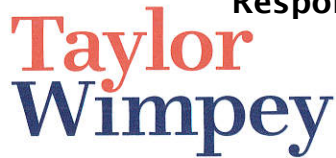


National Assembly for Wales
Environment and Sustainability Committee
PB 20
Planning (Wales) Bill
Response from Taylor Wimpey UK Limited



The Committee Clerk
Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay
Wales CF99 1NA

By post & email (ES.Comm@wales.gov.uk)

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5th November 2014

Dear Sir/Madam,

Submission to: The Environment and Sustainability Committee inquiry into the general principles of the Planning (Wales) Bill

Taylor Wimpey UK Limited (TWUK) is a major homebuilder delivering 11,696 homes in the year to December 2013 across the UK. From our Cardiff regional office we delivered 360 homes in 2013 and currently operate 16 sales outlets, employing 145 people. We have ambitious plans for growth and the region is projecting home completions will significantly increase this year and next rising to over 550 by December 2015.

We are pleased to have the opportunity to comment on the Bill.

As a major homebuilder, we are an active and engaged participant in the planning process across a significant number of planning authorities and the impact and outcomes of the proposed Planning (Wales) Bill are of considerable import to our business.

We welcome the objectives of the Bill to “introduce a national, regional and local planning system for Wales which improves the existing system and creates culture change to enable the positive delivery of appropriate development.” Furthermore, the Bill, when viewed alongside the proposed TAN1 and ‘Positive Planning’ initiative is a welcome agenda for planning reform in Wales.

We are broadly supportive of the objectives of the Bill and the majority of the content is welcomed. Our comments in detail are attached, however, we would note that at least in its transitional stages the introduction of the Bill’s provision including the extended powers of call-in powers have the potential to weigh heavily on existing public resources. In addition, the time it will take to reach Royal Assent and beyond creates concern as to the speed at which incoming provisions could take affect noting the need for significant secondary legislation. Having regard to these concerns the provision of additional interim resources and a swift and efficient implementation are strongly encouraged.

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We hope the attached comments are of assistance. TWUK would be pleased to attend Oral Evidence Sessions if beneficial.

Yours faithfully,



 Jennie Daly
UK Director of Planning
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Consultation Response - Planning (Wales) Bill

National Development Framework;

Taylor Wimpey UK Limited (TWUK) welcomes the recognition of the limitations of the Wales Spatial Plan for planning purposes and the introduction of a National Development Framework. The focus and approach to planning as proposed by the National Development Framework (NDF) and the fact that it will benefit from development plan status will provide a robust basis upon which other plans can be prepared and as a consequence will be a positive addition to the planning process in Wales.

As it is intended to address issues that are 'nationally important' we expect housing issues to play a significant role in its drafting, and we would particularly encourage the inclusion of clear guidance and direction on the need to significantly uplift the supply of new homes built in Wales. However, we would emphasise that the document must remain strategic in its outlook, promoting key areas of infrastructure and broad areas of growth. Whilst land use based it must avoid becoming overly prescriptive otherwise it will delay rather than speed the preparation of strategic and local development plans.

As a development plan document, the NDF should be the subject to transparent and robust public consultation and engagement with key stakeholders and similarly during its reviews. TWUK agree with the views expressed by the HBF that a review period of five years is too long and more flexibility is required. A review no more than three years following initial adoption and no more than every three years thereafter is recommended, however, legislation should facilitate review on an as needs basis at any time.

Importantly, the NDF should address the consequences in planning policy terms of the failure of a local planning authority to maintain an up to date plan and a failure to maintain an adequate supply of housing land supply, a five year housing land supply. The document should clearly establish that there is a presumption in favour of sustainable development in circumstances where a plan is not up to date and the local planning authority has failed to maintain an adequate supply of housing land.

Strategic Development Plans;

TWUK are supportive of Statutory Strategic Development Plans (SDP) for the three regional areas identified, which will seek to address matters of strategic importance and of "larger than local" cross boundary issues. We agree that the three regional areas identified require a focussed sub-regional solution given the strategic requirements of housing, economic development and associated infrastructure to address the challenge of significant future growth beyond administrative areas. In particular, both Cardiff and Swansea require a greater than local statutory plan making function the absence of which is considered at present to be holding back economic performance and the delivery of the appropriate level of housing in the right areas.

However, the establishment of the Spatial Planning Area will also signal whether, having regard to later provisions of the Planning (Wales) Bill (the Bill), a Local Development Plan or a "light touch" Local Development Plan will be needed at the lower level. For this reason it is imperative that any further additions to the SDPs is made in the short term in order to minimise delay caused by uncertainty or the undertaking of abortive work.

The operation of a Strategic Development Plan will also be reliant upon the designation of a detailed Strategic Planning Area. The establishment of such areas will be of significant importance and must be subject to robust and transparent public and key stakeholder engagement.

This approach however is reliant upon the establishment of the SDP Panel, and it is important to the success and local support for such document that this is a co-operative document produced speedily. It is considered that this may prove difficult in circumstances where one authority is seen as geographically and politically dominant.

Given the likely legislative timescales involved in the Bill and required in order to introduce the SDP, including engendering an acceptable balance of power which will need to be observed in their establishment, TWUK consider that great care is needed to ensure that a policy vacuum is not inadvertently created. We recommend that the NDF establishes clear interim policies for co-operation and provide the policy framework within which the SDP should be developed.

TWUK are supportive and endorse the response of the HBF that as these panels will be of significant importance, and address issues of national importance including housing they should include representatives drawn from private sector interests, including but not exclusively, a member should be drawn from the house building industry to sit on each panel.

We agree that the SDP should be in 'general conformity' with the NDF. However, with the proposed introduction of the NDF and SDP a clear development plan hierarchy is established within which we recommend the Local Development Plan (LDP) should sit in general conformity. As currently drafted the Bill proposes an SDP panel have regard to the LDP. This unnecessarily introduces restraint on the strategic plan process. However it is acknowledged that matters such as, for example, the quantum and distribution of housing will need to be addressed by both documents in instances where the whole of a local planning authority area is not included within the Strategic Planning Area.

In any event, it is recommended that there should be a requirement to review LDPs, in the context of a SDP operating in its geographical area, in the absence of which, policies of the NDF and SDP would take clear precedence.

TWUK agree that LDPs should be 'light touch' in the geographical areas where there are SDPs addressing issues of strategic importance.

Changes to Local Development Plan procedures;

Notification of LDP withdrawal

TWUK welcomes the inclusion of the provision to refer 'withdrawn' plans to Ministers noting the acute problem caused by delays to plan making / plan coverage in many instances where a plan has been withdrawn for observable "political" reasons, effectively leaving the system devoid of a up to date plan.

Joint Local Development Plans;

Whilst we support the proposed direction to call for joint plan making with statutory effect, we have concerns regarding the potential delays in their developing and the potential for a policy vacuum in their absence. As a consequence the NDF should address the consequences in planning policy terms of the failure of a local planning authority or joint planning board to develop or to maintain an up to date plan and a failure to maintain an adequate supply of housing land supply, a five year housing land supply. The document should clearly establish that there is a presumption in favour of sustainable development in circumstances where a plan is not up to date and the local planning authority or joint planning board has failed to main an adequate supply of housing land.

Period for which Development Plan has effect;

The minimum duration period for plans is a welcome innovation given the scale of resources both public and private invested in developing such plans. However, we do not agree that in the case of a time expired plans the evidence base could be considered without qualification. Any such consideration must in our view expressly state that the evidence base remains relevant and up to date, be conformity with other development plan documents such as NDF and SDP if relevant, current guidance and best practice generally.

Development Management;

Requirement to carry out pre-application consultation;

TWUK as a company are fully supportive of effective, and meaningful community and stakeholder engagement and has a defined company policy requiring such engagement. Such pre-application consultation activities are already practiced across every geographical reach of the Company's business, including our regions operating in Wales. We are therefore fully supportive of the measure of Pre-application consultation and procedure.

We note the threshold is likely to apply to all major applications with the threshold set at 10 units or 0.5ha. Whilst the threshold is acceptable we would note that the scale of appropriate consultation may differ and recommend that the development order recognise that pre-application consultation is proportionate to the scale of the development.

Requirement to provide pre-application services

TWUK welcome the proposal to establish a common best practice in local planning authorities to encourage and support applicants in fulfilling pre-application discussions.

Developments of National Significance to be determined by Welsh Ministers;

TWUK are supportive of the introduction of the process by which applications of national significance can be considered and determined by the Welsh Ministers, however further clarification is required regarding the thresholds which will apply before further meaningful comment can be made as to its effectiveness. Such provisions should be supplemented by regulation regarding procedures and governing timescales from submission to determination to ensure that the process continues to support the aims of the Bill and does not result in unnecessary delay.

Applications to Welsh Ministers where LPA's are identified as 'poorly performing',

TWUK support the proposal to enable provisions which would enable a "call-in" in the case of special measure authorities, however, the challenge will be to ensure that there are sufficient resources available to those bodies who will administer the process so as not to create undue delay.

It will be necessary in order to support this initiative for there to be regular reviews of local planning authority and effective mechanisms in-place to provide for direct referral to Ministers where authorities in 'special measures' have been identified.

Streamlining the development management system;

We support the introduction of limits on local planning authorities' power to require information to accompany planning applications and that information requests must be reasonable and relevant.

Decision Notices

We support the standardisation of decision notices across Wales.

Section 32 of the Bill, inserting section 71ZA subsection (4) and (5) in the TCPA 1990, is seeking to introduce a 'live' decision notice whereby the local planning authority will re-issue the Decision Notice as and when conditions are discharged and amendments made to previously consented proposals (provided they are relatively minor in nature). Whilst TWUK consider that the aspiration is laudable in attempting to create greater transparency for all end-users of the planning system we are greatly concerned that this will introduce significant administrative difficulties, not least because conditions may be discharged more than once should relevant details alter and schemes of scale can have many reserved matters consents and variations which may or may not over-ride the original consent.

Having regard to the above, TWUK do not support this provision but suggest that the transparency sought may be better achieved by requiring matters, such as the actual development being implemented to be clarified by modifications to Section 32 of the Bill.

Statutory Consultees

TWUK welcome a requirement for statutory consultees to respond within a specified timescale and that this is also proposed for pre-application enquiries. However to be effective there must be some correlating impact or penalty for underperformance in addition to the reporting structure proposed.

In the proposed review of statutory consultees we endorse the recommendation made by the HBF that the list be expanded to include infrastructure organisations that can have a significant impact on housing, such as utility companies including Welsh Water whose lack of responsiveness has significant delaying effects on major development.

Design and Access Statements

Whilst supportive of the central role planning plays in delivering good design and placemaking outcomes, TWUK do not consider that the prescriptive requirement for Design and Access

Statements has positively assisted in achieving this outcome. We are therefore supportive of the removal of the requirement to submit Design and Access Statements.

Planning appeals

Section 42 of the Bill intends to remove the ability to vary proposals or submission once the subject of an appeal. Whilst TWUK has sympathy with concerns that amendments could in some instances circumvent public scrutiny and engagement it should be acknowledged that amendments are often introduced to address concerns raised by third parties as well as the local planning authority, and reduce matters of dispute and as such is an integral part of the appeal process. The provision in the Bill if implemented would remove from the decision maker any discretion and is likely to result in repetitive applications and appeals leading to wasted resources, delay and frustration.

TWUK therefore disagree with Section 42 and for similar reasons Section 43 of the Bill. As an alternative TWUK recommend an update and strengthening of the guidance to the Planning Inspectorate, of when amendments and new information could be considered appropriate subject to matters of natural justice and reasonableness.

Applications to register town and village greens;

TWUK support this proposal the restrict applications for Village Green status once the land has entered the planning system.

Validation Appeals

TWUK welcome the proposed provision to appeal to Ministers on validation disputes, such disputes are regrettably common place and the current process is slow with only limited provision to challenge the local planning authority's position. However, such procedures must be swift in order for the provision to be an effective and attractive remedy.

Specific responses requested;

Any potential barriers to the implementation of these provisions and whether the Bill takes account of them;

The current lack of resources within local planning authorities is a concern in respect of transitional arrangements and burdens. We would ask that consideration is given to the provision transitional support for local planning authorities to ensure that the proposed changes are implemented quickly and efficiently.

The Committee's pre-legislative scrutiny of the Draft Planning (Wales) Bill and the extent to which the revised Bill takes account of the Committee's recommendations.

No comment.

Whether there are any unintended consequences arising from the Bill.

Again, availability of resources is a concern. Although it is expected that at maturity the provisions of the Bill have the potential to generate meaningful savings in time and resources within the planning process, there is likely to be some delay in deliver in the short term.

The financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum, the Regulatory Impact Assessment, which estimates the costs and benefits of implementation of the Bill).

No comment.

The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum, which contains a table summarising the powers for Welsh Ministers to make subordinate legislation).

No comment.

The measurability of outcomes from the Bill, i.e. what arrangements are in place to measure and demonstrate the fulfilment of the Welsh Government's intended outcomes from making this law.

The Bill includes monitoring and provisions for failing authorities, however no indication of what defines a "failing authority". As recommended by the HBF, TWUK agree that a national standard of targets against which local planning authorities should be required to report should be established. A league table should then be produced regularly and consideration given to rewarding the LPA's who perform well.

Jennie Daly

UK Director of Planning

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6th November 2014