



**Cynulliad Cenedlaethol Cymru  
The National Assembly for Wales**

**Y Pwyllgor Cynaliadwyedd  
The Sustainability Committee**

**Dydd Iau, 23 Medi 2010  
Thursday, 23 September 2010**

**Cynnwys**  
**Contents**

- 4 Cyflwyniad, Ymddiheuriadau a Dirprwyon  
Introduction, Apologies and Substitutions
- 4 Ymchwiliad i Bolisiâu Cynllunio: Sesiwn Dystiolaeth  
Inquiry into Planning: Evidence Session
- 15 Ymchwiliad i Bolisiâu Cynllunio: Sesiwn Dystiolaeth  
Inquiry into Planning: Evidence Session

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,  
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.  
In addition, an English translation of Welsh speeches is included.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Lorraine Barrett	Llafur Labour
Angela Burns	Ceidwadwyr Cymreig Welsh Conservatives
Alun Davies	Llafur Labour
Sandy Mewies	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales
Joyce Watson	Llafur Labour
Kirsty Williams	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)
Leanne Wood	Plaid Cymru The Party of Wales

**Eraill yn bresennol**  
**Others in attendance**

Simon Cocks	Severn Trent Severn Trent
Jane Davidson	Aelod Cynulliad, Llafur (Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai) Assembly Member, Labour (The Minister for Environment, Sustainability and Housing)
Ceri Davies	Asiantaeth yr Amgylchedd Cymru Environment Agency Wales
Keith Davies	Cyngor Cefn Gwlad Cymru Countryside Council for Wales
Mike Davis	Dŵr Cymru Welsh Water
Neil Harris	Cynghorydd Arbenigol Expert Adviser
Neil Hemmington	Pennaeth Cangen Polisi Cynllunio, Is-adran Cynllunio, Llywodraeth Cynulliad Cymru Head of Planning Policy Branch, Planning Division, Welsh Assembly Government
Mark Newey	Pennaeth Cangen Cynlluniau, Is-adran Cynllunio, Llywodraeth Cynulliad Cymru Head of Plans Branch, Planning Division, Welsh Assembly Government
Morgan Parry	Cyngor Cefn Gwlad Cymru Countryside Council for Wales
Anthony Wilkes	Asiantaeth yr Amgylchedd Cymru Environment Agency Wales
Roisin Willmott	Cynghorydd Arbenigol Expert Adviser
Ian Wyatt	Dŵr Cymru Welsh Water

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Dr Virginia Hawkins	Clerc Clerc
Meriel Singleton	Dirprwy Glerc Deputy Clerk

*Dechreuodd y cyfarfod am 9.30 a.m.*  
*The meeting began at 9.30 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon**  
**Introduction, Apologies and Substitutions**

[1] **Kirsty Williams:** Good morning, everybody, and welcome to this morning's meeting of the Sustainability Committee. I will just remind people of the protocols. If a fire alarm should sound this morning, please leave the room by the marked exits and follow the instructions of the ushers and staff. Please ensure that all mobile phones and BlackBerrys are switched off, as they interfere with the broadcasting equipment. I also remind everybody of the availability of simultaneous translation facilities: interpretation is available on channel 1 of your headsets and a verbatim feed is available on channel 0. Again, I remind everybody, in case you have forgotten over the summer holidays, that there is no need to touch the microphones as they will operate independently.

[2] This morning, we have received apologies from Karen Sinclair, Irene James and Brynle Williams. I would like to welcome Sandy Mewies and Alun Davies who are substituting for their colleagues this morning.

9.31 a.m.

**Ymchwiliad i Bolisiau Cynllunio: Sesiwn Dystiolaeth**  
**Inquiry into Planning: Evidence Session**

[3] **Kirsty Williams:** We are going to take further evidence into our inquiry into planning in Wales. This is the fifth session for this inquiry and, this morning, we will be taking evidence from the Minister for Environment, Sustainability and Housing and key consultees in the planning process. The main focus of the inquiry—the fundamental question that we are hoping to address—is how effective national and local planning policies are in helping to deliver key Welsh Assembly Government priorities.

[4] With that, I welcome the Minister. Jane, thank you very much for joining us this morning with your colleagues, Mr Mark Newey, the head of plans branch at the Planning Division, and Neil Hemmington, the head of planning policy. Welcome to you all this morning.

[5] Jane, I know that you are required to give evidence at a different committee later this morning, so if you would like to make some opening comments, we will then go straight to questions because I know that your time is short this morning.

[6] **The Minister for Environment, Sustainability and Housing (Jane Davidson):** Thank you very much, Chair. Thank you for the opportunity to address the committee and its inquiry into planning. The town and country planning framework is a vital tool for the delivery of both 'One Wales' commitments and sustainable development in Wales, and for pursuing our climate change ambitions. It is about taking informed decisions in the wider

public interest to secure new homes, investment, jobs and community facilities in a way that is consistent with our sustainability principles.

[7] It is not about quick fixes, but setting the direction for the medium and longer term. I think that it is true to say that when I came to the planning portfolio, I came to it as an agnostic, but I have definitely become a believer in its importance as a fundamental tool in delivering major policy agendas in Wales.

[8] **Kirsty Williams:** To what extent do you believe that your Government's 'One Wales' priorities are currently reflected in national and, perhaps even more importantly, local planning policies?

[9] **Jane Davidson:** The 'One Wales' priorities are major drivers of change. We have to monitor progress towards the delivery of 'One Wales' commitments and, in fact, many of the recent changes to planning policy have been produced explicitly in order to deliver these commitments. I could give you a couple of examples, such as the affordable housing policy and the changes to planning for renewable energy, which is currently the subject of consultation and directly related to 'One Wales' policy commitments. In the context of the local development plans, we monitor those very carefully to ensure that they fit with national policy and therefore reflect the 'One Wales' priorities. In fact, that is pretty well the substance of Mark's day job, in that context.

[10] **Kirsty Williams:** That leads nicely on to my next question. How do you, Minister, and your officials ensure that that happens and that national and local planning policies are indeed updated to keep up with emerging Government strategic policies in a timely manner?

[11] **Jane Davidson:** One of the ways in which we do it is to try to continually look at ways in which we can both streamline the planning process and make it easier in the context of delivery. So, the new electronic format of 'Planning Policy Wales', which I launched in June 2010, allows for swifter and more timely updating of planning policy. We have ongoing contact with all the planning authorities in Wales to ensure that their local policies reflect and translate the policies of the Assembly Government.

[12] The officials informed me earlier that, since 2005, we have provided 1,000 days of training to local authorities to make sure that they take account of national planning policies. I do not know, Mark, whether you want to add something about your daily contact, because the committee will want to know about the active participation of the officials.

[13] **Mr Newey:** There are three prongs to the attack in that sense: first, we try to assist local authorities and advise how they can interpret national policy and what national policy means. We do that through a variety of mediums, including face-to-face meetings with my colleagues and me, by talking to elected members, doing seminars, providing formal comments, trying to build up a good relationship with authorities so that we can share information as early as possible, and by helping to advise them through the process.

[14] Secondly, it is also about scrutinising formally the plans that come through in terms of whether we make representations. We hope that we are now minimising those because the early engagement and early work is providing a lot more value.

[15] Lastly, it is about helping them through the formal stage, like the examination, providing coaching on the job and helping them to respond to inspectors' questions so that they can provide the evidence and get through that process in its entirety. I think that that collective package has paid dividends.

[16] **Jane Davidson:** It is worth adding that I also meet the planning leads for local

authorities at least once a year. However, when we have big policy agendas to take forward, in conjunction with the lead member from the Welsh Local Government Association, Councillor Bob Wellington, I meet local authority members and directors of planning so that we can talk through the national policy agenda.

[17] **Kirsty Williams:** When was the last time that you did that?

[18] **Jane Davidson:** It was about six or seven weeks ago. It was just before the summer that we last met the planning leads.

[19] **Joyce Watson:** Good morning. Can you provide further information on the proposed impact test for the new policy requirements, which was referred to in your response to the study to examine the planning application process in Wales?

[20] **Jane Davidson:** The planning system has become more complex, as we are expected to deliver on a wider range of objectives related to the sustainability agenda. We are acutely aware that some of those policy requirements can result in additional costs for developers and local planning authorities and increase the amount of time it takes to determine planning applications, which is partly why we undertook the GVA Grimley work on streamlining the planning application system, so that we could look at addressing that. You will have seen in the written evidence that I gave to the committee, the responses that we gave to the recommendations in that report.

[21] The purpose of the proposed impact test is to ensure that Ministers have the necessary information to allow them to take informed decisions, either individually or in combination with other policy areas. We are looking at the introduction of that in 2011, but we are already, in a sense, post this administration. We are already on the case and perhaps Neil, who leads on this, can explain a couple of areas where he has already been specifically dealing with people on this issue.

[22] **Mr Hemmington:** The planning system is an important tool to deliver Assembly Government policy, but it is by no means the only tool. So, we spent a lot of our time talking to policy colleagues about how or whether the planning system should be used to deliver their specific objectives. This week, for example, I have spoken to Cadw about the potential introduction of a policy to protect battlefields through the planning system. On Friday, I will be talking to colleagues on the Welsh-language side about using a Welsh-language impact assessment in the planning process.

[23] Both of those will have a potential impact upon the speed at which planning applications can be determined and additional costs for developers, potentially. It is about making sure that the sponsoring Ministers are aware of the costs and official burdens that it will place on the planning system, so that my Minister can make a decision on whether we wish to use the planning system in that way. It is about making sure that the evidence is there and that we are aware of what we are doing.

9.40 a.m.

[24] **Kirsty Williams:** My understanding is that, in your response to that report, you said that you would consider the introduction of an impact test in 2011, so are we going to see impact tests or are we not?

[25] **Jane Davidson:** We will not be defining fully an impact test in this administration. That is why I said that we would consider the introduction of an impact test over the medium term. I wanted to get it down in evidence to committee because we are commissioning work to look at those issues, but the delivery of an impact test, which will then probably have to be

consulted upon, will come with a new administration.

[26] **Kirsty Williams:** This arises out of concerns about the robustness of the scrutiny of planning policies. It is your view that the introduction of an impact test would lead to greater and more robust scrutiny?

[27] **Jane Davidson:** As the GVA Grimley report identified, the planning system is not broken but it clearly can be improved, and, looking at the evidence that you have already been given as a committee, we can see that a large number of the people who have given evidence to you have talked about the fact that they are fairly satisfied with national planning policy and the mechanisms here. There may be issues around delays that we will explore, but we are fairly satisfied in that context.

[28] There is an interrelationship between national planning policy and local determination and delivery that needs to be explored. In a sense, what we are trying to do is explore any way in which we can help to bridge that gap. The difficulty if we just provide more guidance is that all we do is make it more complex. So, there may be ways in which we have not looked at this before that could be helpful.

[29] As I have also said in my written evidence, in this department, we operate on a strong evidence base. So, there has to be clear evidence that a change is needed and what that change is likely to be, and then we build it up by commissioning research on that base. However, because the planning system is a long-term system, we need to take our time in taking it forward to make sure that we have the best policy.

[30] **Kirsty Williams:** Joyce, would you like to move us along?

[31] **Joyce Watson:** You talked about national planning policy, Minister. What are you doing to try to shorten the time lapse between new UK and European legislation being introduced and it being reflected in Wales's national planning policies?

[32] **Jane Davidson:** We are not aware of any unnecessary delays. I have already mentioned changes to 'Planning Policy Wales': it will be in an electronic format, which means that updating national planning policy in Wales will be speedier and more selective, reflecting any UK and European requirements. Most of the issues in the context of the town and country planning system are devolved to Wales, so the issue is normally around the transposition of European directives. That is usually done on a UK basis, so that timetable is set elsewhere, not here. We are currently working with the Department for the Environment, Food and Rural Affairs on the implementation of the Flood and Water Management Act 2010, which came from the European water framework directive.

[33] There are sometimes issues to do with taking European and UK case law into account, such as where we have to hold a policy back because the principle is being decided in the courts and we need to know the court's decision before implementing it in national planning policy.

[34] **Angela Burns:** You have already referred to the GVA Grimley report, and you accepted the recommendation to go ahead to develop a policy statement on the importance of economic development. Can you give us an update on that and tell us what the purpose of it would be and how it would relate to current planning policies?

[35] **Jane Davidson:** As I said at the beginning, Angela, we see planning as a very important tool in policy delivery. Once the policy is set, we need to make sure that the planning system is fit for purpose. Now that we have set a major new policy agenda in economic development, through the economic renewal programme, we now need to make

sure that the planning policies for economic development reflect that economic renewal programme appropriately. We are commissioning research to underpin the production of the statement, and contractors will be appointed later this morning.

[36] **Angela Burns:** One statement that was made in an earlier evidence session was that if planning is a three-legged stool—the three legs being economic development, social need and environmental protection—at present, the policy in Wales has two very short legs, the economic and the social, and one very long leg that overrides everything. Do you agree with that statement? If not, would you briefly explain why you think that those three things might be in good balance? If you do think that it is out of kilter, what else do you think could be done to balance all three so that they all, but especially the social side, receive full recognition in the planning policy?

[37] **Jane Davidson:** As you know, we have a large number of technical advice notes, and given how many major changes to them need to be made, they can involve long lead-in times while we commission research, look at the evidence base and take the agenda forwards. I think it fair to say that, when we came in as an administration in 2007, the environment leg was a short one compared with the other legs, because our planning policies had not fully taken account of climate change. Preparatory work had been done by our previous administration, but it was this administration that delivered. The new towns, for example, are making sure that climate change and sustainability are a consideration right throughout the planning system. So, those changes were put in place. In a sense, it is cyclical. We had strongly taken account of social justice in previous planning decisions. What we are doing on affordable housing is clear. In some areas, we have brought the social justice, economic and environmental agendas together, for example, in the context of TAN 6 on working in rural areas.

[38] However, it is true to say that the economic objective, which in a sense was previously based on hard economics, now needs to take into account the fact that we must live within our own environmental limits. It is very important to make sure that planning systems take into account the work that has recently been published by the UK Adaptation Subcommittee, and on that we are ahead of the game.

[39] **Leanne Wood:** When setting specific targets in national planning policies, what mechanisms are used to ensure that they are realistic and capable of being delivered?

[40] **Jane Davidson:** Normally, the targets are set outside the planning policies and the planning policies are viewed as a mechanism for delivering the target. For example, targets on renewable energy are set as a result of our policy development, so the low-carbon revolution sets the targets on renewable energy, and now we are consulting on the planning tool—that is, the planning aspect of delivering those targets.

[41] Targets on affordable housing are set by the Deputy Minister for housing in the context of the policy agenda and then the planning system looks at how they can be delivered. So, in both those areas, planning is crucial to the delivery of the targets, but it is not the planning system that sets the targets. It is the policy agenda that sets the targets and planning is a major tool for delivery.

[42] **Leanne Wood:** So, you set the target, but how can you make sure that those who are delivering on the ground in planning departments have the resources and the capacity to make sure that the targets you set can be delivered?

[43] **Jane Davidson:** We have to remember that planning is responsive, as it were. As a Government, you can set the policy of what you want to achieve, but we do not submit the planning applications. In a sense, you are trying to create the policy environment in which



people will submit planning applications that will deliver policy at the local level.

[44] The point that I made about training is critical in the context of work undertaken at local authority level. For example, because we have big infrastructure agendas to do with energy and waste at the moment, we have introduced a new grant scheme in consultation with local government. That went live on 1 September, and it is to help local authorities to procure the resources and skills required to deal with complex applications. It is becoming increasingly evident that some of our small planning authorities find the complexity of energy and waste infrastructure applications difficult to deal with.

9.50 a.m.

[45] So we set up a new grant scheme to enable local authorities to obtain up to £20,000 in order to work with specialist consultants to take forward the assessment of complex planning applications for renewable energy and waste developments. As of 22 September there have been three requests for grant support to assist with live applications for renewable energy developments. So that scheme has been recently introduced and within this month we have already had applications to it to help local authorities speed up and ensure that they have the right skills and expertise to take forward these major applications.

[46] **Leanne Wood:** The committee has heard criticisms about the length of time between consultation on draft or revised national planning policies or technical guidance and the issuing of the final policy documents. How do you respond to that criticism?

[47] **Jane Davidson:** I have already said that we ensure that new policy is consulted upon. We want to give people an adequate opportunity to respond, and we have the policy in the Assembly Government of a 12-week consultation timescale.

[48] We also need to ensure that technical advisory notes reflect the most up-to-date position at any one time, and I have mentioned that sometimes case law can get in the way of that. If we take TAN 22, which is the TAN for sustainable buildings, as an example, we did our consultation but then in the UK perspective there were changes being undertaken to the code for sustainable homes and zero carbon definition, and it would have been inappropriate to publish a TAN 22 that did not take account of those areas. These documents have to be live for a long time, so we have to make sure that they reflect the most up-to-date position and any case law or UK or European perspectives as well.

[49] **Leanne Wood:** So it is case law or UK or European issues that hold these things back. There is nothing else that does that, is there?

[50] **Mr Hemmington:** It can be a combination of case law, so in the case of the biodiversity TAN, there was a whole series of cases going through the European courts, so it would have been inappropriate to publish the TAN at that time. In the case of TAN 22, we were waiting for the code for sustainable homes. In the case of TAN 6, it was quite a novel policy and there was not a great deal of consensus on it, so that meant that we had to go back to undertake some more research and do some work ourselves. It depends upon the situation. There are TANs that we have turned around very quickly, and there are others that have taken slightly longer.

[51] **Kirsty Williams:** Given the concerns that have been expressed, I do not think anybody would want the Government to curtail its consultation period. The criticism arises not about the 12 weeks for the consultation, but the gap between the close of the consultation and the publication of something new. Is it possible for your officials to give us a breakdown of how long it has taken between the end of the consultations and the publication of TANs in this last administration, with the reasons? It would be interesting to have a look at that.

[52] **Jane Davidson:** Yes.

[53] **Kirsty Williams:** You mentioned targets earlier and how targets drive policy. Could you give us an indication of how that has been thought through with regard to targets on the code for sustainable homes?

[54] **Jane Davidson:** In what way?

[55] **Kirsty Williams:** Well, we have this code to deliver on this particular agenda that you have. I am just wondering how that is a practical example of how you have set yourself targets to deliver against that policy objective, which is very important to the One Wales Government and, indeed, to the Assembly collectively.

[56] **Jane Davidson:** The code is a relatively easy example, because what we have done is enshrined in planning policy now the requirement in terms of the minimum that any applicant, from 1 September this year, has to meet in the context of the delivery of the code and additional renewable energy. That is now enshrined in the planning system, and, when we have the building regulations devolved, we will be able to enshrine it in building regulations as well. So that will be a two-pronged approach.

[57] **Alun Davies:** Minister, we have on numerous occasions in this committee over the past three years discussed how you, as a Minister, will create the framework, or work with UK bodies to create the framework, for the siting of major infrastructure projects. The committee shared your view on the whole development of a new framework by the previous UK Government, and we have seen changes since then.

[58] The Environment Agency has provided evidence to this committee that it would like to see a clearer process in place for the siting of major infrastructure projects to enable the Government to maximise the benefits in terms of the environment and climate change outcomes. How do you see your role in co-ordinating and strategic planning to ensure that these major infrastructure projects achieve their wider objectives?

[59] **Jane Davidson:** A key test for the local development plans is their relationship with adjoining local authorities' plans and strategies, and how that meets the national policy agenda. Both the Environment Agency and ourselves have shared a level of frustration over, for example, the regional waste plans, which are crucial in terms of developing appropriate infrastructure. However, at the end of the day, the sites have to be created at the local government level, and that is tied into the local development plan functions.

[60] That is why we feel that it is very important to move forward on a Wales strategic infrastructure plan as a vehicle to achieve greater co-ordination in future. We focused on waste, because there were European imperatives in relation to waste and infraction that meant we had to look at diverting waste from landfill, so it was crucial that we did that.

[61] In terms of now looking at the policy opportunity, in the context of public and private sector investment, not just in the context of waste, but in other aspects of infrastructure as well, whether that might be in areas related to energy and water or transport and others, it made sense to have a major infrastructure plan, which is, of course, what we are looking to work on at the moment.

[62] **Alun Davies:** Is that within the existing devolved settlement? I think that the new UK Government has made some changes to the original Infrastructure Planning Commission and the rest of it, which was going to create a very new structure. I am assuming that your plan sits within that overall UK-wide structure.

[63] In terms of what you said about waste, the Environment Agency shares the view that you have outlined today. Could you explain why the opportunities to create, for example, energy from waste and combined heat and power are potentially being missed? What were the reasons for that? You have explained the policy, but why did that happen?

[64] **Jane Davidson:** I do not think that it is that opportunities are being missed. I think that there is a major lag in the context of, once again, the level of necessary skills, perhaps, at the local level to deal with complex major infrastructure projects, which require environmental permitting licences as well. So there are issues around making sure that we can bring the planning and the permitting agendas together more closely. Where they can be brought together more closely, where sites have already been identified, where local authorities on a regional level are signed up fully in terms of the policy delivery agenda, then things move fairly swiftly.

[65] We are, of course, also talking about relatively new technologies. They are not new technologies in the context of Europe, but they are relatively new technologies in the context of the UK, and therefore it is really important that people are given appropriate assurances as well.

[66] One of the critical areas is that we will be using the powers under the Planning Act 2008 in terms of developing a Wales strategic infrastructure plan. That does not mean that we are responsible for all aspects of the infrastructure that will be delivered under that plan. We can use the powers under the Planning Act 2008 to develop the infrastructure plan, but I think that, once again, it will highlight a very complex set of relationships in terms of the powers of the UK Government, and how those can sometimes get in the way in terms of streamlined delivery in Wales.

[67] **Alun Davies:** So we could have a plan, for example, here in Wales and you will develop it, and I think that is a good thing to do, Minister. Just to be clear, will that plan deal with issues within the devolved settlement? For example, in terms of energy, will it sit within your devolved responsibilities and not try to deal with issues that are outside of your responsibilities?

10.00 a.m.

[68] **Jane Davidson:** That is why there will have to be a substantial amount of work. What it will do is provide the policy framework within which other delivery mechanisms, such as the local development plan, can align and make the difference on the ground. It does not change any of the issues in terms of current responsibilities and where they lie between the UK Government and us.

[69] Mark, you might want to say a bit more about that because we are looking to get some sort of statement out by December on this, are we not?

[70] **Mr Newey:** Yes. The action that we will try to take will be done in two stages. The first is to assess what we are doing collectively in the Assembly Government at the moment, to ensure we can co-ordinate and maximise our investment, which can be both physical investment or knowledge-based, such as broadband. That is the first stage, which is where we are at the moment.

[71] The second stage will be the way in which we take that forward in order to link that with private sector investment and get a bigger bang for our buck and get the right investment in the right place at the right time. This infrastructure plan would set that policy framework, but it is not the decision-making process. The two would be different, but it would steer, we

hope, where the best locations are for the right reasons and identify what we need to put in place to ensure that we get what we want.

[72] **Jane Davidson:** I would like to add one point to that, if I may, Chair. What we have done on working with local authorities in the context of energy and waste now gives us a model whereby, as Mark says, the knowledge transfer issues around broadband are critical because everyone needs to have access to broadband at the policy agenda. Therefore, we can take a much more active interest in how we translate national policy with the appropriate advice. We have to ensure that we are not doing the job of local authorities in the context of planning because of the appellant relationship. Therefore, it is necessary to ensure that local authorities have the appropriate skills and support on which to make the local planning decisions.

[73] **Alun Davies:** Can we have a note on the capacity issues and the way in which the Government supports local authorities to ensure that they can do that?

[74] **Kirsty Williams:** I think that would be helpful.

[75] **Jane Davidson:** We will give you a note on our new programme.

[76] **Kirsty Williams:** I am sure we are all aware of examples where, perhaps, local authorities are struggling capacity-wise to deliver. I am conscious of the time, so we will move on.

[77] **Sandy Mewies:** Good morning, Minister. The Welsh Government's proposal was to examine the option to use powers to develop the Welsh strategic infrastructure plan by the end of this year. I understand that it was to build on the Wales spatial plan. Given the complexity of the planning system and the guidance involved therein, can you provide information on the development of the infrastructure plan and how it will relate to 'Planning Policy Wales' and local development plans, particularly to the Wales spatial plan, if it is going to build on it? Will it be more of the same, or will it expand it? What will then become the relevant weight of the spatial plan as compared to the infrastructure plan?

[78] **Jane Davidson:** The spatial plan—which is led by Jane Hutt as the Minister for Business and Budget, who, in this particular context has responsibility for public services—is a way of moving across traditional boundaries on all aspects of Assembly Government delivery, and looking to have a more co-ordinated approach that crosses traditional geographic boundaries.

[79] That is a highly relevant aspect of the way in which the planning policy operates, but the idea of the infrastructure plan—and this is why I want to make a statement in December about the way in which we would see this being taken forward—is to look specifically in the context of planning policy related to the spatial plan but helping to guide local authorities about the key decisions they will need to take at the local planning level through the local development plan process in the context of infrastructure delivery.

[80] So there is a policy relationship, but it needs to operate specifically according to the requirements of the Town and Country Planning Act 1990.

[81] **Kirsty Williams:** We will now turn to local planning policy.

[82] **Rhodri Glyn Thomas:** Yr ydych yn sôn am gynlluniau datblygu lleol, ond mae 14 awdurdod cynllunio wedi penderfynu anwybyddu hynny yn gyfan gwbl a pharhau  
You talk about local development plans, but 14 planning authorities have decided to ignore those completely and continue with their unitary development plans. Are you

gyda'u cynlluniau datblygu unedol. A ydych yn poeni am y ffordd y mae cynllunio yn cael ei gyflwyno'n lleol? worried about the way in which planning is being delivered locally?

[83] **Jane Davidson:** The important aspect of this is ensuring that the policy is aligned with national planning policy. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the adopted development plan. So, for those local authorities that chose to continue to pursue the unitary development plan, we have a strong scrutiny role in ensuring that emerging policies align with national planning policy and, where necessary, formal representations have been made and, in a very limited number of cases, that there has been intervention from the Assembly Government to make sure that the plans accord with national planning policy.

[84] National planning policy is a material consideration and therefore should be reflected in the decisions around the development of planning to make sure that the national planning priorities are reflected in the decision-making process. However, all authorities now are on the journey to local development plans. Mark, do you want to add anything to that?

[85] **Mr Newey:** There is one authority that is, we hope, within the last few months of its UDP. The example that illustrates what the Minister is saying is that of Powys County Council, where, as a last resort on mineral safeguarding, we intervened. However, through that process, it managed to adopt the UDP. In a sense, you make sure that, even if UDPs appear to be somewhat older, they reflect and take into account national policy at this point in time.

[86] **Rhodri Glyn Thomas:** Yr ydym wedi derbyn tystiolaeth bod pobl wedi ei chael hi'n anodd cyflwyno cynlluniau oherwydd y broses o ddatblygu polisiau lleol. Mae'r hyn yr ydych newydd ei ddweud yn awgrymu bod y cynlluniau datblygu unedol yn adlewyrchu polisi cenedlaethol. Felly, pam datblygu polisi lleol o gwbl? **Rhodri Glyn Thomas:** We have received evidence that suggests that people have found it difficult to introduce plans because of the process of developing local policies. What you have just said suggests that the unitary development plans reflect national policy. So, why develop a local policy at all?

[87] **Jane Davidson:** There is a job to be done in reflecting national policies, but, of course, the way those national policies are interpreted locally may be very different in a rural authority, a Valleys authority, or a city authority. Therefore, the opportunity is to develop local policies in terms of those differences. Of course, there are also areas—and if I just take sustainable buildings, for example, with regard to which this committee was previously interested in the Merton agenda—where we have given local authorities explicit opportunities, through the sustainable buildings technical advisory note, to go further than the Assembly Government requires in terms of the policy agenda. So there are huge opportunities for local authorities to go beyond the minimum set by national planning policy where the direction of travel in policy is clearly laid out by the Assembly Government.

[88] That is not something that, historically, many authorities in Wales have seized, but I think that there is a major opportunity there for local authorities in Wales to lead the way in those areas where we are encouraging them to look at going beyond minimum requirements in national planning policy.

[89] **Rhodri Glyn Thomas:** A ydych yn poeni bod 14 o awdurdodau—yn wreiddiol, o leiaf—wedi penderfynu nad ydynt am fynd ymhellach na'u polisiau datblygu unedol? Hynny yw, eu bod yn hapus yn y fan honno **Rhodri Glyn Thomas:** Are you worried that 14 authorities—originally, at least—have decided that they do not want to go further than their unitary development policies? That is, they are happy where they are and do not

ac nad ydynt am ddatblygu polisiau lleol. A want to develop local policies. Does that  
ydy hynny yn eich poeni chi? worry you?

[90] **Jane Davidson:** That is not our interpretation. These are requirements in law, so perhaps Mark can help you with the official interpretation of the actions of the local authorities.

[91] **Mr Newey:** Local authorities had a choice when the 2004 Planning Act came into existence about whether to go for LDPs. Of those that carried on through the UDPs, all bar one, which is just finishing off—I think that there are two that have not commenced—of the remaining authorities have commenced their LDPs, with people at Anglesey and Gwynedd now looking to a joint LDP. So I think that there is a willingness to play out the investment they had in the UDP to make sure they had an up-to-date plan, albeit the UDP at that point in time, before they moved on to an LDP.

[92] **Mr Hemmington:** It is also about being pragmatic. A number of authorities did not have any plan coverage, so if an authority was two thirds of the way through the process, it made sense for it to carry on with the UDP process to the end, so at least it had a plan against which it could make decisions. If we go back and look at the previous round of plans, we did have local plans.

10.10 a.m.

[93] There were a number of authorities that decided to stop work on local plans, so they did not have any plan coverage. The danger, potentially, was that they stopped work on their UDP as well, so you would be in a situation where you had 15 or 20 years where they did not have any plan at all. So, it is a pragmatic decision that they could make.

[94] **Jane Davidson:** As a result of this process, they are in a much better state now than they have ever been, because of the fact that they all have development plans against which their local ambitions and national planning policy can be tested.

[95] **Kirsty Williams:** Have you finished, Rhodri Glyn?

[96] **Rhodri Glyn Thomas:** Yr wyf yn **Rhodri Glyn Thomas:** I think that you are credu eich bod yn awgrymu y dylwn ddod i suggesting that I should finish there. I have ben. Mae genyf gwestiwn arall, ond fe ildiaf another question, but I will defer that y cwestiwn hwnnw ar hyn o bryd. question at the moment.

[97] **Kirsty Williams:** Thank you. I think that the Minister's commitment to give us a note on support for planning authorities will cover some of the issues that Lorraine wanted to raise. Finally, on this issue of flexibility and the need to reflect local circumstance in the local plan as opposed to national circumstance, depending which side of the fence you are on, having a greater degree of flexibility can be a good thing or a bad thing. People have given evidence to us to complain about the issue of inconsistency across the piece. How do you, as a Government, monitor the individual local authorities to get that balance right between reflecting local need, which is legitimate, but at the same time questioning what may be a major departure for the interpretation of your national policy?

[98] **Jane Davidson:** Both officials will need to come in on this, but I will speak from my perspective, in the ministerial role. I am not sure whether this committee is taking evidence from the Planning Inspectorate—I hope that you are—but there is a material issue in terms of the fact that national planning policy is a material issue in the way that the Planning Inspectorate looks at determining appeals, for example, and the fact, therefore, is that both local and national policy are appropriately taken into account. If there are any major

departures from national planning policy they have to be notified to us and, of course, a number of those will be called in by the Assembly Government to look at their appropriateness.

[99] I think that it is fair to say that we know that the decisions made by the Planning Inspectorate will accurately reflect national planning policy, particularly where a local authority has, perhaps through members, overturned a planning decision that clearly accords with national planning policy and, therefore, is a recommendation to committees by planning officials, according to planning policy. I think that there is still some way to go in terms of the dialogue with elected members, and it is a regular issue in my dialogue with elected members that planning decisions need to be taken according to planning policy, not according to political objectives. If they are not, members can end up giving some fairly substantial costs to their local authority by ignoring the advice of the planning officials in this context. Where those levels of advice have been appropriately taken, we see the planning application and policy process work in much greater harmony. I think that a brief comment from Neil and Mark about their perspective on that very important question would be useful.

[100] **Mr Hemmington:** The important thing is that we tend to set a minimum through national planning policy. If there is local planning evidence—that is the important thing: things you hold up for planning reasons to depart from national policy—you can certainly argue your LDP process, and we have seen a number of authorities attempt to do that.

[101] We tend to set minimum standards. For example, on the sustainable buildings policy, to which the Minister referred, we set a standard, and if local authorities have the opportunities they can go further. The recent publication of technical advice note 6 defines what we consider to be a rural enterprise and where we think we can define a rural enterprise at a national level; locally, you might want to go further if you have the evidence. So, I think that it is about our setting a standard and if local authorities have the opportunity and the evidence, they can go further, through the LDP process.

[102] **Jane Davidson:** We would encourage them to do so if it is in the policy trajectory.

[103] **Mr Newey:** In terms of local development plans, ‘evidence’ is the key word. If local authorities have the evidence to do something, that is fine. In our scrutiny role, all that we do is raise issues on whether we feel there is sufficient evidence. When it goes to examination by the independent inspector, if there is insufficient evidence, that will not be a positive course of action. That is the key for local development plans.

[104] **Kirsty Williams:** Minister, I thank you and your officials for joining the committee this morning and answering our questions. We look forward to receiving a note with regard to supporting capacity building within local authorities. Thank you for your answers this morning.

10.16 a.m.

### **Ymchwiliad i Bolisiau Cynllunio: Sesiwn Dystiolaeth Inquiry into Planning: Evidence Session**

[105] **Kirsty Williams:** Good morning, everybody. Thank you for your attendance here this morning. I am very pleased to be able to welcome representatives of organisations that are key consultees in the planning process. I welcome representatives of the Environment Agency, Ceri Davies and Anthony Wilkes. Thank you for joining us. Some of your evidence was referred to earlier, so I am sure that Members will want to explore that further. We have representatives of Welsh Water, Mike Davis and Ian Wyatt. It is nice to see you here this morning. From Severn Trent, we have Mr Simon Cocks—thank you for joining us—and from

the Countryside Council for Wales we have Morgan Parry and Keith Davies.

[106] We have received your written evidence and given that there are a lot of you to hear from, and that Members have a lot of questions, would you be content to go straight to questions? There are nods from everybody. That is very helpful, to allow us to get through our agenda this morning.

[107] I will begin. In your view, and in your organisations' view, are national and local planning policies effective in helping to deliver the Welsh Government's priorities for sustainable development? Perhaps we could kick off with the Environment Agency.

[108] **Ms Davies:** Our view is that the strategies have set out the direction and the targets and the outcomes that the Assembly Government wants to achieve, and the local development plans then provide the opportunity to bring these together. So, that is the level at which we would want to be working with local authorities to demonstrate how they are bringing those policies to life.

[109] An example that I would give is that we are very much interested in TAN 15 and developments on flood plains. It is at the local development plan level that local authorities can identify alternative areas of land for development, and deal with the justification test within TAN 15 before moving straight on to the mitigating of flood risk, which is far more difficult to deal with in a strategic way, on an individual planning consent basis. So, we see the local development plans as being a key mechanism for bringing together an integration of the policy requirements.

[110] **Mr Wyatt:** We agree with a lot of what colleagues from the Environment Agency have said. Planning Policy Wales, and such like, is a key element that we reflect and use in controlling things around water and sewerage-related matters. It provides the substantial weight that that needs. We also input the local level in terms of local development plan policies and frameworks that are in place. So I would mimic exactly what the Environment Agency has said.

10.20 a.m.

[111] **Kirsty Williams:** Simon, from Severn Trent's perspective, do you think that the planning policies are effective in helping the Government to deliver on its agenda?

[112] **Mr Cocks:** I think that we all concur that, at a strategic level, be it the frameworks that you have in terms of spatial planning or the policy documents in and of themselves, they are effective. The issue comes in how we then create connectivity, not just down to the local authorities, but across all the other myriad regulatory stakeholders that are involved in the process of creating infrastructure for us. It is not just creating that connectivity or line of sight, it is making sure that the processes that sit behind them are effective, transparent and have a degree of certainty to them, regardless of whether that is, for a company like ours, a positive or negative outcome.

[113] **Mr Parry:** I think that our answer would be that the national policies are appropriate and that there is good evidence of them translating into outcomes locally. There is plenty of evidence of how the Countryside Council for Wales can influence those outcomes and improve the decision making through its role.

[114] CCW would want to look forward as well. So, although the planning system works well within the parameters set for it, we would want to see us look again at the basis for our environmental management and that is why we are working with the Government at the moment on developing this natural environment framework. One of the things that that will



allow us to do is to think again about the basis for environmental decision making, because it can be seen as being another sectoral interest—the protection of wildlife or landscapes can be seen as just another interest that the planning system has to arbitrate between. It would be good if we could move to a situation where all sectors and developers in local authorities—all who are interested in the land—were to share a much more common understanding of why we are managing the environment. That really takes us into a new area.

[115] **Kirsty Williams:** That leads on to my next question very nicely about how we can use the planning system. Does the fact that the Government is looking to develop a new planning system suggest that current planning policies are not sufficiently clear and consistent to resolve potential conflicts between competing priorities or sectoral interests? Would you agree that the Government's intention to develop this new framework is an opportunity to improve these relationships?

[116] **Mr Wyatt:** It is certainly an opportunity. One thing, as our colleague from Severn Trent was saying, is the interaction between the various pieces of legislation, guidance and planning policy that affect our industry, and the water and sewerage sector. There are a number of conflicts that naturally develop, different weights are attached to various criteria and are dependent on the local issue that is in contention. Looking forward to how that contention or those issues can be resolved is quite key. How that manufactures and materialises itself is obviously quite a difficult matter to address.

[117] **Mr Cocks:** Very obviously, where it is a local development for local benefit, it is relatively straightforward to provide the infrastructure and the engagement mechanism to create effective assets that give suitable compromise, be that for the local community or for the regulators. The bigger issue that we face, and I guess the IPC and the Government had a go at trying to solve this, is what happens when you need to build major infrastructure for which there is no direct benefit to the communities that are disrupted. I still think that challenge is unanswered. We are glad that the Government is going to continue to look at that because we do need an answer to that.

[118] **Ms Davies:** What I would add to that is that our role, and I guess that CCW's is the same, is to ensure that we are advisers in the process of trying to ensure that the environment is represented in the decision making. We are there, on our side, providing flood risk management advice, advising on whether water availability is an issue or whether pollution by over development is going to be an issue.

[119] Our role is clearly to provide that environmental advice so that at the local authority level, through the LDP, they can balance all of that with the economic and the social factors, and come up with a proposal that meets all of their needs. At the major infrastructure level, as you discussed earlier, our view is very much that for major industrial development we need to have an all-Wales approach to this, so that we can ensure that the right development goes into the right places, so that we can minimise things like carbon emissions.

[120] **Joyce Watson:** How effectively do you all feel that you are involved in the process of making planning policy at both a local and a national level? Are there any improvements that you would like to see?

[121] **Kirsty Williams:** Perhaps we could start with CCW.

[122] **Mr Davies:** At a national level, we are engaged in the early stage of supported development, working with the Assembly Government and other stakeholders. We have two roles in that process. One is to help provide the evidence from an environmental perspective and to advise on the interpretation and synthesis of that evidence in the context of developing policy strategy. We also engage at all stages of the local development plan process. Again, we

have a similar role: we provide evidence, we provide advice on policy wording and advice to the local planning authorities on both opportunities for environmental investment and on specific development proposals and development plans. In terms of national and local policy development, we also have two related roles in that we are a consultation body in relation to the strategic environmental assessment process and we are also an element authority in terms of the habitat regulation assessment of plans and strategies. Therefore, in addition to our advisory and evidence role, we also have a role in terms of providing national advice and detailed advice on those appraisal processes.

[123] **Kirsty Williams:** That is what you currently do. Do you think that that is adequate and could it be improved?

[124] **Mr Davies:** To pick up on Morgan's initial opening comments, our understanding as CCW, and as a society, of the value of the environment for its own sake and for its contribution to economic and social wellbeing has increased significantly even over the last four or five years. The understanding of the relationship between the ecosystems and the goods and services and benefits that they provide to society has increased significantly. In terms of looking forward, I think that a key challenge for CCW, and for Wales as a whole, will be to better develop its evidence on the integration of the role of ecosystems, the benefits that they provide and to include green infrastructure as an integral part of the policy and planning decision-making process.

[125] **Kirsty Williams:** Rhodri Glyn, I will come back to you in a minute. If we could just hear from everybody else, I will then come back to you. Are you effectively involved and how could it be made better? I am asking that of Severn Trent.

[126] **Mr Cocks:** We are relatively effectively involved. If we think of the national and UK scale, through bodies such as Water UK, we have influence at DEFRA. At a local level, we are very involved with local authorities in terms of surface water management, plans for water cycle strategies and how we deliver infrastructure.

[127] Legislation such as the Flood and Water Management Act 2010, which looks specifically at sustainable urban drainage systems, will force closer co-operation between us and the local authorities.

10.30 a.m.

[128] I would sum it up by saying that we have relatively good influence at the local level, which goes back to the point that I made previously, but I suspect that there is more that we could do in the process of creating connectivity. Quite what that looks like at this point I am not entirely sure. However, we do all this from the position of not being a statutory consultee. I was discussing that with colleagues outside earlier, and it is something of a doubled-edged sword. We are not formally a part of the process, which you could argue is a weakness, but, in driving behaviours and actions in the companies, it probably forces us to be more proactive in taking part in the discussion, the debate and the process, and in providing advice and information, because it is in our interests to do so. The problem with not being a statutory consultee and how it manifests itself is that we are well down the food chain, particularly with major multiparty infrastructure developments, and so, without sounding defensive about it, we tend to face more compromises than others in developing assets.

[129] **Kirsty Williams:** Would that be similar to the thoughts of Welsh Water?

[130] **Mr Wyatt:** It would, yes.

[131] **Kirsty Williams:** Let us hear from the representatives of the Environment Agency

whether they think that it is effective.

[132] **Ms Davies:** I will not repeat what Keith has said, because I think that our role in that process is similar, with the exception of the lead on the habitats directive. Some of what we bring to this includes the work that we have done on trying to value the environment. We have tried to provide economic information about things such as flood risk management, as well as about the recreational facilities that we have developed and what value that brings to the wider economy and what environmental benefits it brings to the country of Wales.

[133] What we also try to bring into the discussions is the practical application of this on the ground. We have recently written to the Minister about the concept of the parallel tracking of planning and permitting for large complex facilities. Quite clearly, a lot of the issues need to be discussed in both those processes, and the issue is of trying to bring those two together so that we can have a more open and transparent discussion for the benefit of the communities who live near those facilities.

[134] **Rhodri Glyn Thomas:** Mae gennyf gwestiwn penodol i Asiantaeth yr Amgylchedd. Yng nghyd-destun datblygiadau a cheisiadau cynllunio unigol, yn hytrach na rhai mawr, ar gyfer adeiladu tŷ, a ydych yn aml iawn yn ymateb i'r cais drwy ddweud bod perygl o lifogydd, a bod angen asesiad o'r perygl hwnnw? Beth yn union yw'r cysylltiad rhyngoch chi a'r awdurdod lleol yno? A oes rhaid i'r sawl sy'n cyflwyno'r cynllun gyflwyno asesiad peryglon llifogydd, neu ai awgrymu hynny yn unig yr ydych? Pwy sy'n penderfynu yn y pen draw yr hyn y mae angen ei wneud yn y cyd-destun hwnnw?

**Rhodri Glyn Thomas:** I have a specific question for the Environment Agency. In the context of individual developments and planning applications, rather than large ones, for building a house, do you very often respond to the application by saying that there is a flood risk, and that a risk assessment is required? What exactly is the relationship between the local authority and you in that instance? Are those who submit a scheme required to submit a flood risk assessment, too, or are you merely suggesting that? Who ultimately decides what needs to be done in that context?

[135] **Mr Wilkes:** To take one step back from when we receive the planning consultations, the development advice maps support TAN 15 and highlight the areas that are at risk. They also highlight the policy application, or the requirements of the policy within those areas. So, if that area fell within an identified area at risk, the applicant will be required to produce a flood consequence assessment. The purpose of the assessment is primarily to demonstrate that the consequences can be managed over the lifetime of that proposal.

[136] We would like to engage with those people at the pre-planning stage, before they go down the formal application route. Otherwise, it may well be too late, as they may well have purchased a site and looked at designs. Clearly, we keep the information that we ask for to a minimum so that it is not too much of a burden, but, at the end of the day, it is the applicant's responsibility to provide that assessment. However, we will help them to decide what they need to do and how they need to do it.

[137] **Rhodri Glyn Thomas:** Pe bai hynny'n digwydd, byddwn yn ei groesawu'n fawr iawn, ond yn fy mhrofiad i, nid yw'n digwydd, ac mae Asiantaeth yr Amgylchedd yn ymateb drwy ddweud, 'Yn yr ardal hon, ceir perygl llifogydd'. Yng nghyd-destun fy mhrofiad i, os yw cais cynllunio am rywle sydd 100 troedfedd uwchlaw afon, bydd yr asiantaeth yn awgrymu bod dŵr yn rhedeg

**Rhodri Glyn Thomas:** If that were to happen, I would welcome it very much, but from my experience, it does not happen, and the Environment Agency responds by saying, 'In this area, there is a flood risk'. In the context of my experience, if a planning application relates to somewhere 100 feet above a river, the agency would suggest that the water was running upwards, whatever the

tuag i fyny, beth bynnag y bo'r tirwedd. Fodd bynnag, nid yw'r math hwnnw o drafodaeth yn digwydd. Yr ydych chi fel cyrff wedi sôn am eich dylanwad cyffredinol ar bolisi cynllunio, ond a oes modd iddo gael unrhyw effaith ymarferol ar gynllunio yn lleol, neu ai cyflwyno eich tystiolaeth yn gyffredinol yr ydych?

landscape may be. However, that kind of discussion is not forthcoming. You as organisations have mentioned your general influence on planning policy, but is it possible for it to have a practical effect on planning locally, or are you just presenting your evidence in general?

[138] **Mr Wilkes:** Sorry, but I am not quite sure that I understood that.

[139] **Rhodri Glyn Thomas:** I accept that you all respond to applications, especially the Environment Agency as a statutory organisation, but are you doing that just in general terms or do you have any real influence over the development of planning policy throughout the 22 local authorities in Wales?

[140] **Ms Davies:** I will start off with that one. That is what we were talking about. Up until now, when applications have been made for developments on a flood plain, they largely come in on an individual application basis, and through the local development plan process we want to raise that strategic discussion first. In that way, you can go through the steps that TAN 15 sets out, identifying areas that are not prone to flood risk first to see whether there are alternative areas to develop.

[141] When you get down to the individual planning application, it is difficult, because, as Anthony said, the land has often already been purchased and they want to develop it. At that stage, which is where we have been operating, historically, we set out the trigger points, and that is what our maps are there to do: to identify whether an area needs to be looked at in more detail for the flood consequences. Can they be managed in that area if there are no alternative development areas? We look at whether those consequences can be managed and ensure that that is all built into the process. So, raising it up to the development plan level allows for that discussion. The strategic flood consequences assessment looks at where the development would be better placed, and then we can deal with the individual applications.

[142] **Kirsty Williams:** In engaging with local authorities as part of the LDP process and giving advice, it would be helpful to know whether you feel that local authorities really act on that advice, or do you give your advice and then find that you may as well not have bothered for all the notice that was taken of it in the LDP that comes out the other end? Perhaps you could think about that and drop us a note.

[143] **Ms Davies:** We have looked at some of the development plans produced so far, and the vast majority of them are undertaking strategic flood consequence assessment. Then, on a development by development basis, we monitor performance and the uptake of our advice. So, yes, we can certainly drop you a note to set out the percentages on that.

[144] **Kirsty Williams:** That would be helpful. I remind everybody that there is a review under way of who is and is not a statutory consultee, so we may have some views on that.

[145] **Joyce Watson:** Let us move on to national planning policy. Do you believe that national planning policies are revised and updated frequently enough to reflect European legislation and policies properly?

[146] **Kirsty Williams:** Who would like to go first? We have got particularly strong views on this.

[147] **Mr Parry:** Are they updated often enough? I certainly think that there is a need to

address some of the big global issues, which are urgent and pressing, and climate change agreements have yet to be made at a global level. We have strong policies in Wales to address climate change, and they have translated well into planning guidance, I think.

10.40 a.m.

[148] One of the immediate issues that we have been dealing with, on which the Minister launched a framework last week, is biodiversity loss, which is increasingly being seen as an economic loss, and we have addressed that in planning guidance. We probably need to look again at that, as the existing guidance works, as I said earlier, as if it is another sectoral interest. We need to look at natural assets as being something that everyone has a shared interest in, and ensure a shared understanding of why we are doing it.

[149] So, the new framework—and I do not make any apologies for coming back to this—changes quite a lot with regard to the way in which we look at our environment. It should also translate into good, sound planning policy—particularly at a spatial level, which is one thing we have not discussed this morning. It is important to think of spatial planning as something that allows us to overcome some of these issues at an earlier stage and then look at individual developments in the context of where, spatially, they are best placed.

[150] So, there is some way to go in translating this new thinking. The existing planning guidance has served us well, but we have recognised and accepted the fact that biodiversity loss continues, so some new approach is needed. That is probably where we are now.

[151] **Kirsty Williams:** Does anyone else have anything to add about European legislation?

[152] **Mr Wyatt:** From my point of view, it is more about the timescales. That is, whether policy is updated sufficiently when planners are trying to deal with such diverse areas that involve development. They are expected to understand that they are trying to fulfil a number of European directives, such as the habitats directive and the urban waste water directive. It might be that they do not quite understand that they are involved with that, whereas, for example, the water industry is heavily involved in things like the waste water directive. So there may be a skills or a potential resource gap around allowing that to be understood rather than necessarily reflecting the national policy.

[153] **Kirsty Williams:** It comes back to Alun's point in the previous session about capacity and support. We will now move on to Angela's questions.

[154] **Angela Burns:** I have only one question to ask, and it is for the Environment Agency. I picked up with interest your criticism about the lack of co-ordination and strategic planning in the siting of major infrastructure projects, which I have then taken to mean that you might put in a large infrastructure project but there could be other things that you could tie around it in order to maximise it. Could you expand a little bit more on what the function of a statutory national infrastructure plan would be and how you think it would relate to national policies and local development policies? I am very interested in this area.

[155] **Ms Davies:** We submitted our original evidence before the economic renewal policy was produced, so we were looking at a tie-in with the Wales spatial plan and using that mechanism. However, we welcome the statements in the economic renewal policy.

[156] The Minister mentioned earlier that we worked with the local authorities on developing infrastructure plans for waste facility development. However, it related to a single issue, so it was about dealing with waste rather than perhaps marrying it together with reducing carbon, and therefore looking at the best locations not only to manage the waste but to tie it into providing energy from waste for facilities like hospitals, schools or shopping

centres. So we see the infrastructure plan as potentially trying to marry together these policy targets and requirements so that we attract development to areas where it is possible to meet more than just one policy objective. It is about bringing them all together.

[157] **Angela Burns:** CCW may wish to respond to this question, because there are sometimes some very good ideas about putting together a number of energy infrastructure projects, but they tend to trip over because of something small but immovable—sometimes statutory, sometimes TAN advice, sometimes something from CCW. How can you reconcile a global statement like, ‘If we do this, we can reduce our carbon emissions by x’, to then tying it down to a local level where it might disturb some flora or fauna or alter the land shape, and so on? What I do not see happening is the reconciliation and understanding of what priority would outweigh another because occasionally you have to lose something in order to gain something else.

[158] **Mr Parry:** I will ask Keith to answer this question because he can give you some examples of how we have resolved some of these issues in particular locations.

[159] **Mr Davis:** Before we go on to specifics, I would like to say that the infrastructure plan provides a good opportunity to make sense of two technical buzz words: ‘spatialisation’ and ‘integration’. Different processes have tended not to be integrated and they have not been considered strategically at a spatial scale. Because of that, the various linkages and various conflicts have not been addressed at a sufficiently strategic or early stage of the process. That then reflects in terms of potential conflict at a local and individual scale, so we greatly welcome the general thrust towards an infrastructure plan.

[160] In the context of Wales, I think that we would also argue that, in addition to considering grey infrastructure, such as roads and other related built infrastructure, the green infrastructure of Wales should be a key component part of infrastructure. In terms of supporting wellbeing and supporting the economy, investing in our green infrastructure can be as important as investing in other aspects of the national infrastructure of Wales. With particular reference to ensuring integration between sectors, it would be important for the infrastructure plan to incorporate the green infrastructure of Wales.

[161] **Kirsty Williams:** I think that what Angela’s question was trying to get at is whether you envisage that the infrastructure plan will not only give advice about where infrastructure projects will go, but produce a hierarchy of need in the sense of what considerations outweigh other aspects. There is never a perfect place to place or build anything; all sites have pros and cons to developing on that site. How can that be incorporated in planning policy so that we can move forward?

[162] **Mr Davis:** To do that effectively, you would need to integrate and build in the green infrastructure so that you consider the opportunities and constraints at the same time at a strategic level.

[163] **Rhodri Glyn Thomas:** The question is whether, in terms of these organisations and their influence on planning policy in Wales, it is any more than drawing lines on maps. Does it have any real influence on planning applications in Wales?

[164] **Kirsty Williams:** Does anyone want to respond to Rhodri Glyn’s challenge?

[165] **Ms Davies:** I return to TAN 15. Over 96 per cent of our advice on TAN 15 is taken up by the local authorities in terms of development on a flood plain. That is a good take-up rate, but that is not to say that we are complacent about the remaining percentage that is not, and we look into that. Often, it will be because there may be previous permissions, which mean that it is very difficult and would perhaps require compensation to change the position,

or they may have looked at this in a sustainable development concept and decided that, economically, there is an overwhelming argument for that to be placed there. There is a measure there that demonstrates that they are listening to the advice that we give, and it is not just about drawing lines on a map.

[166] **Kirsty Williams:** Mr Parry, could you respond briefly please?

[167] **Mr Parry:** I can echo that, and I can understand, Rhodri, your frustration at how the system works, but we, as public bodies, are there to provide strategic advice. We are not part of the decision-making process; that has to be a local, democratic process. The weight given to our advice is set out in planning guidance, so that the decision makers need to take account of a, b and c. The way in which the system operates gives them some good information about what to consider and what advice to give.

10.50 a.m.

[168] We can strengthen that. Of course we can do that. We can get a better understanding of why some of the advice that we give is important. We are working currently to explain better why it is that we need to look at things from a broader perspective and look to integrate environmental, social and economic concerns. However, ultimately, we are here to provide that independent advice and the advice has to be independent, has to be arm's length and it has to be distinct from those who take the decisions on the ground, because there has to be a democratic process.

[169] **Kirsty Williams:** I call Angela to speak briefly, and then we will come to Leanne, because we have to move forward.

[170] **Angela Burns:** All I was going to say, Chair, is that I would be grateful if we could examine this in a bit more detail later on in our inquiry, because I am concerned that sometimes we pay so much attention to the small details that we lose sight of the big picture of what it is we are trying to achieve as a nation in terms of our overall commitment to this issue.

[171] **Kirsty Williams:** I feel a discussion about a recommendation coming on. Leanne?

[172] **Leanne Wood:** I just wondered whether I can ask the Environment Agency to respond to some criticisms that I have heard in terms of the process, and I will give you two examples to illustrate those. The first is that people have told me that the Environment Agency can be very slow in responding to applications for microgeneration. For example, if there is a hydro application on a river it will take time to submit a report on the biodiversity issues, which can mean that the application process is very slow and people are put off. The second example is the giving of the go-ahead to the new power station in Pembrokeshire and allowing the waste heat not to be utilised in a combined heat and power project. Would you say that those criticisms are down to deficiencies in the planning system? Would the infrastructure plan overcome those if there was a clear prioritisation of the environment in that?

[173] **Ms Davis:** If the infrastructure plan were to look as you have described it, then I think that that would help enormously. In terms of the criticisms, we have accepted the criticism of our slowness with regard to hydropower and, as a result, we have acted to map out for Wales opportunities where hydropower would be better placed. We were trying to turn it around, so that rather than waiting for applications to come in and us then saying that there is a good environmental reason as to why a development is not appropriate there, we try to give the developers a map of where they could go and where they are more likely to be successful. In terms of the way that we then determine those applications, we have

streamlined that process to make it as quick and as slick and as easy for people to get through as possible, while still trying to provide the environmental protection that is our role to deliver.

[174] On the Pembroke example, again, as I said, an infrastructure plan—

[175] **Kirsty Williams:** I would ask that you not talk about individual applications, but rather the general situation.

[176] **Ms Davies:** Certainly. Generally, we would expect that that would be something that the infrastructure plan would look at, and that it would look at the need and the priority and how we would take that forward.

[177] **Kirsty Williams:** Can we move along to some issues around local development plan, Sandy, please?

[178] **Sandy Mewies:** Before we do, this is my first time on this committee, and if you are going to go back to Angela Burns's point about the draft infrastructure plan, I think that what I would not like to see forgotten in planners talking about planning on a national level is the democratic process, and the right of the public to express views as strongly as possible and to have them taken into account—you may be talking about it, but I would like to ensure that if you are referring to this again that you have some people in who can represent the democratic process as well.

[179] **Kirsty Williams:** Indeed, we will be taking a great deal of evidence from the Welsh Local Government Association, both from officers and members of local authorities. Obviously, in many cases that is the way in which people's voices are heard at the planning process. We will also be taking further evidence with regard to the infrastructure, because of concerns about whether national interest overrides the ability of individuals to have their say about what is being built next to where they live. Sandy, would you like to continue?

[180] **Sandy Mewies:** Yes, thank you for that. How can national planning policies be expressed to ensure that there is greater consistency at local level in the interpretation of those policies, also taking into account that urban areas and rural areas and so on might have different needs?

[181] **Mr Davis:** I think that there are two levels. We have rehearsed earlier today getting the national framework and the spatial evidence of the national framework to provide that context for local development plans. In terms of consistency, as an organisation we are engaged in every local development plan process and, from our perspective, we seek to ensure that there is consistent advice and evidence submitted into the development plan process and that the development plan process interprets and applies policy consistently, again from our perspective. I am sure that other organisations do similarly from their perspectives.

[182] **Kirsty Williams:** I ask the water companies, because, of course, you are working across a number of local authorities and national parks, whether you find in your dealings that there is a lack of consistency or lack of flexibility to reflect local need.

[183] **Mr Wyatt:** I would echo what CCW has said. From an overriding point of view, we cover 30 local authorities, not just in England but also the border counties in England, and that provides that basis of consistency in terms of what our approach would want to be, and that is reflected in our experience from both the strategic to the local level.

[184] **Kirsty Williams:** What is Severn Trent's experience?



[185] **Mr Cocks:** I think that we have 55 local authority boundaries within the area in which we operate. We, as one company, promote a consistent approach to how we impact developments because we use the same models, the same processes and the same procedures. That is a process of education and understanding, I think. However, it links back to the previous points about the overall development of social infrastructure. Often we find that the inconsistencies or tension points are in the understanding of how the development of the social infrastructure in and around the area will affect the overall economic development of that area. We often spend more time trying to explore that need, and, to refer to Welsh Water's point earlier, I think that we have to understand that a lot of the technologies that we are putting in place now in social infrastructure, even in something as slow moving as the water industry, are really quite different from those that we put in in the past. The ability of local authorities to understand exactly why the infrastructure is developing in the way that it is, and the ability for us to explain that, is certainly not consistent across all of the different companies that are involved in creating social infrastructure and I think that that creates confusion in the process.

[186] **Rhodri Glyn Thomas:** I have no doubt that all of you as organisations have an influence on general planning principles in terms of national guidance. I am not convinced, and nothing I have heard this morning convinces me, that that influence permeates down to local planning in authorities in Wales. This question is to the Environment Agency. Could you explain to me how water runs uphill in Carmarthenshire, because that is what your mapping models suggest?

[187] **Ms Davies:** In terms of our modelling and mapping, they are just that. These are models that are generated to try to mimic a real life situation, but they will only ever be models and a whole range of other circumstances will prevail on the day that could change certain aspects of them. As mapping and modelling technology improves, our maps will become of better quality and they have improved significantly. However, they are, as I mentioned earlier, a trigger point. They are there to identify, if you like, an area within which further scrutiny needs to be applied.

11.00 a.m.

[188] So that is the trigger. Then the particular developer of the patch of land that falls within that boundary would undertake a specific site flood consequences assessment, and may be able to prove or demonstrate that flood risk is not an issue in that location and challenge our development maps, which would be fine. The whole point of that process is to have that discussion and dialogue.

[189] **Rhodri Glyn Thomas:** That is fine for the developer. If a developer is developing a site of 20 or 40 or 50 houses, and it is a major development, it is not a problem. However, if you are talking about individual planning applications, it is a major problem. If your maps, irrespective of the lay of the land, suggest that there is a danger of flooding, I have examples of—

[190] **Kirsty Williams:** I am going to stop you there. We all have experience, I am sure, of issues with the Environment Agency and its flooding maps. If you have such issues, you should pursue them, but please do not pursue them here today because that is not integral to what we are doing.

[191] **Rhodri Glyn Thomas:** I was not going to refer to an individual example. The question is whether the influence is on the general direction of national planning policy or whether you have any influence over the way in which developments are structured locally. Having listened to the evidence this morning, I am not convinced that that influence does

permeate down the local level.

[192] **Kirsty Williams:** With due respect, the Environment Agency has answered your question. It feels that it has significant influence in a sense that 96 per cent—I think that that was the figure used—are taken up. I suggest that you pursue your issue with the flooding maps with the Environment Agency outside of this meeting. Mr Davis would like to say a few words, and then I will come to you, Mr Parry.

[193] **Mr Davis:** On the point of individual applications, obviously we contribute to policy at the national level and at the local level, but we also contribute to specific applications. I think that we responded to over 30,000 planning applications last year.

[194] **Kirsty Williams:** Do not encourage him; he probably has examples of those that he does not like as well. [*Laughter.*]

[195] **Mr Davis:** The reason why we do that is because the implications of some of these planning decisions have a direct consequence for our customers, so we have a vested interest in making as much of a contribution to individual applications as we possibly can.

[196] **Mr Parry:** I want to respond in a more general way to Rhodri's question, because this is about our ability as national agencies to provide evidence and to provide it at a suitably small scale to enable the sort of decisions that you are referring to to be taken sensibly. I think that all of us have improved immensely over the last 10 years our ability to provide detailed information on maps as to what is happening to flooding, and as to what is happening to habitats and species and ecosystem function. We have invested heavily in that. In a sense, there is a very strong case for continued investment in providing that information.

[197] However, it is information and guidance. It is up to local authorities to then consider that and weigh it up. There are certainly legal constraints, but having proper scientific independent advice and evidence on what the issues are in any particular locality depends on how detailed that available information is. We have improved it immensely. We can improve it further, but the ability to use satellite technology and overlays of different maps provides local authorities with a huge amount of information. However, that role is a distinct one, from our point of view. It is then up to local authorities to decide whether they want to ignore or overrun that advice, but there are always consequences if advice is ignored, and I think that is the balance of the planning system.

[198] **Rhodri Glyn Thomas:** You will be glad to hear that I do not have another question, but I have a comment to make on the basis of that. I think that the problem lies with the way in which local authorities respond to the kind of guidance that you offer, and there is a major problem there in that there is no dialogue and that they take your guidance on board in a general manner and that impacts on planning at a local level.

[199] **Kirsty Williams:** Rhodri Glyn, the 14 October will be your chance to have that out with the local authorities when they come here. Ceri, please keep your comments brief.

[200] **Ms Davies:** All I was going to say was that as well as providing the advice and evidence we try to help by training up staff to understand the advice that we give. A recent example would be the royal town planning institute conference. We went along to that to run advice sessions for local planning officers in order to help them.

[201] **Kirsty Williams:** That brings me very nicely on to Lorraine, who wants to talk about those kinds of issues.

[202] **Lorraine Barrett:** What are your views on the resources and expertise available to

planning authorities to deal with the increasingly complex and technical issues that they have to consider within LDPs? The Environment Agency has expressed its concern that they are not using appropriate evidence as a basis for the LDPs. Are you able to offer support to planning authorities? Do you have a general concern about the level of expertise that they have?

[203] **Kirsty Williams:** Who would like to answer that?

[204] **Mr Davis:** The issue is how we work together to ensure that that expertise is provided within the overall decision-making process. We work very closely with the WLGA, the Assembly Government and the Environment Agency to help ensure that at one level there is a package of training and advice available to the decision makers in the process. We also meet local planning authorities individually, at least once a year, when we can raise issues of perhaps more detailed training and perhaps more detailed capacity issues. Finally, we have a grant partnership with each local authority and we use that grant partnership to, for example, ensure that within the individual authority or region there are people within local government who can provide advice on issues of interest to us.

[205] **Mr Wyatt:** The whole issue of water and waste water infrastructure support and development is quite a complex area, and I do not think that you could really expect planning functions to have all of that expertise. We clearly do have that expertise and we are keen and able to make that contribution to planning authorities.

[206] One problem that we face, though, is that the planning authorities seem to be almost the arbitrator between our views and those of the developer. It is quite a difficult decision for them to make, because developers are putting forward proposals, we are putting forward proposals, and they are the arbitrators at the end of the day.

[207] **Ms Davies:** I would echo that point. We have tried to work very closely not only with the local authorities but also with the developers to produce packs, if you like, to help them to understand what their responsibilities are, so that when they make these applications they are doing them right, and therefore need less handholding through the process. We have the benefit in Wales of being able to work much more closely together with a smaller number of local authorities—the same is true for the agency and CCW—to try to ensure that between us we can deliver the outcome. At the end of the day, it is the outcome that is important and it is about all of us applying our skills to be able to get to and achieve that outcome.

[208] **Mr Cocks:** I would echo Welsh Water's point. It would be impossible for a local planner to have a full grasp of the full complexity of every single thing that is happening. The planners' dilemma is that once companies such as ours have been through that education process and have sought to understand the planners' issues, they are faced with deciding which set of vested interests they come down on the side of. If there is a skill missing among local planners it is the ability to weigh up the differing and competing vested interests, in my view.

[209] **Kirsty Williams:** From your experience working across the border, are Welsh local authorities any better at doing this than English local authorities?

[210] **Mr Cocks:** That is like trying to pick your favourite child. [*Laughter.*]

[211] **Kirsty Williams:** Go ahead, pick.

[212] **Mr Cocks:** I think that they are no more effective than each other.

[213] **Mr Davis:** I think that it varies from authority to authority, but there is not an

English-Welsh issue.

[214] **Kirsty Williams:** Okay, thank you very much for that.

[215] **Lorraine Barrett:** May I ask one catch-all question, with one sentence each, Chair?

[216] **Kirsty Williams:** Yes, go ahead.

[217] **Lorraine Barrett:** What key changes to the planning system and processes would you like to see this committee recommend to the Minister?

11.10 a.m.

[218] **Mr Cocks:** I do not know whether there is a one-word answer to that. Our drivers as a business are cost, time, and proportionality. So it is building an asset economically, building it in a timely fashion and building something that is fit for purpose for customers. It is about the quality and transparency of the process, and the engagement to ensure that we make progress. That is what we need.

[219] **Ms Davies:** I think that ours would be to try to bring together the parallel tracking points for the large complex industrial processes that we need to permit as well as contributing to the planning, while also keeping them separate. There is good reason to keep them separate but they should be brought together so that they are determined at the same time and there is parallel tracking.

[220] **Mr Wyatt:** As you mentioned earlier, there has been a review of statutory and non-statutory consultee bodies. We have made our views quite well known; we believe that water and sewerage undertakers should become statutory consultees in that development plan and development control process.

[221] **Kirsty Williams:** Do you agree, Severn Trent?

[222] **Mr Cocks:** Absolutely.

[223] **Mr Parry:** I would like to see everyone involved in the planning process agreeing a shared understanding of the significance and the importance of environmental assets—however we describe them—and their value in the planning process. If we could get a handle on it, it would resolve many of the conflicts. I also ask that you consider the spatial concept as well, as spatial planning is important. It could be the basis for resolving many of these conflicts and getting that right and getting it re-energised as a way of understanding our environmental assets. That would be a big step forward.

[224] **Kirsty Williams:** Thank you very much, everyone, for your attendance at the committee this morning and your answers to committee members' questions. A transcript of the evidence session will be made available to you. You cannot change your mind now about what you have said, but if you are concerned that anything has been recorded inaccurately please let us know. Thank you very much for your papers and your attendance this morning.

[225] That brings our evidence session to a close this morning and the formal business of the meeting to a close. Our next meeting—

[226] **Rhodri Glyn Thomas:** Are we going to respond to the Minister's suggestion that we get Planning Inspectorate in to give evidence?

[227] **Kirsty Williams:** Yes, we will do that. Given the fact that the Minister has expressed

that it would be desirable, it strengthens our arm in extending that invitation. The next meeting will be 7 October, when we will be taking evidence from the Infrastructure Planning Commission and starting our inquiry into biodiversity. That brings the meeting to a close.

*Daeth y cyfarfod i ben am 11.13 a.m.*  
*The meeting ended at 11.13 a.m.*