



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

**Y Pwyllgor Cynaliadwyedd  
The Sustainability Committee**

**Dydd Iau, 14 Hydref 2010  
Thursday, 14 October 2010**

**Cynnwys**  
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi 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 (yn dirprwyo ar ran Irene James) Labour (substitute for Irene James)
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**

John Davies	Cyfarwyddwr Cymru, Yr Arolygiaeth Gynllunio Director for Wales, Planning Inspectorate
Christopher Morgan	Parc Cenedlaethol Bannau Brycheiniog Brecon Beacons National Park
Peter Morris	Rheolwr Gwasanaeth—Cynllunio Gofodol a Threftadaeth Adeiledig, Cyngor Sir Powys Service Manager—Spatial Planning and Built Heritage, Powys County Council
Tracy Nettleton	Parc Cenedlaethol Bannau Brycheiniog Brecon Beacons National Park
Cath Ranson	Rheolwr Cynllunio Datblygu a Cadwraeth, Cyngor Sir Benfro Development Plans and Conservation Manager, Pembrokeshire County Council
Alan Southerby	Rheolwr Gwasanaeth—Rheoli Datblygu, Cyngor Sir Powys Service Manager—Development Control, Powys County Council
Dr Roisin Willmott	Cynghorydd Adviser

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

Dr Virginia Hawkins	Clerc Clerk
Meriel Singleton	Dirprwy Glerc Deputy Clerk

*Dechreuodd y cyfarfod am 9.02 a.m.*  
*The meeting began at 9.02 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. Please turn to item 1 on our agenda this morning. I remind everybody that in the event of a fire alarm, you should leave by the exits and follow the

instructions given by the ushers. Could everybody please ensure that their mobile phones and BlackBerrys are switched off? Once again, I remind everybody that the Assembly operates through the media of both English and Welsh and translation is available via the headsets. The interpretation is on channel 1 and the verbatim feed is on channel 0. So that our guests know, there is no need to touch the microphones when answering questions this morning. They will be operated for you.

[2] This morning, we have received apologies from Karen Sinclair, Irene James, Rhodri Glyn Thomas and Brynle Williams, and we welcome our colleagues who are substituting for them.

9.03 a.m.

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

[3] **Kirsty Williams:** At this stage we are going to move on to item 2 on the agenda and that is our further work on the inquiry into planning. We have two evidence sessions this morning and I am very pleased to welcome Mr John Davies of the Planning Inspectorate. Thank you so much for taking the time to join the committee this morning. Before we move into questions, is there an opening statement that you would like to make? If you would like to, please do so now and then we will go to questions from Members.

[4] **Mr Davies:** Thanks very much. Good morning and thank you for inviting me here this morning. I have two very simple things to say: first, in the paper, I have said that we are an executive agency covering England and Wales, and the reason that I am here rather than our chief executive is that I am responsible for the division that deals with everything in Wales. Secondly, I will say something very briefly about the link between national and local policies and local development plans: national policies are at the strategic level and LDPs translate that down to the local level, as I said at the bottom of the first page of my paper. The LDP sets the framework for delivery at the local level.

[5] An inspector's task is to try to examine LDPs to make sure that they fit within the framework set by the national policy at the higher level across Wales. I would say that some are better than others at this, and that is in the nature of things, but it is our task, when we examine plans, to make sure that they fit within that framework as far as possible. Thanks very much and it is now over to you to ask me questions.

[6] **Kirsty Williams:** Thank you very much, Mr Davies. I will begin by trying to tease out this relationship between different levels of policy. How effective, in your view, is 'Planning Policy Wales' in indicating the relative importance of different policies and how they should be evaluated when conflicts arise?

[7] **Mr Davies:** I have dealt with this to an extent at the end of the paper. There will always be conflicts. We have people who propose dwellings that are built to very high carbon-energy standards and are self-sufficient, but they are in the countryside often and they conflict with environmental and countryside protection policies. What we have to do is to try to balance those policies against each another. I think that the Assembly Government has been very good at indicating when it has developed its current framework, particularly for things like affordable housing, sustainable development and zero-carbon housing, that it does consider these to be principal primary policy objectives. As far as we are concerned in the inspectorate, and as far as the inspectors are concerned as they go about their tasks, there are no questions or complaints about how much priority should be given to the relevant policies. From our point of view, the policy priorities are set very clearly. In the normal way of things, and we have had this in the past, if a new policy comes out, sometimes we have a question,

which I will address to Rosemary Thomas's division and ask for clarification, but I am not being deluged by questions of this nature. We have not had any.

[8] What we have done as well is that we have very good relations and inspectors meet on a quarterly basis in Wales. I have just explained that the inspectors who deal with the Welsh policies and Welsh appeals deal with them almost to the exclusion of all else. They are specialists; that is what we do. When we meet, if a new policy has come out, we frequently have somebody from the Welsh Assembly Government to come to discuss it with us and answer any questions. So, it works very well.

[9] **Kirsty Williams:** That is very clear. If 'Planning Policy Wales' is effective in enabling you to give clear direction as to which policy has precedence, and to help you deal with those conflicts, how effective is it in setting out the policies that do not need to be repeated at a local level and are those policies expressed with appropriate clarity to provide effective coverage of these issues at local level?

[10] **Mr Davies:** In our view, it is. Prior to the current version of 'Planning Policy Wales', there was a document that set out for authorities what needed to go into local development plans, what needed to be interpreted and what did not need to be put in there. In the very early days, when we were looking at the LDP system, the advice was that you did not need to repeat national policy. At that time, it was not clear what was national policy and what needed to go in at a local level, but since then the Assembly Government has addressed that as a point made to it, and now it is very clear in the current version of 'Planning Policy Wales'.

[11] We do still have instances. We have had one recently where the LDP inspector picked up the fact that some statements of national policy should be expressed at a local level and they had been missed, but that is part of the examination process. That is what we are there to do; it was pointed out by the inspector and that will be a change that he will be recommending should be made when the plan is adopted. So, in terms of LDPs, it is fine. In terms of decision making, again, we understand what the policies are, and the crucial thing is for the local development plan inspectors to understand the policy framework when they are doing examinations, and that seems very clear. The framework that is set for them, through the technical advice notes and 'Planning Policy Wales' is working very well.

[12] **Kirsty Williams:** It is very interesting that you and your staff seem to have a great deal of clarity in terms of understanding the policy whereas when we get to the local level there seems to be an amazing amount of lack of clarity when it comes to interpreting national policy. We will explore that with our local authority colleagues later on. Leanne has the next question.

[13] **Leanne Wood:** Can you tell us what your understanding is of the relationship between local and national policy in Wales and the UK Government's national policy statements on energy?

[14] **Mr Davies:** It is interesting. I noticed that when the national policy statements came out, they included statements about their being applied in England and Wales and then subsequently stated that they were important to decision making in England. I was not quite sure about that. They are in draft at the moment, so that is something that may be clarified later. A letter has been sent out to planning authorities in England about the importance of taking account of national policy statements in planning. The equivalent has not gone out in Wales, as I understand it. On the other hand, when it comes to making decisions in Wales, national policy statements would certainly be relevant.

9.10 a.m.

[15] The national policy statements are intended to guide the Infrastructure Planning Commission when it makes decisions on the major infrastructure proposals that it deals with and, when it becomes part of the inspectorate in the major infrastructure planning unit, it would guide its recommendations to Ministers. In Wales, the local planning authority in Anglesey, for example, would have to reflect the fact that the nuclear statement identifies Wylfa as one of the sites for a nuclear power station. You would expect that authority, when preparing its local development plan, to take that into account. How that is done is for it to decide. It is the implications of that allocation that the local authority would need to take into account, because it will, obviously, have an enormous impact on the local economy and it would need to take that into account when preparing its local development plan. That is how I would see the relationship between them.

[16] In terms of direct decision making by local authorities, they do not have the powers on that. The purpose of the national policy statements is to guide decision making on major infrastructure. In terms of decision making in Wales, it remains to be seen how that is going to work in practice when the IPC ceases to exist and is rolled up within the Planning Inspectorate.

[17] **Leanne Wood:** How much weight would your inspectors give to the national policy statements when assessing those local development plans?

[18] **Mr Davies:** The major infrastructure development that they are meant to tackle at present does not fall to an inspector from the Planning Inspectorate, for example. The IPC was set up to deal with that type of development, and the intention is that the IPC be wound up and a new unit set up within the Planning Inspectorate dealing with major infrastructure proposals. Whatever body deals with those proposals, it will be taking those policy statements into account. They will be the prime source of policy for recommendations and decision making; that will be when they are working in Wales as well. They are also expected to take into account the policy statements made by the Welsh Assembly Government, 'Planning Policy Wales' and the technical advice notes. The policy statements are being prepared having regard to the policies of the Welsh Assembly Government.

[19] **Leanne Wood:** If it comes to a situation where there is a conflict, 'having regard to' sounds less weighty.

[20] **Mr Davies:** Yes. It is quite clear. The national policy statements say that, if there is a conflict, the national policy statement takes priority. As far as I can see, having looked at the documents, they are intended to work together. National policy statements are in draft at the moment anyway and, in the normal way, an inspector's view of a draft document is that it is relevant but has little weight until finally adopted, because it can change. Since then, of course, a new Government has come into place and, when we see the final versions, there may be significant changes; we do not know yet.

[21] As they are in draft, they would be given little weight at the present time, but, eventually, it is intended that they will be the guiding documents for decisions on major infrastructure. It depends where that decision rests, but, in any event, when the recommendations and decisions are made, Welsh Assembly Government policy will certainly be taken into account. As far as I can see, having looked at them, they have been developed in the light of the Welsh Assembly Government's policy. It is not as if it has set them to one side and said, 'Now, we are going to develop this'. It has said, 'These are the policies, so how will they fit with the framework that we want to establish at a national level across England, Wales and Scotland?'

[22] **Kirsty Williams:** Before you move on, for my clarity, are the national policy statements relevant only for site-specific proposals in Welsh LDPs?

[23] **Mr Davies:** No, they are not, because they set the framework, which is meant to work in conjunction with the framework established by the Welsh Assembly Government. That is explicitly recognised and there is reference to 'Planning Policy Wales' and the technical advice notes and the framework established by those.

[24] **Alun Davies:** How does that work? It sounds extraordinarily complex. You now have two planning frameworks, from two Governments of different colours, so the potential for conflict is greater for obvious reasons—policy differentials—where a planning authority has to take note of quite divergent planning priorities. If it was site-specific, on Wylfa, I could understand that—I think that everybody would—but if it is not, and if there is a much wider issue, the potential for conflict is surely much greater.

[25] **Mr Davies:** No, I do not think that there is potential for conflict. There would be potential for conflict if the policy frameworks were developed in isolation, if you like. If you look at how the national policy statements are written in draft, there is explicit reference to the policies of the other documents. For example, on a major infrastructure proposal, the decision rests outside the local authority. Under the new framework, it is intended that the recommendations will be made by the new infrastructure unit to Ministers, who will take decisions. The framework for that is set by the national policy statements in light of what is said by the Welsh Assembly Government. There is an explicit statement in there that the planning authorities are expected to prepare local impact statements, which are submitted to the body handling these applications. Those statements are expected to take into account national policy. The Welsh Assembly Government will also be making statements to that body, and it will be making its representations known in light of its policies as well.

[26] If you had two Governments preparing policies in complete isolation, yes, there would be great potential for conflict, but you do not have that. I have read them, but I have not, in my day-to-day work, had to apply them. Given the way that we are set up, the body set up to apply the policies was the Infrastructure Planning Commission—the policies were to guide its decision making. As inspectors, we do not deal with the major infrastructure and the Planning Inspectorate does not do that at the present time; it will eventually, when the IPC is abolished and it becomes part of the Planning Inspectorate.

[27] **Kirsty Williams:** Thank you, Mr Davies. That is very clear. Nice try, Alun.

[28] **Leanne Wood:** You say in your paper that there is an issue for LDPs in keeping up to date with the latest Welsh Government policies. What steps can be taken to ensure that LDPs can keep up to date with national planning policies?

[29] **Mr Davies:** I have complaints addressed at me—I am not sure why, because we do not prepare policies—about the new policies that come out as part of the process. Yes, I confess that the Welsh Assembly Government has brought out a number of policies that have had an impact on LDPs as they go through the process. One thing for local authorities is to get on with it—to decide that they are going to do it and carry on— and not to wait because a new policy is likely to come out. Although local planning authorities make these points to me and to the National Assembly, the policies do not come from nowhere, completely afresh. The Assembly Government consults, it talks, it has technical advice groups that local planning authorities sit on, so none of the policies, to my knowledge, have or ever should come out as a complete surprise to planning authorities. They have advance warning. So, if they have advance warning and they know which way the Assembly Government wishes to go, they should be able to take account of these policies as they are preparing.

[30] Some things do come out in the middle of the process and, as inspectors, we have to judge what we are going to ask an authority to do. If it is at the point when we cannot amend

the plan—if it is too late in the process to have a major amendment—we have to tell authorities to get on, make a recommendation and adopt it. Authorities must do their preparation and deposit plans in the light of the best knowledge that they have at the time. So, yes, there will be situations where a new policy will come out while, for example, a plan is with an inspector being examined and we will say, ‘Well, we cannot do anything at this stage’, but there is a review built in to the process—every four years, a plan has to be looked at and reviewed, and it can be partly reviewed at any time.

9.20 a.m.

[31] For example, we might say that we recognise that this is coming out—it is explicitly recognised—and that we would like some recognition in the plan that it is to be addressed by the authority at the next review period. That is not a problem because although, in decision making, the authority and inspectors will look first at what the LDP says, the next place they will look is at national policy, and if a new policy has come out, that will be given considerable weight. You would hope that there would be no strong conflict between the two and, bearing in mind that new policies are flagged up as they emerge from the Welsh Assembly Government, there should not be any revolutionary change to the plan. Given the nature of things, that can happen, but national policy is there to be taken account of anyway, and it is the next place to go immediately after looking at the LDP in any event.

[32] **Alun Davies:** You have relied on LDPs as the basis of leading the planning process, but you have only one and a half of them in Wales, as I understand from your evidence.

[33] **Mr Davies:** A bit more than one and a half; it is almost two, I would say.

[34] **Alun Davies:** Almost two, okay. Shall we say 1.85, for clarity? [*Laughter.*]

[35] **Mr Davies:** Yes.

[36] **Alun Davies:** There are 24 planning authorities in Wales, is that right?

[37] **Mr Davies:** There are 25.

[38] **Alun Davies:** Whatever it is, that is not a particularly impressive proportion, is it? You say in your written evidence that there is a mixture of different plans at the moment and they are all being led down the LDP route. I was quite interested when you said in your introduction that some plans are good and some are not so good. It would be interesting to know why that happens, because in a planning system, which should be a whole, there should be consistency of quality throughout a country and, from what you have said, we do not have that. Could you explain why that is? When do you expect us to have 25 LDPs?

[39] **Mr Davies:** I will not put a figure on that because I do not think that I can. First of all, LDPs are a new system and we are still in the throes of introducing it. We have had six submitted for examination and examinations are still being carried out on five. Our schedule probably goes up to about 2014-15, and one reason for that is that when the system was introduced, authorities were given the choice of carrying on with their unitary development plans or stopping and moving to the LDP system. Some chose to switch, because they were still at a fairly early stage with their UDPs, and some decided to carry on with the UDPs because they were at a more advanced stage. So, there is presently much better coverage of up-to-date unitary development plans, not local development plans. There was a considerable flurry of unitary development plans going through the system and being adopted in the last days before the LDP system was brought into force, and some have carried on.

[40] Flintshire is the last authority that is still going through the process of getting its



unitary development plan adopted. It went through the process of having a public inquiry into its representations and objections, and so that process is still going through. For example, I was at Neath Port Talbot this week, and it is still in the early stages of going through the LDP process, but it has an adopted unitary development plan, which has gone through the whole process. It is a statutory document. That is relatively up to date and it is a framework that will guide its decision making. So, it is not as though it does not have any plan.

[41] Some authorities in some areas do not have any plan, which is not satisfactory at all. In some parts of north Wales, such as parts of Flintshire, they are covered by a mixture, because of reorganisation, when some authorities stopped. After the reorganisation, those plans stayed in existence.

[42] **Alun Davies:** That was in 1996, though, was it not?

[43] **Mr Davies:** Yes. We are talking about very old plans in some cases, which have never been superseded by a completely adopted development plan with coverage for those areas.

[44] **Alun Davies:** For 15 years, in parts of north Wales, there are still—

[45] **Mr Davies:** The Assembly Government has produced a plan that sets out which areas of the country are covered by up-to-date plans of various types. There is a structure plan, for example, which covers it. That would be at the high level, but there is not one at a local level.

[46] **Alun Davies:** It would be useful to see that document, Chair.

[47] **Kirsty Williams:** Yes, it would, if we could get hold of it.

[48] **Angela Burns:** I want to explore this a little further, because Alun has raised a really good point. In your evidence, you say that Pembrokeshire Coast National Park has already adopted its LDP, Caerphilly is about to, and others are miles away. You have given the impression that this is partly because there are lots of different plans already in existence and not everybody has moved from having a UDP to an LDP. I want to press you on this. Is that the only reason, or do you think that there are other factors? When I talk to planning officials, there seems to me to be an awful lot of confusion about where they are going and the amount of policy that they keep having to take on board. There seems to be a bit of a reluctance to jump from system A to system B, if you like. I just want your view of why Pembrokeshire coast can do it so quickly when others, like those in north Wales, are so far behind. I simply do not buy it that it is just because there is a difference in planning.

[49] **Mr Davies:** When I said that there are fewer than two areas covered by LDPs, that did not mean to say that the other areas do not have a development framework to help them to guide decision making, reflecting national policy. That was the point that I was making. I started by saying that any new system will take time to implement. A local development plan system was introduced in Wales just after the local development framework system was introduced in England, and there are distinct similarities between the two. I was at a recent event at which a speaker said—and I think that this was the phrase used—that the system in England had ‘spectacularly failed to deliver’. The Wales system can be made to work and we are starting to make it work, but it takes time because it is a different document. Authorities will be expected to go through a different process. They are expected to go through much more evidence preparation than before, and we think that the testing that we do is rigorous.

[50] We are there as inspectors to look at what they are doing. Authorities are scared of the system because, in England, there were some serious problems when this was first implemented, and the perception of the system as being difficult to design, implement and get

through the process has caused severe angst among authorities. There is a lot of work involved. What you are talking about is a document that covers all the policy areas across all the Welsh Assembly Government's and the local planning authorities' responsibilities. It is not an easy document to prepare but they have to do it and we know that. It is something new and, when anything new is introduced, there is a reluctance to change from what is understood, namely the unitary development plan system, to a new system.

[51] **Kirsty Williams:** I accept that human nature makes it difficult to take on systems that are new but, from a user's point of view, is it equitable that citizens, whether they want to develop land or object to a development, have to deal with such an inequitable spread of plans throughout Wales? It is incredibly difficult. Take the Brecon Beacons National Park for example, which has an emerging LDP. Do you place any weight on that? It has a unitary development plan that was never formally adopted, and therefore you have to go way back to the plan before that for something that was formally adopted, but that is years and years out of date. When you have a major development, whether you are trying to promote it or object to it, which of those plans is given the most weight? One plan says, 'Never build this', another says, 'You can build it', and the plan before that says, 'You cannot build it'. It is difficult and I think inequitable for Welsh citizens to have such a patchwork.

[52] **Angela Burns:** It is also used as an excuse for paralysis.

[53] **Mr Davies:** I am not saying that this is by any means satisfactory or something to be encouraged; I am merely trying to explain why it is as it is. The reason is that it is a new system and new systems take time to implement. There is work to be done, but it is new for many authorities, many officers and also many members. I have been going around talking to officers and latterly to members so that they can understand what is being asked of them, so that they can buy in to the LDP process from the start and not at the very last stage, when they see something coming to the Assembly Government and suddenly decide that they would like to change their mind and do something different.

[54] **Kirsty Williams:** I am conscious that we are only halfway through our questions, but if we detain Mr Davies longer, it will only serve to curtail the time that we have to ask questions of our local authority guests later, and I know that Members are particularly keen to question them.

9.30 a.m.

[55] **Alun Davies:** You seem to be describing a chaotic system, Mr Davies. It might well be that this is a new system, but I do not think that we have got to the bottom of why we are in this situation. The fact that it is new is not a sufficiently strong reason. You have referred to issues with quality in your introduction. Could you return to that and detail why we have the patchwork that the Chair mentioned? It is entirely unfair for people to be facing these different issues simply because of the town in which they live. While all development plans will be different to take account of the locality, there should be a certain standard of quality in terms of the delivery of the plan and a mechanism that enables the citizen, the developer, businesses, or whoever, to have the certainty that, as the Chair described, simply does not seem to exist for many people. So, can you talk about the issues with quality, and why there are such differences across Wales? It is a small place, so why are there such large differences?

[56] **Mr Davies:** Sorry, what sort of differences do you mean?

[57] **Alun Davies:** The differences in the development and availability of plans.

[58] **Mr Davies:** Yes, but—

[59] **Kirsty Williams:** You said that some were very good, and come up with very high-quality plans, and other local authorities—

[60] **Mr Davies:** I said that some are better than others at doing it, yes.

[61] **Kirsty Williams:** Why is that?

[62] **Mr Davies:** The delivery is a question of the teams involved, the skills involved, the experience involved and the resources involved. That is what it comes down to at the end of the day. In anything, in any authority, there will be teams that are better than others at doing things. There will be officers who are more experienced at doing things than others, and there will be people who are very good at what they do. The ones who are going through the process at the moment and are getting there are the ones who have very well-led and well-resourced teams, and where the authorities have taken the decision to focus on that and decide, 'This is what we are going to do'.

[63] I call them development plans, but there are unitary development plans that are in place, which are up to date and very recent and are in line in national Government policy. So, yes, you have a patchwork, if you like, across the country and there are some authorities that should have had plans in place many years ago, I accept that. Ultimately, we, as inspectors, sit at the end of the process. We can tell people about our experience and the problems that we see with the process, and that is what we are trying to do. We have a website—I am not sure that I have the link to it here, but I think that I have included it somewhere. I think that it is mentioned as a footnote in the document, but in any event I can make sure that you have it. I think that it is right on the last page. Yes, the footnote on the very last page gives details of a website where we display the experience that we are gaining. We are trying to tell the authorities about that, and we have an alert system now to tell them, 'We have updated it, have a look at it, there is more experience there'. So, it is about lessons learned, and we try to get those messages out to people.

[64] However, at the end of the day, how they come forward to us is not within our control. They have a delivery agreement with the Welsh Assembly Government, and they negotiate and try to ensure that they stick to it.

[65] **Joyce Watson:** I am just trying to get some clarity. Not every area has a local development plan, but most have unitary development plans. However, sitting above that, we have the national plans that you have already described. There are also technical advice notes and every authority, whatever stage that they are at, would have to take note of a technical advice note. So, that is also feeding in in any case. If we update our policy, a technical advice note goes to the local authority, and, regardless of what its plan is, it has to take note of that.

[66] **Mr Davies:** That is right, yes.

[67] **Joyce Watson:** Otherwise, the authority will end up with the decision being back with you, because it will be challenged. Is that right?

[68] **Mr Davies:** Yes, absolutely.

[69] **Joyce Watson:** Is that a sort of fallback position, which helps and guides people whatever stage they are at and whichever plan they are working to?

[70] **Mr Davies:** Yes, absolutely. We start from the development plan, but I have said somewhere, and I try to get this message across all the time, that the system is not determined by the plan, so you do not just look at the plan. You have to look at what national policy says in case there is something more recent or something that is not stated in the plan. That is why

LDPs do not need to state national policy, because you always need to look at it anyway.

[71] Whoever comes to make the decision looks at national policy and decides it in those terms. If there is something in technical advice notes, the Wales spatial plan or a circular, then they should take account of that when making their decision. By its nature it sounds very complicated, but it is not that complicated. Whoever the decision maker is, you find the policies, you weigh them up and make sure that you understand what they say.

[72] **Angela Burns:** You have answered almost all of my questions, but can I quickly go back to what you have just said about it not being very complicated? To be honest, I think that the system is totally bonkers. You refer in the document that you gave us—and thank you very much for that—to ‘other issues’ and you talk about the issue of potential conflicts between different policy areas, for example, between the provision of renewable energy schemes and landscape protection. We have already cited Pembrokeshire Coast National Park Authority as an example. In order for it to evaluate the possibility of having a microgeneration wind turbine in the back of somebody’s garden or on a farm, it has to refer to so many different policies and technical advice notes, the national framework and the renewable energy directive to try to increase renewable energy, that, in the end, it is just so much easier for it to say ‘no’. You state in your paper that:

[73] ‘The courts have said that policies are not to be applied slavishly’

[74] and that

[75] ‘Consequently national policies cannot resolve all potential conflicts’

[76] and that you are

[77] ‘content that the Welsh Government’s planning policy documents provide a rational framework within which decisions can be made.’

[78] However, I have to tell you that I simply do not see that on the ground. It is not just in the national parks; I represent three distinct areas, but they all have the same sort of absolute confusion whenever you want to do something out of the norm. One of the questions that I was going to ask you is about the inadequate policy framework to deliver affordable housing. What has happened is that some of the planning authorities have decided that the easy way of trying to deliver affordable housing is to try to slap a levy for affordable housing on houses that are being built, but then that money is not protected. I do not see that happening. For example, Pembrokeshire Coast National Park Authority may decide to choose to charge everyone £30,000 or £40,000 every time that they build a house as an affordable housing contribution, because they are just building single properties. However, that money seems to just disappear completely into the park and there is no guarantee that it will be spat back out again into an affordable house somewhere. So, affordable housing and renewable energy just get lost in this morass. How can we get clarity on this?

[79] **Mr Davies:** I cannot answer the question about where the finance goes. That is a matter for the local authority and, eventually, its auditors to decide. I would assume that any money gathered should be put to the use for which it was originally intended and gathered. It is possible to do that.

[80] We look at affordable housing through the LDP system, and affordable housing is one of the main issues at all the examinations that we have had so far. How much is needed and how it will be delivered are the main questions. Authorities in Wales have not been very good at delivering that over the past few years. The Assembly Government did a research project that showed that they were not particularly good at it, which is why the framework has

been updated to try to encourage authorities to focus their minds on the need to deliver affordable housing. However, again, when we are working with the house building industry, we see that it is not as used to delivering affordable housing in Wales as it is, for example, in England, where there has been a stronger policy framework for some time, and it needs to bring that forward. I think that authorities in Wales are waking up to the fact that the planning system can be used for this, and that builders can be expected to provide it. The need for affordable housing has been declared by the courts to be a planning issue and we need to address it.

[81] The policy framework is there for authorities to do this, but there has not been the evidence for us, for example, as inspectors, to insist on this sometimes. Let me give you an example. When an inspector was in an inquiry and was considering how much affordable housing should be provided as part of a normal housing scheme, the barrister said, 'If you do put a figure in a condition saying that we have to provide 25 per cent, we will challenge it, because there is no evidence to show that 25 per cent is needed'. That is part of the problem that we have. That is why we talk about evidence. Authorities need to do local housing market assessments and assess the need for affordable housing in their areas. We rely on them to do that work and that is what they have to do. They have to do the analysis, decide how much is needed and then they can go to builders and developers and say, 'We need so much in this area, you are going to provide this housing scheme, we need you to provide 30 per cent, 25 per cent, or whatever, affordable housing'. In the national park in Pembrokeshire, the authority is going for much higher figures and it is going to have some interesting discussions with developers to see whether that is possible, but it is a national park and the planning framework and protection for the countryside there is much stronger.

9.40 a.m.

[82] As for the other things, the framework is there. I accept that authorities say that they find this difficult, but we do it. We can sort our way through the policy framework. That has to be understood: the policy sets the framework. At the end of the day, the individual making that judgment or decision has to weigh those policies and come to a decision. That is the most difficult thing, but the policy framework is there. It should not be too difficult, in my view, for anybody working for the local planning authority to say what the relevant policies are for a particular decision. That is their job and they should be able to do that. The difficulty occurs when they come to make the decision. You have to weigh up the policy and weigh up the age of the policy as well. Emerging local development plans, until they are adopted, should not be given very much weight at all; until they are adopted, they are not the final adopted document and they do not have statutory weight.

[83] What we have said is that, if an authority is to change its policy from a UDP to a LDP on the basis of some strong evidence, that is fine. However, authorities should not just say that they are going to switch to LDP policies until such time as there has been an examination and an independent inspector has said that it is okay.

[84] **Leanne Wood:** You say in your paper that regional working groups have the potential for a much more joined-up approach to plan making. Sticking with affordable housing, how effective have regional working groups been in addressing matters related to cross-boundary housing and the provision of land for housing?

[85] **Mr Davies:** There are stronger working groups and better organised ones. The forerunner in this is probably south-east Wales; that is where authorities were leading the LDP process. Snowdonia, Pembrokeshire, Caerphilly, Merthyr and Rhondda Cynon Taf are going through the LDP process at the moment.

[86] How effective have they been? In south-east Wales they had an apportionment

exercise, where they looked at the overall amount of housing that they were told that they needed to provide, based on Assembly Government projections of household growth. They looked at that and they looked at their past rates and did what was called an apportionment exercise, where they divided up the total amount for the area between the different authorities, based on what they had done in the past and on what they wanted to do in the future.

[87] It caused some concern from housebuilders in the private sector who said that they had not been involved in the divvying up process, if you like. However, the point is that that was only part of the process. When it comes to the plan, individual authorities have to justify the figure in their plan. So, if you like, they got together, looked at what notionally they should be providing and then looked at what they needed on the ground and what they could provide. Many have gone for higher levels of growth than that. Is that a bad thing? Probably not. In theory, you could end up with more housing than you need, but in practice, of course, you will not, because the market can only deliver a certain amount anyway.

[88] In examinations, we were looking at those figures and at how they worked with adjoining authorities. Part of what we do is to ask authorities what they have done to work with their neighbours: 'Have you talked to them? How does your figure, your strategic framework, your affordable housing figure fit with what is being done by your neighbours? Are you, in combination, delivering what you should?'

[89] **Leanne Wood:** Are there problems with those authorities that have not joined up with neighbours?

[90] **Mr Davies:** Yes. The Welsh Assembly Government—not us yet, because they have not come to us—has pointed out to some authorities that their neighbours are doing something quite different. They need to talk to each other, because, if they get to an examination, I have said quite clearly, and the Assembly Government has said, that they should not leave it to the inspector. Authorities need to take responsibly for this process. They need to say, 'This is what we need in our area'. However, they also need to talk to their neighbours, because if an inspector is faced with one authority saying, 'This is what we need', and the neighbouring authority saying, 'That is completely in conflict with what we are doing', how is an inspector meant to resolve the conflict? Authorities have to govern at a local level.

[91] So, yes, it is happening, it has happened, and I know that the officials in the Assembly Government are busily pointing out, 'You do need to talk to your neighbours. Do not leave it to us; it is too late if it comes to us.'

[92] **Kirsty Williams:** Thank you. Joyce Watson has some final questions on resourcing.

[93] **Joyce Watson:** To what extent are resources available to the Planning Inspectorate to ensure that it is able to manage the increasing level of work on the local development plans? We have talked a lot about the plans, but let us talk about what is behind that—let us talk about resources.

[94] **Mr Davies:** This comes back to us being part of a larger organisation. We have 19 inspectors in Wales, although not all work full-time, and the inspectorate in England has 240-odd inspectors. We are not in a position to have all examinations done by inspectors based in Wales, so when we need additional inspectors, we call in our larger organisation and use inspectors based in England who have experience of doing development plan examinations. That has happened with Pembrokeshire coast and is happening with Rhondda Cynon Taf. Those inspectors are based in England, they work in England normally, but they are coming across to work in Wales. We provide them with a briefing on the policy system in Wales and with extra time to read the policy framework and understand it, and then, if there are any

particular issues we have—not a mentoring framework exactly—inspectors who are familiar with the system in Wales who can answer any specific questions about policies and how policies are applied. So, we have the benefit of working as part of a larger organisation, and the resources are there for us to do that.

[95] In England, they have had a bit of an influx as well and resources have been stretched, but when we have needed them, we have been able to find the inspectors that we need. We keep in touch with the local authorities, we find out when they are going to submit their plan to us, as far in advance as possible, and then work out who may be available to do it. If we have no-one, we can go to England and say that we are going to need an inspector for a particular examination.

[96] **Lorraine Barrett:** We have been advised of problems with the skills and resources within local planning authorities to handle all the competing policy areas. Do you agree that that is a bit of an issue, not just with resources, but with the skills mix that is needed? Do you think that it is an issue for you, as planning inspectors, that you see the end result of some work that was not, perhaps, done effectively or properly?

[97] **Mr Davies:** I would agree with all those points. It is an issue for us. I do a lot of work by going to authorities whenever I am asked, talking about anything, trying to tell people what we have learnt from experience and what is best practice. The Assembly Government is working hard on training with authorities—it is doing much more training, I have noticed, over the last few years. When a new policy comes out, it does not just say, ‘Here, just get on with it’; it arranges training seminars across the country to help authorities to understand and improve their skills level.

[98] Yes, we are seeing a difference between authorities in how they are handling their examinations; I have to be perfectly frank and say, yes, it is true. We can tell the teams that are strong and well led and the ones that are not from the way that they are preparing, handling and progressing, or not progressing, the preparation of their LDPs. We can see that difference.

[99] **Lorraine Barrett:** Is there a system whereby you could flag that up with the Welsh Assembly Government? Would that be appropriate?

[100] **Mr Davies:** It knows. I am based in Cathays park, and I talk to the staff there. I am very lucky in that my job has been made infinitely easier because I can go around the corner to talk to the planning policy staff. I talked yesterday about an issue with Mark Newey, who, I think, has appeared before you with the Minister. So, yes, I do it all the time and the Assembly is very much aware of it.

[101] Of course, the Assembly Government can also see it, because its officials go to the examinations and take part in hearing sessions, which is a new aspect of this system. Officials appear at the examination, explain their points of view and enter into discussions. The inspectors find that very useful, so they can see for themselves what is or is not happening.

[102] **Kirsty Williams:** Thank you, Mr Davies, we have found your evidence this morning useful. We are grateful for your paper and for your answers to questions, which have been very clear. Thank you for your time this morning. A copy of the transcript will be sent to you for you to look over; you cannot change your mind and take anything back—

[103] **Mr Davies:** I would not change my mind; what is said is said.

[104] **Kirsty Williams:** However, if there are any issues with that, please let us know. Thank you once again for your attendance at committee.

[105] **Mr Davies:** Thank you.

[106] **Kirsty Williams:** We will have a break of a few minutes before we hear from our next guests.

*Gohiriwyd y cyfarfod rhwng 9.49 a.m. a 9.53 a.m.  
The meeting adjourned between 9.49 a.m. and 9.53 a.m.*

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

[107] **Kirsty Williams:** I call the meeting to order and turn to item 3 on this morning's agenda, which is a further evidence session in relation to our planning inquiry. We are very pleased to welcome witnesses from a variety of different local planning authorities. Before we begin this item, does any Member have a declaration of interest that they need to make for the record?

[108] **Alun Davies:** I declare that my partner is a member of Powys County Council.

[109] **Kirsty Williams:** Thank you, Alun, for that. Before we begin questions, perhaps it would be helpful to Members who may not be as familiar with some of you as I am, if you could introduce yourselves and state what your role is within your particular organisations. If you would like to, each authority may make some introductory remarks and then we will turn to questions. We will start with you, Mr Southerby.

[110] **Mr Southerby:** My name is Alan Southerby from Powys County Council. I head up what is called the development management team, dealing with planning applications across the whole county, so I have limited experience on the LDP side. You will hear more from Pete, my colleague from Powys, on the LDP side. I am here to answer any questions you may have regarding the natural implementation of policy on the ground through planning application decision making. That is all that I want to say for now.

[111] **Mr Morris:** Hello and good morning. I am Peter Morris from Powys County Council. I am the service manager for spatial planning and built heritage. It is a grand title, but I deal with planning policy. In fact, I have been at the county council, and formerly at the borough council, dealing with planning policy, for some 19 years, so I have been about for a while. We have just completed Powys's unitary development plan and we are about to get going with the Powys LDP, and I am leading on that.

[112] **Ms Ranson:** I am Cath Ranson, the development plans and conservation manager for Pembrokeshire County Council. My previous experience includes development plans in the Snowdonia National Park and, prior to that, I was at the Assembly Government in planning research and planning development.

[113] **Ms Nettleton:** I am Tracy Nettleton, the head of strategy, policy and heritage in the Brecon Beacons National Park. The strategy, policy and heritage team is responsible for the development plan in the national park and we are about to go on deposit on 3 November with the local development plan.

[114] **Mr Morgan:** Good morning, everyone. I am sorry, but I have got a sore throat. I am Chris Morgan, the director of planning at the Brecon Beacons National Park. I have had many years of experience as a principal planning officer in the Welsh Assembly Government and the Welsh Office before that.



[115] **Kirsty Williams:** I do not know whether each of you would like to give a brief overview of how you see this inquiry or whether you are happy to go straight to questions. I am given to understand that you would prefer questions, so we will move straight into questions.

[116] As local planning authorities, when developing local planning policies, how precisely do you set the balance between different national policies? In particular, this inquiry is looking at economic development, affordable housing and environmental issues. Shall we start with Powys?

[117] **Mr Morris:** We can try; it is quite a difficult question to answer as it covers rather a lot. If we were to start at the beginning—basically, coming straight out of the starting blocks—the first thing that we would always do would be to read the national policy and understand the context that it is set in; that would certainly be the case for policy preparation. You raised various strands, such as economic and environmental considerations and the balance that we might make between them, and there is an obvious potential for conflict. I guess that as we go into the plan preparation processes, we have to look at how we try to reconcile some of those issues. One of the tools that we have available to us is the appraisal methodologies that are out there, such as the sustainability appraisal that tries to look at the impact of policy in the round. Those appraisals will give us clues and inform policy development.

[118] **Kirsty Williams:** When looking at national policy, is there clarity for you as local authorities about what has precedence, to help you to negotiate those potential conflicts? We have just heard from the Planning Inspectorate that it thinks that it is very clear and that there should be no question in local authorities' minds about the hierarchy of need and what should be included in your plans. Is it clear at your end?

[119] **Mr Morris:** Personally, I think that there is a lot of pressure on us to deal with environmental and ecology matters. I think that that is reflected in the fact that there are other appraisal mechanisms, not just the sustainability appraisal, that include the environment and we now also have to deal with strategic environmental assessments and habitat regulations assessments, which may throw up another assessment, the appropriate assessment. That all seems to be weighted towards making sure that we do not harm the environment. So, there is a lot of work on the environmental side. Obviously, on the practical side, we do our best to try to make sure that that balances out, so we look to develop and grow our economies, and make sure that we are delivering affordable housing. That is just the way it is at the moment, I fear.

[120] **Ms Ranson:** Yes, I think that I would probably add to that that the weight of the environmental information that you need to gather can put quite a brake on the economy, whether it be a major scheme such as the Blackbridge proposal on the Milford Haven waterway or a scheme for, say, a conversion to a workshop on a farm premises. The need to collect information over a period of time and it being seasonal—some of those surveys can only be done during certain seasons in the year—can effectively add 15 months on the application side of things, and considerable costs to individuals in the process. Again, in the LDP preparation process there is an enormous expectation regarding the collection of evidence.

[121] Increasingly, as we go through the process and various authorities across England and Wales are exposed to legal challenge from the development industry, the pressure grows for the evidence to become more and more gilt-edged.

10.00 a.m.

[122] **Kirsty Williams:** Okay. What about the national park?

[123] **Mr Morgan:** You asked a blunt question and, in my view, the answer is 'no', because the advice is clear at a practical level, but there is no higher-level steer from the Assembly Government on what is in the ascendancy at any given moment. Often, we are left with myriad competing and conflicting interests to deal with and, particularly in a national park context, that is heightened because of the special purposes.

[124] I can give you one specific example, namely the unitary development plan that went through its inquiries some five or six years ago. At the time, the authority felt that it was important for all brownfield sites in the national park, which are usually different from those in big cities, because they are usually out in the open countryside, to be allocated for redevelopment because that was the line that was pursued by the inspector at the inquiry. However, it is not clear to us whether that is still the line that we need to pursue from the guidance under the local development plan. So, that is a fairly blunt answer to your question.

[125] **Alun Davies:** May I come back on that? I do not want to put words in your mouth, but it is almost down to the whim of the Minister who happens to be in post at the time. Do you not see that technical advice notes drive a process that has a more enduring value to it?

[126] **Mr Morgan:** Yes. 'Planning Policy Wales' and the TAN process have that enduring value, but those documents are in gestation for a while in the overall scheme. Having produced some of them myself, I know how long they take to produce, to alter and to change. You cannot always keep pace with the changing circumstances in which the country finds itself.

[127] **Alun Davies:** Do you find that the Government in Cardiff is not fleet of foot or agile enough to keep up with the demands, or do you find that it takes decisions almost on a whim, rather than through a thought-through, research and evidence-based process? That can create a conflict between those two demands.

[128] **Mr Morgan:** No, I would not say that it is taking decisions on a whim. There is an evidence base and an awful lot of research goes to underpin the work of the Assembly Government. However, I would not say that that was not the case; what I am saying is that, because the process of producing a development plan is long and drawn out, as you know, it simply cannot fit in with where the country needs to go because of changing circumstances, be they environmental or economic. I think that local authorities would find it extremely helpful at particular stages of the development plan process if senior members of the Government were to give a steer on where they wanted the development plan to go, even if it were as simple as the environment versus economic development. The advice that we get is that local authorities should do this or that or, in certain circumstances, the other, while balancing competing interests. We all accept that, as it is the nature of the job that we have to do.

[129] Peter was talking about some of the environmental constraints. Those are all process constraints and they are all things that we have to do, some of which have been handed to us by the European Union. They are all good things, but they take a long time. What is lacking is a vision of where Pembrokeshire, for example, should be in three years' time, in the eyes of the Welsh Assembly Government. I do not think that the spatial plan does that at all.

[130] **Kirsty Williams:** Mr Southerby, did you want to add something?

[131] **Mr Southerby:** Yes, on the debate and the questioning on the policy side of things. I am conscious that planning applications come in all the time, and it is the planning applications and the decisions on them that make things happen on the ground. At any one

time when a planning application comes in, there are myriad planning policies to weigh in the balance. You have the spatial plan, TANs, UDPs, LDPs, and it is a changing picture. With every planning application, the list of issues that you need to take into account and put into some sort of hierarchy changes depending on the individual cases.

[132] You asked whether we are clear. From a development management perspective, we are very clear about the hierarchies, which are set down in law. The law says that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. So, you start out with what your development plan says, not what the TAN says and not what anyone else says. That is the legal starting point, but then anything—literally so, in my opinion—can be a material consideration that could outweigh the development plan.

[133] I am just keen for your deliberations, your line of questioning, your understanding and your investigation of the planning policy issues not to lose sight of the fact that you can have policies saying anything and everything you like. It does not mean that anything will happen on the ground if that process comes down to the decision-making process on individual planning applications. So, there is an element for you to look at there.

[134] **Alun Davies:** That is extraordinary.

[135] **Angela Burns:** I think that you have answered my next question, but I will ask it slightly differently, for clarity. Previous witnesses have used the analogy that if you had a three-legged stool, with the three legs representing sustainability, social development and economic development, at the moment, the stool would not be able to sit straight because the environmental leg is far longer than the others. I think that what you have all just said confirms that. Do you think that the decision on balancing that stool should be taken at a local or a national level for every area?

[136] **Mr Southerby:** In the system that we have, that is taken at the local level because that is where planning applications are made. It is down to individual local planning authorities to make decisions on planning applications. So, it is the remit, role and mandate of local planning authorities to weigh everything in the balance when making decisions on individual planning applications.

[137] **Angela Burns:** So, it is down to the local authorities that this stool is out of kilter.

[138] **Mr Southerby:** It is not down to the local authorities, no. The local authority is constrained—that is the best word to use—in the things that it must take into account when determining planning applications. Your colleague just said that it was an extraordinary answer, but if you start to think about it and unpick it—

[139] **Alun Davies:** I meant that the situation is extraordinary.

[140] **Mr Southerby:** Sorry, I beg your pardon. I misunderstood. It is not of the local authority's making. The planning system has been exceptionally successful in delivering lots of things. Just start to think about all that the planning system is responsible for delivering: providing affordable houses, cleaning up contaminated land, delivering renewable energy, protecting biodiversity and energy conservation, protecting the best agricultural soils, and even reducing childhood obesity.

[141] **Angela Burns:** Tell me how you do that, through planning.

[142] **Mr Southerby:** That is our job. In many run-of-the-mill, rudimentary planning applications, the pecking order is fairly easy to determine, but on larger-scale applications that

have an impact on the economy, the pecking order is far bigger and you have to weigh in the balance what comes out on top. You may have a national policy that says what you should do in a certain location, but you may have a completely valid material planning consideration that will conspire against your supporting that. That is the planning system that we have.

[143] **Mr Morgan:** Thank you to Alan for saying all that, as I think that that has brought everyone back down to earth. I completely agree with what he said. It is important for everyone around the table to remember that the system has been, if I may use this word in polite company, 'bastardised' to the extent that it is difficult to deal with certain issues sometimes. It was set up 63 years ago, in 1947, to do two things. It is a land-use planning system. That is what it is. It is not to prevent childhood obesity and all the other things that Alan has said, and it is struggling to deliver affordable housing, as you well know, because it was not set up to do that.

[144] It was set up, first, to prevent the coalescence of settlements and, secondly, to ensure that this country would have a suitable food supply in times of war in the future. That was it. It is basically the Town and Country Planning Act 1947, and everything else that has been bolted on to it makes it extremely complicated, essentially. When making any sort of decision, local authorities have to deal with the whole raft of issues that Alan eloquently outlined to you. Often, those sorts of things come into play when you have a stone structure that has not been used for the past x number of years and you have to think about at least 25 different things before you can grant or refuse a planning permission in relation to it. I exaggerate slightly but the point is well made, I think, by the two of us.

[145] **Leanne Wood:** Given what you have just said, would it be better if we were able to scrap the Town and Country Planning Act as it applies to Wales and start again?

[146] **Mr Morgan:** I would say 'yes' to that. That would be my view, as it would be better to start again, or at least to remove a lot of the add-ons. The expectation for the planning system to deliver the raft of things that Alan has just outlined to you is monumental.

10.10 a.m.

[147] It means that there is an expectation that the planning system can do everything, whereas it cannot do everything. It cannot deliver economic development, although it can help to implement it and protect the environment more than doing some of the other things that it is supposed to do. It is struggling to deliver affordable housing; why is that the case? Well, it is pretty obvious really, is it not? It is because you can deliver affordable housing only when someone wants to build private housing and is willing to incorporate an element of affordable housing. It is not within our gift, collectively, to deliver on affordable housing unless you have particular land assets within the county that the property side of the county is willing to give up for a peppercorn rent or something very small. So, we are reactive in that sense and we do deliver on some affordable housing. However, in relation to some of the other things Alan mentioned, such as contaminated land, it is not set up to do all of these things. They are all material to planning applications but it is often being asked to do things that it is struggling to deliver on.

[148] **Kirsty Williams:** Is there consensus regarding whether we should scrap it and start again across the piece? Tracy?

[149] **Ms Nettleton:** To echo what Chris has said, there are too many add-ons for it to deliver on everything that we are expected to, but I am not sure about scrapping it. I think that it needs a review and a revisiting of a land-use planning system, and we should not have to consider all of the other things, as Alan said.

[150] In relation to what we were talking about earlier, there are the strategic issues, the environment, the community, and the economic development side of it, and we know that we have to balance all of those. However, when we come to a local level and the decision-making process, the local politicians will often want to put more of a view, for example, on economic development, than the strategic policies allow you to do. We then have a dichotomy and issues that come about when we are making planning decisions that seem somewhat perverse.

[151] That provides continual frustration for us. I would say this, as we are a national park, so we are going to be more concerned with our special qualities, but it creates tensions at a local level when we are dealing with decision making. It is useful to keep that in mind. I do not think the whole system should be dismantled, but it needs to be revisited and looked at from a proper land-use planning system perspective. I think that it would help us if the Assembly Government could recognise in some way that the things that are set out in guidance do not necessarily come out in the wash at the end of the day when we are making individual planning decisions because too many other things, including local politics, come in to play.

[152] **Ms Ranson:** The starting point for the local development plan system is identifying what the issues are locally and trying to produce something that is locally distinctive. The planning system works best when it is closely related to regeneration and community planning within a local authority so that the aims and aspirations of the local planning authority are aligned with an implementation mechanism, rather than just plan policy and monitoring whether or not it is working. We need that middle stage of making sure that there is a mechanism for driving forward the policies that the authority is trying to implement.

[153] **Joyce Watson:** I have been a little bit surprised by some of the comments. I understand how planning works, as I used to sit as a member of the planning committee of Pembrokeshire County Council, and I am sure that others here understand what happens and what gets in the way. However, I was a little bit surprised when someone said that it was necessary to balance the economy or the environment. It seems to me that—and if I have got it wrong, correct me—there is a mindset that it is either one thing or another, but it cannot be both. If I have misunderstood you, then so be it. I will focus, perhaps, on Pembrokeshire. I absolutely agree with what you said, Cath, about regenerating the area and fitting your policies and your plans into that. You also have to allow for the designation of Pembrokeshire in terms of generating energy as the hub of Europe. So you also have to fit that in there.

[154] I also want to ask you a specific question, Cath. You said in your early evidence that, because of the environment—and I understand what you are saying about things taking time with different seasons to gather evidence—do you not share the gathering of that evidence? Does the planning authority have to gather specific evidence in every case, rather than share the evidence that exists? That is a specific question.

[155] My other specific question is: why can you not balance easily, certainly in policy terms, the environment and the economy to act as one? I think that Pembrokeshire, to a large extent, has done that where I have already mentioned.

[156] **Ms Ranson:** I think that when it comes to the sharing of evidence, there has been a mechanism in Wales to move to local record centres as, if you like, the custodians of information on the environment. A great deal of detailed information is required where you are dealing with a European designation, the Natura 2000 sites, which were referred to as the N2K sites—those sites where there are species or habitats of European importance. I am sure you will be very aware that one of the big issues in Pembrokeshire is bats. Because they are a mobile species, an enormous area can be affected and very small applications could have an impact on the wellbeing of the species, rather than just individual specimens.

[157] One of the issues for us has been that when the special area of conservation was set up on the Milford Haven waterway, there were suggestions from the county council that perhaps the operational waterway could be excluded from the SAC, but it was included within it. So any decision for any waterside development has to take that into account and, progressively, from the date of designation of the SAC, every new proposal has to be weighed, taking into account the cumulative impact of all the other developments that have gone on since the date of that designation. So, if you like, any new development now would have to take into account the impact of the power station, as well as that of the particular development.

[158] **Kirsty Williams:** I think that it is a useful example, but I think that we must resist the temptation to stray into local issues. As much as I would like to, given that I have Powys County Council and the park here, we must resist. We must talk about wider strategic issues.

[159] I am conscious of the time, so I would like to make some progress. Very briefly, could you tell us whether the engagement of statutory consultees and others in helping you develop your local development plans is effective?

[160] **Mr Morgan:** Eventually.

[161] **Kirsty Williams:** Eventually?

[162] **Ms Ranson:** It is difficult for the public to buy into the system at the stage at which it can make a difference. At the early stage, when you are discussing what the issues are, yes people can say, 'It is housing for our kids, it is housing for our old people, it means jobs, it is how we can encourage young people to stay in the area and see a future for themselves'. However, when it comes to the strategic drive for the plan, it is very difficult and it is only at the point when the deposit plan comes out and they see lines on plans and allocations that they start to say, 'This was not what we wanted for our community', or, 'This is what we wanted'.

[163] **Ms Nettleton:** In theory, it is a great idea and it is necessary and important to engage. The problem is managing it, because of the raised expectations. At the end of the day the planning authority has to make the development plan, it has to balance all these competing interests, which is our job. However, it is very hard to explain that to a community that says that it does not want a certain development. There are other things that we have to bear in mind to put the development plan forward. If you engage intensely, as we have done, in the LDP, it is very difficult to manage the expectations that have been raised by doing that engagement through the due process of the development plan.

10.20 a.m.

[164] **Kirsty Williams:** So says the officer who bears the scars of public meetings.

[165] **Mr Morris:** On the role of statutory consultees, we are not advanced on our LDP at the moment—we are just beginning to think about topics and issues. We need statutory consultees. I think that they are an essential player within the process. They provide us with evidence, with issues, of where things are going wrong. They are recording things, such as nature sites, water supply, sewage problems and so on. We need to know about that if we are to plan effectively, so they are essential within the system. That is the key thing, to my mind.

[166] **Kirsty Williams:** Moving on to the issue of supplementary planning guidance, do you think that the planning authorities are guilty of using supplementary planning guidance to avoid scrutiny of key policies that should form part of an LDP process?

[167] **Ms Ranson:** I would say that it is very clear that supplementary planning guidance is guidance on how you deliver policy. It should not introduce policy and it should not contradict national policy. The system is very clear on those rules of engagement for the system. It can explain how you go about delivering things but the ‘what’ should be either in national policy or in the LDP.

[168] **Kirsty Williams:** Would you agree with that?

[169] **Mr Morgan:** That is the system that we operate in the park, yes.

[170] **Kirsty Williams:** What about Powys?

[171] **Mr Morris:** Yes. I have only read one inspector’s report and that was on a case that was very close to Cath in the national park in Pembrokeshire. There was a recommendation, or more than a recommendation—an instruction, almost—to prepare affordable housing supplementary planning guidance. There was obviously a need identified at that stage. How much detail do we go into in LDPs? It is quite right that some of the detail left out has to go into supplementary planning guidance.

[172] **Ms Ranson:** When I was working in Snowdonia, the advice that we had from the National Assembly at the time was that, if the supplementary planning guidance is critical to understanding the policies, and affordable housing supplementary planning guidance is one such area, we ought to make sure that it is available for people to consider alongside the deposit plan, so that it would reduce the number of responses. It would reduce the complexity of that system if people could see exactly what was intended.

[173] **Mr Morris:** It is certainly ideal good practice if you are preparing an LDP to have supplementary planning guidance available at the same time, so that you clarify the detail. There is a real resourcing issue in being able to do that.

[174] **Ms Ranson:** Some of the supplementary planning guidance is less critical in terms of whether or not the policy stands alone.

[175] **Alun Davies:** You all sound extraordinarily frustrated in describing the way in which you have to work. The impression that I am gaining this morning is that the planning system operated in Wales is some sort of Heath Robinson contraption, with some very good people being forced to work within a system that is almost entirely unmanageable and overcomplex. I do not know if I am off beam on that. Would you be able to make any suggestions, on a structural level, about how all of these different complexities could be taken out of the system?

[176] **Kirsty Williams:** I think that Alun raises a good point. From your perspective, what would make a difference? The Government has done the Grimley study. Does Grimley give any answers to some of these issues? If not, let us hear them from you.

[177] **Mr Southerby:** From my perspective, it is not necessarily an inherent problem in the fact there are so many issues, some of which are competing. This goes, perhaps, to the question that your colleague asked about the balance. In the vast majority of planning application decisions, that balance is made. I would refer to contaminated land; you try to deal with contaminated land as part of a planning approval, and you try to deal with biodiversity and protection as part of a planning approval. However, there will be occasions when these other issues conspire against the way in which a decision should go. So, from my perspective, the legal position says that you make decisions in accordance with the development plan unless material considerations indicate otherwise. There is nothing at the moment to stop a

material consideration trumping what the development plan or planning policy says. I do not think that that is a particularly healthy position to be in. I do not think that it is a matter of complexity, or of ripping it up and starting again. We need some sort of guiding principle to help us arrange the pecking order correctly in order to benefit the community.

[178] I cut my teeth on dealing with planning applications, and one thing that I have found—I am seeing it more and more now—is that the genuine presumption in statute in favour of developments has gone, to be replaced by development decisions in accordance with the development plan. From my perspective, there is some merit in at least thinking more about a return to some form of presumption in favour of development that supports community regeneration or that supports community wellbeing—something of that order—to give us an overarching guiding principle to force us into the right balance. There is really nothing to force us to get that balance at the moment. That is my view.

[179] **Kirsty Williams:** Cath, do you have any suggestions as to how we could make it better?

[180] **Ms Ranson:** I would pick on soundness and the fact that plans do not gain significant material weight until the inspector's report is issued. Effectively, an authority could, under the old system, once the plan went on deposit, place some reliance on the new policies that it was proposing. In the new system, if you are proposing tighter policies, more effective policies, to reflect new national approaches or a new emphasis, you are basically giving the industry two years' notice of what the policies might be in two years' time. If they do not like it, they have two years to get all their land through the system under the existing policies that you have acknowledged are not fit for where you want to go in the future.

[181] The issue of addressing increasing weight as the plan moves through the system will be a massive help. In the past, you have been a bit disappointed with the progress that authorities are making, and if there was some way of giving policies increasing weight, that would really help.

[182] **Mr Morris:** I could probably write a long list if I thought about it really hard. One issue, from personal experience in Powys again, was on national policy to do with mineral safeguarding, which I have dealt with. We have a national policy looking to protect important mineral resources. That policy, at national level, is so remote from those living there, at ground level, that we end up almost having to fight the battle, as local authorities, to deliver that now. In Powys' situation, that has caused a delay of over two years in getting the unitary development plan completed. That is an obvious example to my mind. If we want to try to speed things up and make them more efficient, it is about how national policy connects at the local level.

[183] **Mr Morgan:** I would agree with Cath about the time delay in the process that we have at the moment. There is a real potential for a lot of development land to inappropriately come forward during the hiatus. Also, having been the officer responsible for safeguarding minerals in the Assembly, I would concur with Peter in many ways. We have an unadopted unitary development plan, because the Assembly, during my time, issued a direction to the Brecon Beacons national park not to adopt the plan until the sites were safeguarded; so, effectively, the members decided not to do that. So we do not have an adopted UDP—we have a UDP approved for development control purposes that, so far, has not given us any cause for concern, but the potential is there for that to happen. I would agree with that.

[184] I have a special plea from the national parks. The Assembly Government will never tell us about the relationship between the special purposes of the park and each individual planning policy—what weight to attach to it. We have the Sandford principle thrown back at us, and section 62 of the relevant Act, which means that all the other authorities are meant to



take into account the special purposes of the park. However, getting a view as to which should dominate, in certain circumstances, is absolutely essential for the three national parks in Wales.

10.30 a.m.

[185] I also concur with Alan. The three of us rarely concur, but we do on this occasion. It is the steer. He has talked about a presumption in favour of development, and that is what I was trying so inarticulately to say earlier on. What is it that we are supposed to be doing in Wales when making plans? In what direction does the Assembly Government want the plans to go so that it can implement its policies?

[186] **Kirsty Williams:** That is the crux of the matter. In this inquiry, we are trying to grapple with housing and energy and economic development, paying special regard to how we can move forward. Angela is next, very briefly, and then we will finally get to Leanne to talk about renewable energy.

[187] **Angela Burns:** I have a quick question for you, Christopher. Do you think that this might be resolvable if the special purposes of the national parks were added to, for example to include more responsibility for social and economic development within the parks?

[188] **Mr Morgan:** We have a statutory duty under the Environment Act 1995, of course, but there is a clear conflict, which is inevitable. National parks are a category 5 protected landscape, and lots of people throughout England and Wales want them to stay that way. We are continually wrestling with securing the economic and social wellbeing of the community while protecting the special purposes of the park, and there is no clarity. I know that at least once during my career there, we wrote to the Assembly Government, and the stark answer that came back was that it was up to us to decide and for us to take our own legal advice. That is not a clear steer, but it would be very helpful if we had a clear steer. That could change as circumstances change. If the driver is now economic development, somebody ought to bloody well say so, with all due respect to you all.

[189] **Alun Davies:** Do they not say so?

[190] **Mr Morgan:** Alan quoted the presumption in favour. That is a clear steer, is it not?

[191] **Mr Southerby:** Absolutely, and economic development is one of the material considerations that we must take into account, but there is nothing to force us to put it at the top of hierarchy. That is the issue that I am trying to get over to you.

[192] **Alun Davies:** Surely, though, the hierarchy is different in different places. The hierarchy of what influences a planning decision for the Brecon Beacons, for example, would be different to that for Cardiff, surely.

[193] **Ms Ranson:** To add to what Chris was saying, what ‘sustainability’ means to a small rural community is different to what it means here in Cardiff, and there is a need to recognise that difference.

[194] **Alun Davies:** Sorry, but is it not up to you, as local planning authorities, to make that judgment for your localities? Otherwise, we nationalise planning, surely, and I do not think that any of us wants to do that, do we?

[195] **Ms Nettleton:** It is up to us, but it is about the steer. Coming back to the guidance that we get, part of it seems to be quite urban based, which may work in an urban environment but it simply does not translate to a rural area, and it certainly does not translate

to a national park. We can have an add-on quite often, but what do you do in the circumstances of a national park? What do the guidelines say? They say that it is up to us. What we are talking about is a steer that we can use to reflect our local circumstances. That is what we are missing.

[196] **Mr Southerby:** Another example, to try to answer the question, would be the recommendations of the GVA Grimley report. One of those was that there needed to be some sort of policy on the economic development aspects and considerations of planning. That is great and that would help, but it will not necessarily give us a steer that we can give that precedence over other legitimate planning considerations. That is what I feel we are missing. We want the legitimacy to put what we really want at the top of the pecking order when there are other things that could legitimately conspire against that. We were talking before, anecdotally, about a recent decision about a wind turbine somewhere in Yorkshire. That was refused because of the flicker that it would cast over the village cricket ground. The fact is that that is a legitimate planning reason to refuse the planning application.

[197] **Kirsty Williams:** Thank goodness that that was in Yorkshire. Leanne, now that we are on to flicker, let us talk about renewable energy.

[198] **Leanne Wood:** To what extent are you, as planning authorities, able to interpret the technical data and all the evidence that you have talked about being required for planning applications in respect of large-scale renewable energy projects?

[199] **Mr Southerby:** In the vast majority of cases, we do not have the technical expertise to consider all the landscape issues, biodiversity issues, noise impact issues, or the highways issues, although it is down to the local authority to juggle those issues and to gain an understanding of them. In Powys, we go to external consultants for our landscape impact advice, because a big issue with windfarms is the cumulative landscape impact. So, we need to square that and we do not have the expertise to do so in-house and so we go outside. As it happens, we have been lucky to be helped through grant systems by the Assembly Government on that. Nonetheless, it is an issue that must be taken into account and the expertise to do that is not readily available to us, on the regular side of things.

[200] **Kirsty Williams:** Is that the same in Pembrokeshire and for the parks?

[201] **Ms Ranson:** I will give an example, but not from the renewables side. Decisions about Pembrokeshire power station have been set at a national level and then it is down to the authority to discharge the conditions. So, the authority has to have an understanding of what those conditions mean. We have landscape expertise in-house that would help us with big decisions, but it comes down to whether the road network can take the large scale of vehicles that might be needed for a renewable scheme.

[202] Some issues are emerging. For example, with one of the recent applications, there was a lot of controversy over that issue of flicker and whether it would cause problems. The experts are learning as they go along, as is the in-house authority. Then again, we are not a strategic search area of Pembrokeshire, although we have aspirations through the emerging plan to harness the renewables industry as a way forward for the future economy.

[203] **Kirsty Williams:** From the park's perspective, the strategic search areas—

[204] **Mr Morgan:** We are not a strategic search area and the policy context is quite clear that we should not even be receiving any applications for large-scale renewable energy schemes, particularly wind turbine schemes. However, we have in-house expertise for microgeneration schemes, particularly micro hydro. We have something called the Green Valleys Initiatives, which is partly in the park. In fact, I will be meeting one of the directors

this afternoon to discuss 43 different potential schemes that are in the pipeline, if you will pardon the pun. We are trying to work towards micro schemes in the park, and particularly hydro. We have one or two individual turbines relating to farm diversification where the siting is appropriate, but that is about as far as we are going to go.

[205] **Leanne Wood:** How easy is it to develop microgeneration in your national park? Are there any obstacles and problems?

[206] **Mr Morgan:** There would be for 100m or 200m turbines on hillsides, obviously, as that would be simply unacceptable, and everyone would expect me to say that. However, micro hydro is a relatively straightforward process, and each of those 43 schemes will have an application attached to it, and one purpose of the discussion is to see how we can—if you will pardon the pun again—streamline that process to make it relatively straightforward.

[207] Small-scale wind involves individual turbines as and when they are appropriate to the landscape. Normally, they are related to farm diversification, so that the farmer can generate electricity for his or her farm and also additional income by selling some of it to the grid.

[208] It does not happen as quickly as a click of the fingers. There are issues, because even with micro hydro you are putting a structure on a protected landscape for up to 50 years. There is also the question of the licensing arrangements with the Environment Agency, which are causing considerable headaches. However, it has streamlined its process so it is getting easier.

[209] **Leanne Wood:** Why is that causing you headaches?

[210] **Mr Morgan:** The Environment Agency was not set up in an organisational sense to deal with the raft of licence applications that it gets, but it has reorganised. I believe that it is a lot easier for individuals to obtain an abstraction licence from the agency now.

10.40 a.m.

[211] I think that it is fair to say that it is an evolving area. However, in 10 years' time I suspect that we will have quite a few micro hydro schemes. I think that I am right in saying that we can probably generate enough electricity for all the park with these schemes, but that requires imagination and thinking outside the proverbial box, does it not?

[212] **Ms Ranson:** From memory, Snowdonia has generated sufficient energy from renewables for the domestic requirements of the park.

[213] **Mr Morgan:** I would also like to point out the three parks have something called the sustainable design guide, which we adopted on 1 October 2008. There are sustainable principles enshrined in that and that, of course, came before TAN 22, with the Assembly's advice on sustainable home building. For a couple of years, therefore, we have been trying to embed sustainable design principles, as far as possible, in any new development in the parks. It is not always easy, because there is always resistance to these things, and the perception is that it always costs a bit more; sometimes it does not cost a bit more, but there is always a natural resistance. So, that is embedded in the planning system. In fact, the information in relation to that has to come in with the planning application upfront before we will even validate it. So, we are working on that side of things and we have other officers working with communities on energy demand as well, and because we are a small organisation, we are slightly more joined up in that respect, I think.

[214] **Kirsty Williams:** Leanne, if you are done, we will move on to affordable housing.

[215] **Angela Burns:** We have touched on an awful lot of the questions that I was going to ask on affordable housing, so I would just like to stick to one. I think that what I picked up, particularly in your evidence earlier, was the fact that the planning system at a local level is being asked to deliver all sorts of things, including affordable housing, as you said. If affordable housing is not delivered by planning, can you explain to us how else you would envisage a local authority having the competence to deliver affordable housing? If we said, 'Okay, you guys do not have to do it any more', how else could we get it at a local level?

[216] **Mr Morris:** I would say that the planning system has to make a contribution to affordable housing. That is the way that I look at it and have been looking at it for some time. We have local housing authority colleagues, and private sector housing colleagues as well within the authority. I think that they are looking at loans at the moment, trying to encourage the reuse of space above shops, for instance, or of vacant buildings. We have social landlords who are coming in, pursuing their own schemes. Obviously, it works best if they have grant funding behind them. Occasionally we have somebody very generous and benevolent who may offer up land, so that helps. I think that the main issue is that everything has been thrown on to the planning system to try to deliver more.

[217] One thing that I have that is like the elephant in the corner of my room, and I do not know what to do with it at the moment, is the community infrastructure levy. That is sat there and I am thinking, 'What am I meant to do with this?' We have developers already throwing questions of viability and profitability at us when it comes to just trying to negotiate affordable housing, so, if we begin to start squeezing more from developers for other things, something has to give somewhere. That is the dilemma that I am in at the moment: what do we actually go for? At the moment, in Powys, we are certainly going in quite hard on affordable housing. That is the primary objective.

[218] **Kirsty Williams:** Do the representatives from the national parks have anything to add?

[219] **Mr Morgan:** My simple, glib answer is just to give the authorities enough money to build council houses again, but, of course, that would lead us to—

[220] Sorry, I know you are conscious of the time, but I would like to give one simple example. We have a prospective development, just outside of Brecon in Cwmfalldu Fields near the bypass, of 70 houses and 23 affordable units. It was granted planning permission in June 2009 subject to a section 106 agreement to deliver on the affordable housing plus other things, including public open spaces, and so on and so forth. The usual game is, 'Got that, won't sign the 106'. They come back and tell us how poor they are, how difficult it is with the land owner, that they need to reduce the number of affordable units or offer the affordable units not as social rented housing, but as low-cost units for sale on the open market. That is refused. It is October 2010, and they still have not signed the section 106 agreement. The blackmail is, 'Well, you are not going to get any houses on the edge of Brecon, are you?'. Well, no, we are not.

[221] We will play that game because we want the 22 or 23 affordable units, because the market survey indicates that there are loads of people in Brecon who need a two/three/one-bedroomed affordable unit for rent, as they cannot afford to buy it. That is one example. There are others, but that is one example. That is why it is difficult for us. We do not have any control over that at all. We are told that they are £500,000 short, then £300,000 short, then it is down to £100,000, but there is still an impasse. Those houses could have been built 12 months ago.

[222] **Angela Burns:** Do you grant the planning permission before they sign the 106 agreement? Is that how the system works?

[223] **Mr Morgan:** No, it is subject to the signing of the 106 agreement. Until you get the piece of paper with my or someone else's signature on it, you cannot start building. The section 106 agreement is the negotiation bit thereafter to deliver on the affordable houses. We are literally 16 months on from that permission, subject to the 106 agreement, and I do not know where it is going to go. However, apart from the people who give us a bit of land here and there, and apart from the land that some county councils have, that is how the planning system is expected to deliver on affordable housing.

[224] **Angela Burns:** Or, and I do have experience of this, there is a horse trade and the affordable housing is not located in the swanky new development, but parcelled off somewhere else, which is—

[225] **Mr Morgan:** Well, we do not have that either. We insist that it is integral to the scheme and we insist on a master plan before we grant permission, subject to the 106 agreement.

[226] **Ms Ranson:** I would like to add to what Chris just said about the affordable housing delivery statement approach of trying to bring developer housing and planning policy together and, if you like, rigorously go through all the options. The council is looking at the periods when housing, both council housing and private housing, is vacant and trying to reduce those, either by improving their turnaround on re-lets or by providing grants to bring housing up to standard for private rental. If you can do that effectively, it is a one-off change, but it reduces by 2 per cent or 3 per cent the amount of affordable housing that you have to produce. There are also community land trusts. It is about looking across the piece at all the different options that you can bring into play.

[227] I think that such things as improvement and repair grants really used to encourage young people to have a go at doing up an old house, and they do not exist in the same way any more. Encouraging people to do things for themselves, and to invest their sweat instead of pounds, makes a huge difference.

[228] **Mr Morris:** Certainly, as an authority trying to deliver affordable housing, we look at any means possible. The big answer is obviously to throw more money at it, but where would that come from? To my mind, social landlords are the obvious place to put in that money, because that is what they do: they deliver truly affordable or social housing.

[229] I was just going to raise the issue of community land trusts, because I know that there is a lot of enthusiasm at the local level to see things happen. There are varying degrees of success with community land trusts; I do not think we have seen a house built yet in Powys. To my mind, the reasons for that are not to do with energy and enthusiasm. I think that what they are trying to bring to the table to try to help their local communities is great, but some of them lack land and some lack expertise, and the third strand is finance.

[230] We have met community land trusts recently as a group and brought them together. I am hoping something might come out from that in terms of maybe some of them partnering with social landlords, because they bring some expertise and, hopefully, some money. I think that we need to wait and see where that one goes, but that is the problem, to my mind, with community land trusts at the moment.

[231] **Ms Ranson:** Rural housing neighbours as well have made a huge difference in trying to integrate housing and planning needs.

[232] **Kirsty Williams:** Time has beaten us. If Members are happy, what I propose to do is to put the questions that we have not reached today, from Alun about economic regeneration

and from Joyce about resourcing, in writing and ask you to get back to us on them. Indeed, Peter, you said that if you thought about it long enough, you would have a long list of improvements. I urge you to think about it long enough and send that list of improvements to us. However, while we have Powys here, I would like to ask a further question. One thing that has been particularly exercising the committee is the relationship with the national planning statements and the Infrastructure Planning Commission.

10.50 a.m.

[233] What is your relationship with them, and how are you referencing national planning statements in your LDP process as you start, given your strategic search area and the potential for a huge amount of national planning infrastructure in your authority?

[234] **Mr Southerby:** My understanding was that we do not actually have a national planning statement yet.

[235] **Kirsty Williams:** I meant to say ‘policy statement’; sorry.

[236] **Mr Southerby:** We do not actually have a national policy statement on renewable energy yet, do we?

[237] **Kirsty Williams:** I think that they are looking at—

[238] **Mr Southerby:** They are expected. One of the things that we are doing at the moment concerns how we set ourselves up constitutionally to deal with IPC schemes. We are taking a report to the board later this month on how we will make decisions constitutionally and have an input into IPC schemes, because there are so many stages. There is the section 42 for application consultation, which is a formal consultation of the promoter, in new speak—that is, the developer of the local authority, not the local planning authority, but the local authority. That is a formal pre-application consultation. We, as the local authority, therefore, have to go back and say what we think. We need to have the authority to do that as a council, in some way, and that is why we are looking at that.

[239] There then comes the statement of community consultation. There is another formal process whereby we are given 28 days to comment on the appropriateness of the statement of community consultation. Then, when it has all been submitted to the IPC, the IPC gives us 14 days to say whether we think that the statement of community consultation has done its job. It is then part of our role as a local authority—again, not as a local planning authority, but a local authority—to do a local impact report. However, we are not barred, as a council, from saying whatever we like in terms of representations, objections or support for the scheme outside that process.

[240] So, it is a complicated new process that we are grappling with. The IPC schemes are starting to come forward. We are in pre-application discussion with the developers, but we are only at that stage at the moment.

[241] **Kirsty Williams:** Given all of this, I do not think it would be unfair of me to characterise Powys planning department as a department that is under pressure with the existing systems that it is trying to deal with. How are you going to cope with all of this on top of what you are already, in many ways, struggling to manage?

[242] **Mr Southerby:** The other dimension is that you do not get any fee as the local authority for IPC applications. We have to find a way as a local authority—I keep making the distinction that it is not just the local planning authority, it is the local authority—of resourcing our input into this process when there is no application fee coming our way for

schemes of over 50 MW. So, we are currently looking at that. We might be able to look at something called planning performance agreements, which is an initiative whereby you agree with the developer that, 'We will bring this to a determination within this period if you help us resource that process'. Those are some of the things we are looking at currently. That is bona fide and legitimate—it is there in the guidance—but it has to be managed and perceptions are an issue. You have to make sure that people do not think that there is anything being bought there. That is very much not the case, but you have to make sure that is how it is managed and perceived as well. It is a headache.

[243] **Kirsty Williams:** It is easier said than done. Thank you all for your attendance at the committee this morning and your very open and frank contribution to the committee's work. It is appreciated. We will send you a copy of the transcript. You cannot take anything back; you have said it now and it is on record, but if the transcript is incorrect and does not reflect your contribution accurately, please let us know. Thank you very much for your time and attendance; it is much appreciated. Thank you. Diolch yn fawr.

10.54 a.m.

### **Cynnig Trefniadol Procedural Motion**

[244] **Kirsty Williams:** I move that

*the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 10.37(vi).*

[245] I see that the committee is in agreement.

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth y cyfarfod i ben am 10.54 a.m.  
The meeting ended at 10.54 a.m.*