

EXPLANATORY MEMORANDUM TO:

**The Town and Country Planning (General Permitted Development)
(Amendment) (Wales) Order 2014**

**The Town and Country Planning (Compensation) (Wales) Regulations
2014**

This Explanatory Memorandum has been prepared by the Department for Housing and Regeneration and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of:

- The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014
- The Town and Country Planning (Compensation) (Wales) Regulations 2014

I am satisfied that the benefits outweigh any costs.

Carl Sargeant AM
Minister for Housing and Regeneration

11 March 2014

1. Description

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014

- 1.1 The Town and Country Planning (General Permitted Development) Order 1995 (the “GPDO”), as amended, allows some minor development to be undertaken, within certain parameters, without the need to submit a planning application. This is known as “permitted development”.
- 1.2 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014 amends the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) in relation to Wales.
- 1.3 Broadly, the effect of the Amendment Order is to provide:
 - Amended permitted development rights (“PDRs”) for Industrial and Warehouse Development (Part 8 of Schedule 2 to the GPDO). In particular, an allowance is made for new buildings and some of the previous permitted development rights for industrial buildings and warehouses now apply to research and development uses.
 - Amended PDRs for Schools, Colleges, Universities and Hospitals (Part 32 of Schedule 2 to the GPDO). In particular, an allowance is made for extensions and alterations.
 - New PDRs for office buildings (use class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (“Use Classes Order”).
 - New PDRs for shops and financial/professional services establishments (use classes A1 & A2 of the Schedule to the Use Classes Order).
 - New PDRs for refuse/cycle storage facilities to apply to Part 8 and Part 32 of schedule 2 to the GPDO, office buildings (use class B1(a)), shops (use class A1) and financial/professional services (use class A2) of the Schedule to the Use Classes Order
 - Greater protection for World Heritage Sites in the context of the permitted development substituted by and introduced by this Order.
 - PDRs for the laying of hard surfaces within the curtilage of an industrial building or warehouse providing the surfaces are either porous or permeable or designed to direct surface water run-off to a permeable/porous area.

- Greater flexibility to change the use of industrial premises to and from use class B8 (storage and distribution) by amending Part 3 of Schedule 2 to the GPDO.

The Town and Country Planning (Compensation) (Wales) Regulations 2014

1.4 The Town and Country Planning (Compensation) (Wales) Regulations 2014 replace the Town and Country Planning (Compensation) (Wales) (No.2) Regulations 2012, and in doing so insert three additional descriptions of prescribed development under paragraphs (2A)(a) and (3C)(a) of section 108 of the Town and Country Planning Act 1990. The additional descriptions of prescribed development are:

- development permitted by Part 8 Class E (erection of a refuse or cycle store within the curtilage of an industrial building or warehouse);
- development permitted by Part 41 of Schedule 2 (office buildings); and
- development permitted by Part 42 of Schedule 2 (shops, financial or professional services).

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

2.1 There are no matters of special interest to the Constitutional and Legislative Affairs Committee.

3. Legislative background

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014

- 3.1 The powers to make this Order are in sections 59, 60, 61 and 333(7) of the Town and Country Planning Act 1990.
- 3.2 These sections give the Secretary of State power to grant (or to enable local planning authorities to grant) planning permission for categories of development specified in a development Order. The GPDO is made under these powers.
- 3.3 The functions of the Secretary of State under sections 59, 60, 61 and 333(7) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672): see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000

(S.I. 2000/253). Those functions were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32), the functions being relevant Assembly functions as defined in paragraph 30(2).

- 3.4 Section 333(5) of the Act provides that the procedure for a statutory instrument which contains a development order is a negative resolution procedure.

The Town and Country Planning (Compensation) (Wales) Regulations 2014

- 3.5 The Welsh Ministers, in exercise of the powers conferred by section 108(2A), (3C), (3D), (5), and (6) of the Town and Country Planning Act 1990, now exercisable by them, have made the Town and Country Planning (Compensation) (Wales) Regulations 2014.

4. Purpose & intended effect of the legislation

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014

- 4.1 A number of research reports, commissioned by the Welsh Government, recommend the extension of permitted development rights for non-householder land uses in order to save time and money for business and public institutions, and to allow local planning authority resources to be focussed on more significant development proposals.
- 4.2 Specific, technical recommendations on how non-householder PDRs should be extended were made in “Final Report - Non Householder Minor Development Consents Review”, a report commissioned by DCLG that applies to England and Wales.
- 4.3 The recommendations of this report form the evidence base for the changes introduced in the Wales Amendment Order.

The issue to be addressed by legislation

- 4.4 The minor development consents review indicates that there are a number of problems with the GPDO, including:
- A number of land uses do not currently benefit from PDRs, which include offices, shops and financial/professional services. Occupiers of premises in these land uses are currently disadvantaged and are currently unable to undertake low-impact changes without the need to submit a full planning application.
 - Stakeholders have identified that existing PDRs for Part 32 (Schools, Colleges, Universities and Hospitals) are set so low as to

be of little practical use and Part 8 of the GPDO does not currently permit the erection of new buildings.

- On some subjects e.g. hard surfaces, flood risk and waste storage, the GPDO is outdated.
- Inconsistencies in the application of thresholds and limitations for PDRs – an impact approach to PDRs should be adopted, which takes account of the potential effect of development on neighbours and adjoining land uses.

4.5 The purpose of the Amendment Order is to address the above issues.

Who is affected?

4.6 The following sectors are most likely to be affected:

- **Commercial enterprises and institutions** that pay for and benefit from improvements and alterations to their premises.
- **LPAs** who advise on PDRs, determine applications for planning permission and consider enforcement action where development is carried out in breach of planning legislation.
- **Businesses** that provide design advice and often act as agents for those seeking planning permission.
- **Residents and other occupiers** of neighbouring property who may be affected by development in the area.

4.7 The objectives are:

- To reduce the administrative burden on industry, business and educational/health institutions by providing greater freedom to undertake minor development (in cases where there is no or insignificant impact) without the need to apply for full planning permission.
- To help towards reducing the overall number of applications for minor development in the planning system, thereby providing LPAs with the opportunity to re-allocate resources to development schemes that generate more complex issues.
- To address the potential amenity or environmental impact of permitted development: reducing flood risk by replacing the current allowance for hard surfaces in Part 8 of Schedule 2 to the GPDO with a requirement to install permeable hard surfaces or direct surface water run-off to a permeable/porous area; providing a degree of protection for the built heritage by restricting certain PDRs in World Heritage Sites.

Risks/hazards if legislation is not made

4.8 If amendments to the GPDO are not introduced, some small businesses could be deterred from extending or altering their premises due to the cost and delay of having to submit planning applications.

LPA's would also still have to commit resources to determining minor, uncontentious applications for non-domestic development.

The Town and Country Planning (Compensation) (Wales) Regulations 2014

- 4.9 The Town and Country Planning (General Permitted Development) Order (GPDO), as amended for Wales, allows certain, minor developments ("permitted development") to be undertaken without the need for an individual application for planning permission.
- 4.10 These "permitted development rights" (PDRs) can, in some circumstances, result in adverse impacts at a local level. Local planning authorities are therefore able to issue directions under article 4 of the GPDO to withdraw PDRs. An article 4 direction does not prevent development but requires planning permission to be obtained if it is to be carried out.
- 4.11 Section 108 of the Town and Country Planning Act 1990 provides (among other things) that when a local planning authority withdraws PDRs by issuing a direction (and subsequently refuses an application required as a result of that direction or approves the application subject to conditions) they may be liable to pay compensation for abortive work or other loss or damage directly attributable to the withdrawal.
- 4.12 Section 108(2A)(a) provides that where planning permission of a prescribed description granted by a development order is withdrawn by the issue of directions under powers conferred by that order, compensation is only payable if an application for development formerly permitted by that order is made within 12 months of the directions taking effect.
- 4.13 Subsections (3B)(a) and (3C) of Section 108 of the Town and Country Planning Act 1990 provide that where planning permission granted by a development order is withdrawn, there will be no entitlement to compensation where the permission was for development of a "prescribed description", is withdrawn in the prescribed manner and notice of the withdrawal is published in the "prescribed manner" not less than 12 months and no more than the prescribed period before the withdrawal took effect.
- 4.14 The purpose of the Town and Country Planning (Compensation) (Wales) Regulations 2014 is to add Part 8 Class E (refuse and cycle stores associated with industrial and warehouse buildings), Part 41 (offices) and Part 42 (shops, financial or professional services) of Schedule 2 to the GPDO to the existing description of "prescribed development" for the purposes of paragraphs (2A) (a) and (3C) (a) of section 108 of the Town and Country Planning Act.

- 4.15 The effect of the additions is that if permitted development rights provided by Parts 8 Class E, 41 or 42 of the GPDO are withdrawn, section 108(2A)(a) has the effect outlined in paragraph 4.12. above in relation to those permitted development rights. Further, if those permitted development rights are withdrawn in accordance with the requirements outlined in paragraph 4.13 – there is no entitlement to compensation under section 108.
- 4.16 No other change is made to the substance of the existing provisions in the Town and Country Planning (Compensation) (Wales) (No.2) Regulations 2012, which are consolidated in these Regulations.

5. Consultation

- 5.1 Details of the consultation exercise are included in the Regulatory Impact Assessment.

6. PART 2 – REGULATORY IMPACT ASSESSMENT FOR:

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014

The Town and Country Planning (Compensation) (Wales) Regulations 2014

6.1 Options

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014

6.2 The following options have been considered:

Option 1 : Do nothing

6.3 Option 1 would entail no change to the GPDO as it applies to Wales.

Option 2 : Do minimum – Make some but not all the amendments

6.4 Whilst a “do minimum” option has been considered, it would be difficult to achieve the “Purpose & intended effect of the legislation” without amendments to the GPDO as it applies in Wales. To secure these amendments, subordinate legislation will be required. Without changes to the GPDO, via subordinate legislation, there is no means of making changes to PDRs in Wales.

6.5 Given that new legislation is required in order to make any changes to the GPDO in order to meet the “Purpose & intended effect of the legislation”, there is no benefit in terms of resources or speed by pursuing a “do minimum” option. The resources and time expended in only making selected amendments to the GPDO, as applied to the land uses considered in this document, would be the same as pursuing the full suite of measures detailed in Option 3.

Option 3: Amend the GPDO, in the ways set out in the Amendment Order

6.6 Introduce amendments to the GPDO in Wales to provide greater flexibility for certain industrial and commercial businesses and educational/health institutions to make improvements and alterations to their premises without the need to submit a planning application.

6.7 Option 3 is the Welsh Government’s preferred option.

The Town and Country Planning (Compensation) (Wales) Regulations 2014

6.8 Two options have been considered:

- (i) Do nothing – continue with the description of permitted development in regulation 2 of the Town and Country Planning (Compensation) (Wales) (No. 2) (Regulations) 2012.
- (ii) Make the Town and Country Planning (Compensation) (Wales) Regulations 2014 - to add Part 8 Class E (refuse and cycle stores associated with industrial and warehouse buildings), Part 41 (offices) and Part 42 (shops, financial and professional services) of the GPDO to the list of prescribed development for the purposes of section 108 of the Town and Country Planning Act 1990.

6.9 Option (ii) is the Welsh Government's preferred option.

7. Costs & benefits

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014

7.1 The sectors most likely to be affected by the amendments are:

- **Commercial enterprises and institutions** that pay for and benefit from improvements and alterations to their premises.
- **LPAs** - advise on development proposals, determine applications for planning permission and consider enforcement action where development is carried out in breach of planning legislation.
- **Businesses providing planning services** - provide design advice and often act as agents for those seeking planning permission.
- **Residents and other occupiers** of neighbouring property who may be affected by development in the area.

Option 1: Do nothing - costs analysis

Commercial enterprises and institutions

7.2 A direct cost is that a number of minor development proposals, involving alterations, extensions and new build would still require the submission of a planning application to the LPA, with an associated planning fee. Planning fees for such development are currently between £166 (alterations involving no increase in floor space or development creating no more than 40sqm additional floorspace) and £330 (an increase in floor space over 40sqm but less than 75sqm), these fees would still apply.

- 7.3 Indirect costs relate to fees involved in appointing an agent or having plans drawn up. Also, there may be an indirect cost to the applicant in terms of the delay and uncertainty caused by the planning application process.

Local Planning Authorities

- 7.4 There would be no direct or indirect costs to the LPA as fee-generating planning applications would continue to be submitted.

Businesses providing planning services

- 7.5 Businesses providing planning advice and services would not be affected as any work streams associated with the minor development addressed in this paper would remain – no direct or indirect costs.

Residents and occupiers of neighbouring property

- 7.6 With no change to the GPDO, current PDRs would be unaffected and there would be no direct or indirect costs to residents or neighbouring occupiers.

Option 1: Do nothing - benefits analysis

Commercial enterprises and institutions

- 7.7 There would be no direct or indirect benefits to this sector.

Local Planning Authorities

- 7.8 A direct benefit would be that LPAs would continue to receive planning fees for a number of minor development proposals. However an opportunity to free up resources to deal with more complex planning applications would be lost.

Businesses providing planning services

- 7.9 A direct benefit would be that businesses would continue to be involved in any work streams associated with the minor development proposals addressed in this paper. No indirect benefits.

Residents and occupiers of neighbouring property

- 7.10 Residents and neighbouring occupiers would continue to have the opportunity to comment on planning applications involving the minor development schemes addressed in this paper - a direct benefit.

Option 2: Do minimum - Make some but not all the amendments, costs and benefits analysis

- 7.11 As discussed in paragraph 6.4 and 6.5, in order to address the issues raised in “Purpose & intended effect of the legislation”, changes to the GPDO are required.

Option 3: Amend the GPDO, in the ways set out in the Amendment Order: costs analysis

Commercial enterprises and institutions

- 7.12 In most cases there are no indirect or direct costs as this sector will not have to submit a planning application or an associated planning fee for certain types of development.
- 7.13 However persons wishing to lay hardstandings associated with industrial premises will need to use permeable or porous materials or ensure surface water run-off drains to a permeable or porous surface, rather than laying impermeable surfaces as permitted under the existing PDRs. This may generate additional costs for business – a research report, commissioned by DCLG¹, stated that the cost of impermeable asphalt is £66.90 per sqm, compared to £75.72 per sqm for permeable asphalt, which if applied to a surface area of 100sqm, equates to £6,690 compared to £7,572, respectively.
- 7.14 But business can lay impermeable hardsurfacing within the terms of the PDR if run-off is directed to a permeable or porous surface rather than the public sewer. In this scenario, business will not incur any additional costs. It is expected that business will pursue this option where possible in order to minimise costs.

Local Planning Authorities

- 7.15 Based on the findings of the DCLG 2008 report, the proposed changes to the GPDO would result in a reduction of approximately 6% of all minor planning applications in Wales each year, this equates to between 700 and 800 applications per year and would result in the loss of some planning fees for LPAs.
- 7.16 Based on current planning application fees for category 2 (the erection of buildings) development, contained in the planning application fees regulations, the loss of fee income to LPAs would be either £166 or £330 per application. So a 6% reduction in the number of minor applications for non-domestic uses, based on Welsh Government monitoring data, equates to 750 applications per annum. This could result in an estimated total loss of fee income to LPAs in Wales of

¹ Understanding permeable and impermeable surfaces: Technical report on surfacing reports and Cost Benefit Analysis, DCLG, 2009

between £124,500 and £247,500 per annum. However it is assumed that planning fees relate directly to the work involved on behalf of the relevant planning authority, therefore any reduction in fees will be mirrored in a reduction in costs for LPAs in terms of the staff time and associated resources that are required to determine such applications.

Businesses providing planning services

- 7.17 Businesses providing planning consultancy services may potentially lose some fee generating work although given the small-scale nature of the development affected this impact is likely to be limited. There is no evidence available, which could be used to quantify this direct cost.

Residents and occupiers of neighbouring property

- 7.18 No direct or indirect costs.

Option 3: Amend the GPDO, in the ways set out in the Amendment Order - benefits analysis

Commercial enterprises and institutions

- 7.19 A direct benefit for this sector is the greater freedom and flexibility for businesses and some institutions to undertake minor alterations to their premises without requiring planning permission. This will remove some of the delay and uncertainty associated with submitting a planning application.
- 7.20 Another direct benefit for the sector is the removal of costs associated with submitting planning applications for this form of minor development. As discussed in paragraph 7.16, the application fee for the type of development affected by the proposals in this consultation document will be between £166 and £330 – based on a 6% reduction in the number of minor applications for non-domestic uses, this equates to a saving for this sector of approximately £124,500 and £247,500 per annum. However there also additional savings if planning professionals are employed to design, plan and manage applications.
- 7.21 The following indirect benefits will also arise:
- The ability to undertake alterations to premises without the need for a planning application may facilitate the expansion of businesses and institutions, which could assist this sector in contributing towards economic growth.
 - Minor alterations will help to secure improved premises and buildings, allowing some businesses and institutions to remain in situ, rather than potentially having to find or invest in new premises.

- Reducing the liability to flooding for those premises at risk of flooding from surface water run-off.

Local Planning Authorities

- 7.22 Whilst there may be some loss of fee income, LPAs may benefit from the removal of some minor, uncontentious applications from the system. Whilst these types of application incur a fee, they still take up resources in terms of processing, advertising and determining. If these applications are taken out of the system, LPAs could benefit by reallocating valuable staff resources to other applications that have more complex and significant impacts – an indirect benefit.

Businesses providing planning services

- 7.23 An indirect benefit for business could be that LPAs are able to invest more time on other, potentially more contentious applications, which could result in an improved service from the LPA to this sector.

Residents and occupiers of neighbouring property

- 7.24 A direct benefit is that the requirement to deal with surface water run-off from hard surfaces associated with industrial and business premises, by using sustainable drainage techniques, should reduce the risk of flooding for neighbours and neighbouring properties.
- 7.25 An indirect benefit is that the amendments to proposed PDRs are impact based, and take account of issues such as privacy, overbearing development and impact on the character of the street scene. This should ensure that the amenity of this group is protected and not adversely affected by amended PDRs.

The Town and Country Planning (Compensation) (Wales) Regulations 2014

Option (i) Do nothing

Costs

- 7.26 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014 introduces new permitted development rights for refuse and cycle storage facilities associated with industry and warehousing (Part 8 Class E), offices (Part 41) and shops, financial and professional services (Part 42).
- 7.27 If a LPA was to withdraw permitted development rights by direction for Part 8 Class E, Part 41 or Part 42 development, liability to pay compensation would not be limited in accordance with the Town and Country Planning (Compensation) (No 2) Regulations 2012.

7.28 It is impossible to assess the cost to the LPA of a compensation claim if one was to be made. The amount of claim will vary on a case by case basis. As such claims are rare, it is difficult to find any historic data that could be used as a basis for estimating future claims.

Benefits

7.29 No benefits.

Option (ii)

Costs

7.30 No indirect or direct costs. Option (ii) simply involves updating the Compensation Regulations to include new Part 8 Class E, Part 41 and Part 42 of the GPDO within the list of “prescribed development”.

Benefits

7.31 The inclusion of the prescribed development set out at paragraph 6.8(ii) within the compensation regulations means that should a local planning authority determine that these permitted development rights should be removed in certain areas through using directions then compensation liability would be limited in accordance with the regulations. In particular, the duration of compensation liability would be limited to applications made within 12 months of the directions taking effect. Compensation could be avoided if the local planning authority gives and publishes the notice in the prescribed manner between 12 and 24 months before the withdrawal takes effect.

8. Impact of Order and Regulations on Key Sectors

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014

Local Government

- 8.1 The impacts of the proposed amendments have been considered in paragraphs 7.15 – 7.16, and paragraph 7.22 of the costs and benefits assessment.

Voluntary Sector

- 8.2 The type of development that would be affected by this consultation document (primarily commercial, industrial and educational) means that any impact on the voluntary sector is likely to be limited. Any impact is likely to be positive, particularly on groups in the education sector, which may have the opportunity to undertake minor alterations, extensions and some new build without having to submit planning applications.

Business

- 8.3 The impacts of the proposed amendments have been considered in paragraphs 7.17 and 7.23.

The Town and Country Planning (Compensation) (Wales) Regulations 2014

Local Government

- 8.4 The impact of preferred option (ii) on local government is detailed in section 7.

Voluntary Sector

- 8.5 The Regulations would not have any significant effect on the voluntary sector.

Businesses

- 8.6 The Regulations would not have any significant practical effect on the business sector.

9. Impact on Statutory Duties of Welsh Ministers

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014

Equality of Opportunity

- 9.1 The proposed legislation would not have any adverse equality impacts on any particular section of society with protected characteristics.
- 9.2 There may be some benefits in terms of inclusive access where occupiers decide to undertake alterations to premises to make improvements such as level/ramped access into buildings.

The Welsh Language

- 9.3 The proposals do not have any adverse implications for the Welsh language.

Sustainable Development

- 9.4 The proposed amendments would not have any significant adverse impacts on sustainable development.
- 9.5 Additional PDRs would provide business, industry and educational institutions with the ability to make small-scale changes to premises and businesses that may allow them to expand/remain in their current location, encouraging a sustainable approach to the use of existing buildings and premises.
- 9.6 Hard surfaces laid under permitted development rights in Part 8 of Schedule 2 to the GPDO (industrial buildings and warehouses) will either need to be made of permeable or porous material, or surface water runoff will need to drain to a permeable or porous area. This restriction on hard surfaces would help towards reducing flood risk associated with surface water run-off.
- 9.7 The Amendment Order provides PDRs for new cycle storage facilities; additional cycle storage may encourage trips on bike.

Biodiversity

- 9.8 The Welsh Government must have regard to duties under section 11A of the National Park and Access to the Countryside Act 1949, section 85 of the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010. The new and amended permitted development rights are subject to certain

parameters and we consider that development permitted by the Amendment Order would not be harmful to the biodiversity interests.

The Town and Country Planning (Compensation) (Wales) Regulations 2014

Equality of Opportunity

- 9.9 The Regulations would not have any impact on any particular group(s) with protected characteristics for the purposes of equality.

The Welsh Language

- 9.10 The Regulations do not have any implications for the Welsh language.

Sustainable Development

- 9.11 The Regulations would not have any impact on sustainable development.

10. Costs and Benefits Summary

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014

- 10.1 Based on the above analysis of both options, Option 3, which proposes amendments to the GPDO, is preferred in order to:
- Provide certain industrial and commercial businesses and educational/health institutions with greater flexibility in order to undertake alterations, extensions and some new build without having to submit a planning application. This will contribute towards reducing unnecessary regulation with the aim of stimulating economic growth and innovation.
 - Contribute towards reducing the number of minor, uncontentious and therefore unnecessary planning applications in the planning system and therefore potentially releasing resources within LPAs in order to focus on more complex development schemes. This will also help towards facilitating a proportionate approach to development management.
 - Take account of any potential adverse effects of new PDRs on neighbours and neighbouring properties by adopting an impact-based approach, which takes account of any potential amenity issues such as privacy and overbearing development.
 - Provide greater protection for World Heritage Sites.
 - Contribute towards reducing the risk of surface water flooding.

The Town and Country Planning (Compensation) (Wales) Regulations 2014

- 10.2 Option (ii) is the preferred option as it does not generate any significant indirect or direct costs for any of the key sectors but does provide LPAs with the ability to limit compensation liability.

11. Consultation

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014

- 11.1 A consultation exercise was undertaken between 3 October 2012 and 11 January 2013.
- 11.2 The consultation paper and draft Regulatory Impact Assessment were made available on the Welsh Government's web-site. In addition, key stakeholders from the private, public and third sectors were notified in writing.
- 11.3 The consultation exercise generated 41 responses. A wide range of respondent groups were represented: local planning authorities, businesses, professional bodies/interest groups, government agencies/public sector, community/town councils, individuals and voluntary groups.
- 11.4 Broadly, the majority of respondents supported the proposals in the consultation paper.
- 11.5 However some respondents expressed concern about aspects of the policy approach to hardstandings associated with industrial and warehouse premises; a particular issue for LPAs was how to assess whether run-off from hardstandings would result in a risk of groundwater contamination. The Amendment Order and supporting guidance note address these concerns.
- 11.6 The consultation paper also sought the views of stakeholders on a potential approach that would mean that ATMS (cash points) and shopfronts would not require planning permission, subject to the prior approval of the LPA. Responses were mixed but overall, stakeholders were concerned about the potential impact on crime, design and amenity. This proposal is not therefore being pursued.

12. Competition Assessment

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014

- 12.1 A competition filter test has been applied to the Amendment Order and the Compensation Regulations. The results of the tests indicate that there is no competition concern.

13. Post implementation review

- 13.1 The Welsh Government will monitor whether the changes to the GPD have resulted in a reduction in the number of applications for minor non-domestic development by analysing LPAs' development management statistics.
- 13.2 Regular meetings between the Welsh Government's Planning Division and (i) Wales Planning Forum (which includes business and third sector interests), (ii) Chief Planning Officers and (iii) Planning Lead Members provide a forum for discussing any issues or concerns with the new legislation. Any feedback from the Planning Inspectorate (Wales) and representations to the Welsh Government's Planning Division by interested sectors, Assembly Members and the public can also provide evidence of the effectiveness of the legislation.