

The Health and Well-being Impact Assessment for the Planning (Wales) Bill

Introduction

1. The Planning (Wales) Bill ('The Bill') is a set of provisions based on a comprehensive evidence base and extensive stakeholder engagement that will provide a modern legislative framework for the operation of the planning system. The Bill puts in place delivery structures, processes and procedures, to make the planning system fit for the 21st Century. The provisions will allow the planning system to support the delivery of national, local and community views and needs by creating sustainable places where citizens have improved access to quality homes and jobs whilst supporting our built and natural environments and the use of the Welsh language. Taken together, the provisions of the Bill will have a positive affect on the health and well-being of the citizens of Wales.
2. The Bill will achieve the following key objectives:
 - securing a modernised planning service;
 - strengthening the plan led approach;
 - frontloading and improving the development management system; and
 - enabling effective enforcement and appeals.
3. This Bill will apply to communities across Wales, with some provisions impacting on all key population groups, vulnerable or otherwise. The Equalities Impact Assessment explores the impact on various different groups in more depth, whilst the Regulatory Impact Assessment explores the costs and benefits of the Bill, a component of which is the impact on health. This impact assessment should be read in conjunction with those assessments.

Health Impacts of the Bill

4. The Programme for Government sets out the overall aims of the Welsh Government. The Bill provisions, in combination, will directly contribute to the Welsh Government's aims and will reflect how we have put sustainable development, as our central organising principle, at the heart of government – specifically:
 - Better health for all with reduced inequalities;
 - Reducing poverty amongst some of the poorest communities and reducing the likelihood that the most disadvantaged and vulnerable people move into poverty; and
 - To strengthen the conditions that will enable businesses to create jobs and sustainable economic growth.

5. All of these factors contribute to 'health' in its broadest sense (as defined by the World Health Organisation) – a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

Health Risks

6. There are no direct risks on health associated with any of the provisions contained in the Bill.

Provisions of the Bill

7. The provisions of the Bill have either a positive or neutral impact of the health and well-being of the people of Wales included those in vulnerable or protected groups. Our assessment of the affects of the provisions on the health and well-being of the people and communities in Wales is outlined below.

National Development Framework

8. The Bill introduces a statutory requirement for Welsh Ministers to prepare and keep up to date a national land use plan to be known as the National Development Framework. The National Development Framework will provide the policy context for future planning of those development proposals that are considered to be of national importance to Wales. This will ensure the sustainable future planning of key priority developments for Wales by identifying key land use priorities and locations for change.
9. The National Development Framework will specify the period for which it has effect, after which time the Framework will cease to be a development plan. This time period is anticipated to be between 15 to 20 years. This will provide consistency with other development plans and certainty for users of the planning system; in turn impacting in a positive manner upon communities across Wales.
10. The draft National Development Framework will be subject to a 12 week public consultation period and the Welsh Ministers will be require to publish a statement following scrutiny of the Framework by the National Assembly for Wales. This will provide interested parties, with the opportunity to engage in the preparation of this national-level development plan. This will empower the people of Wales enabling them to engage in the shaping of, for example, strategic national infrastructure projects which will be of benefit to the health and well-being of local communities. Further scrutiny of the Framework by elected Assembly Members will mean that the interests of the people of Wales will be represented. These proposals therefore promote improved citizen power and influence having a positive effect on the health and well-being of Wales.
11. The National Development Framework will include a sustainability appraisal requiring assessment of the likely effects of its policies on the use of the Welsh language in Wales; this requirement will ensure that the Welsh language is recognised and properly considered at the outset of the plan-making process and that development plans support the use of the Welsh language.

12. These provisions are therefore considered likely to have a positive impact as a national strategic approach to planning for future development will act as a driver to encourage investment and economic growth, which could contribute positively to the health and well being of the people living in Wales.

Strategic Development Plans

13. The Bill proposes a statutory requirement for Welsh Ministers to prepare Strategic Development Plans to tackle larger-than-local, cross-boundary issues, which could include housing provision and also Gypsy and Traveller pitch provision. Strategic Development Plans could therefore facilitate for appropriate allocation of housing accommodation for families on a cross-boundary basis, including those in need of social housing. With regards to Gypsy and Traveller communities in particular, this could ensure Gypsy and Travellers are provided with opportunities to settle on authorised sites with sufficient access to services, including healthcare provision. Increased culturally appropriate accommodation for Gypsies and Travellers will provide them with the opportunities to enjoy further benefits within their local community. Gypsies and Travellers will find it easier to integrate into society once they have a settled place to live, allowing good relations to develop between Gypsies and Travellers and the settled community. This will result in for example increased school attendance and better preventative healthcare. The mental and physical health of this community will be increased by this provision. Similarly other communities will benefit from the consideration of larger than local issues which are not limited by local planning authority boundaries. We expect to see better planning of infrastructure and economic growth etc., reflecting modern lifestyles and business requirements which will increase the health and well-being of the people of Wales.
14. Strategic Development Plans will also include a sustainability appraisal requiring assessment of the likely effects of its policies on the use of the Welsh language in strategic planning area. This requirement will ensure that the Welsh language is recognised and properly considered at the outset of the plan-making process and that development plans support the use of the Welsh language.
15. The Bill proposes to remove the voting rights of nominated members of the Strategic Planning Panels. Nominated members will come from organisations representing social, economic and environmental interests. The proposal means that only the local authority members of the Panels will have the right to vote. The proposal means that nominated members who may include health sector organisations, will have opportunities to engage in discussion on key aspects of plan preparation, contributing to the policies within the development plan and will provide specialist technical expertise. The interests of communities in Wales will also be represented by the local authority members, as elected representatives of the composite local planning authorities. It is therefore considered that this proposal would contribute to the overall positive impact upon the health and well-being of Welsh communities as a result of the Strategic Planning Panel provisions.

Local Development Plans Provisions

16. The Bill proposes technical changes to the Local Development Plans process, relating to the way such documents are prepared and used by local planning authorities. These changes to the process will comprise of the following:
- **Period for which Local Development Plan has effect:** This provision will allow for Local Development Plans to have an end date, beyond which they will cease to be the extant development plan in place for that particular area.
 - **Withdrawal of Local Development Plan:** This will allow for modified provisions if a local planning authority resolves to withdraw their Local Development Plan prior to submission to Welsh Ministers; allowing the Welsh Ministers to be notified and consider whether to use existing reserve powers to progress the plan.
 - **Welsh Ministers' power to direct preparation of Joint Local Development Plan:** This provision will allow for Welsh Ministers to direct two or more local planning authorities to prepare a Joint Local Development Plan (based on evidence).
17. The amendments will mean that Local Development Plans are in place and reviewed and updated by local planning authorities regularly, ensuring they are responsive to local issues and needs. This will ensure that development continues to be appropriately planned for at a local level, including local amenities such as health, education and business facilities. Currently, local planning authorities are only encouraged to consider impacts on Welsh language through the sustainability appraisal process. The Planning (Wales) Bill) will make it compulsory for local planning authorities to consider impacts of new development on the use of Welsh language through the sustainability appraisal process. As a result the assessment of the likely effects of its policies on the use of the Welsh language in the local authorities' area will be included as part of the preparation of Local Development Plans. This requirement will ensure that there is consistency in the consideration of Welsh language by local planning authorities across Wales; assessing local area requirements at the outset of the plan-making process. It is anticipated that this will have a positive impact on the health and well-being of communities in supporting community identity and cultural practices.
18. A Local Development Plan provision which will have a specific impact is to allow Welsh Ministers to direct preparation of Joint Local Development Plans. Joint Local Development Plans will allow strengthened collaboration between neighbouring local planning authorities and efficiency savings on planning issues of local interest. The cross boundary approach means that matters such as housing supply, employment opportunities and Gypsy and Traveller pitch provision can be addressed more effectively. This is expected to have a positive affect on all communities, including the Gypsy and Traveller communities with regards to improved access to employment, housing and services and

associated health benefits these bring (these will be the same as for Strategic Development Plans; please refer to Strategic Development Plan section above).

Joint Planning Boards

19. The Bill proposes technical changes to the existing Joint Planning Boards legislation, enabling Welsh Ministers to use their powers to comprehensively merge two or more local planning authority areas in future by providing Welsh Ministers with the ability to merge local development planning functions, if there is an evidenced need to do so. The mechanisms will help to ensure the correct tools are in place to create resilient delivery bodies with access to a full range of technical and political skills and will facilitate resource and cost savings. With particular regard to the Bill provisions allowing for merger of local development planning functions, this will enable for efficient and effective delivery of such Plans for a Joint Board area enabling planning for appropriate local development through the Local Development Plan process. The Bill also proposes, subject to Assembly approval of regulations, to bring the development management functions of National Park Authorities within the existing Joint Planning Board legislation; the provisions will not extend to the plan-making function of National Park Authorities. This could result in positive health impacts for local communities by ensuring those local developments that have a positive impact on health and well-being, such as green spaces and local medical services, are planned for appropriately.

Pre-Application Procedure (Consultation and Services/Advice)

20. The Bill proposes changes to the planning applications process that will facilitate for increased frontloading of the system, in essence providing local communities and statutory consultees with the opportunity to comment on those major scale development proposals and above at the earliest possible stage in the planning application process and before a planning application is submitted to the determining body. Also, allowing for prospective developers to gain advice on their proposals before an application is submitted to the determining body.
21. Pre-application community consultation will have a positive impact on social and community influences on health as a result of the enhanced citizen power and influence in respect of developments within communities. Involving the community in such a way will empower citizens, giving them a sense of pride and allowing them to influence development in their locality, reducing the occurrence of mental and medical illnesses where communities feel that development has been imposed upon them rather than being a consultative process. Positive health impacts are likely to come from increased awareness of the rights and responsibilities of planning applicants, local planning authorities and the community, leading to less conflict, fewer disputes, less stress and less frustration for people in these groups. Engaging developers with local planning authorities, local communities and statutory consultees on development proposals at the earliest possible stages of the planning process should also result in higher quality schemes as a result and address services that may be required for communities, thereby having a positive health and well-being impact on the lives of people living in local communities.

Applications to Welsh Ministers

22. The Bill focuses on ensuring that planning decisions are made at the appropriate level of Government. This means that in a limited specified number of circumstances the Welsh Ministers will receive and determine planning applications: Firstly for applications that are of the greatest significance in Wales, termed 'Developments of National Significance', and also for those applications connected to the primary Development of National Significance proposal. In line with those requirements set for local planning authorities, the Welsh Ministers, as the determining authority, will be subject to a requirement to determine these types of applications within 36 weeks. This new planning procedure will ensure those nationally significant developments to Wales are delivered in an effective and timely manner. Delivering such development should therefore deliver positive health and well-being benefits to local communities, including potentially reducing economic inactivity which could have a positive impact on the lives of local people.
23. In addition, where a planning authority is designated by the Welsh Ministers under specified criteria to be poorly performing, the Welsh Ministers can direct that applications be submitted directly to them. Again, this provision should assist in delivering appropriate development within local communities, which should positively impact on local people.

Enforcement

24. The Bill proposes improvements to the enforcement system that will make provision:
- Enabling local planning authorities to issue enforcement warning notices;
 - About circumstances in which a person who appeals against an enforcement notice is deemed to have applied for planning permission;
 - About circumstances in which a person may not appeal against the refusal of an application for planning permission or against an enforcement notice;
 - Preventing the variation of certain applications once notice of an appeal has been served;
 - For appeals against notices in respect of land adversely affecting amenity to be made to the Welsh Ministers; and
 - About the procedure for certain proceedings and the payment and award of costs.
25. These proposals are designed to improve the existing enforcement system to secure prompt, meaningful action against breaches of planning control and also limit the possibility of potential offenders delaying enforcement action by exploiting loopholes in the existing process, providing greater clarity. This will help to maintain community confidence in the planning system by helping to

prevent unlawful development which could have a negative health and well-being impact on communities and that could undermine the delivery of development plan objectives. These objectives will have included considerations to enhance communities including a positive effective on aspects of health and well-being. For example, housing supply and development supporting infrastructure, jobs and growth. Therefore, the provisions are deemed to positively impact on the mental and physical well-being of communities in this regard.

Town and Village Greens

26. These proposals prevent applications being made to register land as a town or village green only where planning permission or development consent is granted, a local development order is adopted by the local planning authority or an order granting development consent is made under the Planning Act 2008. The provisions also enable landowners to submit declarations to the commons registration authority preventing the registration of land as a town and village green, provided that certain criteria are met. The proposals are designed to reconcile two competing regimes to ensure people do not use the current system for registration of land as a Town and Village Green as a means of frustrating the planning process for appropriate new development. The proposals provide a means of striking a balance between protecting high quality green space valued by local communities and enabling the right development to occur in the right place at the right time.
27. The current town and village greens registration system enables applications on sites which have planning permission, on which building work may have commenced or have been completed. This registration system may also undermine development plans, in that a town and village greens may be registered on a site which has been previously allocated for development. Where this proposal facilitates the availability of land for the building of housing this will have a positive impact on living/environmental conditions affecting health and will raise the standard of living in the particular area. Housing in the right location can secure health and well-being benefits. Access to recreational land will mean that more people can experience the health and well-being benefits. At the same time we want help our economy grow, and to take steps to unlock sustainable economic growth. These proposals should therefore assist in enabling appropriate new development that could have a positive health and well-being benefit to local communities.
28. At the same time, it must be emphasised that the Bill is not looking to remove green spaces where they are considered to be a vital part of the local community. These provisions are aimed at stopping vexatious town and village green applications from delaying appropriate developments which can have a positive impact on the health and well-being of our towns and villages. These proposals recognise the importance of a person's right to register land as a town or village green and draws a line where sufficient opportunity to exercise that right has been provided. It is recognised that registered town and village greens can have positive impacts on people and communities, though promoting health and well-being, as well as providing a public good.

Other Planning (Wales) Bill Proposals

29. Covering the following:

- Planning appeals system;
- Classes of development;
- Decision notices;
- Notification of development;
- Planning committees;
- Statutory consultees;
- Stopping up and diversion of public paths and highways; and
- Validation appeals.

30. The above provisions are considered to be very much technical in nature, regarding the procedures for determining planning applications or for the considering of planning applications by appeal. They are therefore not considered to have any specific positive or negative impacts on the health and well-being of communities.

Opportunities to address negative impacts

31. It is not considered that the Bill will directly result in any negative impacts on the health and well-being of local communities as the provisions in the Bill are aimed at improving the planning process to make it fairer, enabling and more resilient for this and future generations.

Opportunities to maximise potential positive impacts

32. Individuals, groups and populations who are likely to be affected by planning issues typically have strong views about any possible impacts upon their health and well-being. The Bill will help these groups by allowing increased engagement on proposals for major developments at the earliest possible stage of the planning process, as well as providing a more effective framework for groups to influence development planning at a strategic and national level.

Additional opportunities to improve health and reduce inequalities

33. The opportunity to maximise positive impacts on health and well-being through effective culture change in the planning system may provide for additional opportunities to improve health and reduce inequalities in the effective planning of future new developments in Wales.

Reducing health inequalities

34. There may be differing impacts on certain groups within society. People with certain kinds of disability can be more at risk from specific proposals than other groups, which may consequentially result in different health and well-being impacts. The assessment of the United Nations Convention on the Rights of the Child and the Equalities Impact Assessment include more detailed information

on how different groups within society and communities might be affected by the Bill.

Monitoring / Review

35. The Bill provisions will be monitored as part of the implementation of the primary legislative proposals contained in the Bill and through accompanying subordinate legislation and guidance. The impacts of the Bill on the health and well-being of communities will continue to be monitored and if there are any substantial changes, a further revised impact assessment of the health and well being impacts of the Bill will be undertaken.