexes:

- Annex 1 – Policy & Guidance Case Studies
- Annex 2 – Bibliography
- Annex 3 – Consultees
- Annex 4 – Wales' Planning Policy and Guidance

2.0 Planning Policy Framework

2.1 Introduction

This section of the report provides an outline of the constituent contents of Wales's national planning policy. This provides an overview of planning in Wales to set in context the evaluation.

2.2 Context

2.2.1 Europe

The European Union (EU) has no direct control over the planning functions of a Member State. However, planning policy does need to address the obligations of EU Regulations and Directives, for example Directive No. 85/337 on the assessment of the effects of certain public and private projects on the environment (known as the EIA[17] Directive).

The EU has adopted the European Spatial Development Perspective (ESDP)[18], to provide a context for other European policies that have a spatial impact. This is not directly planning policy, but does provide context. Importantly the ESDP has been written to allow the application of subsidiarity to operate with regard to land use planning.

"The aim of spatial development policies is to work towards a balanced and sustainable development of the territory of the European Union. In the Ministers' view, what is important is to ensure that the three fundamental goals of European policy are achieved equally in all the regions of the EU:

- economic and social cohesion;

- conservation and management of natural resources and the cultural heritage;

- more balanced competitiveness of the European territory."[19]

2.2.2 UK Setting

Planning in Wales is governed by two main types of legislation: Primary Legislation which is set down by the UK government, for example the Planning and Compulsory Purchase

[17] Environmental Impact Assessment

[18] ESDP European Spatial Development Perspective: Towards Balanced and Sustainable Development of the Territory of the European Union, European Commission, 1999

[19] Final conclusions issued by the German Presidency at the close of the Informal Council of EU Ministers responsible for Spatial Planning held in Potsdam on 10-11 May 1999

Act 2004; and Subordinate Legislation which includes Government Orders and Regulations, which has been devolved to the Welsh Assembly Government since 1999.

Land use planning is an area of responsibility devolved to the Assembly and it has the powers to develop and implement policy accordingly. The Assembly therefore has the power to decide how it will implement Primary and Secondary Legislation.

2.2.3 The Government of Wales Act 2006

The Government of Wales Act 2006 introduced a change in the way in which the National Assembly for Wales works. There will be a formal legal separation between The Welsh Assembly Government (the executive) comprising the First Minister, Welsh Ministers, Deputy Welsh Ministers and the Counsel General, and the National Assembly for Wales (the legislature) made up of the 60 Assembly Members (AMs).

"The Welsh Assembly Government will govern, while the National Assembly for Wales will scrutinise the Government's policies and how it uses its budget."

The principal differences in the roles and responsibilities of the Welsh Assembly Government and the National Assembly for Wales are summarised in Table 2.1.

Table 2.1 Roles of the executive and legislature

Welsh Assembly Government's Role	National Assembly for Wales' Role
Develop and implement policies	Scrutinise Ministers' decisions and exercise of functions
Take decisions	Scrutinise and approve budget proposals
Exercise functions	Scrutinise and approve Assembly Measures
Make subordinate legislation	Scrutinise certain subordinate legislation to be made by Ministers

Source: Government of Wales Act 2006 Fact Sheet 1, Welsh Assembly Government, March 2007

Significantly, the Act "*provides for the National Assembly for Wales to acquire enhanced law-making powers,*"[20] thus strengthening its autonomy. This will be done through Assembly Measures, which are a new category of legislation for Wales, created by Section 93 of the Government of Wales Act. Essentially, "*subject to certain restrictions, Assembly Measures will be able to make the same sort of provision in relation to Wales that an Act of Parliament could make*."[21] Whilst these Measures can be used to give Welsh Ministers the power to make subordinate legislation e.g. regulations, they will not be primary legislation (an Act of Parliament is primary legislation).

[20] Government of Wales Act 2006 Fact Sheet 1, Constitutional Affairs Unit, Welsh Assembly Government, March 2007.
[21] Government of Wales Act 2006 Fact Sheet 7c, Constitutional Affairs Unit, Welsh Assembly Government, March 2007

"The National Assembly for Wales will need to obtain 'legislative competence' before having the power to make Measures in relation to a particular area of devolved government. The Assembly will be given legislative competence (the legal authority to pass Measures), on a case-by-case basis, by the UK Parliament. Legislative competence (Measure powers) can be granted either in Acts of Parliament or using the new route of 'Legislative Competence Orders'.

Once the National Assembly for Wales is granted legislative competence (Measure powers) on a topic by the UK Parliament, it can begin the process of passing Assembly Measures (Welsh laws).

http://new.wales.gov.uk/gowasub/gowa/changes/newlawmakingpowers?lang=en

The advantage of this is that it should *"speed up the time it takes to make laws for Wales, as the National Assembly for Wales will be able to scrutinise and approve Welsh laws itself, rather than competing for space in the UK Parliamentary programme. This situation should also allow the Welsh Assembly Government to bring forward more significant changes and at a time when it chooses to do so*." http://new.wales.gov.uk/gowasub/gowa changes/ newlawmakingpowers?lang=en

Welsh Ministers carry the role and responsibility for policy and action by the Welsh Assembly Government; the Government of Wales Act 2006 gives far more autonomy to Welsh Ministers. The role of the National Assembly for Wales is one of scrutiny, not one of policy development.

Town and country planning is one of the fields with devolved responsibility listed in the Government of Wales Act 2006.[22]

2.2.4 Introduction to the Wales' planning policy framework

The Assembly is charged with the responsibility of delivering planning policy and strategic direction to be filtered down to LPAs for implementation at the operational level. The planning related policies and documents that are published by the Assembly vary from the strategically led, such as the Environment Strategy for Wales[23], to documents directed at the functions of LPAs - PPW - and guidance for developing LDPs. The Welsh Assembly's aims for the operation of its planning function are to:

- be open, fair and transparent;
- inspire public and business confidence;
- deliver improved quality and speed;

[22] Schedule 7, Section 108 of the Government of Wales Act 2006 lists field 18 as: "*Town and country planning, including listed buildings, conservation areas, hazardous substances. Caravan sites. Spatial planning. Mineral workings. Urban development. New towns. Protection of visual amenity*."
[23] Environment Strategy for Wales, Welsh Assembly Government, May 2006

- integrate with other plans, processes and actions; and
- meet the Welsh Assembly objectives set in the Plan for Wales.

Planning policy is delivered in Wales through a series of interlinked documents, which provide guidance on the full spectrum of topics which affect the planning system in Wales. Planning policy in Wales is unique in its need to comply with the Assembly's cross-cutting themes of environmental sustainability, equal opportunities and a commitment to the development of ICT capabilities. Planning policy in Wales is also intrinsically linked to the planning system in England through Primary Legislation, and spatial planning initiatives from Europe, such as the ESDP.

National planning policy and technical guidance in Wales comprises the following components:

- Planning Policy Wales (PPW);
- Minerals Planning Policy Wales (MPPW);
- Technical Advice Notes (TANs);
- Minerals Technical Advice Notes (MTANs);
- Ministerial Interim Planning Policy Statements (MIPPS); and
- Circulars and Clarification letters.

2.3 Pre-Devolution Planning in Wales

Planning in Wales has often been referred to as part of the 'British planning system'; a term which has lost its validity in recent years, particularly since devolution, and planning reform. In recent years planning in Wales has become to be been recognised as a separate entity from England in terms of policy. Before these developments England and Wales followed a joint framework, with a "*common legislative, administrative, and policy framework*"[24] which did not account for the inherent differences between the two countries, for example Welsh language communities in Wales.

The Planning Policy Guidance (PPG) system followed the same stages of development in both England and Wales until 1993-95 when the publication of updated PPGs was withheld in Wales. This era saw minimal changes to the planning policy framework causing a "*policy vacuum in Wales*" until 1996 when Wales was reorganised into 22 Unitary Authorities[25] and *Planning Guidance (Wales)*[26] was published[27].

[24] Planning Policy, Policy Guidance and Technical Advice, in *Town Planning Review* , Vol.72 (4) (pp.393-422), Harris, N, 2001

[25] In addition to the 22 Unitary Authorities, Wales has three National Parks which also have LPA status.

[26] Planning Guidance (Wales): Planning Policy, Welsh Office, 1996

Although the previous period of confusion was viewed with scepticism in some parts, it did allow for the creation of a single document which equipped LPAs with greater discretionary powers, focussing on key strategic issues. This was followed by the drafting and publication of TANs in 1996 (TANs 1 to 8 with a further 15 TANs published for consultation). In 2002 following devolution, PPW was published, forming the Assembly's view of how land-use policies should be delivered by LPAs.

Table 2.2 provides a summary overview of the changes to national planning policy in Wales over this period.

Table 2.2 Planning Policy in Wales: a timeline

Date	Degree of Progress
Pre 1988	- The existence of a relatively fragmented policy framework - No straightforward mechanism for the expression of policy
1988-1993	- Introduction of the Planning Policy Guidance series for England and Wales. -The majority of guidance issued jointly for both England and Wales with some limited exceptions where a separate PPG was issued by the Welsh Office (for example PPG12 and PPG3). - Other policy variations expressed through Government Circulars (for example Circular 53/88 on the Welsh language).
1993-1996	- Suspension of the issue of new and revised PPGs in Wales resulting in the divergence of policy frameworks - Era of the 'missing PPGs'
1996	- Reorganisation of local government to form a system of 22 unitary authorities - Publication of Planning Guidance (Wales): Planning Policy
1996-1998	- Publication of the Technical Advice Notes (Wales) series to supplement Planning Guidance (Wales).
1998	- Government of Wales Act 1998 establishes the legislative framework for devolution.
1999 onwards	- Establishment of the National Assembly for Wales - First Revision of Planning Guidance (Wales): Planning Policy issued - Consultation draft of second revision published in February 2001 as Planning Policy Wales - Assembly committed to the preparation of a National Spatial Planning Network. - Planning Policy Wales published in 2002 and followed by the Wales Spatial Plan in 2005.

Source: Adapted from Harris (2001)

[27] Harris, N, 2001

2.4 Planning: delivering for Wales

The PdW programme was introduced with the aim of making national policy more strategic, relevant and inclusive, with a "*speedier plan-making"* process[28]. The PdW programme also sought to make updates to policy more regular, with more inclusion and consultation on planning related issues, involving the inclusion of the Wales Planning Forum and a wide public consultation process.

At the local level, the switch from Unitary Development Plans (UDPs) to LDPs intends to facilitate a streamlining of the system as opposed to the creation of Local Development Frameworks (LDFs) which are promoted in England.

PdW also covered minerals policy in Wales, and work was undertaken to enhance the policy guidance available to LPAs through the Regional Aggregates Working Parties (RAWPs) who have or are in the process of implementing Regional Technical Statements (RTS) on minerals policy.

2.5 An Overview of National Planning Policy in Wales

The following section provides an overview of the constituent elements of the national planning system in Wales.

2.5.1 Planning Policy Wales and Minerals Planning Policy Wales

PPW is the Assembly's land use planning policy and is supplemented by a series of TANs and MIPPs to form Wales's national planning policy. Policy is also contained in Circulars and clarification letters.

PPW aims to support the Welsh Assembly Government's strategic goals in a number of ways including:[29]

- Sustainable development.
- Building an advanced economy, supporting economic regeneration, creating wealth and good quality jobs.
- Tackling social disadvantage.
- Equal Opportunities.

MPPW specifically sets out the land use planning policy guidance of the Assembly in relation to mineral extraction and related development in Wales.

[28] Planning: Delivering for Wales: Consultation Document, Welsh Assembly Government, 2002
[29] Planning Policy Wales, Foreword, Welsh Assembly Government Wales, 2002

The purpose of both PPW and MPPW is to set the context for sustainable land use planning policy, within which LPAs' statutory land use plans are prepared and development control decisions on individual applications and appeals are taken. *Local Development Plans Wales*[30] specifically sets out Assembly policy on the preparation of LDPs.

Barker[31] suggests the Welsh model "*allows a holistic approach to policy in a way the current range of subject-based guidelines precluded*."

2.5.2 Ministerial Interim Planning Policy Statements

MIPPS act as updates to PPW and are read in conjunction with the original document of 2002. They provide current guidance and direction from the Welsh Assembly Government. In essence an individual MIPPS has been used to replace a chapter within PPW. Although the current draft MIPPS for climate change[32] proposes changes throughout the document. To date three MIPPS[33] have been adopted following consultation.

2.5.3 Companion Guide

The Companion Guide[34] to PPW was published to specifically address the change in the Welsh planning system made by the switch from UDPs to LDPs, which was a key component of the Planning and Compulsory Purchase Act 2004[35]. The Companion Guide aims to provide LPAs with the requisite level of information to use PPW in relation to the drafting of LDPs.

2.5.4 Technical Advice Notes

TANs along with PPW, the MIPPS and Circulars make up national planning policy in Wales. TANs were brought into the Welsh planning system following the evolution of the separate policy framework (i.e. the termination of PPGs in Wales). According to Harris[36] this new framework for planning in Wales was "*founded on the notion that policy can be distinguished from guidance or advice*". This has meant that planning policy in Wales has been delivered through strategic principles "*aimed at guiding future action*" via PPW, and a series of subject specific guidance/advice notes via TANs. Currently there are 21[37] TANs

[30] Local Development Plans Wales, Welsh Assembly Government, 2005.
[31] Barker Review of Land-use Planning, Final Report, Recommendations, Barker, K, 2006. The Barker Review was commissioned to consider improvements to the planning system in England. It is further discussed in 3.3.1.
[32] Planning for Climate Change: Consultation Document, Welsh Assembly Government, 2006
[33] MIPPS 01/2005 Planning for Renewable Energy, 2005, MIPPS 02/2005 Planning for Retailing and Town Centres, December 2005, and MIPPS 01/2006 Housing, June 2006.
[34] Planning Policy Wales Companion Guide, Welsh Assembly Government, 2006
[35] Planning and Compulsory Purchase Act, HMSO, 2004
[36] Harris, N, 2001
[37] Whilst TAN 17: Environmental Impact Assessment has been cancelled, a new TAN 23: Development Control is under development.

and one adopted minerals TAN (MTANs)[38] in existence in Wales covering a full spectrum of policy areas.

2.5.5 Circulars

Circulars contain procedural guidance that interpret and explain a particular piece of legislation.

2.5.6 Circular Letters

Circular Letters are used to provide urgent clarification of policy or procedure and are issued by the Minister or officials on his / her behalf.

2.5.7 The Wales Spatial Plan

In addition to PPW, the Wales Spatial Plan provides a strategic spatial vision for Wales and the six spatial areas identified within the Plan. The Plan was adopted by the National Assembly for Wales in 2004 and work is currently underway to develop further sub-regional detail that will be afforded a formal status through an update of the plan in 2008.

Part 6 of the Planning and Compulsory Purchase Act 2004 establishes the requirement for the Wales Spatial Plan. It states:

"The Wales Spatial Plan must set out such of the policies (however expressed) of the National Assembly for Wales as it thinks appropriate in relation to the development and use of land in Wales."

To ensure there are linkages between the implementation of the Assembly's policies and the land use system, the Wales Spatial Plan is established within the Act as a "*material consideration for LPAs in developing their plans and making planning decisions. …. LDPs will need to have regard to the Wales Spatial Plan*." The Plan aims to provide the strategy and vision, working across LPA boundaries.

The Plan states its role as:

"making sure that decisions are taken with regard to their impact beyond the immediate sectoral or administrative boundaries; that there is co-ordination of investment and services through understanding the roles of and interactions between places; and, that we place the core values of sustainable development in everything we do."

[38] MTAN Coal has yet to be published and remains in draft format.

2.5.8 Planning Research in Wales

The Wales Planning Research Programme (WPRP) was introduced to support the research needs of planning policy development in Wales. The WPRP's activities have been carried out based on a Scoping Study[39] completed in 2000 and underwent a review in 2006[40]. The aim of the Programme according to the Scoping Study is:

"To support the Assembly's objectives for the planning system by engaging in research which will guide development of sustainable and effective planning policy, facilitate guidance on good practice and ensure the monitoring and evaluation of planning policy and its associated implications."

The WPRP underpins the PdW agenda, and has three key objectives. The first is to support the development of planning policy in Wales, accounting for the environmental, social and cultural intricacies of the nation. Secondly, the WPRP aims to improve the way in which the planning system functions. Thirdly, it seeks to enhance the information base for delivering planning in Wales. Over the first six years of the WPRP's operation, a total budget of just over £2.3 million has been applied to planning research with 30% of this expenditure directed at projects addressing issues linked to policy development. In many cases research undertaken through the programme has been able to contribute to the development of TANs and MIPPs, for example the adaptations to TAN 8: Renewable Energy that were made following a report[41] leading to a revised TAN 8 and an accompanying MIPPS to update the relevant section of PPW.

2.6 Strategic Conclusions

In this section we have provided an outline of the changes which have taken place in Wales, specifically in relation to the development of a Welsh focused planning system, which has diverged from the English system since devolution. We also provide a contextual overview of the framework now used in Wales. From this overview we draw out the following strategic conclusions:

- Land use planning policy is a devolved responsibility to the Assembly.
- Following the Government of Wales Act 2006, the Assembly can now apply for powers to make legislation using Assembly Measures. The Act also increases the autonomy of Welsh Ministers.

[39] Land Use Planning Research Scoping Study, Final report, DTZ Pieda Consulting, 2000.
[40] Quinquennial Review and Evaluation of the Wales Planning Research Programme, ECOTEC Research and Consulting Limited, 2006
[41] Facilitating Planning for Renewable Energy in Wales: Meeting the Target, Final Report, ARUP, 2004

- Since devolution in 1999, national planning policy in Wales has developed its own distinctive framework.
- PPW and MPPW together provide national planning policy for Wales. PPW is updated through the use of MIPPS.
- TANs and MTANs are used to provide technical guidance and advice in support of policies contained in PPW and MPPW.
- Circulars and Circular Letters are used to explain particular pieces of legislation.
- The Wales Spatial Plan, whilst outside the formal land use planning framework, is an important Welsh Assembly Government policy for consideration in the LDP process.
- The WPRP provides research to support the policy development process.

3.0 Comparator Overview

3.1 Introduction

This section explores the development of national planning policy in England, Scotland and the Republic of Ireland. The purpose of this Section is to consider the process and format of national planning policy as contextual material for the evaluation. This section, in conjunction with section 6, addresses objective 2 of the Brief – "*to provide a comparative analysis outlining where lessons can be learned in Wales*".

3.2 Why Consider these Comparators?

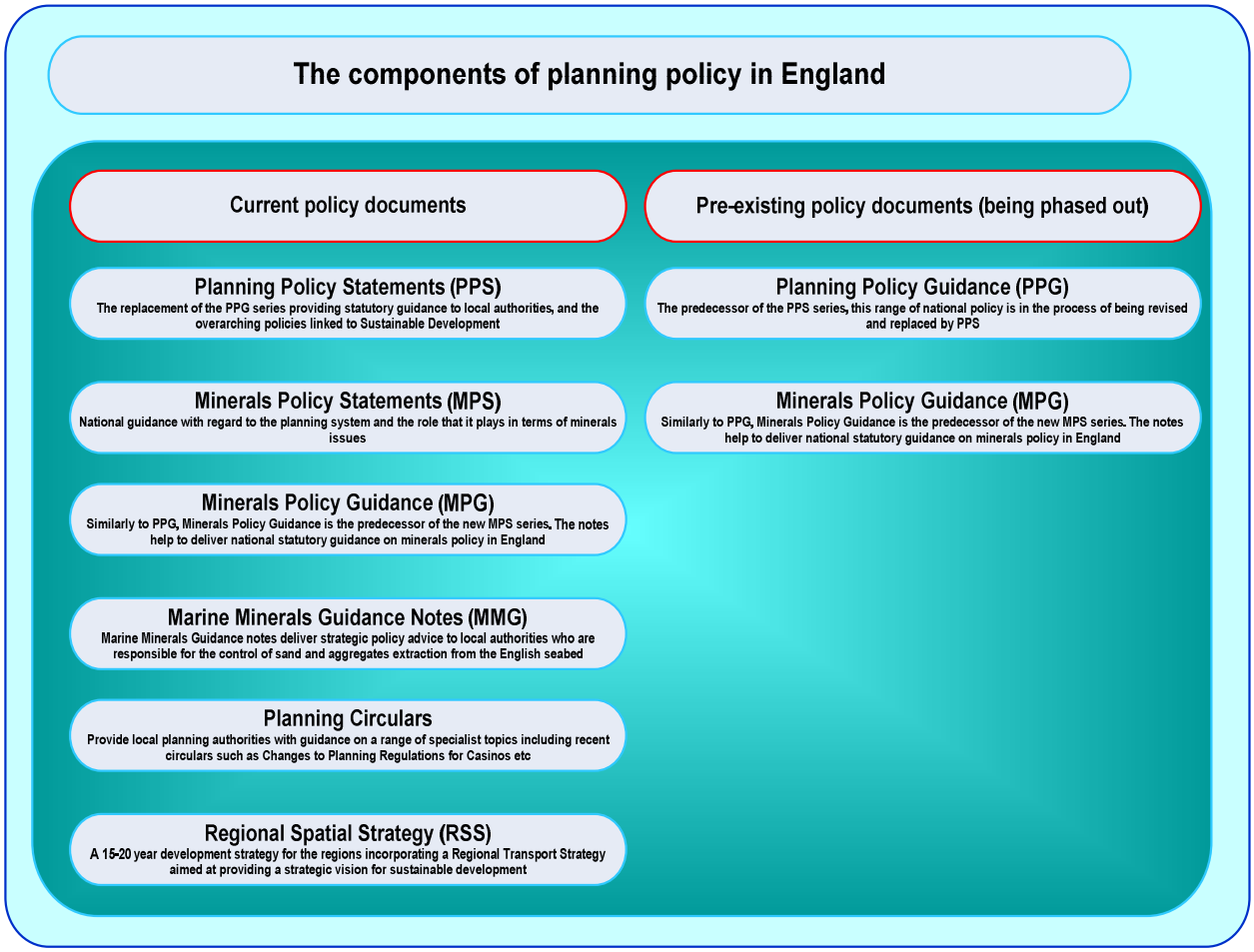
As discussed in Section 2, Wales used to be part of the British planning system and followed the same framework as England. As they had the same origins, it is therefore useful to review the process in England as a comparator to Wales. Whilst Scotland has always been more divorced from the English and Welsh frameworks, there are many common facets between Wales and Scotland, particularly the devolution process; and an overview of the Scottish system therefore provides a useful comparison for Wales. Whilst the Republic of Ireland is outside the UK, it does have many similarities with Wales, including large rural areas, a long coastline, it has a minority language and has a similar planning structure to that of the four UK countries.

3.3 Current Planning System in England

Since the introduction of the Planning and Compulsory Purchase Act 2004 there have been some marked changes in the way that planning policy is delivered at a national level in England. The major advancement has been the change to a new system of planning policy delivery revolving around Planning Policy Statements (PPSs), in place of PPGs, and the switch from UDPs or Structure and Local Plans, to Regional Spatial Strategies (RSS) and Local Development Documents (LDDs). PPSs have been created to help form a more concise level of strategic guidance to planning authorities that is not overly prescriptive, and is based upon robust evidence and research.

Unlike Wales there is no all encompassing definitive publication for national policy in England. Instead the Department for Local Government and Communities (DCLG) has chosen to continue with the system of a series of subject specific PPSs. Figure 3.1 shows the various tiers which constitute planning policy in England.

Figure 3.1 National planning policy in England



Source: ECOTEC adapted from DCLG website

3.3.1 The Barker Review of Land-use Planning in England

The Barker Review of the Land-Use Planning System was undertaken in 2005. The review only drew on evidence from England under the premise that it was to inform alterations to the planning system in England.[42]

The review was undertaken with the remit of assessing:

- means of improving the efficiency and speed of the system;
- ways of increasing the flexibility, transparency and predictability that enterprise requires;
- the relationship between planning and productivity and how sustainable development can be forwarded through a more effective planning system; and

[42] However, the Welsh Assembly Government have stated that they will analyse the review and its recommendations carefully, particularly in view of changes which could have implications for Wales and policy areas that are not yet devolved. EPC (2) 01/07, Welsh Assembly Government, http://www.wales.gov.uk/cms/2/EnvironmentPlanningAndCountrysideCommittee/N000000000000000000000000000000009/c451d74172d06fc39720403fd969a625.htm

- the relationship between economic goals and the goals of sustainable development in the successful delivery of the sustainable communities' agenda.

Some of the key recommendations from the Barker Review, relevant to this study, are listed below:

- To streamline policy and process through reducing policy guidance.
- To update national policy on planning for economic development (PPS4) to "*ensure that the benefits of development are fully taken account in plan-making and decision taking, with a more explicit role for market and price signals"*. This has been stressed as a particular concern as guidance has not been updated since 1992 in this particular field.
- Ensure that future national planning policy is flexible, strategic and based on robust evidence base that avoids unnecessary costs and burdens on businesses.
- Introduction of a new system dealing with major infrastructure projects, linked to Statements of Strategic Objectives and an Independent Planning Commission to determine applications.
- Promote a positive planning culture, particularly where plans are indeterminate development should be approved where possible.

Barker places a great deal of importance on the need to make the development process more efficient, and to cut unnecessary obstacles to certain development proposals. Section 4 of the Barker Review refers to the need to streamline the planning framework to improve efficiency and performance.

it is *"important to deliver on the Green Paper reforms to streamline national planning policy – the genuine national spillover issues, while important, are relatively few in number and could be articulated briefly. The Government should commit to a substantial streamlining of national policy, including considering the potential to expand PPS1 in place of updating some of the current range of PPGs, and it should commit to publishing any necessary guidance either alongside or within four months of publishing new policy."*

Barker places greater importance on the discretionary powers of LPAs, and to ensure that planning policy should not be overly prescriptive. The report also alludes to the need to establish a "*robust evidence base*" during the policy making phase to ensure that the policy is relevant and can be implemented. It states that, "*In general, there is the need to establish a more robust evidence base for national policy, so that the costs and benefits of the policy can be better assessed*".

In the review of the English framework, Barker provided a short critique of the Welsh model. It suggests that having a single policy document, whilst providing a holistic

approach, could "*unduly restrain the flexibility of central government to issue policy changes to the planning policy statement in the light of changing circumstances or new information.*" It suggests that this would reduce the ability of the framework to remain "*responsive*."

An important aim of the Barker Review was also to consider how the volume of national policy guidance could be reduced. She questions whether a single policy document based on the Welsh experience, with the collection of TANs, Companion Guide, MIPPS and Circulars, would "*be effective at reducing the tendency of central government to issue guidance*."

3.3.2 Planning for a Sustainable Future: White Paper

The Barker Review has led to the publication of the White Paper: Planning for a Sustainable Future[43] in May 2007. The White Paper proposes a "*more strategic and clearly focused national policy framework with PPS1, with the aim of streamlining policy in England*." The Welsh Assembly Government is currently considering its position with respect to the content of the White Paper.

3.3.3 Planning Research in England

The Planning Research Programme in England exists to support the DCLG's objective of creating a fair and efficient land-use planning system that "*respects regional differences and promotes development which is of high quality and is sustainable*"[44].

The research programme has had a budget of approximately £3.9 million per year focussing on two distinct research schemes: Land Use Planning and Minerals and Land Instability and Waste Planning. The main areas of research undertaken within the land-use aspect of the programme are focussed on developing the planning system to work effectively within new institutional frameworks most notably new patterns of regional governance, integrated transport planning, planning for sustainable development and planning for urban areas.

3.4 Current Planning System in Scotland

In terms of planning, the Scottish Executive's role is to "*maintain and develop the existing legislative framework, provide policy advice and guidance, to take decisions on structure plans, some major planning applications and appeals, and to oversee the operation of the system*"[45]. According to Lloyd and Peel[46] the Scottish Executive achieves its planning

[43] Planning for a Sustainable Future: White Paper, HM Government, May 2007
[44] Planning Research Programme Overview, DCLG, 2007
[45] Scottish Planning Policy - SPP1: The Planning System, Scottish Executive, 2002

policy development through a "*hierarchical approach which enables international, European, national, regional, and local policies to be translated into development plans which operate at the individual level of locality*". Similarly to the Assembly Government's approach to policy development, planning policy in Scotland must address the key cross-cutting themes of the Executive. Scottish Planning Policy 1 (SSP1)[47] lists these as:

- Sustainable Development.
- Economic Competitiveness.
- Social Justice.
- Environmental Quality.
- Design.
- Integrated Transport.

Despite devolution, the format of national policy in Scotland has remained similar to that in England. The current system of Scottish Planning Policy documents (SPPs) evolved from the previous National Planning Policy Guidelines (NPPGs); the NPPGs remain 'active' until they are replaced or updated. Through SPPs the Scottish Executive is able to define centrally the policies which the LPAs are expected to follow. The SPPs deal with "*nationally important land uses and other planning matters*". However, the basis for selection or exclusion of topics for an SPP appears somewhat arbitrary. For example, there is an SPP on 'Planning for Rural Development' (SPP15) but no SPP on 'Planning for Urban Development', despite the fact that most Scots live in urban areas and the Scottish economy depends on the performance of the urban areas. The fragmentation of policy on a topic by topic basis through the SPPs also means that there are situations when conflicting messages can be read from different SPPs.

Planning Advice Notes (PANs) provide good practice advice. They have become increasingly attractive to look at and 'reader-friendly', and are a valuable means of developing practice.

Interestingly, compared to the Welsh system, consultation drafts are published for SPPs, but not for PANs.

This system of guidance and advice predates the preparation of the National Planning Framework (NPF) in 2004. The NPF aims to "*guide the spatial development of Scotland to 2025*". It sets out a 'vision' that other plans and programmes are invited to share and to

[46] Shaping and designing model policies for land-use planning, in *Land Use Policy,* Vol.24 (pp.154-164), Lloyd M G & Peel D, 2007

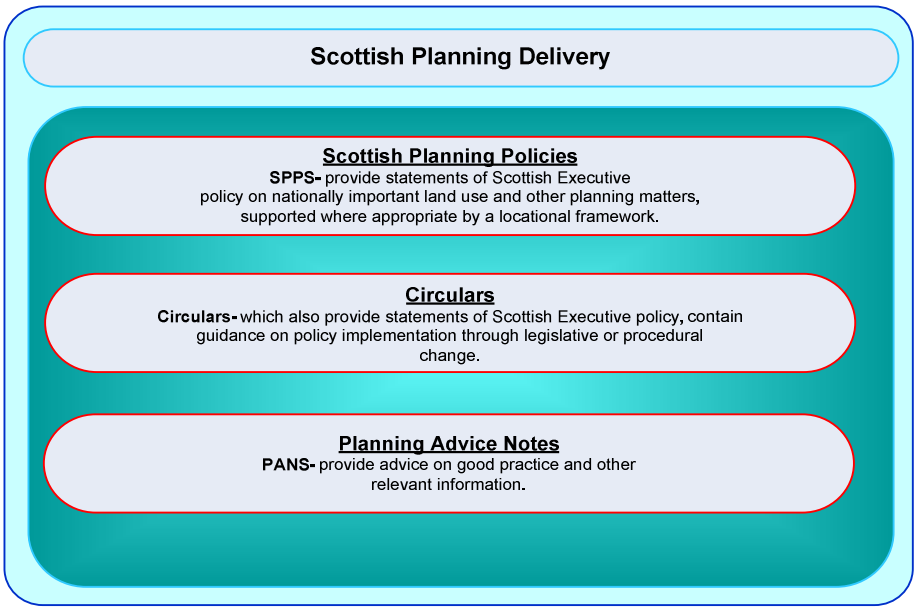
[47] Scottish Planning Policies (SPPs) provide statements of Scottish Executive policy on nationally important land-use and other planning matters, supported where appropriate by a locational framework.

contribute to and sets Scotland in an international context. Monitoring is undertaken and the NPF is currently being reviewed.

In summary, the format of national policy in Scotland is still heavily stamped by the centralisation that took place in the 1980s and 1990s. The NPF is a major step towards looking in a more integrated way at planning for strategic issues, but the overall focus of the system through the SPPs remains within the UK's land use regulation tradition. However, a new planning Act passed late in 2006, is described as "*a landmark piece of legislation*"[48] and the most significant modernisation of planning since 1947. One emphasis in the new Act is on more and better public engagement. However, the overall thrust is to change the way planning is delivered by the local authorities (up-to-date plans, effective development management, proactive enforcement), rather than changing the format of national policy.

Figure 3.2 provides a summary of the components of the national planning policy system operating in Scotland.

Figure 3.2 Scottish planning policy



Source: ECOTEC adapted from Scottish Executive (2002)

In 2005 the Scottish Executive produced the document *Modernising the Planning System*[49], acknowledging planning's pivotal role in promoting a sustainable pattern of economic growth. It outlines how the Scottish Executive envisages the delivery of planning policy to change to be more inclusive and transparent, including the need to establish the NPF as an instrument for securing the delivery of national policies and programmes.

[48] www.scotland.gov.uk/Topics/Planning
[49] Modernising the Planning System, Scottish Executive, 2005

The main aims of modernising the way planning is delivered in Scotland are:

- Fit for purpose – the planning system needs to have a clearer sense of priorities, and to address different issues in different ways. In so doing, it will be better able to deliver the sustainable growth that is needed.
- Efficient – up to date development plans to be at the heart of an efficient system that provides certainty for users and local people. Planning must not be seen as an obstacle to development, but as a mechanism for delivering high quality outcomes.
- Inclusive – Local people should be more involved in the decisions that shape the development of their communities. Where local people's views have not be taken into account, development should not happen.
- Sustainable – we want development to contribute to economic growth that is sustainable. Planning in the 21st Century will be an agent for delivering sustainable development and environmental justice.[50]

3.4.1 Planning Research in Scotland

Scotland has an active planning research programme in a similar format to those employed by DCLG and the Welsh Assembly Government. In Scotland the research unit includes projects linked to housing, which forms a reasonable proportion of the research programme's outputs.

3.5 Current Planning System in Ireland

The Republic of Ireland has experienced very high rates of growth in wealth and population in the last three decades, leading to challenging development decisions. In terms of GDP it has caught up with other EU countries, from well below the EU average (64%) in 1973 to well above it now. Ireland's population has grown from 3 million in 1970 to 4.2 million now and it is predicted to rise to more than 5 million by 2020.

On the face of it, the planning system is similar to that for the four UK countries - with a hierarchy of plans and national level guidance for development control - but there are some small but significant differences in its operation.

The Minister for the Environment, Heritage and Local Government (MEHLG) is responsible for planning legislation. The planning system is run by 88 LPAs. Ireland has a unique independent third party planning appeals system which is operated by An Bord Pleanala (the Planning Appeals Board).

[50] Modernising the Planning System, Scottish Executive, 2005

The *Planning and Development Act 2000* consolidated all previous Planning Acts and paved the way for the current plan led system of planning, making provision for the preparation of a National Spatial Strategy (NSS), new Regional Planning Guidance (RPG) and local level Development Plans. It also included a number of other measures to enable the planning system to deliver NSS aims, such as the mandatory provision by developers of social and affordable housing and the introduction of Strategic Development Zones.

A number of further Acts have built on the 2000 Act, the most recent being the *Planning and Development (Strategic Infrastructure) Act 2006* which introduced arrangements for the Appeals Board to handle decisions on all major infrastructure projects. Short guidance notes outlining legislative provision (but not interpretation) are issued on all Planning Acts and associated regulations.

The NSS was published in 2002, following extensive consultation. From the start, it was envisaged as a policy document which would provide one integrated long term spatial framework to steer public and private investment. Its key spatial aims are to:

- achieve balanced regional development, shifting the emphasis from needs to potential, and striving to stimulate growth in and through key urban areas outside Dublin, whilst enabling the continued and sustainable growth of Dublin;
- contain new housing within the existing urban hierarchy;
- create vibrant rural settlements recognising varied local circumstances; and
- create an effective modern national communications infrastructure.

General objectives (sustain economic and employment growth, improve competitiveness and quality of life for all, and so on) are similar to PPW and the Wales Spatial Plan. Unlike the Wales Spatial Plan, however, the NSS forms part of the land use planning system, providing an overarching national level framework for a hierarchy of regional and local plans and the control of development, particularly housing. Importantly, it is the same Minister and Department responsible for the NSS and planning legislation. The Strategy, and other levels of the Plan's hierarchy, has also helped to guide other policies, particularly transport and telecommunications investment decisions.

RPG, reflecting key NSS policies and including housing allocations, was produced by newly established committees in the eight regions including Greater Dublin, by 2005, more or less within a year of starting. Local level Development Plans should reflect RPG, although the legal requirement to do this is relatively weak.

As in Wales, national level planning guidance in Ireland assists the plan making process and development control decisions. There are currently 19 planning guideline publications. The national level also encourages the production of good practice guidance

such as housing design guides, by local authorities themselves, at least partly to reflect varied local circumstances and capitalise on local expertise. This mirrors the situation in Wales, with the use of Supplementary Planning Guidance (SPG).

3.5.1 Planning Research in Ireland

NSS preparation was backed up by extensive research. As well as ad hoc research for specific guidance, a small research programme was set up in 2005 to develop NSS policies. The DEHLG has maintained a close link with NIRSA[51], a group of universities coordinated by the University of Maynooth. NIRSA has developed a GIS approach to analysing spatial planning trends which has proved valuable in understanding and presentation of key issues such as car commuter congestion hot spots across the country. Annual reports from the Appeals Board also provide evidence for policy development.

3.5.2 Cross Border Collaboration

Until recently there was no formal coordination of planning policies between the North and South in Ireland. However, the DEHLG and the Department of Agriculture and Rural Development (DRP) in Belfast are now working to produce an all-Ireland plan, which brings together the NSS and the Northern Ireland Regional Development Strategy in one document, in liaison with cross border representative groups.

3.6 Strategic Conclusions

In this section we have provided an overview of the planning framework in England, Scotland and the Republic of Ireland. From this overview we draw out the following key messages:

- England and Scotland have continued to use a system of individual policy documents, PPSs and SPPs respectively, as opposed to an overarching document, PPW, as in Wales.
- Since devolution the planning system in Wales has become increasingly recognised as a separate system to that in England. Through the adoption of PPW, Wales has favoured a framework which uses a single overarching policy document for land-use planning, supported by a series of technical guidance, through TANs, and this foundation sets it apart from England and Scotland.

[51] NIRSA is the National Institute for Regional and Spatial Analysis and was established as a University Institute at NUI Maynooth in January 2001.

- The Barker Review, which places a great deal of emphasis on streamlining the planning system, questions whether the Wales' system achieves this, and suggests that it could restrain the flexibility of government to review policy.
- As in Wales, England, Scotland and Ireland have active research programmes to support policy development, and this is seen as an important component.
- Scotland appears to favour an inclusive approach to its development of planning policy at the local level and has produced a specific PAN on participation and community engagement for LPAs. However in Wales, rather than a separate TAN, it is built into LDP guidance.
- There are differences in the nature of the Wales Spatial Plan, compared to the English RSS which are integrated within the planning system. They are seen as different tools, and are not directly comparable.
- In Ireland, national planning policy is more closely integrated with the NSS – the nearest equivalent to the Wales Spatial Plan - which forms part of the planning system. This provides it with a hierarchy of plans to support the control of development and guide other planning-related policies.

4.0 Policy Development Process

4.1 Introduction

In this section we consider how planning policy and guidance have been developed, updated and published in Wales, since devolution.

4.2 Sources of Evidence

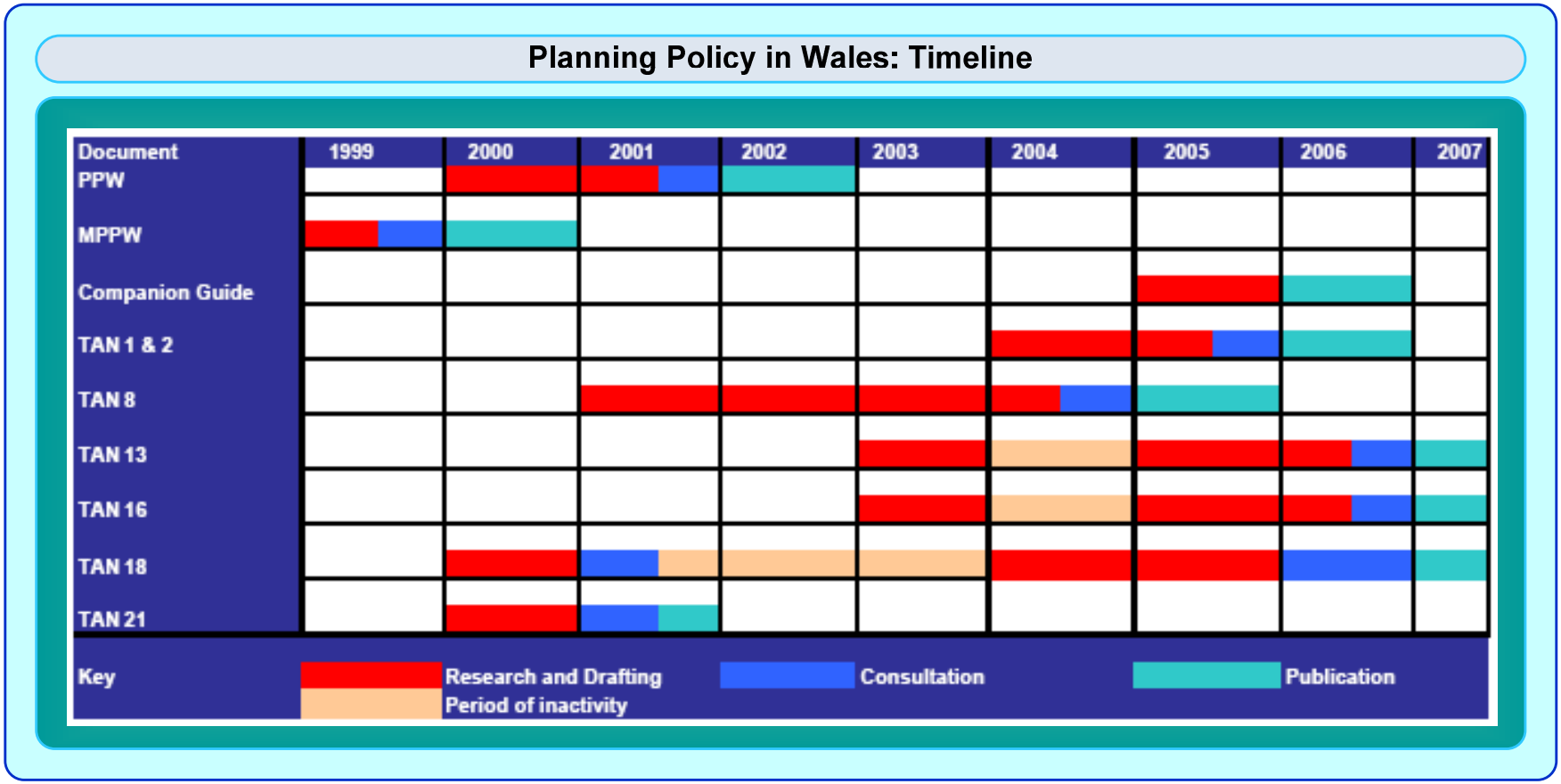
This review seeks to create a robust analysis of the policy development process to date by taking account of the viewpoints expressed during the consultations with stakeholders and by looking at a number of Welsh policy and guidance case studies under the following broad themes:

- description of policy and guidance, its purpose and scope;
- current status of the policy or guidance and how it was reviewed;
- what prompted the review / development of policy? and
- how policy and guidance is published and disseminated.

In the case studies, we have included PPW and MPPW as the core policy documents in Wales which are central to this evaluation. We have also selected a number of policy and guidance documents which reflect different experiences in the review process. We explored with the client those where it was felt the process was relatively smooth and those where lessons could be learned. We have also included examples where portions of the policy development process had been sub-contracted to external consultants, as an alternative method.

Figure 4.1 illustrates the time taken to review the case study policies and guidance documents. This demonstrates the considerable variation in time taken across the different documents.

Figure 4.1 Case Study Timelines



4.3 Review Process

The reasons for reviewing policies and guidance documents in Wales vary. This is not surprising, given the range of subject matter. Through the case studies we identified three principal drivers for review.

An early motivation was devolution and the desire to establish a policy base which focused on Welsh issues. The stimulus for PPW clearly falls within this category. The validity for this is now, however, diminishing, given the time since devolution and that many policy areas have since been reviewed.

A second type, and an increasingly common driver for review is the lack of policy or guidance in a particular area, such as was the case for MPPW and renewable energy, or out of date policy such as transport. On many occasions this is underpinned by Ministerial priorities. There is no overt criticism of the political prioritisation as a driver of policy review, except where it affects other policy areas which the planning system is in need of. This was demonstrated by the delay in progressing TAN 18: Transport[52], which was not taken forward as quickly as originally planned, due to a reprioritisation of staff resources.

The final type of driver for policy development comes from the PdW programme, which set a timetable to review the Wales' plan making process. This therefore drove the review and establishment of a number of policies and guidance related to the plan making process, particularly focusing on the introduction of the LDP process.

A number of LPA representatives and workshop attendees suggested that in the future advisory groups should be brought together to review policy and technical guidance, to test and discuss whether a review was needed, possibly two years following its publication e.g. a TAG reformed to review the TAN it had been responsible for.

A point made by the majority of consultees was that they were unaware of the review timetable and frequently only learn of a review when a consultation document arrives, including LPAs. There was a strong expression of interest, from both LPAs and those attending the workshops, in the involvement of stakeholders in contributing towards setting the review programme.

Knowledge of the review timetable in advance is essential if engagement is to be encouraged; it increases understanding of the policy framework, enables forward planning by organisations and the opportunity to engage with wider communities by umbrella organisations effectively.

[52] TAN 18 Transport, Welsh Assembly Government, 2007

4.4 Use of Research

The use of research to support the policy development process was considered to be "*fundamental*" and "*important*" by the majority of the evaluation's consultees. "*Policies carry more credence if they are supported by an evidence base.*" No one questioned the principle of the use of research.

However, there were questions raised by some LPAs as to whether economies of scale could be gained from using English research or combining resources with the DCLG, to supplement the budget of the WPRP. An in-depth evaluation of the WPRP was undertaken in 2006 by ECOTEC and this recommended that there should be more joint commissioning of research; it also recommended that a 'library' of research should be developed, as a principal problem was found to be in knowing what research had been conducted elsewhere.

It was also suggested by a number of consultees that whilst research is important "*the standard of research produced does vary*". It was suggested in a small number of areas that research produced has been inaccurate. This was highlighted with respect to the spatial elements included in some of the TANs. A particular problem highlighted in a number of the workshops was that "*there is no opportunity to challenge the evidence base*" for the spatial elements.

It was considered important by the majority of LPAs and those attending the stakeholder workshops to involve practitioners in the research commissioning process as it "*ensures that recommendations are realistic and that research is targeted and realistic.*" The WPRP review recommended a revival of the User Panel[53] of the WPRP, with a wider remit, to engage with stakeholders.

The WPRP review found that 23% of the projects supported by the WPRP since 2000, and 30% of expenditure were directly related to policy development. Also the case studies suggested only a small number of research studies had been used. This suggests that the relationship within the policy cycle between research, policy review and development could be more closely integrated.

[53] The WPRP User Panel included members both internal and external to the Assembly. The external organisations represented on the User Panel were: Royal Town Planning Institute (RTPI), Royal Institute of Chartered Surveyors (RICS), Welsh Local Government Association (WLGA), and Cardiff University School of Planning (CPlan).

4.5 Drafting Methods

In evaluating the drafting methods employed we have considered the findings of the case studies and built in the experiences and opinions of the consultees. There have been four general methods of drafting policy and guidance employed by the Assembly, although in practice there are often variations in parts.

4.5.1 PPW and the Wales Planning Forum

The drafting of PPW engaged the Wales Planning Forum and a number of sub-groups. The subgroups contributed towards the drafting of PPW, although the levels and standard of contribution varied between the sub-groups, with some purely repeating the English versions. There was a heavy resource commitment from Planning Division staff in the drafting of PPW and this had a knock-on negative impact on other Planning Division activities and policy reviews.

The Forum and its sub-groups were seen as a useful mechanism for developing engagement between the Assembly, including the Minister and Planning Division officials and external groups. Whilst it was considered positive in terms of opening access to the Minister, it would also have been welcomed if there was the opportunity to influence the agenda; it was suggested at a workshop that there "*needs to be open dialogue*".

The membership of the Forum needs to be carefully considered, and whilst it needs to be inclusive, the numbers of representatives also need to be controlled to provide a manageable group size. This view was supported by a range of stakeholders and internally within the Assembly. It was felt important that servicing such a group did not become resource intensive and was proportional to its contribution to the process.

4.5.2 Internal Drafting

In some cases, particularly where there has been a tight timescale for review and drafting, for example MPPW, no external input has been used. In the case of MPPW, this appears to have worked well, and the resultant policies were appropriate and have not faced any adverse comments from users either reported by the Assembly, or raised through the interviews and workshops, thereby implying endorsement. However, this method does carry a high risk in alienating end-users of the policy and guidance and the production of unusable end products.

The findings from the consultations both with LPAs and through the workshops show a high desire from all sectors to be involved in the drafting process to ensure that policies are fit for purpose. This it is felt would encourage an early buy-in of policies by stakeholders.

4.5.3 Technical Advisory Groups

The drafting processes of nearly all of the TANs have involved a Technical Advisory Group (TAG) to some degree. The TAGs are set up as task and finish advisory bodies. The experience of the TAGs has varied considerably from the point of the view of both the Planning Division and participants from other organisations, for a variety of reasons. All of those interviewed or attending the workshops who had been involved with a TAG felt that they were worthwhile, and should be retained, although it was also acknowledged that there was room for improvement. Those interviewed who had not been involved were also favourable towards the principle of using such a group for drafting. One consultee stated: "*They help raise issues at the outset,*" and another: "*They provide a useful networking opportunity and allow a consensus of opinion to be established*."

Membership

The membership is tailored to each TAG to ensure the right interests are invited to be involved; it is felt that a standard invite list would not suit the purpose of the Groups in addressing specific and specialist policy areas. However, there are always Assembly representatives (the Planning Division, plus other appropriate Departments) and LPAs.

The LPA representative(s) are nominated by the WLGA. However, from the LPA consultations and the workshops, they are not always felt to be the most appropriate individuals. It was suggested by a number of consultees, both LPAs and others, that POSW may be a more appropriate organisation for canvassing for LPA representation. There was also concern expressed by a small number of respondents at the workshops that some TAGs are "*dominated by local authorities*"; other interviews suggested that they are not always representative of the whole of Wales e.g. rural concerns. A general fault targeted at all members of the TAGs was that there was no assurance that they consulted with their representative constituency and that they acted solely as a representative of their own organisation's interests.

It was considered important that practitioners should be involved in the TAGs, and those who had particular recent experiences of the subject matter would be able to contribute the most, as opposed to requiring senior representatives of an organisation.

Structure and Format

The size of the groups was felt to be crucial to effective working. Ten to 12 members was felt to be the optimum and maximum size. TAN 8 exceeded this level due to pressure from non governmental organisations (NGOs) and other interested parties, who sought involvement with the TAG. It was regarded more as a lobbying group than a technical advice group. The fact that this group was so large was seen as a weakness; it meant that

the functioning of the group was fraught with disagreement and polarised viewpoints, this was partly due to the subject of renewable energy, which is characterised by opposing viewpoints. This also fits with the need to clarify the remit of the TAG – whilst they are important in building in early views from practitioners, it must not be considered that those individuals who are not members will not be represented; instead it is important to ensure that the membership is as representative as possible and consider other methods of engaging with the wider planning community, possibly through the use of sounding boards and ensuring members consult with their own 'constituency'.

A lack of consistent attendance at the TAG meetings was also criticised by interviewees. A particular criticism cited by one interviewee, was that if people joined the group they should make more effort to attend the meetings, which are normally set in advance. However, it was recognised that in some cases this may be partly attributed to the long time scale that TAGs can meet over.

There is a general issue relating to the capacity of individuals from all sectors to be involved in groups such as TAGs, despite a willingness to contribute. The schedule of meetings, method of involvement and workload, all need to be sympathetic to this issue, whilst retaining a meaningful contribution.

The capacity of individuals to participate given the geography of Wales was highlighted as an issue for encouraging all-Wales participation by workshop attendees. Those from the voluntary / charity sector, as well as from the private sector expressed that attending meetings where travel was required, were difficult. Although this was also highlighted by public bodies, albeit to a lesser degree. There was one case highlighted during the consultations where a TAG member had been permitted to be a 'corresponding member', providing written comments in advance of a meeting; although not ideal, this had been a practical way of overcoming their capacity to participate.

Role

The role of the TAGs has also varied; some TAG members interviewed were critical that they were not clear of the TAG's purpose. Although the members of the TAG formed for TAN 2 were provided with detailed working papers outlining the work programme and the timescale for achieving these. Some TAGs have been involved with setting the timescale for the review of the TAN, others have actively contributed towards the drafting of sections of the TAN, and others have been used as sounding boards for issues which needed to be addressed and discussed drafts of the TAN.

Many interviewed who had been involved in a TAG felt that there was no 'closure' to the TAG group. They played no role in reviewing the consultation responses or the final

version of the TAN. Some also lost confidence in whether their comments had been taken on board in the final draft document, prior to consultation. It was suggested at one workshop that the TAG could meet after two years to review how the TAN has worked and advise on a future review.

4.5.4 Consultants

In a small number of cases consultants have been appointed to support the development process, for example Nathaniel Litchfield and Partners were appointed to contribute towards TAN 13: Tourism and TAN 16: Sports and Recreation. In both of these cases their role was to assess the consultation responses. A TAG had also been used in drafting both TANs. Arups were also contracted to provide an editing role for PPW post-consultation, to ensure the document was consistent and flowed, as it had been drafted by a variety of individuals. Because of this work, they were also commissioned to assist in the development of the Companion Guide, which provided guidance on using PPW in the light of the new LDP system.

The main reason for using consultants has been the need for additional resources to supplement the internal Planning Division resources; the consultants have also been able to bring specialist knowledge to the process and provide a detached and balanced view of the draft document. No consultee questioned the general use of consultants; although in some cases it was felt that the work could have been done through a partnership of stakeholders.

4.6 Consultation Mechanisms

All of the policy and guidance documents are subject to consultation and the majority are carried out through a common format. This involves sending out the draft document to a standard mailing list and groups known to be interested in the particular subject area. The draft document is also published on the Assembly's web site. An accompanying letter sets out the remit of the consultation and the timescale.

4.6.1 Publicity of Consultations

Those closely involved in a particular policy area may be aware that a related consultation is forthcoming; however many LPAs, and echoed by workshop attendees, were of the opinion that "*they just land on your desk*". This leads to problems in budgeting resources for responding. There was also a general lack of confidence of whether invitations for consultation would be received automatically.

LPAs highlighted that there is some communication between the Assembly and themselves, both at the political and officer level, normally through twice-yearly meetings.

These are thought to be helpful to a degree, but could be enhanced and used to provide prior warning of forthcoming policy reviews and consultations. "*These forums enable work programmes to be discussed and so give pre-warning of emerging drafts etc.*"

The letters issued by the Assembly accompanying consultations are viewed by some LPAs as useful and can provide helpful summaries forming the basis for reports to the organisation's own committee, board or stakeholder group etc.

4.6.2 Timescale

A minimum period of 12 weeks is normally allowed for consultations[54]; the Planning Division extends this period to take account of 'slow' periods such as the summer and Christmas, although many LPAs and those attending the workshops were unaware that this was the case. The Planning Division has also been known to extend the period following requests from consultees e.g. TAN 8.

Some interviewed as part of the evaluation felt that the consultation process was too short; a small number felt it was too long, and that it extended the time period for publishing policy and guidance. The 12 weeks is felt to be a particular problem for voluntary organisations in particular who need to 'interpret' the drafts for their constituency / members to encourage feedback and the submission of responses. This was particularly problematic when there was no awareness of forthcoming consultations.

4.6.3 Consultation Questions

Increasingly questions have been posed as part of the consultation process with the aim of guiding responses to particular issues and helping to manage the consultation process. The questions focus the consultation where there are proposed changes, as opposed to existing policy or guidance. TAN 13 did not use questions and in hindsight it was felt by the Planning Division that their use would have encouraged more structured responses to specific paragraphs, as opposed to general policy queries, which are more difficult to assess in the remit of the consultation.

The view of those interviewed were split between those that found the questions helpful in responding to the consultation as a "*good approach as it focuses your attention*", and those that felt the questions "*give too much direction to the responses*". There were also queries relating to "*what weight is attached to responses outside the questions?*" These comments were endorsed by attendees of the workshops.

[54] UK Cabinet Office advice is that the "*written consultation period should be a minimum of 12 weeks*." Code of Practice on Consultation, Cabinet Office, Better Regulation Executive, 2004.

Respondents were more favourable to the principle of the use of questions if they had confidence that other responses were given weight and consideration and that this was made clear in the consultation process.

Explanations on the background to questions would be welcomed to help overcome this issue. As would upfront statements outlining the points where there was no room for manoeuvre for a valid and justified reason e.g. because of political priorities or legislative requirements. From the opinions expressed both by LPAs and at the workshops, then consultees are more likely to be accepting of the use of questions.

4.6.4 Feedback from Consultations

The Assembly produce a consultation report following each exercise. These tend to summarise the responses submitted. The letter inviting submissions normally includes a standard statement stating that the report will be published.[55] The report does not however give details of the Assembly's response to these submissions or if it will take them into account. This was highlighted as a major weakness by LPAs in the process and endorsed by the workshops. One respondent stated: "*We don't get a response or acknowledgement and therefore don't know how our responses have contributed to policy development. We remain ignorant of the value of our contribution*." Another claimed that "*it can be demoralising*". However, for TAN 8, the report did group comments and provide responses. The Planning Division stated that acknowledgements are sent to all those who submit a response and also confirmed that responses are considered in detail and are used to inform the final policy / guidance published.

There was general agreement through many of the LPA interviews and workshops, that if comments were not taken on board because of a justifiable point e.g. outside the remit of the policy, a legal point, or even a political priority, they would be more satisfied than when they have no idea if it has even been considered.

One interviewee suggested that: "*it is important to generate some confidence, trust and consensus with consultees with an understanding that they will be listened to*." It was suggested that providing feedback from consultations would help meet this.

This lack of feedback contributes to the view expressed by both LPAs and workshop attendees that final versions often do not change following consultation. "*There is little evidence that final versions of policy and guidance have changed compared to the drafts which were issued*."

[55] "*The National Assembly for Wales intends to publish the responses to this document. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise*."

4.7 Dissemination

The dissemination of final policy and guidance documents normally follows a standard process involving the distribution of copies of the final version to the standard list of contacts relevant to the particular policy area and respondents to the consultation process. It is also published on the Assembly's website.

Training and briefing events to promote understanding of new or amended policy and guidance were popular with LPAs and a wider range of these throughout Wales would be welcomed. This was also endorsed by workshop attendees. It was felt that these also help to develop a two-way communication link with the Assembly and understanding behind the various policies and guidance. A point raised at a workshop and endorsed by other comments made through interviews with LPAs, was that "*there are two parts to dissemination: getting the documents out; but also importantly developing understanding – through the use of executive summaries and talking to people*." It was also stressed that these events should not just be provided for LPA staff, but also be open to others, including other statutory bodies, and the community and voluntary sector.

Training requirements for the elected members of LPAs and town and community councils on national planning policy was also raised as an issue. Whilst the WLGA provide some training for LPAs, this was felt to fall short of the overall need.

The timing of this training should also be in provided in line with the publication of the particular policy / guidance to ensure there was no significant delay.

4.8 Identification and sourcing of policy and guidance

The framework provided by PPW / MPPW and the TANs / MTANs is found by many to be "*straightforward and clear*" to follow. However it is becoming increasingly difficult with the use of MIPPS, albeit they are accepted as a reasonable approach to keeping PPW contemporary. In addition there are other documents in which planning policy and guidance can be found, including Circulars and Circular letters. Locating the full array of up to date policy and guidance is regarded to be difficult by many; including many statutory bodies and LPAs. "*You have to be very pro-active in order to keep up to date with current policy.*"

A common problem highlighted by both LPAs and workshop attendees is knowing if Primary and Secondary Legislation has been introduced in Wales, this confusion is exacerbated because there are frequently cases where it is introduced in England and not in Wales and it is expected to be at the same time. There is still an expectation that Wales will follow the same line as England. The introduction of new policies or guidance in

England raises expectations in Wales and sometimes establishes the need in Wales; a statement of intent by Wales would help alleviate this confusion. One workshop attendee stated: policy from the 2004 Planning and Compulsory Purchase Act is "*often adopted earlier in England and it is not always clear what the status of this is and sometimes Welsh counterparts are elusive*."

The Assembly publishes a list of extant of planning policy guidance in the Index of Planning Policy for Wales,[56] available on its web site, which is popular with practitioners. However the latest available version is January 2006 and there have been many changes to the list since its publication. The previous version was October 2002.

A clear and up to date summary list of extant policy, guidance and legislation relevant to Wales should be made available to aid those involved, particularly those who are not involved in the Welsh planning system regularly.

Most documents are available on the Assembly Government's website. However many consultees have difficulties in navigating the web site and locating particular documents; there is no single location for extant policy and guidance. "*Things aren't always in the place you want,*" for example policy on barn conversions is not in the residential section. There are also issues with regard to links to relevant policy contained in other Assembly Government Divisions and Departments and vice versa. The web site and its search functions were criticised by many LPAs and workshop consultees as being difficult to navigate. One LPA consultee stated, and endorsed by many other consultees, "*In short, the site needs to be redesigned*." The design of the website is not in the gift of the Planning Division; however, we would suggest these views are fed to the communications team and links between areas of the website are improved.

A number of workshop attendees recommended greater use of the Planning Portal[57] as a means of increasing access to extant policy and information about the Welsh policy framework. This is a valid recommendation and would assist in raising the level of access to information available on Welsh policy.

4.9 Inclusivity

The majority of the evaluation has focused on the involvement of LPAs and other planning and related professionals. However, a need identified by the objectives of the evaluation is how the processes for developing national planning policy can be more inclusive. It is widely recognised, and this was reiterated across the evaluation interviews and

[56] Index of Planning Policy for Wales, Welsh Assembly Government, January 2006
[57] The Planning Portal is "*the UK government's online planning and building regulations resource*".

workshops, that until lines are drawn on maps it is very difficult to engage with the wider public or private interests (except for those involved directly with planning / development). Their link to national policy is sometimes difficult to define and therefore they lack motivation to be involved.

However, as one consultee put forward "*there is a great deal of knowledge at the local level*." This is particularly relevant relating to policy development regarding specific groups, such as the recent guidance produced relating to gypsies and travellers. One LPA put forward "*that they [wider community groups] could experience relevant issues which practitioners do not pick up; they have different perspectives and influences*."

A number of consultees suggested the use of sounding boards to involve wider groups in the development of policy. These could be used "*to test national planning policies, composed of on the ground 'users' of the policies, and people who will be affected by the policies*."

However, a number of LPAs warned that active involvement by the wider community needs to be managed carefully and expectations managed. A number of LPAs suggested that "*representative groups can have their own agenda and are unlikely to move from their stance*", another LPA respondent said: "*consulting with community groups and individuals is riddled with difficulties of the lack of clarity regarding the motives of particular individuals for seeking to influencing the planning process and the legitimacy of a community group*."

In order to manage expectations and focus input onto the particular policy and its scope, it was recommended by LPAs that there is an educative process required and summary documentation which explains the process and scope of the policy would help this. It was suggested that face to face meetings were the best way of engaging with community groups.

The Voluntary Sector Scheme[58] and its Strategic Action Plan[59] provides a useful reference for the Assembly when engaging with the sector.

The engagement of wider groups is likely to be most effective through umbrella groups with direct and ready access to wider community groups etc. Organisations such as the WCVA, Wales Environment Link (WEL), WACVC, Disability Wales, One Voice Wales[60], could be used to access the wider community; they are useful conduits for cascading

[58] The Voluntary Sector Scheme was established by the Government of Wales Act, 1998. Section 114 states: "*The Assembly shall make a scheme setting out how it proposes in the exercise of its functions, to promote the interests of relevant voluntary organisations."*

[59] Empowering active citizens to contribute to Wales: A Strategic Action Plan for the Voluntary Sector Scheme, draft for consultation, 2007.

[60] One Voice Wales represents the interests of Community and Town Councils across Wales.

information. For private interests, bodies such as the CBI and chambers of commerce are likely to be the most appropriate mechanisms. However, it would be important to work with the groups and provide them with advance warning of forthcoming announcements, consultations etc. and provide them with, where possible, briefs for use to their members.

Planning Aid Wales is also a well-placed organisation in relation to promoting inclusivity; it has both knowledge of planning and links to and understanding of wider communities. It is therefore able to breach the gap. As an example, Planning Aid Wales worked with the Communities First Support Network (CFSN) to run a series of seminars on land use planning to Communities First[61] groups across Wales.

4.10 Staff Resources

A factor identified by the majority of stakeholders and strongly endorsed at the interim findings consultation event, underpinning all of the factors requiring improvement, was the need for additional staff resources within the Planning Division.

The current level of staffing has restrained the Planning Division from providing some services, such as limiting the amount of briefing it can undertake. The case studies also illustrated that in some cases staff resources have been diverted from policy areas, such as the review of TAN 18: Transport.

The Planning Division has recently embarked on a recruitment exercise for a net increase of 3 staff. This will no doubt increase the capacity of the Division. However this will need to be monitored in the light of the resources required to implement the recommendations contained in this report.

4.11 Strategic Conclusions

In this section we have undertaken an evaluation of the processes used to produce planning policy and guidance in Wales, using a combination of desk based case studies and findings from the LPA interviews, workshops and other miscellaneous interviews held and endorsed by the workshops held to discuss the interim findings.

An overriding point from all of the interviews and workshops and endorsed by the consultation on the interim findings, was that overall the policy development process was

[61] Communities First is Welsh Assembly Government initiative aimed at regenerating Wales' most deprived communities, through a long-term committed programme There are 140 Communities First communities in Wales. They are regarded as the most disadvantaged communities in Wales, and are designated by the Welsh Assembly Government.

seen to be appropriate. However, there are areas of the process which could be improved or adapted which are set out below. Based on the evidence, we would conclude:

- There are a number of drivers for the review of policy and guidance, all of which have been valid, although they do not all remain relevant for the future.
- There needs to be more awareness of forthcoming reviews and updates on their progress to the wider planning community. External stakeholders would welcome the opportunity to play a role in the process of developing the forward programme.
- Research is essential; however, its relevance and relationship to the policy review process needs to be tightened.
- Ways of sharing resources to fund relevant research should be explored, for example in conjunction with the DCLG.
- The Wales Planning Forum and its sub-groups have provided a useful mechanism for developing working links between the Planning Division and external stakeholders, although it could be adapted to enhance dialogue and develop its role.
- Canvassing views prior to the drafting process would be useful in raising issues to be taken account of in drafting. Sounding boards, engaging with the wider community, could be a useful mechanism for this.
- It is essential to involve stakeholders in the drafting process effectively. The TAGs are useful groups, although their working arrangements and membership needs reviewing in line with the following factors:
  - ► Time constraints and capacity of individuals and organisations;
  - ► Optimum group sizes;
  - ► Effective use of participants;
  - ► Clear and understood roles of membership; and
  - ► The right people.
- The priority / allocation of resources need to be allocated to the review process effectively and carried through, so as not to raise external expectations which are not met.
- The use of consultants in the drafting / review process to extend resources and also where specialist support and knowledge is required is valid.
- There needs to be more interaction with regard to consultation exercises – more advance notice, use of questions in a constructive manner, feedback on consultations and how they were used. These are all important in continuing the dialogue and building effective relations with stakeholders.

- Dissemination and explanation of draft and final policy, through events would be welcomed, to facilitate further engagement and that should be available for the wider planning community.
- Explanatory leaflets / introductions on the Planning Division web pages, of the components of planning policy and the role and purpose of each type of document e.g. PPW and TANs, would be useful and help non-planners, in particular, to understand the process more clearly.
- There needs to be greater clarity of the availability of documents, what is extant policy and where to find documents.
- Inclusivity with wider community groups needs to be considered, although this should be undertaken through resource efficient means and managed so as not to raise expectations which cannot be met.
- Underpinning all of these factors was the lack of staff resources in the Assembly's Planning Division to support the process. Although the Division is currently recruiting, this will need to be monitored against the recommendations of this report.

5.0 Scope and Detail of National Policy

5.1 Introduction

The content of policy and guidance is not within the remit of this study. However, its level of detail in so far as this affects its effectiveness and ability to support the LDP process is. The content of policy and guidance has therefore been referred to only insofar as it illustrates a general point on scope and detail.

This section explores the role of the various components of national planning policy and guidance and how it supports the LDP process. This also involves considering the level of detail of the policy and guidance. It also briefly considers how land use planning sits with other Assembly policy.

5.2 The Framework

The planning policy and guidance framework in Wales represented by PPW and MPPW as the overarching policy tools, supported by the guidance and advice contained in the TANs is supported by the majority of consultees. "*Planning is rarely black and white, but it does provide a clear set of hierarchy of notes*." One LPA consultee stated: "*PPW is written in a reasonably user-friendly way and the TANs are there to supplement it with additional technical information – this is the right approach to take*."

However, a number of LPA interviewees challenged whether there was only policy in PPW / MPPW and the MIPPS, and only technical advice and guidance included in the TANs. This was also suggested in some of the workshops held. It was felt that on occasion updated policy has been included in a TAN under review as opposed to updating PPW. There was general confusion between policy and advice and where each could be found. One interviewee suggested that when TANs are updated, consideration should be given to updating the related policy. This was the case with TAN 1 and TAN 2, which were published alongside the MIPPS for Housing, as with the publication of MIPPS Planning for Renewable Energy published with TAN 8. However, in the current PPW published format, this would be difficult for every area.

There is no evidence to support a wholesale revamp of the Welsh planning policy and guidance framework. However, there needs to be a process which enables policy and guidance to remain contemporary and to maintain a distinction between policy and guidance in the respective documents.

Importantly, the framework and collection of documents were considered to be supportive of the LDP system by the majority of LPA interviewees. However, there were cases where the TANs in particular, were out of date, for example, until recently, Transport[62]. Problems are experienced by the local plan process (it has principally affected the UDP system) when draft policy is issued, particularly when it is issued late in the process of developing the local plan (UDP or LDP). It was felt by many consultees that there needs to be "*pragmatism*" in handling new draft advice when a local plan is at a critical point in its development. A suggestion put forward by a LPA respondent was that a process which programmed the policy change in advance, so that LPAs were warned in advance when there was still time to build it in; and it was important to emphasise that the "*steps would need to be managed very carefully*".

5.3 Planning Policy Wales

The single PPW / MPPW documents give "*consistency*" versus the alternative scenario of individual statements, as is the case in England. The language used in the document is good and both PPW and MPPW are considered by the LPA interviewees to be well written. "*They are pitched correctly and provide a good overview*." However a small number of workshop attendees felt that "*PPW tends to be flimsy and lacks depth. …. It is vague and thin on policy*."

In terms of updating PPW, the "*use of MIPPS make it [PPW] fairly contemporary and dynamic*." Using MIPPS for wholesale changes is considered to be a good way forward by LPAs and endorsed by views expressed at the workshops. However, it is questionable on how practical it is to address crosscutting issues through a MIPPS, for example the draft climate change MIPPS[63], because it is not a straight replacement of a single chapter or section. There will be changes and amendments throughout PPW, making it more difficult to maintain as an up to date document.

In terms of layout and design, the following points were made across the interviews held and workshops:

- the margins are useful giving references and signposting to other relevant policies and documents etc.;
- bullet points used in PPW make it clear what needs to be done;
- colour coding of the different components is useful (e.g. red for policy, green for TANs etc.);
- they are all cross-referenced well; and

[62] The 2007 TAN 18 was published after the consultations for this evaluation had taken place.
[63] MIPPS: Planning for Climate Change (draft), Welsh Assembly Government, 2006.

- executive summaries are essential, particularly in providing an explanation of the content and purpose of the policy or guidance aimed at facilitating lay people and non-planning professionals.

5.4 Technical Advice Notes

The TANs are generally well supported by LPAs and those attending the workshops; however there is great variance in the level of detail and current status of each one, which has affected the views expressed.

The newer TANS are considered by some LPAs to be improvements on older versions with the use of introductory sections and an improved and common structure. It was suggested by one LPA that MTANs would benefit from also following this structure and integrating them more into the common structure and format, making them easier to follow.

Some LPAs proposed that "*TANs are particularly useful for controversial issues such as waste or wind farms as they provide more detailed guidance*." However, from an opposite LPA position and supported by some at the workshops, it is felt that "*the high level of detail means that flexibility is sometimes missing*". For example "*there have been some problems fitting priorities at a local level in rural Wales*"… policy "*needs to be more elastic*".

5.4.1 Spatial Element of TANs

An issue raised by many consultees, both LPAs and those attending the workshops, related to the inclusion of a spatial dimension in a number of the TANs and MTANs – particularly those relating to flood risk, renewable energy, waste and minerals. It was proposed that this is not appropriate in national planning documents and that spatial definition was a matter for local determination.

A particular problem highlighted by both LPAs and at the workshops, was the lack of wider public consultation and testing where lines are drawn on maps. A workshop attendee stated: "*there is no opportunity for challenging the evidence base*." This point was illustrated by another consultee using the example of the Aggregates MTAN, where safeguarding areas for future potential extraction are set out. It was suggested that this should have involved wider consultation with the general public, providing the opportunity for challenge.

However, some LPAs felt that particularly with TAN 15 and TAN 8 the use of maps was justified. Although it was emphasised that this justification was not relevant to all TANs. The spatial dimension is felt to be "*relevant where it is a matter of fact*".

The spatial detail in TAN 8 was felt to be justified by some, although not all, LPAs and workshop attendees as the SSAs identified are set out as "*broad brush*" or "*drawn with fuzzy lines*", with the opportunity to define specific sites locally. One workshop attendee suggested that "*this gives a good balance between detail and the strategic level*." Although some LPAs felt that the guidance should have gone further by providing the criteria for selecting the sites; as now each LPA with a SSA is developing its own individual criteria which could undermine the certainty required by both supporters and opposition to such developments. The spatial dimension was considered "*not to be popular with Members. Members feel that it takes the local choice out of wind farms*."

TAN 8 specifically deals with renewable energy which evokes opposing viewpoints and is therefore an area which has to draw a balance between meeting the various perspectives, including national interests in terms of energy generation. The comments made reflect the difficulties associated with this. In sensitive policy areas like this it is therefore important to ensure research is robust and is transparent, ensuring there is a clear distinction between policy and guidance, and importantly supporting the roll out of briefings to all involved, including elected Members to ensure understanding of the content and process.

With regard to TAN 15 it was felt appropriate to include the maps by the majority of LPAs and echoed by workshop attendees. However the underlying problem highlighted by both LPAs and workshop attendees has been the appropriateness of these maps. The maps used are based on a large scale, which omits detail relating to contours and this has led to significant inaccuracies. As a general point made by one consultee the "*spatial level has to be based on proper analysis and then be accurate – there is evidence that this is not the case e.g. TAN 15 where the plans used have been at too large a scale*."

5.5 Guidance Documents

Documents produced such as the Companion Guide for LDPs were received favourably. There was a general request amongst a number of LPA consultees to have more good practice documents and guides for undertaking certain tasks etc. Promoting and sharing good practice would be helpful and assist LPAs, in particular, to incorporate practices into their own approaches, and in particular not waste resources in reinventing approaches.

5.6 Minerals Policy

Currently minerals policy and advice is segregated from land-use planning, in terms of the methods for drafting, engagement with external stakeholders through the RAWPS and the publication of its own set of documents (MPPW and MTANs).

A small number of LPAs felt that this segregation should be maintained because "*of the specialised knowledge and skills that it requires. Minerals operations are complex and span over a long time, so it should be handled very carefully and therefore should be distinguished.*"

However, a greater number of those LPAs who expressed an opinion felt that the segregation was only based on historical reasons (from the former County Councils) and that this no longer stood. They did however recognise that it required a specialist skills set and knowledge base, but there was no reason why this could not be integrated alongside specialist transport or retail planners, for example.

Of more importance was the fact that any minerals development had to take account of a number of wider planning considerations, including transport, environment, proximity to housing etc. and that integration would allow a greater ability to integrate all perspectives, particularly relevant at the national level. As one interviewee stated: "*there is overlap between PPW and MPPW, there needs to be reference to both, to ensure consistency in making decisions*."

A move towards a closer alignment of minerals and other land use planning policy and guidance in terms of practical arrangements, principally documents, is appropriate to ensure there is complementarity. MPPW currently repeats sections from other policy areas e.g. transport contained in PPW; however, there is not a parallel process to update MPPW if policies in PPW or guidance in TANs are updated. It would also help overcome the current distinction between the planning disciplines made to encourage closer working between the specialist disciplines in planning and in particular develop a wider understanding of the issues associated with minerals.

5.7 Fit with the Assembly's Core Priorities

Underpinning all of the Assembly's policies are three core values – sustainable development, equality of opportunity and social inclusion.

In general it was felt that planning, by its very nature, systematically takes these three values on board and that this has been done comprehensively in the national planning policy framework in Wales. All are contained as a central theme in the Forward to PPW by the then Minister for Environment, Sue Essex.

The approach taken by PPW with regard to holistically approaching sustainable development throughout its contents was applauded by many LPAs. However, some felt that in practice it has not been as strong as it could have been, particularly compared with practices in England. An example illustrating this was the delay in adopting a revised TAN

18, which would have brought forward more up to date and sustainable transport guidance.

5.8 Complementarity with other Assembly Policies

The Assembly is responsible for a wide range of policy areas which directly or indirectly impact on each other. To overcome problems relating to a lack of coordination between policies and to enable the development and delivery of policies "*that not only meet the Assembly Government's strategic agenda but do it in a way that fulfils [our] commitments to sustainable development, equality of opportunity and social justice*", a Policy Gateway Tool has been developed. The aim of the tool is "*to help stimulate dialogue, generate new ideas and encouraged 'joined-up' thinking.*" A key emphasis of the tool is to ensure that the Assembly's corporate strategy – Wales: A Better Country – and its core values are addressed. A cross-divisional group is used to assess each draft strategy and policy before they are the subject of consultation. The Strategic Policy Unit of the Assembly is responsible for the development and use of the Tool. The Unit provides training to ensure Assembly staff are able to use the Tool effectively. They also work closely with users and the Policy Committee to revise the Tool to ensure it remains dynamic and relevant. Some stakeholders commented that the Tool was just a tick box exercise; however other stakeholders who had been involved with using the Tool on a number of policies argued that it may be presented as a simple tick box in the final policy, but a great deal of debate had been undertaken to arrive at the tick box matrix.

With regard to the fit between national planning policy and other Assembly Government policy, there were mixed views as to whether there was complementarity. One consultee's view was that: "*The hierarchy of national polices needs to be clear.*" It was felt by a number of LPAs that there was possibly little "*awareness of wider policies by planning officials*". A workshop attendee, supported by other perspectives put forward, argued that "*there is still insufficient joined up thinking across Assembly Departments*." …. "*Part of another process can take over planning policy*." One workshop attendee suggested that "*there is confusion between the status of documents and their role in planning*". A particular concern is that other national strategies give added status, momentum and credibility to a project outside the planning policy framework. One example given by a number of consultees was the proposed Premier Business Park at Junction 33 of the M4.

It is clear that the Assembly Government needs to be clear about the relationship between national policies. With respect to land use, policies and actions by other Departments need to take account of Assembly Government land use planning policy, unless policy has been adopted through an appropriate process which protects national interests and takes

precedence. At present it is not always clear which policies take precedence. Likewise, planning policy needs to build in other national policies, for example inclusivity and energy.

It was suggested that the "*biggest mismatch is with the Wales Spatial Plan, because the others are not so dynamic and are therefore not so problematic.*" There appears to be a great deal of confusion across all groups of consultees, with regard to the status of the Wales Spatial Plan and the planning system. LDPs are required to "*have regard to*" the Wales Spatial Plan but stakeholders argue that it is not clear how the Plan is to be taken on board.

Views expressed at one workshop suggested that "*the Wales Spatial Plan is about resource allocation*", not land-use planning per se. For example, the Wales Spatial Plan is being used as a tool for streamlining funding programmes such as the 2007-2013 Structural Fund Programmes and the Regional Transport Strategies. It aims also to build in policy alignment within expenditure programmes, reflecting the various regional priorities in the different parts of Wales.

A number of LPA consultees, supported by views expressed at the workshops, suggested that "*the Wales Spatial Plan creates tension*". However, this appears to be principally due to misunderstandings about the role of the Spatial Plan. The Wales Spatial Plan is worded in such a way that "*can be, and has been, used by either party in an Inquiry*".

The more recent work at the sub-regional level to operationalise the Wales Spatial Plan has added to the confusion regarding its role and position by many consultees across all sectors. However, this may be partially attributed to parallel sub regional work that is undertaken on a voluntary basis at the spatial plan level led by various organisations. This work is associated with the Spatial Plan but will not necessarily form part of the adopted document; it is often associated with building more detail around the spatial plan strategies in each area and/or work that looks at the practicalities of strategy delivery that local authorities and others consider worth while undertaking on a collaborative basis. An example raised by many LPA consultees and workshop attendees was housing allocations, where in some spatial plan areas there is specific sub-regional work being undertaken. Any housing allocations agreed in this context will not form part of the Spatial Plan, but be incorporated and given status through the LDP process. The underpinning work in effect therefore has no special status and can be challenged in the same way as any other aspect of an LDP. It was evident that this is not always clear to those operating outside the spatial plan activities.

Whilst the Spatial Plan is not the appropriate vehicle given that its purpose is to have strategic policy relevance broader than land use planning it is felt by the stakeholders that there is a void for setting sub-regional housing figures in Wales. This was highlighted as a

particular problem in relation to private investment decisions, particularly house building and associated developments.

A view given by some LPAs is that in some areas of Wales there may have been insufficient involvement by planners in the Wales Spatial Plan and it has been too economic development orientated; although in other areas there has been a close involvement with LPAs, for example in the South East.

A suggestion made by both LPAs and workshop attendees, was that the linkages between the Wales Spatial Plan and national planning policy need to be clarified and explained.

In the short term, the particular need is to raise awareness of the relationship between land use policy and other Assembly policies. There was a need identified by consultees to increase the genuine integration between all Assembly policies.

5.9 Format of National Policy and Guidance

As discussed earlier the single document approach of PPW is popular and the use of MIPPS as a method of updating is supported. Neither is there evidence to support the introduction of an alternative approach. However, there comes a point where a wholesale review of PPW is required. This is particularly relevant with the introduction of a cross-cutting MIPPS, such as that addressing climate change.

In its current format of a published book, the use of MIPPS and intermittent comprehensive reviews are the only way to effectively ensure its continued relevance as a proactive policy document. Alternatively it could be accessible as an electronic document (it is currently available electronically) however it is strongly felt that it "*still needs to be backed up by hard copies*".

Final versions of policy and guidance are normally published in both English and Welsh, in accordance with the Assembly's Welsh Language Policy. The normal printed versions are in the "*tumble twist format*" to cater for bilingual production. However, whilst bilingual production is supported by all LPAs and endorsed at the workshops, it was suggested that separate Welsh and English language versions should be produced, particularly for documents such as PPW, as the bilingual version is large and cumbersome. However, it is Assembly policy to produce combined bilingual documents. The Assembly Government's Welsh Language Scheme[64] states: "*Our standard practice will be to publish written material for the public in Welsh and English together in one document*."

[64] Welsh Language Scheme, Welsh Assembly Government, 2006

The electronic documents are normally in either PDF or Word format. PDF is essential for those who are visually impaired and use Screen Readers software[65], as tables and graphics can become distorted and are not readable using the software. For large reports, PDF also has the advantage of reducing the size of the electronic file. Word format is also useful for users as this can be utilised more readily for extracting parts of the document for use in reports etc., reducing the time needed for translating the documents for internal / member use.

5.10 Strategic Conclusions

In this section we have considered the scope and detail of Wales' national planning policy and appropriate formats for its publication. This has taken into account the case studies and the various consultation interviews and workshops held. Here we summarise our findings and the conclusions we draw from the evidence.

- The PPW and TAN framework should be retained. There is no evidence to support a complete re-think of the Welsh framework.
- However, the delineation between policy and guidance is not clear between the two versions of documents. The distinction between documents containing policy and guidance should be strengthened.
- PPW is a strong document, providing a single and coherent national policy document.
- However the format of PPW does not easily facilitate updates. The publication format needs to be changed to enable updates / reviews to be more easily integrated.
- National policy generally supports the LDP process.
- Where spatial definitions are included within national guidance, the evidence base needs to be accurate and the rationale for the need for the spatial perspective should be clearly set out and justified.
- Relationships between planning policy and other national policies need to be strengthened and defined more clearly, particularly the Wales Spatial Plan and its sub-regional work.

[65] A screen reader is a software application that attempts to identify and interpret what is being displayed on the screen.

6.0 Lessons from Elsewhere

6.1 Introduction

This section builds on section 3 which considered the national planning frameworks used in England, Scotland and the Republic of Ireland. Here we discuss examples of good practice and experiences from other regions in the UK and further a field to inform the Welsh system. This part of the study is focused on identifying tools which would help support the recommendations made in section 7.

Finding true comparisons with Wales is difficult given the combination of factors including geography, governance structures and relationships between national and local planning and the relationship of 'spatial' planning to traditional land-use planning. A common point found is that in many regions and countries, spatial planning, in terms of resource allocation, is heavily integrated with traditional land-use planning.

The regions and countries included are diverse and have been selected based on the findings of the field work in Wales. The field work flagged up a number of issues and we have sought to find examples where these have been addressed elsewhere. Not every issue is covered by each case study. The issues considered include: mechanisms for involving external stakeholders; experience of involving lay people, consultation mechanisms; methods of aligning land use policy with other national policies; and how policy is presented.

This work has principally been conducted by the Expert Panel convened for this study. In most cases they engaged with individuals practising in the respective region / country.

The regions / countries included are:

- Department for Communities and Local Government, England
- North West, England
- Scotland
- Republic of Ireland
- The Netherlands
- Flanders, Belgium
- Switzerland
- British Columbia, Canada
- Washington State, USA
- Singapore
- North Sea Interreg Region

6.2 Department for Communities and Local Government, England

6.2.1 Mechanisms for External Involvement

The traditional approach of the Department for Communities and Local Government (DCLG), and its predecessors, has been to commission research to collect evidence and to identify courses of action. The research often involves collecting evidence via questionnaires to users and operators of the planning system, more in-depth interviews and case studies. Small steering groups are set up to manage the research, with half a dozen stakeholder representatives from the planning profession and local government as well as cross-government and Government Office representatives and chaired by a senior departmental official.

Pre-consultation advice is also sometimes obtained through the various networks that the DCLG chairs or contributes to, such as the Planning Advisory Group of academic stakeholders and the Government Offices Planning Directors network.

To supplement these mechanisms, the DCLG with the RTPI recently held a one off event to assist the preparation of the Planning White Paper[66] which was prepared to a very short timetable. The one day event was held at the QEII Centre in London to seek stakeholders' views on the content of the White Paper. The event was attended by over 160 government, academic, private and voluntary sector stakeholder representatives. The event started with a Minister's presentation and a free ranging question and answer session. This was followed by a series of structured discussions on particular topics at round tables seating eight to ten mixed stakeholders. Each table nominated a chair and rapporteur who took notes of the discussion directly onto an electronic notebook which fed results back to a central point. Plenary sessions were then able to give participants immediate feedback on key points arising from individual table discussions. Votes on particular questions were also taken from each participant via the electronic notebook held by each group and the results displayed on a projector for all to see.

The type of event would be useful in Wales for large scale reviews, or where views from a wide group of people are required.

6.2.2 Experience of Involving Lay People (Non Planners)

Non planners are often involved in the research / sounding board / steering group stage, referred to above. Organisations representing or having a close interface with citizens have sometimes been involved in review sounding boards such as the recent Householder Development Consents Review of permitted development rights for householders.

[66] Planning for a Sustainable Future: White Paper, Department for Communities and Local Government, 2007

The DCLG as a Department is developing e-consultation as part of the Digital Dialogues pilot initiative of the Department for Constitutional Affairs encouraging public engagement in policy making. Initial experience has been that operating a web based discussion forum is resource demanding but enables stakeholders to be aware of each others comments and move the debate on. It is particularly useful for structured debate with large groups. There is an expectation that web discussion fora will become more commonly used by the Department for specific issues. This may be a useful tool in Wales, given the limitations in attending meetings caused by geography.

6.2.3 Consultation

Draft PPS and proposals for amendments to secondary legislation now follow a common good practice format, including questions to guide responses, and e-mail addresses set up to receive digital responses. Summaries of responses are published, although the time this takes after closure of consultations varies a lot.

6.2.4 Complementarity between National Policies

Formal cross departmental groups consider near final drafts of policy proposals. Key Departments are closely involved from an earlier stage in the development of particular proposals, through membership of steering groups or in bilateral discussions.

6.2.5 How is Policy Presented?

As well as publishing policy documents, the DCLG presents national policy in digital format on the Communities website and the Planning Portal. The latter also presents particular policies in 3d format[67] to help lay people understand good practice.

6.3 North West Regional Assembly, England

6.3.1 Consultation Process

The North West Regional Assembly (NWRA) in England has produced a RSS. Whilst not solely a land-use planning document, the discussion here is about the process of its production and focuses on use of web-based consultation.

The work was contracted out to Dialogue by Design[68]. A dedicated web site was set up and used at each stage – Issues, Options and the Interim Draft of the RSS. The content was fairly basic, but the key point is that there was a questionnaire on which people could

[67] http://www.planningportal.gov.uk/uploads/hhg/houseguide.html

[68] www.dialoguebydesign.net The work of Dialogue by Design for the NWRA features on their website: www.dialoguebydesign.net/consultation/clients_case_studies_nwra.htm. It is also possible to play videos on their site which show how the on-line consultation process is operated.

provide their responses. As the site was set up as a database management tool, it was easy to extract comments and batch them on any topic or sub-topic. This substantially speeded up the turn-around time at the end of each consultation stage. Comprehensive summaries of all responses were available to the NWRA team within a week.

In addition, the NWRA hired Forum for the Future[69] to set up workshops with geographical groupings of local authorities, and theme-based groups of organisations with interest in topics such as economic development, environment etc. Such groups proved a valuable means of exchanging ideas. Typically around 25-30 persons would be at a workshop and 10-15 at a theme-based group meeting.

The selection of workshop participants was based on local authorities. For the theme-based groups the aim was to get representative groups as far as possible. Priority was given to umbrella bodies which could credibly represent as large a number as possible. In selecting the organisations for the theme-based groups, NWRA was able to draw on its established contacts with groups who had already been involved in consultation over two rounds of Regional Planning Guidance. Also Forum for the Future was able to draw in others through its own networks. Furthermore networking was done through these known groups to solicit contact details for other groups that might usefully be involved.

As well as the web-based consultation documents, conventional paper copies were also available for the draft RSS. Similarly, paper-based responses were accepted, though people were also advised of the scope to provide electronic responses, and some began to move in that direction.

Considerable efforts were made to tap into existing networks of organisations to do awareness-raising about what is involved in a RSS, and the need for inter-connectedness between the various types of plans that exist. The workshops with the local authorities partly had this role.

An interesting feature was that Dialogue by Design used software that deliberately restricted the number of words for the response to any question posed in the consultation questionnaires. This proved successful in making comments readable and focused, and in preventing the submission of long, repetitive statements. However, the option of paper submission afforded an opportunity for those who wanted to submit a long answer to do so. Overall though there were certainly some efficiency gains compared to more traditional planning consultation processes. Some of the questions that were posed probably led answers in a desired direction.

[69] www.forumforthefuture.org.uk

Acknowledgements were sent to thank consultees and inform them that their comments had been accepted. In addition, while the e-based consultation ran, anybody who had registered for this consultation was able to see all the responses to all the questions on the dedicated website. At the end Dialogue by Design and Forum for the Future produced a summary report on the consultations. The NWRA did not write to each consultee explaining their response to their particular points.

6.3.2 Experience of Involving Lay People (Non Planners)

Non-planners were involved in the theme-based groups and in the workshops. Overall the aim was to use scarce resources most effectively by concentrating on 'insider groups' rather than trying to reach all 6.8 million individuals in the region. Thus there was no leaflet to all households, or opinion polling. However, as well as contacting Parish Councils and Local Strategic Partnerships, NWRA also worked through Community Forums, where such umbrella bodies exist.

An interesting feature of the outreach was collaboration with Planning Aid to do awareness-raising with groups like Parish Councils. This was seen as successful and something that might be built upon in future, partly because of the expertise that Planning Aid has in such exercises.

6.4 Scotland

6.4.1 Involving External Organisations

The preparation of an SPP is initiated by the Scottish Executive commissioning a piece of research to inform the process, particularly if a topic is potentially contentious. The research process normally involves external organisations; the research team is likely to do case studies or interviews that tap the views of key stakeholders.

At the pre-consultation stage, when the potential SPP or PAN is being drafted, there is a steering group – probably with some continuity from a similar group overseeing the commissioned research study. These steering groups are put together by the Scottish Executive through consulting with the Scottish Society of Directors of Planning (SSDP) and the Convention of Scottish Local Authorities (COSLA). A steering group, once convened, continues to operate throughout the preparation period, but not beyond that.

In Scotland there are sometimes special briefing sessions run by the Executive, but it is more likely that these have been organised as part of the research process and take the form of seminars or focus groups. Thus, for example, the research on housing land and the planning system (which led into the revision of the SPP on Housing), began with a

workshop to which a diverse range of stakeholders were invited, and the workshop included presentations and also small group discussions of key issues etc.

6.4.2 Experience of Involving Lay People (Non Planners)

Non-planners may well figure on steering groups for SPPs or PANs. The Executive tries to ensure that interests that are particularly relevant to the SPP / PAN topic are involved. However, it would not be "*a matter of course*" to include lay people – especially if the issues are technical in nature.

Perhaps the most interesting Scottish approach in relation to this question is in the preparation and current review of the NPF. Early in 2007 invitations were sent out for a series of regional meetings to explore what might be in the updated NPF. To ensure that invitations went to lay people, the Executive approached the Association of Community Councils to use their list of members, it also included those who had responded to the consultation on PAN81 (community involvement), as well as those on the Executive's existing distribution list for news of Scottish planning; the Executive also contacted Planning Aid for Scotland. In this way it was possible to reach community organisations and lay people.

A leaflet has been produced, *Small Country, Big Plans,* as part of the NPF review process. The Executive sent copies to libraries across Scotland. The leaflet has a tear-off returnable strip, as well as contact details, enabling people to link into the NPF review process.

6.4.3 Complementarity between National Policies

There is normally internal discussion with Executive Divisions first on topics that are of relevance to those Divisions. A consultation will only be issued after it has been 'signed off' through this internal process of discussion.

There are then arms-length agencies that deliver policy in these areas – Communities Scotland, Scottish Enterprise, Transport Scotland, etc. There would normally be meetings with these agencies, e.g. on transport, after initial agreements within the Executive, there will be meetings with Transport Scotland on matters such as the Strategic Transport Review, trunk roads etc.

6.4.4 Consultation

An analysis is done of all consultation responses and a report is published on the outcomes of the consultation and is made available on-line, thus respondents can see how their comments relate to those of others and the views of the Executive.

6.5 Republic of Ireland

Earlier in the report we provided an overview of the system in operation in the Republic of Ireland. Here we provide further detail with regard to the alignment with other national policies, to inform the Welsh process.

6.5.1 Cross Governmental Links

Once the Ireland National Spatial Strategy (NSS)had been published, the DEHLG took the lead within Government, in taking forward its implementation, supported internally by the Spatial Policy Unit and externally via the Inter-departmental Committee reporting to the Cabinet Committee chaired by the An Taoiseach (the Prime Minister).

The DEHLG has worked closely with other Departments, particularly that for transport. The link between the Transport 21 national transport strategy launched in 2005 to guide investment over 2006-15, and the NSS was explicitly acknowledged by Government. The transport department has worked together with DEHLG at local level too, discussing the drafting of the RPG documents and relating transport investment criteria to the achievement of planning policies e.g. making the reopening of a suburban Cork rail line conditional on imposing nearby high housing densities for developers to achieve.

Other strategies complement and support the NSS, e.g. enterprise, research and innovation, and rural development. Recently the role of the NSS in providing a framework for the new National Development Plan, driven by the Department of Finance, has been explicitly acknowledged by the Government. Avoiding 'own goals' from inconsistencies between Ministries has been a powerful factor in maintaining the position of the NSS as a cross governmental policy.

The DEHLG also takes the lead in vertical coordination of spatial policies, liaising with a committee set up initially to draw up regional planning guidance but which now acts as a sounding board for related policy development. Professional planners in the Planning Division also sit as advisers on national planning policies on key local City/County Development Plan boards, with transport colleagues, providing another key route to achieving local consistency with NSS policies and giving opportunities to identify areas where new policies are needed.

The large number of committees, networks and stakeholder groups which the DEHLG works through to develop policy is very demanding to resource, particularly for a relatively small planning division. One aspect of staffing which undoubtedly helps the networking is the tradition of interchange in professional staff between the local and national levels and with the appeals board. The pay off of both activities seems to be a national level alert to local issues and quick to develop focused policies to resolve them.

6.6 The Netherlands

The Netherlands has a long tradition of spatial planning policy practice which emphasises co-ordination between land use allocation and public investment in development, infrastructure provision and water management. Spatial strategies at national, province and local level are commonly guided by strong spatial frames and well-developed implementation capacity.

The National Spatial Planning Ministry (VROM) [70] describes the NSS as:

"… a strategic document that addresses the main issues and gives provincial and municipal governments greater scope than previous policy documents did to make their own decisions. The decisions must make proper allowance for the differences that exist between the variety of different areas that exist in the Netherlands. This will align spatial plans more closely to society's wishes and enable faster implementation of plans. The National Spatial Strategy also makes the goals of policy the prime consideration rather than the related rules and regulations. This contrasts with the past few decades when rules were often the overriding consideration."

http://international.vrom.nl/pagina.html?id=9225

Formal policy exists as *Key Planning Decisions* and results in a statement and map. It is essentially an integrative statement, not a set of statements about separate issues, although 'topics' are addressed in the text. It is based on wide-ranging and intensive discussion, including key spatial concepts, e.g. corridors versus compact development.

Despite much criticism over policies and detail, there is strong popular support for spatial planning in the sense of state guidance on how land is used and developed. Traditionally, the public sector has had a strong role in promoting and undertaking development, though this is now changing.

6.6.1 Complementarity between National Policies

The Dutch arrangements and practices have an impressive capacity for co-ordination between sectors. A key objective of the Key Planning Decisions and the various spatial development plans is to achieve interdepartmental and political agreement on major investments and projects.

[70] www.vrom.nl/international

The National Key Planning Decisions[71] are the result of a process which starts with a report produced by VROM on issues and possible policy developments and amendments, followed by intensive discussion with other government departments and levels, and by public debate. Other national ministries also produce spatial strategies from time to time, notably those dealing with traffic and transport, rural areas and energy. Government then reaches a decision in cabinet, which is put forward to Parliament for approval. As a result, they only contain proposals on which agreement has been reached across all the ministries and significant political interests.

However, the process can be lengthy, the most recent Plan was initiated in 1999, but the final document, Nota Ruimte, was not achieved until 2005 due to significant national political changes.

A key achievement of this process is horizontal and vertical co-ordination across government departments and levels.

6.6.2 Involvement of External Organisations

The primary locus of discussion is among ministries and powerful municipalities. This is considered essential to reach the agreements which keep the investment and regulatory dimensions of policy co-aligned. Until recently VROM had a powerful role which helped to make spatial strategy a key element of Dutch policy-making. Commentators note that in recent years, the infrastructure and economic development ministries have emerged as more powerful than the spatial planning ministry[72], but spatial considerations remain important.

6.6.3 Consultation

The co-ordination and consultation tradition stills persists, however, among politicians and public officials. It is often referred to as a 'co-sociational' mode of governance, rather than a top-down one. This means co-ordination among 'partners'. These also provide networks through which citizens, politicians and officials can make contact over planning issues.

There are energetic debates in the media and other arenas about spatial development issues across society. Giving time to debates and consultations is seen as an important part of governance processes, although they take time. Specific consultations over formal strategy / plan preparation are thus inserted into a governance landscape of quite

[71] Provinces can produce Streekplannen and Municipalities prepare Structuurplannen (strategic policy documents) and bestemmingsplannen, for areas of land use change. These are legal zoning plans which specify land use and development rights.

[72] Hajer, M and Zonneveld, W Spatial Planning in the Network Society – rethinking the principles of planning in the Netherlands, *European Planning Studies,* 8, 337-355, 2000

energetic debate, which provides an important grounding for how strategic proposals are developed.

6.7 Flanders, Belgium

Flanders is one of the three regions which form Belgium, with a population in 2001 of six million[73]. In 1980, after a long history of centralised government, regions where given many more powers, including spatial planning and economic development. By this time, the Flanders area had been experiencing substantial and dispersed urbanisation, producing scattered development, especially along major roads. Within the society as a whole, individual development rights were strongly upheld, with land held in relatively small units. There was not much trust or interest in the idea of planning.

The process lead to a substantial learning process across all sectors and levels of government, and among politicians, officials and pressure groups. The planning team have repeatedly stressed that what was important was not the plan document but its ideas and how these are re-constructed. It brought environmental groups and trades unions into the discussion to challenge the previous dominance of traditional business and agricultural lobbies. The idea that planning should restrict development possibilities in some areas and should be enforced more strictly, gathered support. There was also more awareness of the need to take a more pro-active role in promoting and co-ordinating development initiatives.

6.7.1 Involving External Organisations

This was a very important element of policy development, with 'open dialogue' between the traditional sectoral departments (agriculture, housing, public works, education, transportation and economy), which introduced new people, new alliances, new networks and new ideas into the planning process.

An important and very supportive actor was the trade unions, with their links to members of parliament and ministers, and links were also made with other pressure and lobby groups. Special forums were organised on spatial planning, where meaning and the impact of the strategy for workers and citizens were discussed. Special arenas were set up for planning administrations (province and municipality) and administrations at the central and the provincial level. "*These arenas were tailor-made for each administration, starting from the problems they faced and discussing how these problems (might) be treated through the principles of the Structure Plan ... This dialogue proved to be extremely successful in making these administrations aware what the new approach was really about and in obtaining a more bottom-up input in an overwhelmingly top-down process*"

[73] Brussels is enclosed within the Flanders region but is a separate region of its own.

(Albrechts et al. 2003[74]). Overall, organisations were selected because of their political role and their significance for the realisation of the strategy.

The mechanisms for involving external organisations gave much more emphasis to the activity of mobilising attention and catalysing action, rather than following formal steps in a plan-making process.

6.7.2 Lay People

Non-planners were widely involved in policy development, from politicians and officials from other government departments, to all kinds of lobby groups, pressure groups etc. Although extensive consultation with the 'general public' was omitted.

6.8 Switzerland

The situation in Switzerland is closely linked to the federal political system. Since 1980 there has been a national law on Spatial Planning describing the general aims and principles of Spatial Development, as well as the division of competences between the 26 cantons and the federal government.

In 1987 and 1996 National Planning Guidelines (NPG) were published. The focus lies on sectoral policies, contribution to harmonious and balanced spatial development, territories / regions, and anticipated challenges and strategies.

National planning law gives the Confederation the competence to review and, if necessary, demand changes / adaptations as regards the cantonal spatial plans (Kantonale Richtpläne). The Richtpläne must be in accordance with the general principles and strategies outlined in the law and the NPG.

A new '*Spatial Concept for Switzerland*' (in German it is called Raumkonzept Schweiz) is planned to be ready by the end of 2008.

6.8.1 Involving External Organisations

Important groups that are regularly consulted are the Conference of construction, planning and environment directors, which comprises members of the executive responsible for the particular policies from each canton. There are also sectoral conferences, and here the Conference of Cantonal Planners, which involves the heads of the planning departments / offices of each canton, is of great importance. This trans-cantonal cooperation is generally

[74] Albrechts, L, Healey, P. and Kunzmann, K. Strategic Spatial Planning and Regional Governance in Europe. *Journal of the American Planning Association*, 69, 113-129, 2003.

very important and can be seen as some kind of intermediate level between cantons and the Confederation.

At the federal level, there are two bodies which are regularly involved in the preparation and coordination of new laws, instruments, etc. Firstly a body called Rat für Raumordnung (spatial planning council), which consists of research scientists with experience in the field of spatial development. It is a think tank for the Confederation in spatial development matters. The members are chosen by the government.

The other body, 'Conference for Spatial Planning', operates at the national administrative level. All the federal offices with close ties to spatial development are involved. It ensures the close cooperation between regional policy and spatial development as well as between various sectoral policies.

A new approach is being taken for Switzerland: the Federal Office for Spatial Development published an evidence based report on the State of Swiss Spatial Development (Raumentwicklungsbericht 2005). This was followed by a public consultation. A commented report was published, taking into account the consultation responses.

In 2006, the Swiss Minister responsible for Spatial Development, with the cantons, cities and communities signed a memorandum of understanding to develop a '*Spatial Concept for Switzerland*'. The intention is to develop a common vision on Swiss spatial development, and to define measures to achieve sustainable spatial development.

The process is now underway. There are political and technical working groups as well as public 'forums' in all nine Swiss regions. A national conference will attempt to combine all the regional outcomes and to formulate a national concept. Participants in the regional forums include politicians and experts, as well as interested lay people (non-planners).

Switzerland has a strong emphasis in bringing together central authorities and co-ordinating their actions, and there is now also the aim of vertical co-ordination.

6.9 British Columbia

6.9.1 Policy Development Process

In British Columbia (BC) there has been a recent fundamental review of planning policy instruments, and significant changes are proposed.[75]

[75] The review and changes are summarised in a report by the Integrated Land Management Bureau of the Ministry of Agriculture and Lands. *A New Direction for Strategic Land Use Planning* in BC, published in December 2006.

The review recognises a number of benefits from strategic land use planning. These include:

- Improved communication, learning, understanding and inter-agency cooperation through stakeholder and agency participation;
- Improved public understanding about the complexity of management of provincial resources;
- Building of trust and relationships and reduction of conflicts through participatory / collaborative approaches to planning;
- Improved direction for industry activities (e.g. forestry, mining, aquaculture, etc.); and
- Establishing BC as a world leader in implementing the UN recommendations for protected areas to maintain biodiversity and protect special features.

Promoting the strategic land use planning system in this way is helpful in demonstrating to non-planners its purpose and role.

An interesting feature of the review is that it undertook a risk assessment. This provided the basis for developing proposals for a new system. These are also helpful in promoting the purpose and role of land use planning to non-planners, as well as acting as a reminding to those centrally involved. The key principles / strategic values in relation to risk were:

- Provide certainty to users of the land base, meaning that the process:
  - ► is transparent;
  - ► clearly identifies roles and responsibilities;
  - ► is timely;
  - ► results in an unambiguous outcome; and
  - ► applies consistent, defensible (scientific) standards.
- Government retains its role as final decision maker, to ensure that its goals, objectives and value criteria inform the planning mandates;
- Land use planning is an evolving process but occurring within the fiscal constraints of government;
- Land is being used to its highest and best use, which includes assisting government to make land allocations to support strategic priorities;
- Key stakeholders have a role in the development and implementation of land use plans; and
- First Nations'[76] interests and values are incorporated into land use plans.

[76] First Nations refer to those people that can trace their ancestry to the people that inhabited the land that is now BC prior to the arrival of Europeans and Americans in the late 18th century. These groups are commonly referred to by other

"The risk assessment ranked risks in three principle areas: plan design; plan process; and planning technique. Proposed actions for mitigation of these three areas of risk are intended to inform a new planning framework, specifically with respect to introducing rigor and comprehensiveness of approach, business case analysis, and supporting standards, to introduce results-based procedures, and to research and implement innovative negotiating models."

While traditional purposes for strategic planning e.g. resolving land use conflicts were still relevant, the study identified new drivers of change. These include climate change, energy and mineral demands and coastal and marine planning and conservation initiatives.

Key points from the 'directions' proposed in respect of these and other questions are:

- Standardise procedures for public engagement;
- Only update parts of plans, rather than the entire plan;
- Re-brand LRMPs[77] and SRMPs[78] into 'Strategic Land and Resource Plans';
- New plans to be government-led, produced collaboratively with First Nations, using stakeholders in an advisory capacity, and to have clear timelines, processes and products;
- Review strategic planning guidelines to focus on products and procedures rather than a geographical hierarchy. For example, plans to address major emerging land-use competition, or economic development opportunities and constraints associated with public land and resources; and
- New strategic planning design, process and techniques should be structured on recommendations of the risk assessment for strategic planning.

The changes proposed aim to speed up and reduce the costs of provincial level planning activity by making it follow something closer to a 'business model' which reduces risks for the provincial government in terms of what it wants to achieve through strategic land use planning. The resulting proposals seek to deliver "*a new planning framework, specifically*

names, including Aboriginals, Natives, Indians, Indigenous Peoples, and Indian Bands. The term First Nations is more commonly used now to remove the misnomer of 'Indians', which arose from the misconception by Christopher Columbus that he had landed in India. The term First Nations also avoids the often derogatory connotation associated with the terms native, indigenous and aboriginal.

[77] Land and Resource Management Plans (LRMPs) are regional plans and have been developed to address land use conflicts, environmental issues and competition amongst resource user groups. They have been used as a primary process for obtaining public sanction for new parks and protected areas. They are typically multi-agency initiatives coordinated by a designated planning agency, and involve stakeholders in an "*interests-based negotiation*" at a planning table.

[78] Sustainable Resource Management Plans (SRMPs) are more detailed plans, concerned with resource management decisions "*for small to medium size landscapes or watersheds*". They focus on similar issues and values as LRMPs (e.g. timber, biodiversity, tourism), but at a more detailed level.

with respect to introducing rigor and comprehensiveness of approach, business case analysis, and supporting standards, to introduce results-based procedures, and to research and implement innovative negotiating models."

6.10 Washington State

In Washington State the overall system,[79] given the American governance structure, is considerably different to that found in Wales. However, some interesting lessons can be learned from aspects of the system.

When the Revised Code of Washington (RCW)[80] or Washington Administrative Code (WAC)[81] will result in changes in the way planners at the local jurisdictions (or consultants working for them) do their jobs, the State will sponsor workshops to explain the new law or rules, the expectations for change in local performance, and some tips on how to go about working in the new way. Washington's Department of Ecology also sponsors semi-annual workshops to brief planners on what is changing in the Department and on what work is being conducted by peers in the State. This is found to be very helpful to those working in the field.

In addition, the State and the Planning Association of Washington sponsor something called the Short Course in Local Government Planning, which is a travelling, customised curriculum that visits cities to address topics of local concern.

[79] Washington State, along with every other State in the United States (US), is enabled by the Federal Government to exercise police power through comprehensive land use planning. Given the federal constitution, the US Government itself is strictly limited in its powers. Thus Federal involvement in state or local planning policy is usually limited to funding, with the federal budget and political agenda channelling money to the activities deemed most important. Direct policy involvement, unless there are serious constitutional implications, is minor. Under the enabling umbrella, each State has adopted some form of planning legislation. Some states exercise more control through various degrees of centralization. Others empower local authorities with more responsibility and autonomy.

[80] The Revised Code of Washington (RCW) is the codified, compiled law of the state. The State Legislature meets for three months at the beginning of each year, during which time they propose, debate and pass the various bills that, if signed by the Governor, become law.

[81] In addition to the RCWs, the State has a set of rules and guidelines for the laws' application. There are some similarities here with the practice in Wales – with the application of the TANs / MTANs. The State's bureaucracy creates these rules and guidelines, which local jurisdictions either must or should follow when acting under the planning laws. The WAC is the compendium of those rules and guidelines. They are not adopted by the Legislature, but their creation is often specifically required by the RCWs the Legislature passes. Individual state departments charged with regulating performance under the RCWs are also charged with drafting the WACs. While the RCWs are promulgated only during the three-month legislative cycle, WACs can emerge at any time.

6.11 Singapore

The Republic of Singapore is in effect a city state. Its current land area is only 660 sq km, and the economy is strong, so there are considerable pressures on land. Not surprisingly then, planning is the centrepiece of national development in Singapore.

Singapore is a prima facie example of a planned city where urban growth is carefully guided and managed. Singapore operates a development plan-development control system similar to Wales. Planning vision and strategies are set out in the long-term Concept Plan, which is reviewed and revised once every ten years,[82] and is a 40-50 year vision for the territory[83]. The Concept Plan probably has alignment in Wales as a combination of national land-use planning and the Wales Spatial Plan.

Most of the key themes in the 2001 plan are predictable – housing, business, infrastructure etc. - but it is interesting to note that one of them is 'identity'. The Plan says "*As Singapore develops; we want to retain a sense of identity in our physical landscape and encourage a sense of rootedness to our country*." Recognising Singapore's diversity is a key part of this identity. The implications of identity as a key planning goal are explained at national, regional and local levels and in respect of new towns and town centres. The identity theme has parallels with Wales, particularly in relation to the Welsh language, along with other more common areas such as design.

6.11.1 Involving Lay People

With globalisation, the authority has moved towards more openness and transparency in formulating plans and guidelines, encouraging public participation and feedback in the planning process. Two focus groups comprising a cross-section of members of public were formed in 2000 to review and comment on the Draft Concept Plan. One group was concerned with balancing competing demands on land, and the other was concerned with place identity. These groups themselves consulted with members of the public. Public dialogue with the minister was held and there was a public forum to discuss the groups' findings.

In the case of the master plan, the plans were exhibited by region, the public was encouraged to send comments through a wide range of media (paper, verbal, internet). Subject groups (17-20 people each) were formed to study and comment on the draft plans; some groups included local residents, business people, journalists, professionals, and

[82] The current plan can be accessed on the web at www.ura.gov.sg/conceptplan2001

[83] The broad strategies from the Concept Plan are translated to local areas through development guide plans (DGP) which are gazetted as the Master Plan. There are 54 DGPs under five planning regions in Singapore. As part of the identity emphasis in the Concept Plan, an identity map is to be incorporated into each DGP.

NGOs. There were also stakeholder meetings with local communities, and public dialogues with the minister. Subject group reports were submitted to the minister and participants were kept updated on feedback.

6.11.2 Complementarity between National Policies

The process of reviewing the Concept Plan for the 2001 Plan began in 1998. Although the national planning authority has responsibility to prepare the concept and master plans, increasingly other public land development agencies e.g. the public housing authority, parks, roads, industrial development, etc, are involved in the plan preparation. These authorities were also invited to the concept plan steering committee and to chair respective working committees in the study of the needs of various land uses. Emphasis is on an integrated multi-agency approach.

All aspects of urban development are integrated through the Concept Plan, which provides a framework for land safeguarding, and development of infrastructure and land uses. Land development agencies are represented at the master plan committee chaired by the Chief Planner. This committee is charged with ensuring that state land is optimally and compatibly used according to the strategies of the Concept Plan. It also provides the forum to resolve conflict among planning and implementing agencies. This illustrates the strong role of the Chief Planner in the co-ordination of implementation of other agencies' development ambitions.

In summary, despite the continuities with the colonial planning legacy of the British, Singapore has updated its approach, and in respect of national planning policy now is significantly different than the models in the UK. In effect there is a national plan, but it is not like old-style national plans – it is long-term, conceptual and a vision-statement that adapts to address 21st Century concerns, such as place identity. "*The Concept Plan is not just about building an efficient city. It is also about building a home for Singaporeans*."

6.12 North Sea INTERREG Region

There is clearly a lot of potential for using IT to reach citizens, and particularly traditional 'hard to reach' groups such as young people. The Interreg IIIB North Sea Region E Voice project shows how this can be done.[84]

"E-Voice aims to increase public influence and participation in political decision-making by improving the communication and interaction between citizens and politicians as well as public officials. The participating public authorities will also

[84] http://www.evoice-eu.net/

make available important information for citizens in a more user friendly and accessible way."

One project partner, Bremen, Germany, with a population of 0.5 million, in conjunction with the local media, combined traditional and IT channels to stimulate debate on the provision of a public swimming pool. Key lessons emerging seem to be that seeking citizens views electronically should be embedded in a process:

- of providing information on a regular basis;
- encouraging the giving of views through electronic questionnaires and websites sometimes unstructured to allow e.g. young people, to set the agenda in particular areas; and
- providing feedback on what is happening as a result of views sent in.

As part of the E Voice project, the municipality of Groningen, Netherlands, examined whether, and in what way, the internet can be used to get citizens more actively involved in events concerning their surroundings, society and local government. A report outlining their experiences has been published,[85] and suggests the following lessons:

"There are many examples of successful interaction via the internet. These all have in common that there is a strong pull-factor drawing visitors to the site and the discussion on it. Mostly a communal interest or problem. Successful interactive sites usually serve a very specific target group from a worldwide environment who visit the site regularly. Subjects that are of interest for communal interaction are often restricted to a certain area (neighbourhood, district or, at the most, a town) and are meant for as large an audience as possible. People visiting municipal sites usually do so a few times per year. In order to achieve successful municipal interaction via the internet extra efforts must be made to bind them to the site."

6.13 Strategic Conclusions

In this consideration of practices from a number of regions and countries, we have sought to identify aspects of systems or processes which may be useful tools to be adopted to support some of the recommendations made the following section of the report.

In many cases, the examples may just trigger ideas, as the context which it sits within may not be compatible with the position in Wales, particularly in terms of governance structures and the role and form of planning policy.

[85] http://134.102.220.38/evoice/assets/includes/sendtext.cfm/aus.5/key.156

Here we highlight the key points of relevance to the Wales' situation:

- In many cases there is a tighter integration of traditional land use planning with spatial planning, in the sense of resource allocation, compared to Wales. This enables a closer alignment of national strategies in their spatial application. This is particularly demonstrated in the Irish, Dutch, Singaporean and British Columbian examples.
- Switzerland places a strong importance on bringing together and coordinating national policies and actions. The Chief Planner for Singapore plays a strong role in coordinating actions by other agencies. The Netherlands has a particularly strong coordination of national policies, as all undergo intensive discussion both in Government and wider a field and have to have agreement from all ministries before they can be recommended and approved by Parliament, although this does make it a lengthy process.
- For significant policy reviews, the DCLG / RTPI event held to involve a wide group of stakeholders, including those representations community sectors, is a useful case. The use of IT to facilitate this event appears to be particularly constructive.
- The use of IT also features as a useful tool, particularly as a practical way of keeping wider groups informed and involved. However, the tools used need to be tailored and integrated with other groups, the North Sea Interreg E Voice project provides some interesting thoughts on using IT to reach community groups effectively. The NWRA also provides a valuable and interesting example of using IT for consultation with wider groups. Although with all of these examples, the problem still remains in how to demonstrate to non-planners the relevance of national planning policy to them. In all of these cases, examples used have been local or regional projects which have more direct relevance to the wider community.
- Using umbrella groups has been found to be a useful mechanism to connect with wider communities. For example the NWRA worked with Planning Aid, and the Scottish Executive with Planning Aid for Scotland.
- The use of briefings and workshops to help promote understanding of new or adapted policy and guidance has been found to be particularly useful for those operating in Washington State. In Scotland briefing sessions are normally organised as part of the research process.
- In Ireland, the large number of groups which the small planning division works through is very demanding on resources. They have found that interchanging professional staff between local and national levels has helped in enabling staff to be more alert to issues and be fast in responding to them.

7.0 Conclusions and Recommendations

7.1 Introduction

This final section sets out our conclusions and recommendations. It synthesises the key findings from the preceding sections of the report. Draft findings and recommendations were discussed at interim findings events[86] and the feedback and outcomes from these events and the comparative study have been fed into this report.

The Section provides conclusions and recommendations to address the six objectives of the evaluation brief, which are:

1 To evaluate the existing processes / methodology by which planning policy and technical advice are produced.

2 To consider how the process of planning policy development is undertaken in other parts of the UK and Europe to provide a comparative analysis outlining where lessons can be learned in Wales.

3 To advise on the appropriate scope and level of detail of national planning policy and advice necessary to support the Local Development Plan (LDP) system and efficient decision making.

4 To make recommendations about the way in which future reviews of planning policy and advice should be undertaken, including stakeholder engagement.

5 To consider the format for presenting planning policy in Wales (both in terms of its structure and presentational form) and to make specific recommendations on how it is maintained and kept up to date.

6 To assess whether mineral planning policy should be integrated with other planning policy advice.

It begins by considering how planning policy is carried out elsewhere in the UK and further a field (objective 2). The remaining sections draw out conclusions and recommendations to address objectives 1 and 3 to 6 above, with reference to addressing the overall objective of the study in establishing a best practice approach to developing national planning policy in Wales. The recommendations are not presented in any order of prioritisation. However, Table 7.1 summarises and ranks the recommendations.

In making recommendations we have been conscious of the need to encourage efficiency in decision making and within current resource limitations.

[86] A range of external consultees attended a meeting at Rhayader Leisure Centre on 9th May and an internal Assembly event was held on 10th May.

7.2 Lessons from elsewhere

From an overview of the systems adopted in England, Scotland and the Republic of Ireland, we draw out a number of key comparisons to Wales:

- England and Scotland have continued to use a system of individual policy documents, PPSs and SPPs respectively, as opposed to an overarching document, PPW, as in Wales;
- Since devolution the planning system in Wales has become increasingly recognised as a separate system to that in England. Through the adoption of PPW, Wales has favoured a framework which uses a single overarching policy document for land-use planning, supported by a series of technical guidance, through TANs, and this foundation sets it apart from England and Scotland;
- The Barker Review which places a great deal of emphasis on streamlining the planning system, questions whether the Wales' system achieves this, and suggests that it could restrain the flexibility of government to review policy;
- All three systems have an active research programme to support policy development, and this is seen as an important component of all the frameworks;
- Scotland appears to favour an inclusive approach to its development of planning policy and has produced a specific PAN on participation and community engagement for LPAs;
- There are differences in the nature of the Wales Spatial Plan, compared to the English RSS which are integrated within the planning system. They are seen as different tools, and are not comparable;
- In Ireland, national planning policy is more closely integrated with the NSS – the equivalent to the Wales Spatial Plan - which forms part of the planning system. This provides it with a hierarchy of plans to support the control of development and guide other planning-related policies.

The consideration of practices from a number of regions and countries has facilitated the identification of aspects of systems or processes which may be useful tools to be adopted to support some of the recommendations of this report. Here we highlight the key points of relevance to the Wales' situation:

- In many cases there is a tighter integration of traditional land use planning with spatial planning, in the sense of resource allocation, compared to Wales. This enables a closer alignment of national strategies in their spatial application. This is particularly demonstrated in the Irish, Dutch, Singaporean and British Columbian examples.

- Switzerland places a strong importance on bringing together and coordinating national policies and actions. The Chief Planner for Singapore plays a strong role in coordinating actions by other agencies. The Netherlands has a particularly strong coordination of national policies, as all undergo intensive discussion both in Government and wider a field and have to have agreement from all ministries before they can be recommended and approved by Parliament, although this does make it a lengthy process.
- For significant policy reviews, the DCLG / RTPI event held to involve a wide group of stakeholders, including those representing community sectors, is a useful case. The use of IT to facilitate this event appears to be particularly constructive.
- The use of IT also features as a useful tool, particularly as a practical way of keeping wider groups informed and involved. However, the tools used need to be tailored and integrated with other groups, the North Sea Interreg E Voice project provides some interesting thoughts on using IT to reach community groups effectively. The NWRA also provides a valuable and interesting example of using IT for consultation with wider groups. Although with all of these examples, the problem still remains in how to demonstrate to non-planners the relevance of national planning policy to them. In all of these cases, examples used have been local or regional projects which have more direct relevance to the wider community.
- Using umbrella groups has been found to be a useful mechanism to connect with wider communities. For example the NWRA worked with Planning Aid, and the Scottish Executive with Planning Aid for Scotland.
- The use of briefings and workshops to help promote understanding of new or adapted policy and guidance has been found to be particularly useful for those operating in Washington State. In Scotland briefing sessions are normally organised as part of the research process.
- In Ireland, the large number of groups which the small planning division works through is very demanding on resources. They have found that interchanging professional staff between local and national levels has helped in enabling staff to be more alert to issues and be fast in responding to them.

7.3 Processes and Stakeholder Engagement

In this section we address both Objective 1 of the brief which required an evaluation of the processes currently used in Wales to develop national land use planning policy and guidance, and objective 4, where we provide a series of recommendations relating to future reviews to address our conclusions under objective 1.

Communications

Awareness of forthcoming reviews and updates on their progress to the wider planning community is generally low. External stakeholders would welcome the opportunity to play a role in the process of developing the forward programme which would assist in their preparations for forthcoming reviews.

There was a general need to improve communications throughout the policy process, from information about forthcoming reviews, their progress, and when consultations are likely to be issued. This advance warning is important in encouraging and enabling engagement by a whole range of stakeholders, including promoting wider, non-planning, interests. There is also a need for information which supports the understanding of new and amended policy and guidance.

Recommendation 1: Improve communications
A publicised forward plan of reviews would enable external organisations to prepare and also to engage more effectively in the process. Including the adoption of Primary and Secondary Legislation would overcome the problem of a lack of awareness of whether aspects had been adopted, particularly in relation to the English timetable.

Advance warning to LPAs, in particular, of requirements from them as a result of adopted policy or guidance, for example studies required at the local level, would help budget for them.

There are a number of mechanisms which should be employed for improving communications regarding the policy process, including:

The former WPRP **quarterly newsletter** should be revived and extended to provide information concerning the whole policy process. It should provide information about the research activities, as well as the forthcoming review timetable and progress. It is recognised that precise dates may not be possible in all situations, however it can provide information on the 'direction of travel' of activities.

A simple **e-mail alert service** should be set up to keep registered participants up to date with events and progress. This would, in particular, help those who lack confidence in whether something has been issued for consultation or a new document has been published, but has been diverted elsewhere in the organisation.

Inclusivity with wider community groups needs to be considered, although this should be undertaken through resource efficient means and managed so as not to raise expectations which cannot be met.

Communications with umbrella and representative groups should be maintained to reach wider communities of professionals and non-planners. These include RTPI Cymru, Planning Aid Wales, RICS, WCVA, CBI etc.

There was a lack of confidence in knowing what is extant primary and secondary legislation and policy and where to find documents. The Index of Planning Policy for Wales was highlighted as a useful document. However, it is not updated regularly and does not include Primary or Secondary Legislation.

Recommendation 2: Regularly updated list of extant primary and secondary legislation, policy and guidance

The Index of Planning Policy and Guidance should be updated at least on a quarterly basis and made available in a prominent position of the Planning Division's web pages. The Index should also include Primary and Secondary legislation.

Recommendation 3: Briefing Events to Promote Understanding of Policy and Guidance

Dissemination and explanation of policy and guidance, through events should be made available to the wider planning community. These should be held as soon as practical following the publication of new or amended policy. This can be done as standalone events across Wales, or alternatively working in partnership with other organisations, such as RTPI Cymru.

Presenting at events held by other organisations such as the voluntary or business sector would help in explaining land use planning policy to the wider community and raising awareness of the implications of national policy, to promote involvement which would in turn provide valuable perspectives into the process.

Wales Planning Forum

The Wales Planning Forum and its sub-groups have provided a useful mechanism for developing working links between the Planning Division and external stakeholders, although there could be adaptations to enhance dialogue and develop its role further.

Recommendation 4: Reforming the Wales Planning Forum

This relates to the involvement of a representative group in the development of the forward plan, through the development of the role of the Wales Planning Forum. This would develop the ethos of wider engagement at a strategic all-Wales level. In drawing together the components of the policy cycle, there would be merit in merging the Forum with the WPRP's User Panel, as there is also replication of membership. Sub-groups reflecting the policy cycle could be formed e.g. implementation and review, research (this could be the WPRP User Panel) and policy / guidance development (which would include the TAGs), and others as required.

It is essential that the Forum provide a strategic group, which is able to ‘view the bigger picture’. However it will be essential to ensure the size of the group is kept to a manageable size, with a maximum of 18 members. Members of the Forum would need to

be representative of their 'communities' and cover all issues relevant to Wales e.g. rural and urban; they should also be required to provide feedback to their representative communities.

Policy Cycle Linkages

Ensuring a robust evidence base for all policy development and provision of technical guidance is essential and effective use of the WPRP would facilitate this, as would working collaboratively with organisations based in Wales and with other national agencies such as DCLG or the Scottish Executive.

Recommendation 5: Developing closer links between all aspects of the policy cycle
Research requirements need to be identified at early a stage as possible to enable the policy development process to be taken forward swiftly.

Research is essential; however, its relevance to the policy review process needs to be tightened. It was also felt that ways of sharing resources to fund relevant research should be explored, for example in conjunction with the DCLG. More detailed recommendations regarding research activities to support planning policy in Wales is considered in the separate Quinquennial Review and Evaluation of the Wales Planning Research Programme, 2006. We recommend taking forward the review of the WPRP to support this.

The Drafting Process

Canvassing views prior to the drafting process would be useful in raising issues to be taken account of in drafting. This could consider how existing policy and guidance has worked and identify any shortfalls in its implementation. Sounding boards which engage with the wider community could be a useful mechanism for this. A number of examples of these were discussed in Section 6, including those used by the DCLG and RTPI and the NWRA.

Recommendation 6: Canvassing Views Pre-Drafting
Engagement with the wider community at the pre-drafting stage to evaluate how existing policy is working, and provide the opportunity to raise issues relevant to the drafting process would be helpful. This could be done most effectively through the use of sounding boards. Examples of these are given in Section 6, including the DCLG/RTPI event and virtual examples such as the NWRA.

It is essential to involve stakeholders in the drafting process effectively. A number of issues were identified which effect the operation of stakeholder groups and can influence the ability of individuals to be involved. These include:

- Time constraints and capacity of individuals and organisations;
- Optimum group sizes;
- Effective use of participants;

- Clear and understood roles of membership; and
- Involving the most appropriate people.

The TAGs are considered to be useful groups for developing TANs and should be retained, although their operational arrangements and membership needs reviewing in line with the above factors.

Recommendation 7: Involvement of Stakeholders in the Drafting Process
The use of TAGs should be continued for the drafting of TANs. The following requirements should be taken on board:

- Time constraints and the capacity of individuals and organisations to be involved should be considered and meetings kept to a minimum, where possible interim contact between members should be encouraged through the circulation of draft papers;
- Where participants have difficulties in making meetings e.g. because of geography, then mechanisms to be involved e.g. through correspondence should be facilitated;
- Group sizes should be a maximum of 10 to 12;
- The roles of membership should be clearly explained. Where TAG members are involved with actual drafting of sections, the Planning Division should retain editorial control of the text which is finally used; and
- It is important to ensure that the right members are recruited to the groups. Whilst difficult for the Assembly to 'dictate' who should join the group, particularly when seeking members through a formal organisation, a person specification should be provided, in so far as it sets out knowledge and experience of the relevant area. With regard to LPA involvement, it is suggested that this is done through POSW, which would enable access to practitioners in the field, as opposed to relying solely on senior representatives in these technical areas. The NWRA and Scottish examples discussed in Section 6 provide some useful ideas in recruitment of group members.

It would be useful, wherever feasible, for TAGs to meet two years following publication of their respective TAN, to consider its implementation and explore whether a future review is required.

Consultation

It was evident that there needs to be more interaction with regard to consultation exercises. The use of questions for framing consultation responses were felt to be useful, although many felt that they were restrictive and they did not know how the Assembly used responses outside of the questions. An important issue raised was the lack of feedback on consultation responses and how they were used. These are all important factors in continuing the dialogue and building effective relations with stakeholders.

The consultation response period can be too short particularly for those who need to take it to committees or management boards and umbrella groups who need to cascade information to members. However, there is also a reluctance to extend the period, as this would lengthen an already long process.

Recommendation 8: Engaging through the Consultation Process

The consultation process is an important part of the policy cycle; it provides the opportunity for external parties to raise issues which may not have arisen in the development phase. By providing information concerning the background to the consultation and the rationale for its content, 'buy-in' to the final policy or guidance can be encouraged, thus enabling implementation and encouraging adoption of the policy by others.

The use of IT methods for the consultation process was illustrated in the NWRA study in Section 6.

This has close linkages with Recommendation 1, with regard to providing communications on policy development. Providing **advance warning** of forthcoming consultations would enable organisations to prepare to respond, particularly in terms of including it on agendas and preparing information for cascading details to members. This is important to engage with wider groups through umbrella organisations and for them to engage with their members.

The **use of questions in consultations** should be used to help in responding and also managing responses. However, they should be balanced to avoid bias and inadvertently lead to a focus on only certain aspects. It should also be made clear that responses made outside of the questions will be considered.

Events to explain the background and rationale to drafts for consultation would be helpful in ensuring responses are informed and focused on the issues which the policy or guidance is able to address i.e. planning considerations. These events also contribute to the general educative process and developing understanding of land use planning.

Providing **feedback on responses** made to consultations is important in keeping stakeholders engaged in the process. Individual responses would not be required; instead similar comments should be grouped and a response to how this has point been considered made. A report published on the website with these details, including responses to comments, should be made available.

Staff Resources

There have been some cases where resources have been diverted away, or reduced, from review processes which have already started; this has made the review process take considerable time. By starting the review external expectations are raised and can be damaging to the relations of external bodies, if not fulfilled.

Recommendation 9: Increasing Staff Resources

Whilst our recommendations have tried to be conservative regarding the resource requirements from the Planning Division, it is evident that the Division is in need of increased staff levels. Increasing staff resources would enable wider engagement and promote increased inclusivity, which itself would promote understanding of the planning system in Wales.

The Planning Division are currently recruiting, however, we would recommend monitoring staffing levels in respect of servicing the recommendations made in this report.

Where resources are restricted in the Planning Division, consultants should be engaged to support and expedite the review process, such as in copy proofing or analysing consultee responses, this would then free-up Planning Division staff.

Linkages with Other National Policies

Recommendation 10: Aligning Other National Policies with Land Use Planning

There are issues regarding the alignment of Assembly policies. Whilst the policy gateway tool provides a degree of alignment there needs to be further ongoing communications regarding policies related to land use. Although we acknowledged that this is improving.

The relationships between land use planning policy and other national policies need to be strengthened and defined more clearly. Whilst there are already actions to explain the relations of the Wales Spatial Plan and land use planning policy, this needs to be reinforced at any opportunity. This has two elements: firstly, information about various policies needs to provide **clear statements of their respective roles** and how they fit with other policies.

Secondly, the process needs to ensure **internal communications** in the development of policy through detailed internal discussions. National policies, which have land use implications, e.g. housing and economic development, should be proofed against national land use policy to ensure there are no contradictions. Establishing an internal mechanism which provides two-way communications on land use planning policies and those other policies with land use implications would be a way in ensuring national policies are in line with each other. Lessons from the Netherlands and Ireland regarding internal government discussions provide useful examples.

Introduction of New Policy and Guidance

Recommendation 11: Framework for managing the introduction of new policies and guidance into emerging LDPs

There should be a framework / timetable for the introduction of forthcoming policy and guidance into emerging LDPs, to manage any shift in policy or guidance. This should most sensibly take the form of meetings with individual LPAs, to discuss forthcoming changes to

the national policy framework to make pragmatic agreements on the relationship between an emerging LDP and forthcoming policy and guidance.

7.4 Scope and Detail of Policy and Guidance

This relates to objective 3 of the brief. Here we provide conclusions and a series of recommendations on the scope and level of detail of national planning policy and advice:

The PPW and TAN framework is generally supported and should be retained. There is no evidence to support that a new framework should be introduced. The documents are currently pitched at the right level, with a good use of language. PPW is a strong document, providing a single and coherent national policy document. Although the format of PPW does not facilitate easy updates.

However, there is currently an element of confusion over the role of TANs vis-à-vis technical versus policy content. If given a more easily adaptable format for PPW, any technical advice reviews should also review related policy and the therefore the need to include policy within the TANs would be negated.

National policy generally supports the LDP process. However, spatial definitions within national guidance have caused problems for LPAs and other stakeholders for two reasons, firstly in some cases the presentation of information has led to inaccuracies and secondly, the rationale for the need for the spatial perspective has not always been understood or justified. Where spatial definitions are included within national guidance, the evidence base needs to be accurate, with an opportunity to test the basis of the data, and the rationale for the need for the spatial perspective needs to be clearly set out and justified.

Recommendation 12: Spatial Definitions in National Planning Policy
Any spatial elements in national policy and guidance must be justified and only included if it is a matter of fact i.e. due to topography, as it is only through the LDP process whether there is the opportunity to challenge by the wider public. Any research used to substantiate the spatial elements must be robust and accurate. If the subject being dealt with is sensitive, it is recommended that it is subjected to peer review to give confidence in the research; this can be built into the research process. Recommendation 4 would also contribute towards this issue.

Recommendation 13: Regular Review of Policy and Guidance
Policy and guidance needs to be kept up to date and resources allocated accordingly to ensure specific areas are not allowed to become too out of date. Reviews do not necessarily need to lead to an actual review of its content if it is felt it remains current and relevant.

Recommendation 14: Production of Best Practice Documents
More best practice documents in particular subject areas would be welcomed, such as the design guide. Where practical these should be common across Wales, to overcome confusion of different detailed guidance for different areas. These could be developed as part of the WPRP.

Recommendation 15: Clarifying the Status of Draft Policy
The status of draft policy and guidance needs to be made clear in relation to material considerations. If draft policy or guidance includes elements which are of crucial importance and are unlikely to be changed following consultation due to valid justification, a statement should be included with the draft document which clearly sets this out, thereby clarifying its role as a material consideration. Otherwise, draft policy should be given limited weight, as there is a good chance that it could change or be omitted. This would help increase certainty in the planning process.

7.5 Format and Updating

Objective 5 of the evaluation brief relates to the format for presenting policy and guidance, which we have addressed below. We have also considered here issues related to accessing the documentation.

Whilst PPW and the TANs provide a popular approach to national land use planning policy in Wales, keeping them up to date has proved difficult, whilst also retaining their coherence. The use of MIPPS have been a practical way of keeping PPW up to date, although it adds a complication to the framework. It has also been found that there is a blur between the separation of policy and guidance between PPW and the TANs; this is principally attributed to the TANs being updated since PPW was published. Easier methods for updating PPW would help overcome this.

Recommendation 16: Retain current framework of PPW and TANs
We recommend the retention of the current system of PPW as the overarching planning policy framework for Wales, supported by TANs which provide technical advice and guidance.

Recommendation 17: Common structure for TANs and MTANs
A common structure for TANs and MTANs should be established, with a clear introductory section setting out the background to the document and its scope; this should be aimed at the general user and be free of technical jargon; the purpose of this is to enable the lay person or non-planning professional to understand the purpose and scope of the document.

Recommendation 18: Hard Copy Loose leaf Format

A hard copy of the document is important to cater for the needs of users. However, to overcome the difficulties in ensuring PPW is contemporary, we recommend a loose-leaf version of the document, along the lines of the Planning Encyclopaedia, where pages are dated and referenced and an accompanying index indicates the most recent versions. This would facilitate the introduction of updates, particularly cross-cutting issues, more easily.

However, to keep the process manageable, we would recommend that relevant sections are reprinted and distributed on an annual basis. The Planning Division should be mindful of this annual date, and wherever possible time reviews in line with this, wherever practical. However the electronic version available on the website would be kept up to date and would be clearly dated to indicate when it was last updated.

This format would negate the need for long term MIPPS, which whilst a useful method of updating the current format of PPW, do create a weakness in its coherence and the ability to track extant policy.

Recommendation 19: Electronic Versions

All documents should be available on the web site electronically in both Word and PDF formats.

An archive area on the website should be created to retain older versions of both policy and guidance, for reference.

Recommendation 20: Document Content

All documents, including policy, technical advice and guidance and research should be clearly dated. They should also be introduced with a plain English / Welsh narrative, which is free from technical jargon, to explain the purpose of the policy / guidance.

An introduction should be given in key documents and the web site which explains the different components of the national planning framework and how these relate to LDPs and other national policy, particularly the Wales Spatial Plan.

Recommendation 21: Improvement to the Web Site

The Assembly's website needs improving; the Planning Division pages are relatively fit for purpose, given the overall structure. The search engine is a particular problem in locating particular documents. Whilst the Planning Division pages have a link from the front page of the Welsh Assembly Government's website, navigating through and across the site is a particular problem. Confusion is exacerbated with a lack of clear understanding between the Welsh Assembly Government and the National Assembly for Wales, which each have a separate website.

There should be links from the Planning Division pages on the Assembly's website to other related sections of the website, e.g. from TAN 21: Waste to the pages dealing with the Assembly's *Wise About Waste Strategy*[87].

Recommendation 22: Introductory sections to promote understanding of planning policy

Short introductions on the Planning Division website pages, of the components of planning policy and the role and purpose of each document would be useful and help non-planners understand the process more clearly.

7.6 Integration of Mineral and Land Use Planning Policy

The final objective of the brief considered whether national minerals policy should be more integrated with other national planning policy. There are many specialist fields, which sit within land-use planning, such as retail, transport, etc. and minerals planning also needs to consider wider planning issues such as the environment and transport. We would therefore conclude that land use planning policies, which include minerals, as well as other areas, would therefore fit well with closer integration. Specialist minerals officers are required and they should retain their current focus.

Recommendation 23: Integration of minerals planning with other land-use planning

We recommend closer integration between minerals and land-use planning policy. The next review of PPW should incorporate MPPW, and MTANs should be incorporated as part of the TANs following a similar structure, rather than a separate list.

This merger would support the recommendations made following the Quinquennial Review of the WPRP in 2006, that the land use planning and minerals planning research budgets should be centrally managed and there should be no separation of the overall WPRP.

7.7 Summary of Recommendations

There are three fundamental messages from this evaluation of the processes used to develop national planning policy in Wales.

The first is with regard to effectively resourcing the process throughout the policy cycle. Many of the recommendations made require additional staff resourcing to enable them to be taken forward, particularly around communications and engagement. These in turn would provide support to the policy process, adding value to what it is able to achieve. We propose this is primarily done through increasing the size of the Planning Division. It can also be achieved by working with appropriate organisations and networks, such as RTPI

[87] Wise About Waste: The National Waste Strategy for Wales, Welsh Assembly Government, 2002

Cymru, Planning Aid Wales and other umbrella groups. This could include information dissemination and joint events and activities. Contracting out appropriate services may also be cost and resource effective.

Secondly, improving communications throughout the process would help engage with the planning community and help promote an inclusive approach with non-planners. There should be communications regarding the policy timetable, as well as promoting understanding for the rationale and purpose of draft and extant policy and guidance. This also includes involving stakeholders in informing the policy cycle and contributing to the drafting of policy and guidance.

Finally it is important that the process promotes the alignment of national strategies and policies, with relation to land use planning. Improving internal mechanisms for communications would help this. By aligning national policies, there would be greater certainty and clearer messages for those using the policies, including investors.

Table 7.1 provides a summary of the recommendations. It also provides a ranking in terms of their importance in relation to each other. There are some which carry a higher weighting and have been ranked 'High', these are the most important issues and would provide the greatest impact; 'Medium' relates to those which are also desirable, and would be supported by those ranked High; finally those which are ranked 'Low' are still needed, but are not as essential and would make a minimal impact.

We have also given an indication of timescale: some can be implemented relatively quickly; others can be implemented on an ongoing basis, for example as and when policy or guidance is reviewed, and the opportunities arise.

Table 7.1 Summary of Recommendations

Recommendation	Rank	Timescale
1 Improve communications		
Quarterly Newsletter	Medium	Medium
e-mail alert service	Medium	Medium
Communications with umbrella groups	High	Short
2 Regularly updated list of extant primary & secondary legislation, policy & guidance	Medium	Short
3 Briefing Events to Promote Understanding of Policy and Guidance	Medium	Medium
4 Reforming the Wales Planning Forum	Medium	Medium
5 Developing closer links between all aspects of the policy cycle	Medium	Short
6 Canvassing Views Pre-Consultation	Medium	Medium
7 Involvement of Stakeholders in the Drafting Process	High	Ongoing
8 Engaging through the Consultation Process		
Advance warning	High	Ongoing
Use of questions	High	Ongoing
Events to explain background	Low	Long
9 Increasing Staff Resources	High	Short
10 Aligning other National Policies with Land Use Planning	High / Medium	Ongoing
11 Framework for managing introduction of new policy & guidance into emerging LDPs	Medium	Ongoing
12 Spatial Definitions in national planning policy	Medium	Ongoing
13 Regular Review of Policy and Guidance	Medium	Medium
14 Production of Best Practice Documents	Low	Medium
15 Clarifying the Status of Draft Policy	Medium	Medium
16 Retain current framework of PPW and TANs	High	Short
17 Common structure for TANs and MTANs	Low	Ongoing
18 Hard Copy Loose leaf Format	High	Medium
19 Electronic Versions	High	Ongoing
20 Document Content	High	Ongoing
21 Improvement to the Web Site	Medium	Ongoing
22 Introductions to promote understanding	Medium	Ongoing
23 Integration of minerals planning & land-use planning	Low	At next PPW review

Annex One: Policy & Guidance Case Studies

Case Study 1 - Planning Policy Wales

Description and Background

PPW is the Assembly's principal land use planning policy document, published in 2002 to replace the PPG notes and Planning Guidance Wales publications that previously formed the central delivery point for planning in Wales. The drafting process for PPW began after the Wales Planning Forum was formed in late 1999. The Forum was set up to act as a driver for the creation of a distinctively Welsh planning system. PPW was created to update and overhaul the existing guidance which was almost totally based upon policies developed for England. It was essentially one of the first strategic documents to be produced by the Assembly following devolution, and one of the first to consider the principles of sustainable development at the core of its content.

PPW, supplemented by TANs and Circulars. form national planning policy for Wales and thus have a central role in how planning is delivered at the operational level. As land-use planning has a pivotal role in the delivery of the Assembly's sustainable development objectives, PPW has been developed with the intention of providing robust policies which engage with the sustainable development debate. PPW includes:[88]

- Strategic messages on sustainability, human rights, equal opportunities, and community involvement in planning;
- Guidance on the new spatial element of planning, in-particular the increasing focus on Europe;
- Addresses issues relating to sustainable settlement patterns, sustainable design, and the re-use of brownfield sites;
- Provides guidance on biodiversity issues;
- Policies on rural development and rural issues, particularly with reference to the rural economy;
- Guidance on accessibility and the promotion of sustainable modes of transport;
- Emphasis on the need for good design and mixed use development; and
- The retention of long established policies, particularly those aimed at restricting new housing developments in the countryside.

The document is believed to have stood the test of time well, with the majority of the document, particularly its framework and structure, being well received by LPAs. The evidence base for PPW is robust and has not become outdated on the whole, although there are now questions as to how best to integrate research undertaken by the WPRP into national planning policy and how to adapt future Assembly policy into PPW, most

[88] Planning Portal http://www.planningportal.gov.uk/wales/professionals/en/1105619050450.html

notably the climate change agenda, which cuts across much of PPW's content, and which could have a significant impact on planning in Wales.

PPW is updated through MIPPS, and has also been updated with a Companion Guide to bring the document in line with amendments made to facilitate the LDP process. The PdW Programme sets the conditions for the revision of planning policy in Wales, with the aim of increasing the efficiency of the Welsh planning system and including the Assembly's cross-cutting themes within all future policy revisions.

Drafting and Consultation Process

PPW was initially drafted based upon the outcomes of the meetings of the Wales Planning Forum and its sub-groups. The Forum was inclusive and involved relevant interested parties from across the development process, ensuring that all angles were covered and in-turn leading to the publication of a document that was largely well received amongst its key users. The sub-groups that emanated from the Forum were attributed to providing substantial input to the drafting and development process and assisted the Planning Division in various aspects of the development of PPW. Although the output from the various sub-groups varied, with some just repeating English policies.

PPW utilised the vast majority of the Planning Division's resources during the two year drafting and consultation period. External consultants from ARUP were brought in towards the final stages of drafting. Their main role was in the period immediately post-consultation, when amendments had been made to PPW, and there was a need to ensure that the document was cohesive and that each chapter adhered to a similar format and style.

PPW also utilised specifically commissioned Welsh research which fed into the development of the document with high Assembly spending priority[89]. As an example, research findings from the study entitled *Farm Diversification and the Planning System*,[90] were fed into the development of the rural and agricultural policies in PPW. Other research undertaken without a distinctive Welsh focus was used additionally, although this project was one of the earliest examples of how the production of Welsh-based research can be used in policy developments.

PPW was published for public consultation using postal copies, and via a downloadable link on the Planning Division pages of the Assembly's website. 450 copies were sent to various stakeholders and 143 responses were received. Questions were not used as part of the consultation, as have been used in other documents (in order to group responses to particular issues of high priority); however, respondents were asked to respond to specific paragraphs and chapters. These responses were analysed by staff across the Planning

[89] ECOTEC, Quinquennial Review of the Wales Planning Research Programme, 2006
[90] Farm Diversification and the Planning System, Welsh Assembly Government, 2001

Division through templates and a common analytical method in order to achieve a summary of consultation responses with comparability between the various chapters and sections.

Dissemination Methods

PPW is a published bilingual document, containing 154 pages in each language (308 in total). It is also available from the Assembly's website in both English and Welsh in PDF format.

Case Study 2 - Minerals Planning Policy Wales

Description and Background

MPPW was first published in 2000, setting out the national planning policy for minerals extraction and related development in Wales. The policy extends to minerals extracted on the surface or underground, but does not include minerals extracted at sea or in estuarine areas. MPPW has the following key aims:

- *Provide mineral resources to meet society's needs and to safeguard resources from sterilisation;*
- *Protect areas of importance to natural or built heritage;*
- *Limit the environmental impact of mineral extraction;*
- *Achieve high standard restoration and beneficial after-use; and*
- *Encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials.*

Source: MPPW (2000)

Drafting and Consultation Process

The drafting process of MPPW was formally begun in 1999 and was rapidly completed, consulted and published by 2000, with a total drafting time of no more than eight months. No external group was used in the development of MPPW, as formal policies on inclusion in policy development were still embryonic. The document was driven by local authority assertions that there should be an over-arching specific minerals policy document, which led to the urgency for a rapid drafting and consultation period. No formal research was undertaken in the development of MPPW, besides a small-scale non-published internal project looking at Buffer Zones around mineral extraction sites. The development of specific paragraphs of the document was aided by LPA minerals officers who provided the Planning Division with information on certain minerals on an ad hoc basis.

The draft version of the document was published for consultation to a wide range of individuals and organisations that were targeted due to their specialist knowledge of minerals, from private sector minerals and quarrying companies to public sector minerals officers. A seminar was held in Llandrindod Wells with representation from approximately 80 interested parties to discuss the contents of the draft with comments on divisive issues such as coal, and safeguarding sand and gravel levels. Coal was the major point of debate from several of the attendees, with concerns raised relating to the fact that coal was given no added emphasis, despite its pivotal role in South Wales. This debate led to the subsequent development of draft MTAN 2: Coal,[91] to provide specific guidance on planning matters linked to coal; although this remains unpublished.

[91] Draft MTAN 2: Coal, Welsh Assembly Government, 2006

Overall MPPW was developed relatively smoothly, with few problems observed during its development. This is possibly due to the short timescale for drafting and also due to the fact that the drafting only involved a core team from the Planning Division. This lack of inclusion may be perceived as a weakness, however in this case the policy appears to have been delivered within the requisite timeframe and to a level of content that has been approved of by the majority of users.

MPPW is supplemented by MTANs., which are currently being developed to replace the existing MPG documents which existed before devolution and the reform of the planning system in Wales. MTANs are being developed to bring minerals planning policy in line with the way that national land-use planning policy is delivered in Wales. MTAN 1: Aggregates[92] remains the only adopted note in the series. Research is currently being commissioned by the Assembly to develop this series further in line with the TANs that have been developed to complement PPW. An example of an MTAN that has been developed to consultation level is MTAN 2: Coal which was published for consultation in January 2006 which aims to supersede a range of linked MPGs which currently form minerals planning policy for this particular sector.

In terms of the need for revision and policy development, MPPW is not regarded as one of the Assembly's priorities for revision. The key policies have retained there relevance, despite MPPW being one of the first national planning policy documents to be produced by the Assembly. Some phrasing issues have caused problems, although on the whole the document still provides the requisite levels of information for LPAs to deliver minerals policy at the local level. Future opportunities for the revision and development of MPPW could be sought with the possible merger of PPW and MPPW into one document.

Dissemination Methods

MPPW is a published bilingual document, containing 36 pages. It is also available from the Assembly's website in both English and Welsh in PDF format. The document was one of the short-listed publications at the RTPI awards in 2000, due to its innovation in ensuring that the key principles of sustainable development were at the root of all policies included.

[92] MTAN 1: Aggregates, Welsh Assembly Government, 2004

Case Study 3 - PPW Companion Guide

Description and Background

The PPW Companion Guide[93] was developed to provide guidance on using PPW in the light of the new LDP system, following Part 6 of the Planning and Compulsory Purchase Act (2004)[94]. The Companion Guide was designed to support LDP Wales[95] and the developments and alterations which its implementation would have on the existing PPW document, which was published when the UDP system was in place.

The document has been designed for the use of LPAs and other related stakeholders to be read directly in conjunction with PPW in order to maximise the level of clarity on the implementation of the new LDP system. The Companion Guide charts updates to the planning system in the period following the publication of PPW in 2002, including information on the various MIPPS that have been published. The Companion Guide was introduced as an alternative to rewriting PPW, and was aimed to be a short term solution to ensure that PPW maintained its relevance in light of the alterations to the development planning process in Wales.

The document is presented in the same chapter structure as PPW to ease comparisons between the two; with tables provided to show how locational and topic based issues should be incorporated into LDPs. The publication emphasises the point that not all issues which applied to UDPs will be relevant under the new system or not covered in the same level of detail. The document has classified five types of national policy statements, which are those that:

- Constitute national development control policy;
- Inform the plan preparation process;
- Need local spatial expression;
- Need local spatial expression and a policy in support; or
- Need to be reflected in local topic-based policy.

Apart from these five broad classifications there are also sections of PPW which are factual statements, overall comments on the planning system, statements on how policy should be linked to other strategies, and statements informing the development control process.

The document has been well received by LPAs, particularly with regard to the layout and how the amendments have been ordered. The only criticisms and contentious issues have

[93] Planning Policy Wales Companion Guide, Welsh Assembly Government, 2006
[94] Planning and Compulsory Purchase Act (2004) OPSI, 2004
[95] LDP Wales, Welsh Assembly Government, 2005

revolved around issues related to decreasing the detailed policies that applied to issues such as the historic environment which raised concerns with CADW.

Drafting and Consultation Process

Unlike PPW, MPPW, TANs and MTANs, this document acts as a guide to how other national policies should be delivered, particularly in relation to how PPW should be interpreted in relation to the new LDP system. Therefore this particular document was not subject to the same requirement for public consultation as other policy and technical guidance documents that have been discussed.

The Companion Guide was drafted using external consultants from ARUP, the same Consultancy that had assisted in the development and editing of the original PPW document. This was done in order to increase the speed and efficiency of the writing process due to their familiarity with the document. This meant that the drafting process for this particular document was completed within four months in order to ensure it was available to LPAs in the shortest possible period of time.

Dissemination Methods

The PPW Companion Guide is a document of 50 pages and is available on the Planning Division's website in both Welsh and English. It was published to be read in conjunction with PPW. Specific guidance on LDP development is also available as a separate document[96]. The Companion Guide was also the subject of two dissemination events (in Cardiff and Conwy) where the document was promoted to LPAs alongside events held to explain the new LDP process.

[96] Local Development Plan Manual, Welsh Assembly Government, 2006

Case Study 4 - TAN 1 - Joint Housing Land Availability Studies

Description and Background

TAN 1[97] provides the Assembly's guidance for LPAs when preparing monitoring reports on the supply of land for housing. The purpose of these monitoring studies is to:

- *Monitor the provision of market and affordable housing;*
- *Provide an agreed statement of residential land availability for development planning and control purposes; and*
- *Set out the need for action in situations where an insufficient supply is identified.*

Source: TAN 1

Groups were formed for the purpose of carrying out these monitoring exercises by the Land Division of the former WDA (now Department for Enterprise Innovation and Networks – DEIN – in the Assembly). TAN 1 provides thorough guidance on how these groups should operate, in terms of the themes needed to be covered, the way that study group meetings should be convened and a wide other range of topics. These groups tend to be comprised of:

- Staff from the Unitary Authority in question (LPA and Housing Departments, and sometimes multiple representatives to include National Parks);
- House-builders' representatives;
- Statutory undertakers;
- Infrastructure providers; and
- Other relevant bodies.

Drafting and Consultation Process

The latest TAN 1 was published in 2006, after consultation in July 2005 alongside TAN 2 and the associated MIPPS on housing.

A scoping exercise was undertaken to prioritise the review of the TANs and it was decided that TAN 1 and 2 were both in need of updating. This joint policy development process was taken due to the linkages between the two policy areas and more particularly due to recommendations made as part of the Barker Review of Housing Supply,[98] particularly concerning levels of affordable housing supply. A notable driver of this TAN was the Environment Planning and Countryside (EPC) Committee Inquiry into Affordable Housing and Planning[99], which provided action points to be addressed during the revision of TAN 1

[97] TAN 1 Joint Housing and Land Availability Studies, Welsh Assembly Government, 2006

[98] Delivering stability: securing our future housing, Barker, K, 2004

[99] Environment Planning and Countryside Committee: Inquiry into Affordable Housing and Planning, Welsh Assembly Government, 2004 http://www.cymru.gov.uk/cms/2/EnvironmentPlanningAndCountrysideCommittee/N000000000000000000000000000013/N000000000000000000000000022663.html

and 2. This EPC Committee report shaped the format of the TAN and gave stimulus to the joint development of the two TANs and a MIPPS. It was also decided to work jointly with the Assembly's Housing Division, who were developing their own related policies and toolkit. The work was therefore taken forward as a package.

Research undertaken as part of the WPRP was utilised to inform part of the drafting process, in this case with the research *Second / Holiday Homes and the Land Use Planning System*[100] used to input into sections of the TAN.

A TAG was utilised for the drafting of this document, as a forum for discussion for the development of the various sections with input from a select group of key stakeholders. The TAG was composed of a mixture of representatives of public and private organisations, with the local authority members sourced through the WLGA, who sent invitations to the relevant local authority staff who could actively aid the drafting process. For this purpose the WLGA selected two urban local authorities and one local housing authority to sit on the TAG.

The initial drafting of the TAN was undertaken and formalised through the TAG, and it was not until the final stages of drafting that Planning Division staff took full control of it. The TAG began meeting in mid-2004 before the commencement of the formal drafting process began, in order to set a timeframe for delivery and to agree the key issues for discussion.

TANs 1 and 2 were consulted with together and were subject to a similar written consultation to that used in the development of previous TANs, with a written consultation sent to a tailored list of interest parties, adjoined to a generic list of local authorities and associated public bodies. The consultation period ran from 11 July to 28 October 2005. The consultation received a response level of 56, with respondents from a range of backgrounds related to the topic (see Table A 4:1).

Dissemination Methods

TAN 2 is available online on the Planning Division's webpage, and in hard copy format in both Welsh and English. As the TAN was based upon a politically sensitive topic, press briefings and technical press briefings were undertaken, along with the Affordable Housing Toolkit[101], meaning that dissemination was carried out across too Assembly Departments highlighting the collaborative nature of the developmental process of the two housing TANs. This cross-cutting work was seen as a major strength of the development of these documents as it allowed several policy documents to be developed utilising the skills and knowledge of both the Planning, and Housing Divisions of the Assembly. The launch also provided the opportunity to present a package of related advice and guidance.

[100] Second/Holiday Homes and the Land Use Planning System, Welsh Assembly Government, 2002
[101] The Affordable Housing Toolkit, Welsh Assembly Government, June 2006

Case Study 5 - TAN 2 - Planning and Affordable Housing

Description and Background

TAN 2 provides guidance to LPAs on issues relating to affordable housing, which encompasses "*housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers*."[102] Affordable housing includes both social rented housing and intermediate housing[103].

The TAN provides guidance on the definitions that need to be included in LDPs relating to affordable housing, and advice to local planning authorities on how to determine affordability. TAN 2 also outlines the "*role of registered social landlords and planning obligations and conditions in securing affordable housing provided through the planning system*". According to TAN 2 the document requires LPAs to:

- Include an affordable housing target in the development plan which is based on the housing need identified in the local housing market assessment;
- Indicate how the target will be achieved using identified policy approaches; and
- Monitor the provision of affordable housing against the target (via the LDP Annual Monitoring Report[104]) and where necessary take action to ensure that the target is met.

Source: TAN 2, 2006

Drafting and Consultation Process

In June 2004[105] a TAG was formed with the responsibility for advising the revision of this particular TAN. This update was requested as part of the PdW programme. The TAG, which is made up from a range of stakeholders in the public, private and voluntary sectors, was "*tasked with providing an improved suite of options and indicators for local planning authorities to draw upon in devising their local development plan policies for affordable housing*"[106]. The meetings of the TAG and the recommendations and agreed policies were issued as part of the updated TAN 2 which was published for consultation in July 2005 and closed in October 2005. This revision process needed to consider a range of important documents and policy developments that occurred in the period after the first publication of TAN 2 in 1996. This included: [107&108]

[102] TAN 2 Planning and Affordable Housing, Welsh Assembly Government, June 2006
[103] Social rented housing is that provided by local authorities and registered social landlords. Intermediate housing is that where prices or rents are above those of social rent but below market housing prices or rents. (TAN 2, 2006)
[104] Annual Monitoring Report (AMR) prepared for each LDP with full reviews on a four year basis
[105] Although running together, separate TAGs were set up for Tan 1 and TAN 2.
[106] Cabinet Written Statement, Welsh Assembly Government, March 2004 http://new.wales.gov.uk/legacy_en/organicabinet/content/statements/2004/090304-epcreport-e.doc
[107] Report and summary of responses, TAN1 & TAN2 revision, Welsh Assembly Government, 2005
[108] http://www.countryside.wales.gov.uk/fe/master.asp?n1=797&n2=123&n3=831

- The Assembly Environment, Planning and Countryside Committee Inquiry into the planning aspects associated with the provision of affordable housing and sustainable communities in the countryside (February 2004)[109] and the Assembly's response;
- The Planning and Compulsory Purchase Act 2004;
- The new LDP system in Wales;
- The Barker Review of Housing Supply for the UK Government[110]; and
- People, Places, Futures - The Wales Spatial Plan.

Along with these policy developments the revision of TAN 2 took into account research commissioned by ODPM (which on this occasion was also applicable to Wales) aimed at producing local housing market assessment for local authorities. For this exercise members from both the Assembly's Housing Directorate and Planning Division were members of the UK steering group.

This consultation was launched in July 2005 and closed in October 2005 and was sent for comment to 200 related bodies and individuals, from which there was a response level of 56 respondents. This particular consultation document addressed both TAN 1 and TAN 2, along with a MIPPS on Housing and two toolkit documents from the Housing Directorate. Table A4:1 below indicates the various sectors where these responses originated from with the majority being from Local Authorities and professional bodies.

Table A4:1 Respondents to the consultation

Category	No of Respondents	% of Respondents
Businesses/Planning Consultants	9	16
Local Authorities (inc. National Parks)	24	43
Government Agencies/other Public Sector	5	9
Professional Bodies/Interest Groups	14	25
Others	4	7
Total	**56**	**100**

The respondents to the consultation draft are listed overleaf. The majority of responses have come from LPAs as might be expected, with a substantial portion of Assembly affiliated bodies such as the Countryside Council for Wales (CCW). The remainder of responses came from organisations linked to the housing industry, including house-builders and housing associations.

[109] Environment, Planning and Countryside Committee Inquiry into the planning aspects associated with the provision of affordable housing and sustainable communities in the countryside, Welsh Assembly Government, 2004, http://new.wales.gov.uk/legacy_en/organicabinet/content/statements/2004/090304-epcreport-e.doc

[110] Barker. K, 2004

Figure A4:1 TAN 1 and 2 Consultation Respondents

- Bellway Homes
- Blaenau Gwent CBC
- Bridgend CBC
- Caerphilly CBC
- Cardiff CC
- Carmarthenshire CC
- Ceredigion CC
- Chartered Institute of Housing
- City & County of Swansea
- Conwy CBC
- Council of Mortgage Lenders
- Council for National Parks
- Council for the Protection of Rural Wales
- Country Land & Business Association
- Countryside Council for Wales
- Cymdeithas Tai Eryri
- Denbighshire CC
- Environment Agency Wales
- Farmers' Union of Wales
- Flintshire CC
- Friends of the Earth Cymru
- GENuS Consortium
- Gwerin Housing
- Gwynedd CC
- Home Builders Federation
- Isle of Anglesey CC
- Elin Jones AM
- The Law Society
- Levvel
- Merthyr Initiative Group
- Monmouthshire CC
- National Farmers' Union Cymru
- Neath Port Talbot CBC
- Newport CC
- Pembrokeshire CC
- Pembrokeshire Coast National Park Authority
- Penllyn Estate Farm
- Plaid Cymru
- The Planning Bureau
- Planning Inspectorate (Wales)
- Powys CC
- Redrow Homes
- Rhondda Cynon Taf CBC
- Royal Institution of Chartered Surveyors (Wales)
- Royal Town Planning Institute in Wales
- Snowdonia National Park Authority
- Swansea Housing Association
- Vale of Glamorgan
- Welsh Development Agency
- Welsh Federation of Housing Associations
- Welsh Language Board
- Welsh Local Government Association

Dissemination Methods

TAN 2 is a bilingual document of 22 pages. It can be accessed electronically on the Planning Division's webpages, or via the Planning Portal website. It is also available on request by hard-copy.

Case Study 6 - TAN 8 - Renewable Energy

Description and Background

TAN 8[111] provides the Assembly's planning guidance relating specifically to renewable energy and was adopted and published in 2005. Renewable energy has become an increasingly prevalent topic in the policy arena in recent years, and there has been an associated impact on the planning system leading to the publication of this document. The initial driver for this document was ministerial pressure to create a spatial approach to renewable energy policy in Wales. This process was initiated in 2001, around the same time that PPW was being drafted.

TAN 8 indicates how LPAs should set renewable energy targets, and introduces a range of documents by bodies such as WWF Cymru with regard to best-practice in terms of energy efficiency. This point is elaborated upon in greater technical detail in TAN 12 – Design,[112] where a number of best-practice energy efficient design features are described.

TAN 8 is less prescriptive than many of the others in the series, particularly with regard to energy efficiency where building regulations are the main mode of national intervention. The document comes with a series of annexes which provide specific guidance for the different areas of renewable energy for example: hydro power, wind power and wave harnessing technologies. It also sets out a series of Strategic Search Areas (SSAs) where it is thought that onshore wind energy developments could be created. These seven SSAs were identified after a thorough research exercise involving Arup, who had specific knowledge of the type of sites needed to generate the 800 Megawatt onshore wind-farm developments.

There were a number of problems that were encountered in the development of this document due largely to the high political profile of the renewable energy debate, and more specifically the debate that has arisen around on-shore wind developments. There were tensions internally with the struggle between creating a document that promotes economic development at the same time as conserving the natural environment of Wales. At times it was also felt that some participants that provided input from an economic development perspective, did not have a thorough knowledge of the planning framework, and attempted to use this document as a means of achieving non-planning objectives. In doing so it is thought that this has removed the scope for LPAs to utilise their discretionary powers when dealing with this particular topic.

This particular TAN was also constrained by the need to work to specific renewables targets which are thought by some people to be unrealistic and not based upon a robust

[111] TAN 8: Renewable Energy, Welsh Assembly Government, 2005
[112] TAN 12: Design, Welsh Assembly Government, 2002

evidence base. Insufficient attention was paid to the capacity for delivering this target and the consequences in terms of public opinion and political fallout.

Drafting and Consultation Process

The development of TAN 8 was initially guided by the formation of a TAG in a similar vein to the groups that were formed for other TANs such as TAN 1 and TAN 2. The TAG was formed in 2001 with representation from a wide variety of stakeholders. This TAG was the largest that has been formed to date, with more representatives than the optimum maximum level of 12, reaching 40 at some meetings. This was due to pressure from NGOs and other interested parties, who sought involvement with the TAG.

The fact that this group was so large was seen as a weakness, particularly in this case, as it meant that the functioning of the group was fraught with disagreement and polarised viewpoints. There were parties involved in the TAG that often had diametrically opposed views with groups such as RSPB and CPRW lobbying for policies that firmly restricted onshore windfarm developments, whereas the WDA and private sector energy representatives pushed for a far less interventional approach to renewable energy planning policies. For this reason the TAG had to be tightly managed with a substantial number of meetings, in order to discuss the various contentious issues.

It is thought that if a timetable was set for the TAG meetings at the beginning of this process some of these delays could have been avoided as discussions could have been contained within the set meetings.

The representatives from the energy groups and the WDA believed that the initial drafts focused too heavily on the environmental impacts of onshore wind-farms and that the policies provided too many obstacles to economic development from these forms of technology. The Planning Division had pushed for a hierarchical approach during the developmental process looking at different layers of intervention including buffer zones, and certain protected areas (designated by the various environmental groups). This issue caused problems with the rival viewpoints, and it was around this point that the TAG process was discontinued. This was due to political changes and from this point forwards the development of this process was run largely by the WDA and Assembly energy colleagues. This removed an element of flexibility from the drafting process, and also removed the inclusive discussion phase that existed through the TAG.

According to the minutes of the House of Commons Select Committee of Welsh Affairs of December 1st 2005[113] "*In June 2003, the TAG was disbanded at very short notice, and from this point on TAN 8 Planning Policy Guidance for Renewable Energy in Wales was produced in house by the Assembly*". This has been criticised by some as it removed a

[113] House of Commons Select Committee on Welsh Affairs, Dec 1st 2005
http://www.publications.parliament.uk/pa/cm200506/cmselect/cmwelaf/876/6020706.htm

wide range of knowledge and input from the development of the policy, and removed the transparency from the development process. The members of the TAG are listed below.

Figure A4:2 TAN 8 TAG Members

- Brian Barrows ***WDA***
- Dr Ruth Chambers ***Council for National Parks***
- Neil Crumpton ***Friends of the Earth Cymru***
- Rod Edwards ***Dulas Ltd***
- Simon Halfacree ***Environment Agency Wales***
- Peter Hinson/ Dr Mark Legerton ***BWEA***
- Gerald Hulin ***WLGA, Bridgend CBC***
- Ste James ***WLGA, Flintshire CBC***
- Dr Peter Minto ***CCW***
- Tony Prater / Mike Webb ***RSPB Cymru***
- Haf Roberts ***WWF Cymru***
- Steve Salt / Gerry Jewson ***West Coast Energy***
- Ruth Stevenson ***Aberystwyth University***
- Sally Tansey ***Forestry Commission***
- Merfyn Williams/Geoff Sinclair ***CPRW***

Source: ARUP 2004

The revision and development of TAN 8 was also guided by research reports undertaken on behalf of the Assembly. The most influential report that was undertaken with regard to TAN 8 was a report completed by ARUP entitled *Facilitating Planning for Renewable Energy in Wales: Meeting the Target*[114]. This report was commissioned under the WPRP to *develop a decision support tool for TAN 8 to assist LPAs in providing for renewable energy and* provide a map for Wales that identifies 'strategic search areas' capable of delivering the Welsh Assembly Government's renewable energy target of four Terrawatt hours by 2010.

The results of this research project fed directly into the consultation draft of the TAN. The formation of the seven SSAs formed a substantial proportion of the research project, providing search areas for suitable sites for onshore wind developments, which were later amalgamated to the adopted version of TAN 8 that was published in 2005.

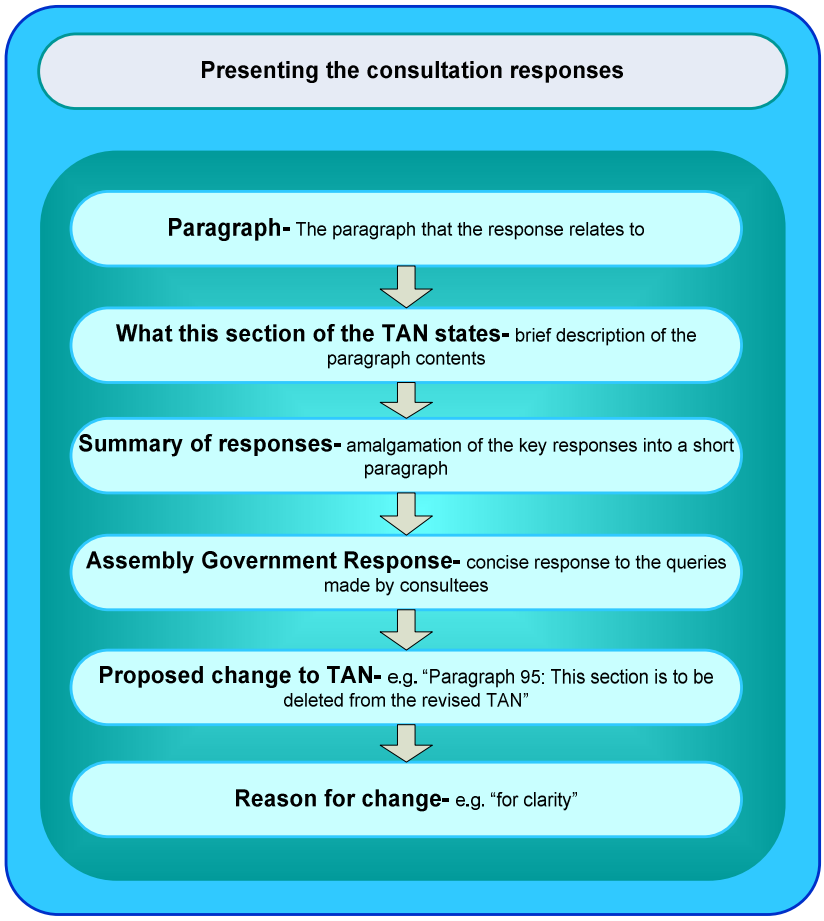
Consultation on the proposals took place in 2004. This consultation, due to the publicity surrounding energy and renewable energy, commanded over 1,640 responses. Approximately 90% of these responses related to why the document only focused on onshore wind development when the original Welsh Assembly Government renewables target was based upon a three way split between onshore wind, offshore wind, and other technologies.

[114] Facilitating Planning for Renewable Energy in Wales: Meeting the Target, ARUP, 2004

This large consultation response led the Planning Division to create a tabulated list of responses, grouped to pick up on the various comments made linked to the TAN. This presented the responses of the consultation exercise, along with the Assembly's response to the various queries and the actions that were taken to remedy any observed faults or build upon any topics which were viewed to have been inadequately dealt with.

This consultation may have benefited from a more structured response method to avoid some of the generic and politically based responses, with the focus more on specific planning issues.

Figure: A4: 3 Reporting the consultation responses



Dissemination Methods

TAN 8 is available on the Planning Division's webpages. It is presented alongside a MIPPS on Renewable Energy, the eight GIS maps of the designated SSAs, the MIPPS and TAN 8 Consultation Report, a review of the ARUP report and finally updated maps of the SSAs for the final version of the TAN. It is also available in hard copy format, and is printed bilingually in accordance with Assembly policy. The completed TAN was also disseminated to the members of the disbanded TAG prior to its publication in July 2005.

Case Study 7 - TAN 13 – Tourism

Description and Background

TAN 13 - Tourism[115] sets out how LDPs should provide for opportunities in tourism in Wales. TAN 13 references a range of other documents which it should be read in conjunction with due to the complex multi-faceted nature of tourism, which includes topics such as sport, entertainment, the arts, and heritage. TAN 13 describes the means of boosting tourism through the LDP process, with reference to the standard of hotel stock, levels of camping and caravanning provision, and seasonal conditions attached to planning permissions related to certain tourist sites. The main aim of the TAN however, is to describe how best to consider current and future tourism related development in relation to economic, social and environmental objectives of specific areas in LDPs.

Drafting and Consultation Process

TAN 13 was published in order to update the existing Welsh Office note which was perceived by many as being irrelevant and outdated largely due to its lack of consideration for distinctive Welsh issues and an outdated evidence base. The updated TAN is due to be published later in 2007, is seen as a vast improvement on its predecessor as it provides policies that are relevant specifically to Wales.

The revision of TAN 13 began in September 2003, with a team of staff from the Planning Division responsible for the drafting process. The drafting process itself took approximately 18 months, although there was a substantial period of time when work was halted due to the prioritisation of Assembly staff in other directions.

The revision process of TAN 13 also used a TAG to help aid the developmental process with ten members including Local Authority representatives and a representative of the Wales Tourist Board. This TAG was deemed to have added value to the development of this TAN with good cooperation and constructive arguments within the group meetings, with some drafting responsibilities also given to certain TAG members. There were, however, some concerns about how the TAG was selected, particularly in-terms of local government representation, where it has been observed that the same representatives are often provided for a range of different TAGs suggesting that people with specialist knowledge are not consistently being put forward.

A small level of in-house research was undertaken to guide the process, but no research was commissioned to specifically aid the development of this document in the same vein as other TANs.

[115] TAN 13 Tourism, Welsh Assembly Government, 1997

The drafting of this TAN also saw cross-departmental cooperation between the Planning and Tourism[116] Divisions. This was a positive step as it allowed the transfer of knowledge between both Divisions during the drafting process. However, there were some concerns that some parties saw this pooling of resources as an opportunity of delivering a set of objectives outside the remit of the Welsh planning framework. This meant that there was a certain level of responsibility on behalf of the Planning Division for ensuring that expectations were managed effectively across the Assembly Departments.

The revised document was issued for consultation in July 2006, along with TAN 16 - Sport and Recreation. The consultation period ended on 27th October 2006 and received approximately 60 responses that were returned either online or in paper format. No specific questions were asked to guide the responses, and in hindsight it is believed that this may have obtained more structured responses to specific paragraphs, as opposed to general policy queries. A team of external consultants were used to analyse and report on the consultation responses.

Utilising the TAG and external consultants was seen as a positive outcome of this particular policy development, as it solicited a detached and balanced view of the document, ensuring that it was inclusive, took into account the views of respondents and ensured that it could be utilised by LPAs with ease. Inadequate resources in terms of Assembly personnel was seen as a major weakness as this created a large time lapse where no work was undertaken due to the prioritisation of staff commitments during this period.

Dissemination Methods

The document is available on the Planning Division's web pages, bilingually and is also available in hard-copy format. The current version available online and in printed format was released in 1997, and the 2006 draft version which was published for consultation. It is envisaged that the final version will be ready for publication in the autumn of 2007.

[116] The Wales Tourist Board was merged with the Welsh Assembly Government in April 2006.

Case Study 8 - TAN 16 - Sports and Recreation

Description and Background

TAN 16 - Sports and Recreation[117] outlines the various responsibilities of the Sports Council for Wales, CCW, and the Environment Agency Wales, with regard to the planning of sport related developments. It particularly stresses the need to balance the use of land for recreation and conservational requirements of certain areas of land. From a technical viewpoint the document also provides LPAs with advice regarding the provision of formal sports space along with prevalent issues, such as noise and flood lighting.

Drafting and Consultation Process

The revision of the TAN was driven by the need to update what is viewed as an outdated document that does not provide specific topic related detail or address distinctive Welsh issues. The TAN was also driven by a growing number of initiatives and strategic documents that have placed a firm focus on open space, playing fields and health and well-being. This need for revision was formally acknowledged in 1999, although drafting and the formation of a TAG was not formalised until September 2003.

This document was updated in 2006 with a revised version produced for public consultation in July 2006 running until 27th October 2006. The revised TAN was designed to include the some of the Assembly's over-arching policy objectives with regard to health and well-being, particularly related to Wales: A Better Country[118], Climbing Higher[119], and the Environment Strategy for Wales[120]. To aid the development of the TAN, a TAG was formed in a similar vein to those that were developed for a number of other TANs. This TAG involved the following organisations:

- National Playing Fields Association (NPFA);
- Sports Council for Wales;
- Play Wales;
- Children's Commissioner Wales;
- Youth Hostels Association;
- [Former] Wales Tourist Board;
- Welsh Local Government Association;
- Environment Agency; and
- Other relevant groups in the Assembly Government.

[117] TAN 16 - Sport and Recreation, Welsh Assembly Government, 1998
[118] Wales: A Better Country, Welsh Assembly Government, 2003
[119] Climbing Higher; strategy for sport and physical activity, Welsh Assembly Government, 2005
[120] Environment Strategy for Wales, Welsh Assembly Government, 2006

These organisations were brought together to discuss revisions that should be put in place as part of the PdW Programme. According to the minutes of a meeting of the National Assembly for Wales's Culture, Welsh Language and Sport Committee[121] opinions were specifically sought in relation to a number of key themes. The topics that were drawn out for discussion included:

- The wider focus of the revised TAN 16 covering not only sport and recreation, but also open space provision more generally (including playing fields);
- The guidance provided to enable LPAs to undertaken open space assessments as part of their work on preparing their local development plans; and
- The related, separate, consultation on the Assembly's proposal to reduce the threshold (from 0.4 Hectares to 0.2 Hectares) for requiring LPAs to consult with the Sports Council for Wales about planning applications affecting playing fields.

Following initial drafting by the Planning Division, the TAG was invited to make comments and critically analyse the drafts. Despite the presence of a lobby group on the TAG (NPFA), the dynamics of the group were good and constructive meetings were held which aided the development of the document.

No formal research was undertaken as part of the drafting, however the Assembly deemed that the document was too reliant on anecdotal evidence in the early stages and research was subsequently commissioned with specific regard to playing fields.

Following on from this development phase a public consultation was held over the summer of 2006 alongside TAN 13, with responses received and an initial analysis undertaken. However, an Assembly Member (AM) objected to certain elements of the TAN which related to the protection of playing fields and a motion was put forward for a debate on this topic. The AM produced a report with recommendations and a second debate was held in January 2007. This led to a sub-consultation period of 12 weeks which was used to strengthen the relevant sections, most notably open space assessments, amending the document to make such assessments a statutory requirement as opposed to merely good practice policies.

Dissemination Methods

The TAN is available online and in hard-copy format in both Welsh and English. As yet only the draft TAN is available, with the existing publication of 1998 still being the vehicle for delivering sport and recreation related planning policy in Wales.

[121] Culture, Welsh Language and Sport Committee (2) 13-06 Draft Revised Planning Technical Advice Note 16, Sport, Recreation, and Open Space, Welsh Assembly Government, 2006

Case Study 9 - TAN 18 – Transport

Description

TAN 18 - Transport[122] was first published in 1998 and provides the Assembly's planning guidance for transport. The document covers issues to be taken into account by LPAs including:

- Access to roads;
- Development control;
- Complementary transport;
- Traffic management, public transport, interchanges, and parking;
- Forward planning for transport infrastructure;
- Motorway and road side service; and
- Environmental assessments.

Drafting and Consultation Process

The revision process was initially begun due to Ministerial pressure to update guidance to ensure that distinctive Welsh planning policies were established, removing the reliance on English guidance. The initial drafting and consultation process was a cross-fertilisation with PPW and a draft was published for consultation in 2001. Responses from public sector bodies, developers and non-governmental organisations. No TAG was used as part of the drafting process. The results of this particular consultation were not acted upon due to lack of internal resources and a re-prioritisation of staff capacity to other areas within the Division.

The results from the 2001 consultation were pooled together, after an intervening two year period of inactivity and were presented to a meeting of the Wales Transport Forum at a meeting in 2004. A further draft was produced in 2006 and included alterations suggested by the Wales Transport Forum in 2004, and input relating to policy developments in terms of the Assembly's Transport Strategy[123] and Regional Transport Guidance[124]. Following these meetings a list of key issues were compiled in 2005, and subsequently a consultation draft was drawn up based upon these principles.

The most recent draft was issued for consultation between 19 July 2006 and 27 October 2006. According to the explanatory note[125] that was sent with the 2006 consultation, the revision of TAN 18 is identified in both the Environment Strategy for Wales and the Wales

[122] TAN 18 Transport, Welsh Assembly Government, 2007
[123] A Transport Strategy for Wales, Welsh Assembly Government, 2007
[124] Statutory Instruments: The Regional Transport Planning Order (Wales), National Assembly for Wales, 2006
[125] Revision of TAN 18 Transport, Consultation Letter, Welsh Assembly Government, 2006
http://new.wales.gov.uk/docrepos/40382/4038231121/403821/403821/403827/40382/557285/Tan18_covering_letter.pdf?lang=en

Spatial Plan as an important facilitator of sustainable transport options and a tool for increasing accessibility. This explanatory notes sets out the alterations that have been made through changes involving the following issues:

- ***The relationship between development plans and regional transport plans*** *– update references to ensure the new LDPs and RTPs are properly integrated;*
- ***Rural transport issues*** *- additional advice on how integration and reducing the need to travel can be applied in rural areas;*
- ***Car parking*** *- advise on the different roles of the regional transport consortia on setting a regional parking framework and the interpretation of this within development plans;*
- ***Transport assessment and travel plans*** *- introduce new method of undertaking transport assessment for development proposals;*
- ***Planning obligations*** *- reflect emerging existing practice.*

Source: WAG (2006)

The consultation solicited 62 responses through a set of structured questions based on key areas of the document. The revised TAN was published in March 2007[126].

Despite this positive outcome, resourcing has been a major problem throughout, with the majority of responsibility placed on individuals with inadequate drafting and research support. The TAN could also have benefited from the involvement of external input and consultants in an editorial role in the period after consultation to aid the cohesion of the final document and to relieve pressure on internal resources.

This lack of resources has affected the review of the TAN, with no momentum or push from the Transport Division for the document, and no transport planners employed within the Assembly until 2000. The Wales Transport Strategy[127] was the focus for the Transport Division and little attention was paid to the pivotal role of land-use planning in delivering sustainable transport options in Wales. This lack of comparability between the strategic elements of the Transport Strategy and the Planning Division's TAN showed a lack of consistency in the policy framework, with a fragmented developmental process.

Despite problems with inter-departmental dynamics, inadequate resources and the large delay in publication, the majority of stakeholders appear to be pleased with the TAN. The only major complaints have been that there should have been an accompanying MIPPS (although due to resources, there was an inadequate evidence base for this purpose) and that it does not provide planners with the 'teeth' to intervene on developer's proposals.

Dissemination Methods

TAN 18 is available in both Welsh and English on the Planning Division's web pages and in hard copy. The 2007 version is now published.

[126] TAN 18: Transport, Welsh Assembly Government, March 2007
[127] Draft Wales Transport Strategy, Welsh Assembly Government, 2005

Case Study 10 - TAN 21 - Waste

Description and Background

TAN 21: Waste[128] provides the Assembly's planning guidance with regard to waste issues in Wales. The document's key aim is to facilitate the sustainable management of waste through the planning system in Wales. It includes guidance on Regional Waste Plans, waste priorities, best practice techniques in terms of waste management, and a variety of other considerations.

TAN 21 was coordinated alongside PPW and as such has maintained its relevance and comparability in recent years. The Regional Waste Groups that were formed during the drafting process have been retained and the TAN is not yet considered one of the Assembly's priorities for revision. When the TAN is next reviewed it is envisaged that contentious issues such as hazardous waste will be covered in greater detail, due to pressure from local authorities.

Drafting and Consultation Process

The drafting process for TAN 21 formally commenced in 2000. This particular TAN was driven by European Directives on waste such as the Waste Framework Directive[129]which was initially published in 1975 but has been revised on a number of occasions (1991 and 2003) to include features such as the requirement for waste management plans / strategies. Other Directives such as the Directive on the Landfill of Waste[130] and the Directive on Hazardous Waste[131] have also been influential in determining waste policy in Wales (and approximately 40 other Directives are quoted within the annexes of TAN 21).

At a UK level DEFRA's Waste Strategy[132] dictates how waste should be managed more efficiently and how waste policy should comply with the key principles of sustainable development. According to paragraph 4.13 the Assembly and DCLG should "*implement planning policy guidance fully and quickly – PPGs 10 and 11 in England and PPG (Wales) in Wales – together with any relevant Regional Planning Guidance*" which highlighted the necessity for speed in publishing specific waste policies. Wales has since published its own waste strategy[133] entitled *Wise about Waste: The Wales Waste Strategy*, which provides the Assembly's individual approach to attaining sustainable waste management options, complete with strategic goals, and quantified targets leading to 2010.

[128] TAN 21: Waste, Welsh Assembly Government, 2001
[129] Directive on Waste 75/442/EEC, EEC, 1975
[130] Directive on the Landfill of Waste 99/31/EC, EEC, 1999
[131] Directive on Hazardous Waste 91/689/EEC, 1991
[132] Waste Strategy: England and Wales, DEFRA, 2002
http://www.defra.gov.uk/Environment/waste/strategy/cm4693/pdf/wastvol1.pdf
[133] Wise about Waste: The National Waste Strategy for Wales, Welsh Assembly Government, 2002,
http://www.countryside.wales.gov.uk/fe/master.asp?n1=213&n2=368

TAN 21 was one of the first to utilise a TAG as part of the drafting process. In this case ten people from backgrounds such as the Waste Strategy Unit, Local Authorities, the Environment Agency, and the private sector, were invited to meetings in Mid Wales to discuss the development of the relevant planning guidance with regard to waste. This TAG is regarded as one of the more successful groups that the Planning Division has run with regard to the development of TANs, a fact that is largely attributed to the small size of the group, attendees were hand-picked, and the lack of divisive topics that have plagued some of the other more publicised TAGs.

Some members of the TAG contributed to drafting the TAN, as opposed to merely providing opinion via the Steering Group meetings. In addition to the local authority members of the TAG, the Waste Strategy Unit also provided input in the writing / drafting process, exhibiting how two external bodies contributed to this process (in 2000 the Waste Strategy Unit did not fall under direct control of the Assembly).

The only problem that was reported with this TAG was that it was difficult to placate local authority expectations on certain issues, most notably with regard to environmental statements, however general agreement was gained as it was not possible to go into in-depth technical detail in the final TAN.

With regard to research, the development of this TAN did not procure the services of external consultants to increase the depth of knowledge with regard to waste, due largely to time constraints and a perceived lack of need for research on this topic. Research undertaken for the Environment Division was utilised to inform the development of certain areas of the TAN, although no research was specifically commissioned for this purpose.

TAN 21 was consulted upon via a written mail-out to a list of relevant interested parties. This provided a learning process for the Planning Division as it was one of the first TANs to be developed in this way. There was a moderate level of responses to the written consultation draft, with a placement student tasked with collating the responses into a written report.

Dissemination Methods

TAN 21 is available bilingually in both hard copy and electronic format. A key aspect of the dissemination of this TAN was the regional seminars that were organised (North Wales, South West Wales, and South East Wales), to provide information and guidance to LPAs with regard to the new Regional Waste Strategies[134]. These seminars were also used to find Authorities to take each of the regional strategies forwards, and to date this process has operated smoothly with each of the regional strategies delivered by the agreed deadline for submission (published November 2003).

[134] Regional Waste Plans, Welsh Assembly Government, http://www.walesregionalwasteplans.gov.uk/

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ESDP European Spatial Development Perspective: Towards Balanced and Sustainable Development of the Territory of the European Union, European Commission, Potsdam 1999
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MIPPS 01/2006 Housing, Welsh Assembly Government, June 2006
MIPPS 01/2005 Planning for Renewable Energy, Welsh Assembly Government, 2005
MIPPS 02/2005 Planning for Retailing and Town Centres, Welsh Assembly Government, December 2005
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TAN 1 Joint Housing and Land Availability Studies, Welsh Assembly Government, 2006
TAN 2 Planning and Affordable Housing, Welsh Assembly Government, June 2006
TAN 8: Renewable Energy, Welsh Assembly Government, 2005
TAN 12: Design, Welsh Assembly Government, 2002
TAN 13 Tourism, Welsh Assembly Government, 1997

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TAN 16 Sport and Recreation, Welsh Assembly Government, 1998
TAN 18 Transport, Welsh Assembly Government, 2007
A Transport Strategy for Wales, Welsh Assembly Government, 2007
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Wales: A Better Country, Welsh Assembly Government, 2003
Wales Transport Strategy: Connecting Wales (draft), Welsh Assembly Government, 2005
Wales - A Vibrant Economy, Welsh Assembly Government, 2005
Waste Strategy: England and Wales, DEFRA, 2002
Welsh Language Scheme, Welsh Assembly Government, 2006
Wise about Waste: The National Waste Strategy for Wales, Welsh Assembly Government, 2002

Annex Three: Consultees

Consultees

The following list includes the LPA interviewees, those attending the workshops, including the meeting of members of the Wales Planning Forum and the individual interviews held. In addition some have provided written comments to the study.

Name	Organisation
Peter Ogden	Campaign for the Protection of Rural Wales (also representing Wales Environment Link)
Neil Harris	Cardiff University School of Regional and Town Planning
Karen Maddock-Jones	Countryside Council for Wales
Huw Williams	Law Society
Nic Wheeler	Pembrokeshire Coast National Park Authority
Elwyn Thomas	Planning Aid Wales
Carole Creasey	Royal Society of Architects in Wales
Carole-Anne Davies	Design Commission for Wales
Lynda Healy	Blaenau Gwent
Eric Bowles	Brecon Beacons National Park
Martin Hooker	Bridgend
Pat Mears	Caerphilly
Julian Stedman	Cardiff
David Holtam	Cardiff
Eifion Bowen	Carmarthenshire (also represented the Planning Officers Society Wales at the Wales Planning Forum meeting)
Russell Hughes Pickering	Ceredigion
Peter Detheridge	Conwy
Michael Pender	Denbighshire
Huw Evans	Flintshire
Aled Davies	Gwynedd
Norman Davies	Merthyr Tydfil
George Ashworth	Monmouthshire
Jane Coppock	Monmouthshire
Geoff White	Neath Port Talbot
Wyn Mitchell	Newport

Name	Organisation
Stuart Agnew	Newport
David Lawrence	Pembrokeshire
Cathy Milner	Pembrokeshire Coast National Park
Gareth Thomas	Powys
Nicola Gully	Rhondda Cynon Taf
Jane Cook	Rhondda Cynon Taf
Chris Jones	Rhondda Cynon Taf
Cath Ranson	Snowdonia National Park
Gareth Lloyd	Snowdonia National Park
Bryan Graham	Swansea
Duncan Smith	Torfaen
Rob Thomas	The Vale of Glamorgan
Jim Woodcock	Ynys Môn
Lawrence Isted	Wrexham
Clive Nicholas	Wrexham
Mark Harris	Bellway Homes (Wales)
Chris Laurence	Mott Macdonald
Richard Price	Home Builders Federation
Derek Woodward	Taylor Woodrow
Anna Prescott	Nathaniel Lichfield and Partners
Keith Thomas	DTZ Consulting & Research (also representing RTPI Policy Panel)
Elwyn Thomas	Planning Aid Wales
Trevor Pilbeam	Atkins
Martyn White	Atkins
Ross Bowen	Atisreal
Rachel Thompson	DLP Planning
Tim Gent	GVA Grimley LLP
Graham Bishop	Wales Environment Trust
John Lambert	Environment Agency Wales
Mike Webb	RSPB Wales
Richard Duggan	Dilwyn Roberts Planning
Leighton Jenkins	CBI Wales

Name	Organisation
Rhys Davies	CDN Planning
Owain Wynne	RTPI Cymru
Richard Essex	Royal Institute of Chartered Planners (RICS)
Chris Lambert	The National Trust
Councillor John Harvey	One Voice Wales
Naomi Luhde-Thompson	Friends of the Earth
Gwenan Davies	WCVA
Linda Pepper	Powys Association of Voluntary Organisations (PAVO) (representing WACVC)
Graham Findlay	Disability Wales
Andy Lilley	Neath Port Talbot Council for Voluntary Service
Alice Greenlees	Wales Council for Voluntary Action
John Davies	The Planning Inspectorate (PINS)

The following stakeholders participated in the consultation of the interim findings:

Name	Organisation
Gareth Jones	Royal Society of Architects in Wales (RSAW)
Martin Hooker	Bridgend CBC
Karen Maddock-Jones	Countryside Council for Wales
Keith Thomas	DTZ
Anna Prescott	Nathaniel Lichfield & Partners
Craig Mitchell	WLGA
Simon White	One Voice Wales
Councillor John Harvey	One Voice Wales
Chris Lambert	The National Trust
Gwenan Davies	WCVA
Owain Wynne	RTPI Cymru
Peter Lathbury	Powys Association of Voluntary Organisations (PAVO)
Kim Flanders	City and County of Swansea
Professor Michael Benfield	University of Wales, Newport
Jane Carpenter	Redrow Homes

Name	Organisation
Mark Harris	Bellway Homes (Wales)
Richard Price	Home Builders Federation
Derek Woodward	Taylor Woodrow
John Davies	The Planning Inspectorate (PINS)

The following Welsh Assembly Government officials participated in the consultation of the interim findings:

Name	Department / Division
Neil Hemington	Planning Division
Sue Martin	Planning Division
Jonathan Fudge	Planning Division
Gareth Brydon	Planning Division
Richard Spear	Planning Division
Paul Robinson	Planning Division
Carolyn Warburton	Planning Division
Abigail Phillips	Sustainable Futures
Tim Dorken	Rail and New Roads – Environment
Ian Roberts	Regional Infrastructure
Bethan Webber	Environment – Protection and Quality
Mike Cuddy	Transport & Infrastructure Policy
Paul Harrington	Energy Wales

Annex Four: Wales' Planning Policy and Guidance

Current National Planning Policy and Guidance in Wales

Policy Document	Date	Comments
Planning Policy Wales	2002	Planning Policy Wales Companion Guide (2006). Published to provide guidance on using PPW following move to new LDP system
Minerals Planning Policy Wales	2000	
MIPPS 01/2006 Housing	2006	Updates Chapter 9 of PPW
MIPPS 01/2005 Planning for Renewable Energy	2005	Updates sections 12.8 to 12.10 in PPW
MIPPS 02/2005 Planning for Retailing and Town Centres	2005	Updates sections 10.1 to 10.3 of PPW
TAN 1 Joint Housing Land Availability Studies	2006	
TAN 2 Planning and Affordable Housing	2006	
TAN 3 Simplified Planning Zones	1996	
TAN 4 Retailing and Town Centres	1996	
TAN 5 Nature Conservation and Planning	1996	Consultation draft 18/12/06
TAN 6 Agriculture and Rural Development	2000	
TAN 7 Outdoor Advertisement Control	1996	
TAN 8 Renewable Energy	2005	
TAN 9 Enforcement of Planning Control	1997	
TAN 10 Tree Preservation Orders	1997	
TAN 11 Noise	1997	
TAN 12 Design	2002	
TAN 13 Tourism	1997	Consultation Draft 27/10/06
TAN 14 Coastal Planning	1998	
TAN 15 Development and Flood Risk	2004	
TAN 16 Sports and Recreation	1998	Consultation Draft 27/10/06
TAN 18 Transport	2007	
TAN 19 Telecommunications	2002	
TAN 20 Welsh Language UDPs & Planning Control	2000	
TAN 21 Waste	2001	
MTAN 1 Aggregates	2004	
MTAN Coal (draft)		Draft for consultation 30/01/06

Circulars

Circular Reference and Title	Date
42/68 Caravan Sites Act	1968
59/68 Town and Country Planning Act 1968 Planning Inquiry Commissions	1968
69/71 Town and Country Planning (Minerals)Regulations	1971
58/72 Town and Country Planning Act 1971	1972
48/73 Post Office Operational Land Regulations	1973
132/73 Land Compensation Act	1973
17/76 Control of Smells from the Animal Waste Processing Industry	1976
178/76 Pipelines Act 1962	1976
8/77 Local Government (Miscellaneous Provisions) Act1976	1977
121/77 New Streets	1977
182/77 Roads and Traffic – National Parks	1977
9/78 Mobile Homes	1978
64/78 Trees and Forestry	1978
92/78 Report on the Advisory Committee on Aggregates	1978
103/78 Report on the Committee on Planning Control over Mineral Working	1978
136/78 Inner Urban Areas Act 1978	1978
40/80 Development Control – Policy and Practice	1980
2/81 Local Government, Planning and Land Act 1980	1981
13/81 Local Government, Planning and Land Act 1980:Various Provisions	1981
7/82 EC Directive on the Protection of Groundwater against Pollution caused by certain Dangerous Substances (80/68/EEC)	1982
21/82 Disabled Person Act 1981	1982
22/83 Purchase Notices	1983
32/83 Caravan Sites and Control of Development Act 1960	1983
23/83 Publication by Local Authorities of Information about the Handling of Planning Applications	1983
37/84 Crown Land and Crown Development	1984

Circular Reference and Title	Date
3/85 Planning Control over Oil and Gas Operations	1985
58/85 Guidelines for the Provision of Silica Sand in England and Wales	1985
60/85 Mineral Workings – Legal Aspects Relating to Restoration of Sites with High Water Tables	1985
11/86 Access to Information Act	1986
57/86 Housing and Planning Act 1986: Planning Provisions	1986
22/87 Development of Contaminated Land	1987
24/87 Change of Use of Buildings and other Land: The Town and Country Planning (Use Classes) Order 1987	1987
36/87 Use of Waste Material for Road Fill	1987
1/88 Planning Policy Guidance and Minerals Planning Guidance	1988
48/88 Environmental Assessment of Projects in Simplified Planning Zones & Enterprise Zones	1988
38/89 Landfill Sites: Development Control	1989
20/90 Electricity Generating Stations and Overhead Lines	1990
36/90 Consolidation of the Town and Country Planning Legislation	1990
44/91 Planning and Compensation Act 1991	1991
62/91 Water Industry Investment: Planning Considerations	1991
71/91 Planning and Compensation Act 1991: New Development Plan System – Transitional Arrangements	1991
78/91 Travelling Show-people	1991
14/92 Town and Country Planning (Control of Advertisements) Regulations 1992	1992
32/92 Publicity for Planning Applications	1992
39/92 The Town and Country Planning General Regulations 1992, The Town and Country Planning (Development Plans and Consultation) Directions 1992	1992
61/92 Indicative Forestry Strategies	1992
73/92 The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (No 2) Regulations 1992	1992
5/93 Public Rights of Way	1993
23/93 Awards of Costs incurred in Planning and Other (Including Compulsory Purchase Order) Proceedings	1993

Circular Reference and Title	Date
61/93 Town and Country Planning (Shopping Development) (England and Wales) No 2 Direction 1993	1993
2/94 Gypsy Sites and Planning	1994
16/94 Planning Out Crime	1994
26/94 Environmental Protection Act 1990: Part II, Waste Management Licensing, The Framework Directive on Waste	1994
70/94 Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1994	1994
76/94 Gypsy Sites Policy and Unauthorised Camping	1994
29/95 General Development Order Consolidation 1995	1995
31/95 Planning Controls over Demolition	1995
35/95 The Use of Conditions in Planning Permissions	1995
47/96 Recovery of Costs for Public Path and Railway Crossing Orders – Amendment Regulations	1996
60/96 Planning and the Historic Environment: Archaeology	1996
61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas	1996
13/97 Planning Obligations	1997
24/97 Enforcing Planning Control: Legislative Provisions and Procedural Requirements	1997
1/98 Planning and the Historic Environment: Directions by the Secretary of State for Wales	1998
17/98 Planning for Future Prison Development	1998
10/99 Planning Requirements in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development	1999
11/99 Environmental Impact Assessment	1999
13/99 Environment Act 1995, Part III National Parks in Wales	1999
20/01 Planning Controls for Hazardous Substances	2001
23/01 New Guidance for Local Planning Authorities on European Protected Species and changes in Licensing Procedures	2001
01/03 Safeguarding Aerodromes, Technical Sites and Military Explosive Storage Areas: the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002.	2003
07/03 Planning (and analogous) Appeals and Call-in Procedures	2003
08/03 Enforcement Appeal Procedures	2003
36/04 Control of Development in Airport Public Safety Zones	2004
04/05 Guidance on Managing Unauthorised Camping	2005

Circular Letters

Circular Letter Number and Title	Date
10-06 The Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2006: Interim guidance to local planning authorities	12 December 2006
09-06 TAN 15 Development and Flood Risk: Role of Environment Agency Wales	10 November 2006
08-06 Regulations Relating to the Carriage of Dangerous Goods: Land Use Planning Implications	16 November 2006
07-06 Digital Switchover – Information for Planning Services	22 August 2006
06-06 The operation of the Conduct of Members (Model Code of Conduct) (Wales) Order 2001 - with relation to land use planning	23 August 2006
05-06 Environmental Impact Assessment (EIA): Interim guidance on screening applications for EIA at reserved matters stage	14 July 2006
04-06 Address for deposit of Environmental Statements deposited with the National Assembly for Wales under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999	25 January 2006
03-06 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2006: Revised Part 1. H and 25 Permitted Development Rights	25 January 2006
22-06 Planning and Childcare in Wales	22 August 2006
01-06 Member briefing and decision-making	12 January 2006
02-05 Housing Land Availability Calculations	10 August 2005
01-05 Electronic Filing of Planning Register Documents - Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995, 419)	30 April 2005
11-04 The Sale of Rural Plots and the Land Use Planning Consequences	14 December 2004
09-04 Initial Guidance Note on Implications for Development Plans in Wales of the Planning and Compulsory Purchase Act (Revised Version October 2004)	13 October 2004
08-04 The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2004	18 October 2004
06-04 Circular 36/2004 Control of Development in Airport Public Safety Zones	3 August 2004
05-04 Planning and The Conservation (Natural Habitats etc) Regulations 1994 (SI 1994 / 2716)	30 June 2004
04-04 Unitary Development Plans – Waste Policies Hazardous Waste Planning Applications	15 June 2004
03-04 The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2004, (SI 2004)	15 June 2004
02-04 Environmental Impact Assessment - Letter to LPAs following programme of training seminars undertaken by Welsh Assembly Government Planning Division and summary of main issues discussed	6 April 2004

Circular Letter Number and Title	Date
08-03 Childminders and the Planning System	1 Nov. 2003
07-03 Unitary Development Plan: New and emerging national policy and technical advice guidance letter and Guidance	3 June 2003
06-03 Code of Conduct for Members of Planning Committees	15 June 2003
05-03 Model Code of Conduct for Planning Committee Members	2 June 2003
03-03 Mobile Phone Operators' 10 Commitments	3 January 2003
01-03 Code of best practice on mobile phones network development	10 January 2003
02-02 Circular letter to Local Planning Authorities reminding them of their responsibilities under the Environmental Impact Assessment Regulations 1999	30 June 2002
01-02 Planning Application Fees	25 July 2002
01-01 Letter to Local Planning Authorities on need to screen Schedule 2 Development for Category 10(b) “Urban Development Projects” for environmental impact assessments	15 July 2001
01-00 Planning (Listed Buildings and Conservation Areas) Regulations 1990. Applications by Local Authorities and National Park Authorities.	28 September 2000