

Cla Cymru commentary on Planning (Wales) bill.

The CLA is the membership organisation for owners of land, property and businesses in rural England and Wales. We help safeguard the interests of landowners and those with an economic, social and environmental interest in rural land and the rural economy. Between them, our members own and manage about half of the rural land in England and Wales including edge of settlement locations and some urban portfolios.

We have been looking after the interests of our members, as well as promoting the positive aspects of land ownership, land management and rural business activities for the past 100 years. The quality of the countryside and its natural resources are of vital importance to our members. Most objectives for the countryside - economic, social and environmental - rely on landowners and managers for their success. Equally, a healthy environment relies upon a thriving rural economy and financially viable agricultural businesses. An efficient, fair and transparent planning system that helps facilitate sustainable development is crucial.

Although the Positive Planning consultation forewarned that this Bill was confined to matters of procedure, it remains disappointing that the Bill does not change planning policy. We believe that whilst Wales seeks to improve the system, England in particular has sought to stimulate economic activity through its planning policies. This has enticed some business to relocate or concentrate expansion opportunities to the English side of the border.

The inherent danger with the introduction of a statutory requirement for Welsh Ministers to prepare a National Development Framework (NDF) is that the document ends up being inflexible and will impede future changes. The contents need to have flexibility to change; putting the NDF on a statutory basis would mean primary, or possibly secondary, legislation would be necessary for alterations. Why is there a need for Ministers to have a statutory basis to prepare statements of national policy? Presumably because they want the Welsh Assembly to scrutinise the finished article – is this wise? The Role of Government should be passive. What is proposed here is making it more active and therefore increasing bureaucracy and control. CLA Cymru believe that the fundamental feature that requires changing within the planning regime is culture change for which one cannot legislate.

An NDF having the status of being a Development Plan, will inevitably be a 'public sector plan'. Land use issues of national significance must include farming, forestry, horticulture and farm/land-based diversification. More emphasis needs to be placed on private sector investment. Investment from the private sector will never be fully achieved in Wales until we have a positive planning system. We propose that direct reference be made to the need for some form of economic statement to be included in the NDF. This, we believe, would compel subservient plans to function according to the principles of the NDF. The NDF must be underpinned by economic as well as community/environment concerns.

We are concerned that there is a lack of understanding that no-one should be a judge in their own cause - *nemo iudex in sua causa* - a very clearly understood principle of democracy and fundamental to any legal system. The NDF - and its role - is crucial; it must be robust and absolutely clear in its direction as any ambiguity will be exploited by Local Planning Authorities (LPA's) who will seek to continue as normal. Timescales and penalties

for non compliance need to be introduced, monitored and enforced to ensure that all plans conform with the NDF else we will see dragging of feet as demonstrated by English LPAs.

We suggest that the need for Strategic Development Plans, and the ability of Welsh Ministers to direct two or more LPA's to produce a joint LDP, may well be superseded by changes in Local authority areas. We welcome the recommendation for a one third representation from social, economic and environmental organisations on the Strategic Planning Panel.

We commented that the threshold for developments of renewable energy projects, and indeed housing projects deemed to be Nationally Significant, suggested in the Positive Planning consultation, appeared to be restrictive. We continue to suggest that the determination of projects deemed as National Significant should be proportionate to the effects of the development. Additionally, we suggest the opportunities to request that a development decision should be made by Welsh Ministers instead of the appropriate LPA, should have broader regard than just achievements of the published league table of 8 week decision making. This is a shallow, low impact measurement, which does not fully report on the performance of the decision making authority.

The requirements to carry out pre-application consultation is a matter of grave concern. The proposals for mandation of these requirements in accordance with article 2 of the Town and Country Planning (Development Management Procedure)(Wales) Order 2012, places a disproportionate burden on rural business. The inclusion of developments of 1000 sq metres or more within this article discriminates against agricultural buildings. Whilst satisfying the threshold measurement, many are, by any other measurement, low impact. Having consulted professional planning consultants accustomed to such work, we are of the opinion that this requirement would add in the region of £5,000 to such a project which is disproportional to the economic benefits derived from such a development. We call on Welsh Government to exempt agricultural buildings from the need to undertake pre-application consultation.

Any national introduction of the need for, and a requirement to provide, pre application advice must be accompanied by an undertaking of quality for that advice and assurance that the advice may be relied upon in the full planning application. We have previously reported inconsistencies in the services offered by some authorities. To avoid economic stagnation, we suggest that pre application costs should be proportional to the work undertaken as opposed to project value up to a published maximum figure.

Members have historically reported delays in planning consents triggered by the slow responses of statutory consultees. As an organisation, we are unconvinced that the statutory consultees will respond to a private individual or their representative any more efficiently than they did to an LPA. The only means to achieve improvement is through cultural change which promotes positive economic developments. All parties in the development management, LPA's and statutory consultees, should have a customer focus in delivering the service. The proposal to require an annual report to Welsh Government is weak and lacks any means to compel statutory consultees to respond timeously. Additionally, we question the competence of some parties currently used as statutory consultees. Whilst we do not question the enthusiasm of these individual voluntary organisations, we have concern with regard their expertise / competence to comment in the round on planning matters.

We welcome the proposals concerning Town and Village greens. These new measures should limit spurious attempts to prevent legitimate developments.