

DRAFT PLANNING POLICY WALES EDITION 10

DRAFT PLANNING POLICY WALES: EDITION 10 HAS BEEN RELEASED FOR CONSULTATION. THE LATEST REVISION HAS BEEN OVERHAULED IN LIGHT OF THE WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015 AND REPRESENTS THE FIRST TIME THE SEVEN WELL-BEING GOALS AND FIVE WAYS OF WORKING HAVE BEEN FULLY ALIGNED WITH THE STRUCTURE OF THE WELSH GOVERNMENT'S LAND USE PLANNING POLICY FOR WALES.

INTRODUCTION

On Monday 12th February 2018, the Welsh Government published Draft Planning Policy Wales Edition 10 ("Draft PPW") for consultation.

Prior to publication, Barton Willmore formed part of the Planning Policy Wales Advisory Group assisting in the preparation of the document. Following its release, our Cardiff Planning and Infrastructure team have reviewed Draft PPW in full and set out here what they believe the key changes to policy and opportunities are.

OUR VIEW IN SHORT

The revision to Draft PPW in light of the Well-Being of Future Generations (Wales) Act 2015 ("WFG Act") represents a structural overhaul of the document, although the underlying policy messages and content remain largely unchanged.

'Placemaking' now forms the core of PPW and must be embraced in both plan making and development management decisions to achieve the creation of sustainable places. Whilst 'placemaking' is clearly nothing new, Barton Willmore support this multi-faceted approach to planning and design. We are well versed in both, these being our two core services. The Welsh Government's requirement in creating development that promotes people's health, happiness and well-being is clearly an ambitious and important goal in line with the WFG Act.

The greater emphasis within PPW on collaboration between authorities is long overdue – it has been nearly three years since the Wales Planning Bill received Royal Assent and we are still yet to see much progress on the ground with Strategic Development Plans.

Strengthening of policy support for renewable and low carbon energy should help provide the industry with greater confidence in the Welsh planning system in dealing with these proposals, for which there remains a significant need.

THE DETAIL

Development Plans

In the context of a changing planning system in Wales, Draft PPW usefully provides clarification on the role of the National Development Framework (NDF), Strategic Development Plans (SDPs) and Local Development Plans (LDPs) - all of which will form part of the statutory development plan.

As expected, the NDF will concentrate on development and land use issues of national significance, indicating areas of major opportunities and change, over a 20-year plan period. SDPs which will be prepared on a regional basis are required to identify housing provision to be delivered through LDPs, strategic allocations/areas of search for employment and support transport infrastructure and strategic green infrastructure (including Green Belts). LDPs are described as site allocation documents, which include locally specific policies only where evidence supports a different approach to national or SDP policy. The Welsh Government also expect Joint LDPs to be prepared.

The legislative requirement for SDPs and LDPs to be in general conformity with the NDF means, in theory, that LDPs should become 'light' documents, allowing them to be short, simple and locally focussed. It should also enable them to be prepared quickly and kept up-to-date easily. However, we are already seeing reluctance from Local Planning Authorities (LPAs) to undertake SDPs and Joint LDPs in response to the Welsh Government's invitation on the 14th December 2017.

Sustainable Benefits of Development

LPAs under the WFG Act are expected to give equal consideration in the decision-making process to the economic, social, cultural and environmental benefits of a development. It is not realistic to assume that it will always be possible for equal weight to be given to each element of sustainable development. Barton Willmore support the clarification set out in Draft PPW that there, “may be occasions when one type of benefit of a development proposal or site allocation outweighs others” (paragraph 2.24). This is not to say that each element of sustainable development will not be given equal consideration, but that in some cases where there is evidence to support such a decision one particular benefit may outweigh another.

Good Design

Draft PPW strengthens the requirement for good design, which is considered “fundamental” to creating sustainable places. Design can help to create a sense of place / make a better place, which is a key message of the Draft PPW. LPAs are required to reject and seek to improve poor or average developments. Clearly, design is subjective, but we can expect more weight to be given to decent quality design in the decision-making process.

Promoting Healthier Places

There is more of a focus on the promotion of healthier places in the Draft PPW. The planning system is expected to reduce health inequalities by enabling opportunities for outdoor activity and recreation, the promotion of active travel, seeking environmental and physical improvements and preventing problems such as airborne pollution.

New Settlements

Proposed policy changes which strengthen the potential to support new settlements are welcomed given the role such development can play in meeting the growing shortfall for new homes in Wales. However, at the current time we see the requirement for new settlements or major urban extensions of 1,000 or more dwellings to be proposed as part of Joint LDPs, SDPs or the NDF to cause issue. For example, the Swansea LDP which is currently undergoing Examination, includes two major urban extensions of 1,000 or more dwellings which would not be capable of being allocated as part of Swansea’s LDP under the terms of Draft PPW.

Draft PPW also requires new settlements to be “self-contained and not dormitory towns for overspill from larger urban areas” (paragraph 2.62). Whilst we consider that new settlements provide an excellent opportunity to meet the WFG Act well-being goals, it could be said that requiring new settlements to be ‘self-contained’ in their entirety is almost impossible and ignores the commercial and practical realities of development. For example, the railway line joining Cranbrook with Exeter or the guided bus connecting Cambridge to its new town Northstowe, demonstrate that sustainable new settlements are not required to be self-contained in all respects.

Housing

The updated requirement for Authorities to work collaboratively across housing market areas when formulating their housing requirement is long overdue. The regional approach would have the ability to advance and realise the potential of Wales as an economic region, enabling homes to be positively planned in a co-ordinated manner in support of our ambitious economic aspirations.

In the current context of only three out of 25 LPAs being able to meet the Welsh Government’s minimum housing land supply requirement, deliverability of housing is rightly given greater emphasis. We think that the Welsh Government need to give more consideration to the ‘carrot’ and ‘stick’ to assist developers and Councils in tackling Wales’ housing crisis.

For the first time, PPW allows LPAs to demonstrate that they have met the TAN 1 requirement through a housing trajectory agreed as part of an adopted development plan – something which Councils and the Planning Inspectorate have had regard to for some time.

Draft PPW now recognises the difficulty of delivering housing-led regeneration sites. It proposes that authorities consider excluding such sites from their housing supply so that they are not penalised when monitoring their housing land supply position. The Welsh Government’s Longitudinal Viability Study of the Planning Process (February 2017) found that such sites are likely to be complex and costly in terms of bringing forward (for reasons including marginality of the housing market in that location, contamination or the need for strategic infrastructure). It’s therefore important that sites identified for their regeneration role are complemented by a range and choice of housing in market areas where there is proven need and demand.

The promotion of self-build and custom-build opportunities as part of wider housing delivery makes its first real appearance in Welsh national planning policy. We see custom and self-build housing as having a real role to play in tackling the housing crisis, broadening the supply of housing, placing the customer at the heart of the design process, and providing new avenues to home ownership. We would welcome further strengthening of national policy to give Councils the confidence to allocate privately owned land for custom build, that they can defend these policies, and they can expect planning applications to genuinely respond to this.

Energy

Barton Willmore was pleased to see some of the points raised by the Advisory Group being reflected in the Draft PPW, particularly in relation to energy development. PPW will now unequivocally confirm that renewable and low carbon energy are in principle appropriate in all parts of Wales. Energy generation is recognised as being of national significance and local need is not a material consideration. Outside of identified renewable and low carbon development search areas, which only exist within a handful of Authorities, planning applications should be determined based on their individual merits. This clarification is supported, and will help authorities in determining such applications positively.

A minimum requirement of 10% non-residential car parking spaces to have Ultra Low Emission Vehicle charging points should help with the rollout of the technology. Whilst a number of Councils in England have similar policy requirements for new builds, it would be the first time (to our knowledge) that such a requirement has made its way into planning policy in Wales.

Employment and the Economy

The emphasis on co-ordinated, up-to date economic evidence to support employment land reviews is further supported. Guidance has previously identified the need to consider wider travel-to-work patterns that do not reflect local authority boundaries. The strengthening of this regional approach within PPW means that more authorities should take account of the Welsh Government's largely underused Practice Guidance - Building an Economic Development Evidence Base to support a Local Development Plan.

The importance of the evening and night time economy makes its first reference in PPW. Explicit reference is now made to the Agent of Change principle, which Cabinet Secretary for Environment and Rural Affairs, Lesley Griffiths, announced would be introduced 'in a move to support live music venues' as a result of the Save Womanby Street campaign.

Flood Risk and De-risking Development

Whilst the precautionary principle and approach to development in flood risk areas is still overriding, PPW broadens the definition of 'de-risking development' to include flood risk. There is further recognition of the role that naturalistic flood defence can play. Further policy strengthening of de-risking development would enable technically unconstrained, suitable sites to come forward providing regenerative benefits and contributing towards tackling Wales' housing crisis.

NEXT STEPS

Consultation on the Draft Planning Policy Wales Edition 10 runs until the 18 May 2018. It is anticipated that Welsh Government will consult on the NDF 'Issues and Options' during this time, with this due to commence in April 2018.

Please feel free to contact any members of our Cardiff Planning team if you have any questions or queries regarding the Draft PPW and emerging NDF.



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