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28<sup>th</sup> December 2017

**Consultation response to the**

**PLANNING BILL FOR WALES**

**1. The Association**

*The Association has been in existence for over 40 years and represents approx. 36 Town and Community Councils (mainly the larger ones) covering Mid and North Wales. The responses set out below are prepared after consultation with all the Members before submission.*

**2. Reason for the Bill**

There many Planning Acts starting in 1947.

In 1962 the main Act (as we see it today) came into effect.

A further main Planning Act came into effect in 1968.

The Planning Act 1990 did consolidate a lot it did not cover every area.

It is also an issue that Planning in Wales is different in some areas with that in England.

*The Association supports the introduction of a Planning Bill which consolidates all the others.*

**3. Community Investment Levey and Section 106 Agreements (3.2 and 10.10)**

The purpose of both the CIL and Section 106 agreements are to enable infrastructure improvements funded by the development subject to certain rules.

*To aid development the Association feels that any CIL or Section 106 Agreement funding should be calculated (including the Social Housing element) as follows:*

<i>Value of site with the planning consent granted</i>	<i>Y</i>
<i>Value of the site without consent but taking into account the existing use</i>	<i>X</i>
<i>Gross difference (uplift)</i>	<i>Y – X</i>
<i>50% of the difference can be applied to the CIL or Planning Agreements.</i>	



*Cont..*

*The Council feels that there should be an insentative to develop, anything more onerous than that set out above would not attract developers to implement consents.*

#### **4. Fly Tipping and Graffiti (3.6)**

Legislation with regard to the enforcement procedure to stop fly tipping, fly posing and graffiti.

*The Association feels that any enforcement of such practices should also be the subject of fixed penalty notices by Town and Community Councils who have taken over the Street Scene from Principal Authorities.*

#### **5. Historic Environment Bill (3.8)**

Regulations regarding the preservation of buildings and associated structures.

*The Association supports the proposal of a separate Bill for the policy with regard to Listed and Historic Buildings and their Environment.*

#### **6. Listed Building Applications (5.4)**

A building which requires a planning application for works to a listed building requires as separate application for Listed Building Consent.

*The Association feels that there should be a single application which covers both non listed and listed buildings.*

#### **7. Small Planning Applications (5.9)**

This response relates to small planning applications.

*The Association would welcome a proposal whereby small planning applications are dealt with at Town and Community Council level (perhaps with a planning officer resent). Such applications might include up to 3 houses, division of houses, extensions and minor changes of use.*

#### **8. Planning Authority Delegated Powers and Committees (5.9)**

This response relates to the issue of Planning Committee and Officer decisions.

*There is often some concern over Planning Officers dealing with large applications whilst smaller ones go to Committee. The Association suggests that all larger applications go to Committee and that all applications that have a different Officers Recommendation to that of the Town or Community Council should also go to Committee and not dealt with by Planning Officers.*



## **9. Local Development Plans and Place Plans (6.1)**

This response relates to the relationship between these two plans.

*From the current information available the Association sees no point in Place Plans as all they appear to do is reflect what is in the Local Development Plan.*

*The Association suggests that plans such as the attached Welshpool Town and Community Plan would be more helpful.*

## **10. General Development Orders (7.2)**

A GDO relate to those works or change of use which do not require a formal planning consent as the GDO gives a deemed consent.

*The Association holds the view that the GDO (permitted development) should be constant covering all Planning Authorities in Wales.*

## **11. Outline and Detailed Planning Applications (8.1)**

The proposal is to remove Outline Applications for development consent.

*The Association supports the proposal to remove 'outline planning applications'.*

## **12. Twin Tracking (8.4)**

The process of twin tracking is where an applicant submits two identical applications with the intension of negotiating with the Authority on one and appealing the other after the statutory period for dealing with the application has passed.

*The practice of twin tracking of planning applications is only carried to ensure that applications are dealt with efficiently and with a helpful authority. The Association would like to see this practice removed but would also like to see Planning Officers more helpful in their approach.*

## **13. Conditions and limitations (8.5)**

There are differences between conditions and limitations noted when consent is granted.

*The Association supports the proposal to combine conditions and limitations.*

## **14. Enforcement (12.4 and 12.5)**

The enforcement procedure where a use is unlawful or works have been carried out without consent.

*The Council enforcement procedure is not consistent with Local Authorities not following up breaches unless it is in the public interest. The Association is of the view that if there is an infringement action should be taken without exception.*



### **15. Tree Replacement (15.8)**

The proposal is that for all trees lost (for whatever reason) another must be planted.

*The Association supports the proposal with regard to tree planting.*

### **16. Town and Community Councils**

The view of Town and Community Council with regard to their comments at consultation stage.

*The common complaint from Town and Community Plans is that their views are not taken into account.*

*To re-inforce the 'localism approach' the Council suggests that all larger applications go to Committee and that all applications that have a different Officers Recommendation to that of the Town or Community Council should also go to Committee and not dealt with by Planning Officers.*

### **17. Achieving Housing Targets**

Most Local Authorities are either struggling or not able to meet their housing targets. A suggestion as to how the situation could be helped is set out below.

*To aid achieving planning targets the Council suggests that common traffic and Policy plans are prepared by the Local Authority for each area and that such plans are applied to each site without the need for developers to 'reinvent the wheel' on each occasion.*

### **18. Consultation**

The Association is willing to meet to discuss any of the above consultation responses if it were felt it would be helpful.

**Robert A Robinson FRICS FSLCC**

**Town Clerk**

**Welshpool Town Council**

**28.12.2017**