

**Welsh Government Response to recommendations in “Study to examine the planning application process in Wales”
(published by W.G in June 2010)**

IMPLEMENTATION PLAN: UPDATE (December 2012)

Summary of Recommendation Number:	Summary of Government Response (June 2010):	Key milestone delivered as at:	Milestone to deliver:
<p>1. Prepare a statement on planning policy for economic development.</p>	<p>Accept. Will commission research (procurement to start July 2010) to evaluate current planning policies against economic development and emerging Economic renewal Programme. Will then revise planning policy and produce “Sustainable Economic Renewal” Technical Advice Note.</p>	<p>June 2012</p> <p>Consultation on PPW has concluded. 53 responses were received and are now being analysed</p> <p>Procurement of a contract for evidence to inform a new TAN concluded in June with the appointment of Roger Tym & Partners.</p> <p>December 2012</p> <p>Edition 5 of PPW was published in November 2012 with the introduction of a revised Chapter 7 to set out the Welsh Government’s updated policy on economic development.</p> <p>Ongoing research by Roger Tym and Partners to develop evidence base to inform a TAN on Economic Development</p>	<p>Complete – Revised Chapter 7 of PPW published November 2012</p> <p>Final draft of research report to be published February 2013</p>

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			<p>Consultation on draft TAN on Economic Development – Summer 2013</p> <p>New TAN to be issued Winter 2013</p>
<p>2. Introduce measures to improve responsiveness of planning system to business needs:</p> <p>2a. Improve exchanges with business orgs;</p>	<p>2a. Accept. Will consider during 2010 the role of the Wales Planning Forum and need for</p>	<p>See 2a, 2b and 2c</p> <p>June 2012</p> <p>Role of the Wales Planning Forum to be discussed at the next meeting of the Forum.</p>	<p>Complete - Regular meetings to be had with the Wales</p>

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2b. new guidance;	<p>new business group.</p> <p>2b. Accept. Review guidance and produce new booklet by end of 2010.</p>	<p>December 2012</p> <p>Wales Planning Forum meeting held on 17 September with updated membership (including representatives from the Federation of Small Businesses and Welsh Planning Consultants Forum, as well as the existing CBI Wales representative); future meetings (next one to be held on 18 January 2013) to be used to input to work on preparing Planning White Paper and draft Planning Reform Bill to be published towards latter part of 2013</p> <p>June 2012</p> <p>The Micro-Business Task and Finish Group was set up by the Minister for Business, Enterprise, Technology and Science in September 2011. Its objective was to provide advice and recommendations on the development and implementation of a Micro-Business Strategy for Wales. One of the recommendations made was to 'Establish advisory support for micro-businesses when regulations impact on their businesses e.g. changes to health and safety, employment, tax and planning law'. This recommendation will form part of the One Stop Shop service for Micro Businesses that will</p>	<p>Planning Forum to be held on a quarterly basis to feed into Planning White Paper and draft Planning Reform Bill.</p>

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		<p>be operational from January 2013.</p> <p>The Business.wales.gov.uk website has a number of guides within the 'Premises and Property' theme, and in the Welsh Government local area and</p> <p>The Business Information Unit Helpline signpost enquiries on planning to either the appropriate Local Authority or to the Planning Portal.</p> <p>Planning Portal has briefed DBETS Business Information Unit about the planning information available for businesses through the Planning Portal.</p> <p>December 2012</p> <p>The One Stop Shop is to be named 'Business Wales'. It will become operational on the 2nd January 2013, and will bring together a number of existing strands of Welsh Government support to SME's across Wales, as well as introduce some new services in line with the recommendations of the Micro Business Report published in January 2012.</p> <p>The new service will provide :</p> <ul style="list-style-type: none"> • General advisory support - business planning, marketing, 	<p>'Business Wales' service to be delivered by Department for Business, Enterprise, Technology and Science. This will be</p>

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		<p>preparation for access to finance etc.</p> <ul style="list-style-type: none"> • International Trade support • Resource Efficiency advice - Energy, waste and water minimisation support • Equalities and employability Advice - basic advice on employment legislation, best practice, equality and diversity support • Mentoring - A volunteer mentoring service for SME's across Wales • Winning Tenders - Support for companies looking to tender into the public sector, supporting large contractors to make opportunities available to SME's across Wales • E-Business support - Access to ICT Diagnostic and further e-business support via the service • Information and Signposting - Dealing with information enquiries from SME's and signposting them to the correct support • Events / workshops - Bespoke events and workshops on a number of subject matters, i.e. access business finance, recruitment, Venture Capital etc. <p>Information provision will provide basic advice in terms of complying with planning legislation and signposting to professional services, with the potential to be expanded in the future e.g. through workshops if the Welsh Government wants to push a priority message or if there is a clear need from businesses. Feedback and suggestions will be</p>	<p>operational by 2nd January 2013.</p>

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<p>2c. consider formal or informal consultee status for business organisations in application process; and</p> <p>2d. better integration of SME needs in planning policy.</p>	<p>2c. Accept. Will undertake a review of statutory and non statutory consultees as set out in response to rec 7.</p> <p>2d. Accept. Following completion of research relating to Recommendation 1, we will produce a toolkit to assist LPAs in taking into account sustainable economic</p>	<p>evaluated throughout to gauge business needs.</p> <p>See recommendation 7</p> <p>2d – June 2012</p> <p>See Recommendation 1 relating to the research study ‘Planning for Sustainable Economic Renewal’.</p> <p>December 2012</p> <p>Edition 5 of PPW was published in November 2012 with the introduction of a revised Chapter 7 to set out the Welsh Government’s updated policy on economic development. The revised policy assists</p>	<p>Final draft of Research report to</p>

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	<p>development interests when preparing plans and determining planning applications. As part of the research we will evaluate the business community’s engagement in policy development at national and local level and identify areas for improvement.</p>	<p>local planning authorities in taking account of sustainable economic development issues when preparing plans and deciding planning applications.</p> <p>To support the implementation of the economic policy in Chapter 7 of PPW, the Welsh Government will prepare a Technical Advice Note on Economic Development (see 1. above). The first stage of this process is the creation of an evidence base to inform the TAN, and this is being taken forward through research conducted by Roger Tym and Partners.</p> <p>Engagement with the business community has been taken forward through the initial Planning for Economic Renewal Research and preparation of Chapter 7. Next year the preparation and consultation on the draft Economic Development TAN will offer further engagement opportunity.</p>	<p>inform a new TAN to be published February 2013</p> <p>Draft TAN to be prepared by Summer 2013</p> <p>New TAN to be issued Winter 2013</p>
<p>3. Clarify requirements for Design and Access Statements.</p>	<p>Accept. Will issue clarification letter for Chief Planning Officers and others to explain appropriateness of</p>	<p>Policy Clarification letter CL-03-10 “Design and Access Statements” issued to Chief Planning Officers and other interested bodies by Chief Planner-31 August 2010.</p>	<p>Completed.</p>

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	Statements in July 2010.		
4. Improve the way new planning guidance is developed.	<p>Accept. Key stakeholders are involved but will review business engagement as part of Rec.2.</p> <p>During 2011 consider “impact test” so that implications of new policy are assessed.</p>	<p>June 2012</p> <p>Scope of viability assessment needs to be considered in the context of the Regulatory Impact Assessment being undertaken in respect of the devolution of Building Regulations.</p> <p>December 2012</p> <p>Consultation on devolution of building regulations completed. The issue of impacts on viability is an important element of the consultation process and will need to be factored into the final policy decisions. Consultation responses being analysed and will be taken forward by the Construction Unit within Welsh Government.</p>	<p>The assessment of WG delivery of policy initiatives to identify unintended consequences for the planning system is being taken forward in discussion with colleagues and across Ministerial</p>

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			portfolios – discussions on-going with work to be progressed into 2013.
5. Limit new guidance apart from that related to the Recs and call-in criteria and guidance.	Accept in part. New guidance kept under review and updated where necessary. Consolidated version of Planning Policy Wales (PPW) issued in June 2010 to incorporate all previous Ministerial Interim Planning Policy Statements and policy relating to climate change.	<p>June 2012</p> <p>The fourth edition published February 2011.</p> <p>December 2012</p> <p>Edition 5 of PPW was published in November 2012 with the introduction of a revised Chapter 7 to set out the Welsh Government’s updated policy on economic development</p>	Completed

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	Re call-in revised guidance issued May 2010.	<p>Call-in guidance is kept under review and revised explanatory note issued in July 2010.</p> <p>June 2012</p> <p>A new Direction has been made and comes into force at the end of July 2012. The Direction will be incorporated into a new Welsh Government Planning Circular that will be issued at the same time.</p> <p>December 2012</p> <p>Welsh Government Circular 07/2012 'The Town and Country Planning (Notification) (Wales) Direction 2012 was issued 30 July 2012.</p>	Completed
6. Devise new policy and guidance for	Accept. We will review current development	Responses to issues set out in draft TAN 17 “Planning and Managing Development” analysed and responses noted as part of evidence for developing consultation papers on development management topics.	Develop Best Practice Guidance

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positive development management principles to be adopted by all applicants, local planning authorities, statutory and non-statutory consultees and the Assembly Government.	management policy and consider revisions and new best practice guidance to take account of development management changes taken forward .New guidance to issue in 2011, informed by public consultations.	<p>June 2012</p> <p>Ongoing.</p> <p>December 2012</p> <p>On going</p>	taking account of all development management improvements made. Work to commence in Summer 2013.
7. Review statutory and non-statutory	Accept. <u>Stage 1:</u> Consultation paper to establish current		Completed.

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consultation arrangements.	<p>arrangements to issue July 2010.</p> <p><u>Stage 2</u>: Review to follow regarding the operation of role of statutory and non statutory consultees in considering different types of planning applications.</p>	<p>June 2012</p> <p>Stage 2 - Scoping work ongoing</p> <p>December 2012</p> <p>The role of statutory consultees was discussed in the recently published report ‘Towards a Welsh Planning Act – Ensuring the Planning System Delivers’ and it was recommended that the forthcoming Planning White Paper and draft Planning Reform Bill (to be published towards latter part of 2013) will take forward measures to improve the way statutory consultees interact with the planning system. Measures that do not require primary legislation can be taken forward through subordinate legislation. Work is currently on going to identify what measures are to be taken forward in the draft Bill and what can be taken forward through subordinate legislation.</p>	<p>White Paper and draft Planning Reform Bill to be issued for public consultation towards the latter part of 2013 – consultation on subordinate</p>

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			measures to follow.
8. Devise best practice guidance on organisational delivery of development management to include quality and satisfaction based performance measures for outcomes.	Accept as part of work related to Recommendation 6.	See Recommendation 6	
9. Devise best practice guidance for organisation of planning committees.	Accept. Will review current guidance as part of work related to Rec 6.	A review of current guidance will be undertaken as part of developing best practice guidance on the development management system – See Recommendation 6.	Develop Best Practice Guidance taking account of all development management improvements

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		<p>June 2012</p> <p>WLGA guidance for Member training on planning was issued in readiness for the Local Government Elections in May 2012.</p> <p>December 2012</p> <p>It was recommended in the recently published report 'Towards a Welsh Planning Act – Ensuring the Planning System Delivers' that an independent body be commissioned to conduct a study of the operation of Planning Committees in Wales to determine whether there is a link between efficiency and effectiveness and committee size. The Welsh Government has invited RTPI Cymru to commission research into the structure and operation of local planning authority planning committees – work to be commissioned in January 2013.</p>	<p>made - 2012-2013.</p> <p>WLGA guidance for Member training on planning issued – Completed</p> <p>Research findings to be reported by June 2013.</p> <p>Proposals to be outlined in the White</p>

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		RTPI accepted commission and are in the process of establishing a group of technical experts to oversee the study.	Paper and draft Planning Reform Bill to be issued for public consultation towards the latter part of 2013
10. Extend permitted development rights.	A (i). Domestic dwellings microgeneration permitted development rights came into effect in September 2009.	A (ii) – UK technical issues resolved allowing further relaxations for domestic micro-generation permitted development rights.	<p>A (i). Completed.</p> <p>A (ii). Completed</p>

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	<p>B. Non-domestic buildings microgeneration amended permitted development rights subject of consultation that ended 3 July 2010.</p>	<p>A draft Statutory Instrument introducing further permitted development rights for householders has been drafted and was notified to the European Union in January 2012 in accordance with Directive 98/34/EC as amended by Directive 98/48/EC.</p> <p>The Statutory Instrument has been signed by the Minister, laid before National Assembly for Wales, and brought into force on the 18th June 2012.</p> <p>B- June 2012</p> <p>Ministerial approval to formally draft Statutory Instrument was received in May 2012. Statutory Instrument for non-domestic buildings permitted development rights for micro-generation being drafted.</p> <p>December 2012</p> <p>Statutory Instrument signed in September 2012 for the following amendments to the Town and Country Planning (General Permitted Development) Order to provide permitted development rights for microgeneration equipment on non-domestic properties, and to the Town and Country Planning Act 1990 to amend the description of</p>	<p>B. Complete</p>

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	<p>C. Domestic dwellings permitted development rights to be consulted upon in Autumn 2010.</p>	<p>permitted development to include non-domestic micro-regeneration equipment:</p> <p>Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (Wales) Order 2012:</p> <p>Town and Country Planning (Compensation) (Wales) (No. 2) Regulations 2012</p> <p>A Guidance booklet: <i>'Generating your Own Energy, Planning Regulations for Microgeneration: Non-domestic'</i> has also been published</p> <p>December 2012</p> <p>Consideration of technical issues has concluded. Work is continuing to revise the draft amendment Order informed by the consultation responses received and the additional technical work undertaken. Work is also ongoing to revise the technical guidance, householder guide and regulatory impact assessment to reflect the changes being made to the amendment Order.</p>	<p>C. Subordinate legislation, technical guidance, householder guide and Regulatory Impact</p>

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			<p>Assessment to be amended for Ministerial approval.</p> <p>Order to be made January 2013.</p> <p>Technical and householder guides to be published February 2013.</p> <p>Regulations to come into force by Summer 2013 (for householders and LPA's to familiarise</p>

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	<p>D. Non-domestic buildings permitted development rights to be consulted on in Autumn 2010.</p>	<p>D - June 2012</p> <p>Consultation paper being prepared.</p> <p>December 2012</p> <p>Consultation paper and draft Regulatory Impact Assessment issued for comment, October 2012. Consultation period ends on 11 January 2013.</p>	<p>themselves with the regulations).</p> <p>D. Analysis of responses to be undertaken. Amended regulations, and Regulatory Impact Assessment to be introduced in Summer 2013 following Ministerial approval.</p>

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		<p>E - In addition consultation on the introduction of Local Development Orders was issued in July 2010 for response by October 2010.</p> <p>Regulation to enable local planning authorities to make Local Development Orders came into force on 30 April 2012.</p> <p>The following guidance was also issued on 30 April 2012:</p> <ul style="list-style-type: none"> - Welsh Government Circular 003/2012: Guidance on using a local development order. - Guidance on using a local development order. 	E. Completed
11. Adopt a practical approach to minor material amendments to planning applications.	Accept. We will include in a consultation paper to issue during this calendar year.	<p>June 2012</p> <p>Consultation paper including draft guidance and draft Regulatory Impact Assessment being finalised.</p> <p>December 2012</p> <p>Taking into consideration the recommendation of the Independent Advisory Group (IAG) in relation to non-material and minor material amendments to existing planning permissions, the improvements sought are to be taken forward separately as follows:</p>	

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		<p><u>Non-material amendments to an Existing Planning Permission</u></p> <p>A consultation paper was issued on 10 December 2012 seeking views on proposals to introduce a statutory procedure – by applying Section 96A of the Town and Country Planning Act 1990 (TCPA 1990) to Wales - to approve such amendments.</p> <p><u>Minor Material Amendments to an Existing Planning Permission</u></p> <p>As advocated through the recommendations of the IAG, a specific power for making and ratifying minor material amendments is proposed to be included in the forthcoming Planning Reform Bill. Detailed proposals will form part of the white paper and draft Planning Reform Bill to be issued for public consultation by the end of 2013.</p>	<p><u>Non-material Amendments</u></p> <p>Consultation paper issued on 10 December 2012.</p> <p><u>Minor Material Amendments</u></p> <p>Detailed proposals to form part of the white paper and draft Planning Reform Bill to</p>

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			be issued for public consultation by the end of 2013.
12. Devise best practice guidance for pre-application discussions.	Accept. Will take forward during 2010 in collaboration with Planning Officers Society Wales.	Practice Guide: Realising the potential of pre-application discussions published in May 2012.	Completed.
13. Revise arrangements for validation of planning applications.	Accept. Will issue consultation package including draft circular and draft guidance in July 2010.	Regulations setting out planning application validation requirements came into force on 30 April 2012. The following guidance was also issued on 30 April 2012 to support the changes to the regulations: - Welsh Government Circular 002/2012: Guidance for Local Planning Authorities on the use of the standard application form ('1app') and validation of applications. - Guidance on the use of the standard application form ('1app') and validation of applications.	Completed.

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14. Increasing Use of Electronic Planning Services.	Accept. Work on going with planning portal to increase use- over 20% of planning applications submitted on line. E consultation hub being tested by several LPA’s and statutory consultees.	<p>June 2012</p> <p>Ongoing work with the Planning Portal, including improved Wales content on the Portal and increasing take up of on-line applications (current average for Wales is 35%).</p> <p>December 2012</p> <p>Continuing work with Planning Portal, updating Wales content on the Portal, and increasing take-up of planning applications submitted online (current average for Wales is 40% submitted online)</p>	Ongoing work with Planning Portal to increase use of electronic planning services
15. Sharing Expertise - create consultants for Ipas to use when local expertise not available and Ipas to work together re infrastructure,	Accept in part. We will write to all Chief Planning Officers in July 2010 setting out the technical support we will procure for planning applications in the	Pilot programme completed and grant incorporated within mainstream Incentivising Planning Budget for 2011/12 and 2012/13. Applications for funding support for 2012/13 have been invited from Local Planning Authorities.	Completed

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minerals, waste, natural resources and energy sectors.	waste and renewable energy sectors identified as national priorities.	<p>December 2012</p> <p>This funding is available through the Planning Improvement Fund and is demand-led. Local planning authorities have submitted proposals for funding to enable them to obtain specialist planning advice for renewable energy, minerals, and waste treatment developments once applications have been submitted</p>	
16. Review guidance on the use of Planning Conditions.	Accept. Will begin review in 2011.	<p>December 2012</p> <p>Consultation paper containing draft Circular and list of model conditions is being prepared</p>	Consultation paper to be issued January 2013