

Consultation reference: WG23314

Consultation Response Form

Frontloading the development management system

We would like your views on our proposals for the detailed operation of the pre-application processes introduced by sections 15 and 16 of the Planning (Wales) Bill. We also want your views on our proposals to use powers provided in the Planning (Wales) Bill and the Planning and Compulsory Purchase Act 2004 to place duties on statutory consultees.

Please submit your comments by 16 January 2014.

If you have any queries on this consultation, please email: planconsultations-c@wales.gsi.gov.uk or telephone 029 2082 5632.

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response or tick the box at the end of this form. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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Frontloading the development management system		
6 October 2014 – 16 January 2015		
Name	George Ashworth	
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Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Type of development affected

Q1	Do you agree that all “major” development should be subject to pre-application consultation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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Publicising the development proposal

Q2	Do you agree that the issue of neighbour letters and site notices should follow the guidance in Circular 32/92? If not, how should the notification process operate?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree that 21 days is an appropriate timescale to allow responses to pre-application consultation?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q4	Would LPA offices be an appropriate location for viewing a hard copy of the plans and supporting information? If not, where should hard copies of plans and supporting information be made available for public viewing?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The likelihood is that LPA Planning staff would be asked by the public to advise on aspects of the proposal and its likely success. This will put further pressure on limited resources. The information needs to be displayed somewhere public, but with the caveat that any queries are dealt with solely by the developer.				

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Consultation with “specified persons” (statutory consultees)

Q5	Do you agree that 21 days is an appropriate timescale for consultees to respond?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Complex issues may need longer and should be subject to extensions of time to enable a substantive response to be made by the consultee. Presumably the developer would manage that timescale and any extensions of time.</p>				

Q6	Should provision be made for a time extension when this is agreed in writing between the developer and consultee?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Duty on the developer to provide a pre-application consultation report (PAC)

Q7	Are there any other issues that should be included in the pre-application consultation report? If so, please identify these issues and explain why they should be included in the PAC.	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: The PAC is presented by the developer. How is it verified? Is it to be accepted by the LPA at face value? What happens if its conclusions are challenged by a third party at the application stage?</p>			

The pre-application enquiry form

Q8	Do you agree that the information specified in paragraph 3.4 will be sufficient to allow the LPA to respond?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: The one size fits all approach is difficult to apply to all types of proposals. The LPA would have to add the caveat that in the absence of certain information a more focussed response will not be possible.</p>				

Maintaining records of the pre-application service

Q9	Do you agree that LPAs should maintain spatial records of pre-application enquiries?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: However, this will have a cost for the LPA. Also, what happens if there is commercial sensitivity for a developer?</p>				

The LPA response

Q10	Should the written response from the LPA contain any other information?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Consideration should be given as to whether the proposed development would be CIL liable and if so the amount chargeable.</p>				

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Timescale for response

Q11	Do you agree that 21 days provides the LPA with sufficient time to provide a written response that meets the requirements set out in paragraph 3.10?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: While this will normally be sufficient, more complex issues may require a longer period - this should be subject to agreement by an extension of time. Also, a site visit may be required, and the applicant may wish to attend which could lead to delays.				

Meeting

Q12	Do you agree that the timescales and process for the pre-application meeting is appropriate?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: From our experience of how our pre-application advice service operates, these are too rigid and may not be what the applicant requires. The LPA's written response should emerge after the initial meeting/ site visit which can inform the LPA's written response.				

Fees for the statutory pre-application service

Q13	Do you agree that the fee for the statutory pre-application service should be based on existing discretionary charges? If not, how should fees for the statutory pre-application service be calculated?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: If a national charge is to be adopted it should reflect cost recovery and a development team approach (i.e. several officers' time may be involved) - a single charge for different types of development is not the best way to recover costs of a multi-disciplinary approach.				

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Q14	Should householder development proposals that are submitted to the statutory pre-application service be exempt from a fee?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: These can be time-consuming and our experience tells us often require a site visit.				

Substantive responses

Q15	Do you agree with our definitions of “substantive response”?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Timescales for response

Q16	Do you agree that 21 days is a reasonable timescale for statutory consultees to provide a “substantive response” to consultation requests?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Normally, yes, but this can sometimes need longer if the proposal raises complex issues e.g. biodiversity.				

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Performance reports

Q17	Do you have any comments on the content of the performance report?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The annual review period may need to be shorter if there are on-going problems in the timeliness or quality of the responses from an individual consultee.				

Other

Q18	We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

I do not want my name/or address published with my response (please tick)

How to Respond

Please submit your comments in any of the following ways:

Email

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Please complete the consultation response form and send it to:

planconsultations-c@wales.gsi.gov.uk

(Please include "WG213314" in the subject line).

Post

Please complete the consultation form and send it to:

**Development Management Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ**

Additional information

If you have any queries on this consultation, please

Email: planconsultations-c@wales.gsi.gov.uk

or

Telephone: Alan Groves on 029 2082 5362