

Environment and Sustainability Committee Planning Bill

Sustrans submission to Environment and Sustainability Committee's inquiry into the Planning (Wales) Bill

November 2014

Summary

1. Sustrans Cymru welcomes the opportunity to contribute to the committee's enquiry into the Planning (Wales) Bill as introduced by the Welsh Government. We previously responded to the consultation on the "Positive Planning" White Paper issued by the Welsh Government.¹
2. Sustrans is a leading UK charity enabling people to travel by foot, bike or public transport for more of the journeys we make every day. We work with families, communities, policy-makers and partner organisations so that people are able to choose healthier, cleaner and cheaper journeys, with better places and spaces to move through and live in.
3. While having clear national guidance on planning strategy is important, we have concerns that the Planning (Wales) Bill could negatively impact on local community involvement in the planning process. In particular, the creation of Strategic Development Plans (SDPs) adds an extra tier higher up in the process.
4. We welcome the fact that transport is now considered a key element of SDPs. In the White Paper transport was not listed as a key area for cross local authority planning. Travel to work areas cross local authority boundaries, and with the effective dissolution of the Regional Transport Consortia, it is important there is a mechanism for combining transport and planning at a regional or travel to work area level.
5. Town and Village Green applications are often used in a way that was not intended, and as a delaying tactic. As a smaller organisation, the time and cost of dealing with these applications can be costly. We support the Welsh Government's planned reforms of Town and Village Green applications, but it is of vital importance that community involvement in the planning process is increased in other areas.
6. There is a clear link between planning and public health – for example by designing our communities so that cycling and walking is the most direct way to get around. The legislation could aid this by introducing mandatory Health Impact Assessments in certain circumstances, and by making Public Health Wales a consultee at a national and strategic planning level.

National Planning Framework and Spatial Development Plans

7. Sustrans Cymru believes that planning system has greater potential to engage with local communities, ensuring active community participation to utilise land for the public good. As part of our work, we engage local people at the earliest possible stage in shaping their communities; for example as part of the 'Greener Grangetown' project with Welsh Water, and our recent National Cycle Network (NCN) programme funded by the Big Lottery Fund, where each project had a local steering group involving members of the local community.
8. However, there is a role in planning for national and regional strategy. New national strategy that comes out of the National Development Framework could be useful in helping to 'tidy up' existing planning policies. Lessons should be learnt from the development of the National Planning Policy Framework in England, however, where in places there have been discrepancies between policy and guidance. It is important that all participants in the planning system can have a clear understanding of policy and guidance.
9. There is also need for planning at a sub-national level, which crosses local authority boundaries. In particular, travel to work areas cross council boundaries and so planning policy needs to be developed across authority boundaries.
10. In section 5.29 of the Positive Planning White Paper, transport was not listed as a key issue that the SDPs would need to cover. We welcome the alteration in the draft Bill, which makes it clear that transport is crucial in cross authority planning. This is especially important considering the effective dissolution of Regional Transport Consortia, bodies which had previously assumed a role in regional transport planning and delivery.
11. While these national and regional plans are important, Sustrans is concerned that the legislation moves planning policy further away from local communities and will become overly centralised. There is a risk that while the national framework approach will provide greater certainty for developers, that local issues and communities could be disengaged from the process. We believe the legislation could be improved to ensure greater community involvement as part of the planning process.
12. In principle, Sustrans Cymru has no objections to pre-application notification and consultation. However, the Bill does not make it clear how non-statutory bodies and members of the public can engage with these processes on matters of national significance. We would welcome additional guidance in this area.
13. Moreover, as written the Bill may place local authorities and local communities on the defensive when it comes to new development in Wales and may mean only well-resourced national groups could get involved in the process. Sustainable Development is built around the involvement of local communities in their own future
14. Community involvement is an essential element in delivering sustainable development, and reform of the planning system must ensure that people are able to shape their surroundings more effectively.²
15. With local government reform on the horizon following the reporting of the Williams Commission, Sustrans would welcome further information as to how the legislation and guidance will be future-proofed. In particular, a reduction in the number of councils would impact on SDPs. As the City Regions develop, we would welcome further clarity about how this level of governance would be included as part of the planning process.

Town and Village Green applications

16. Sustrans – in Wales and across the United Kingdom – has experience of dealing with Town and Village Green applications. Our main work is building (or supporting the building of)

paths for active travel. It is unclear, both to developers and communities, about what level of development is permitted on a Town and Village Green.

17. We have also begun to see this legislation used retrospectively as a delaying tool by local communities to prevent agreed development. This can add significant delays and costs, which can put projects at risk. In Wales, the majority of funding for walking and cycling projects from the Welsh Government comes in an annual cycle, meaning unexpected delays in the planning system can cause the cancellation of a project.
18. As we have expressed earlier in our response, it is important to engage local communities in the development of their community. This is why, for example, we gave evidence calling for extensive consultation as part of the Active Travel (Wales) Act.^{3 4}
19. Sustrans, therefore, supports the Welsh Government's plans to reform the application of registering Town and Village Greens, but we stress that the planning system must support increased community engagement at earlier stages.

Other issues

20. Sustrans Cymru supports the provisions to allow an appeal against a Local Planning Authority (LPA) failing to lodge a planning application. Sustrans Cymru is involved in a number of planning applications where the LPA is unfamiliar with the detail and therefore can request an inappropriate amount of material to validate the appeal.
21. On occasion, information provided by LPAs can be conflicting and lead to extended delay. For example, incorrect information on how to provide payment to register a planning application can cause delay. Therefore, Sustrans Cymru supports the ability to appeal against the non-registration of a planning application by an LPA.
22. We are concerned that introducing fees to cover the costs of Welsh Ministers may make it impossible for smaller organisations, local communities and individuals to appeal planning decisions, and we would welcome further information and guidance as to how this would work in practice.
23. There are clear links between planning and improving public health; for example by designing our communities so that cycling and walking become the normal and obvious way to make everyday shorter journeys. Sustrans believes there is merit in making Public Health Wales a statutory consultee as part of the planning process, and bringing forward Health Impact Assessments (HIAs) to ensure that public health considerations are taken into account.⁵
24. Sustrans Cymru believes that local communities can benefit from the planning system through the application of section 106 funds and the Community Infrastructure Levy. Therefore, it is important that the Planning Bill aids local communities in making the most of these funding streams.
25. Sustrans Cymru recognises the need to review the role of Design and Access Statements, however we are concerned that without guidance on their future use this change will send the wrong message to developers. In preparing schemes it is important that developers demonstrate how the design and layout of a proposed development will provide safe and attractive routes and how these will link with existing communities and facilities.
26. The Design and Access Statement should be a tool for communicating how these decisions are made and how all users will be accommodated in the development. It is also an

opportunity for developers to explain how the local community have been involved in identifying and prioritising routes and links and contributing to the design process overall.

Conclusion

27. Sustrans Cymru has no practical objection to a National Development Framework or Strategic Development Plans. However, we believe the planning system should support local community involvement, and we remain concerned that this legislation provides clarity for developers, but risks making it more difficult for local communities to engage.
28. We welcome the inclusion of transport as a key element of Strategic Development Plans.
29. We support the Welsh Government's proposed changes to the registering of Town and Village Green applications, but urge caution that this change must come while ensuring local communities have real say in the planning of their local area.
30. The legislation could develop a greater link between planning and public health.

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¹ Sustrans Cymru submission to Welsh Government's Positive Planning White Paper Consultation, February 2014 <http://www.sustrans.org.uk/sites/default/files/images/files/2014-02%20Positive%20Planning%20Welsh%20Government.pdf>

² Civic Voice response to the Department of Communities and Local Government's review into the National Planning Policy Framework, February 2011, http://www.civicvoice.org.uk/uploads/files/National_Planning_Policy_Framework_Civic_Voice_submission.pdf

³ Sustrans Cymru response to Enterprise and Business Committee enquiry into the general principles of the Active Travel (Wales) Bill, March 2013

<http://www.sustrans.org.uk/sites/default/files/images/files/policy/submissions/2013-03-08%20Enterprise%20and%20Business%20Committee%20Written%20Evidence%20AT%20Bill.pdf>

⁴ Sustrans Cymru response to the Welsh Government consultation on the Delivery Guidance accompanying the Active Travel (Wales) Act, July 2014, <http://www.sustrans.org.uk/sites/default/files/images/files/2014-07%20Active%20Travel%20Act%20Delivery%20Guidance.pdf>

⁵ Sustrans Cymru submission to Welsh Government's Public Health White Paper Consultation, May 2014, <http://www.sustrans.org.uk/sites/default/files/images/files/2014-05%20Public%20Health%20White%20Paper.pdf>