



Llywodraeth Cymru  
Welsh Government

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# Planning Policy Wales



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# Table of Contents

- 1 Introduction
  - 1.1 What this document sets out to do
  - 1.2 What the planning system is for
  - 1.3 Making the planning system work better
  - 1.4 The context for planning in Wales
  
- 2 Local Development Plans
  - 2.1 A plan-led system
  - 2.2 Plan form and content
  - 2.3 Strategic Environmental Assessment, Sustainability Appraisal and Habitats Regulations Assessment
  - 2.4 Supplementary Planning Guidance
  - 2.5 Plan preparation process
  - 2.6 The Welsh Government role in the plan process
  - 2.7 High Court challenge
  - 2.8 Emerging or outdated plans
  - 2.9 National Policy Statements
  
- 3 Making and Enforcing Planning Decisions
  - 3.1 Taking planning decisions
  - 3.2 Exceptions to the process: permitted development rights
  - 3.3 Environmental Impact Assessment
  - 3.4 Ensuring access for all
  - 3.5 Control of outdoor advertisements
  - 3.6 Planning conditions
  - 3.7 Planning obligations and the Community Infrastructure Levy
  - 3.8 Enforcing planning decisions
  - 3.9 Using Completion Notices
  - 3.10 Revoking, modifying or discontinuing planning permission



- 3.11 Planning Appeals
- 3.12 The Welsh Ministers' general role in decision taking

## 4 Planning for Sustainability

- 4.1 Sustainable Development
- 4.2 Planning for sustainability
- 4.3 The Sustainable Development principles
- 4.4 Objectives
- 4.5 Planning for climate change
- 4.6 Priorities for urban and rural areas
- 4.7 Sustainable settlement strategy: locating new development
- 4.8 Managing urban form by means of green belts and green wedges
- 4.9 Preference for the re-use of land
- 4.10 Conserving the best and most versatile agricultural land
- 4.11 Promoting sustainability through good design
- 4.12 Planning for sustainable buildings
- 4.13 Supporting the Welsh language

## 5 Conserving and Improving Natural Heritage and the Coast

- 5.1 Objectives
- 5.2 Caring for biodiversity
- 5.3 Measures to conserve landscape and biodiversity
- 5.4 Development plans and the conservation and improvement of the natural heritage
- 5.5 Development management and the conservation and improvement of the natural heritage
- 5.6 Managing the coast
- 5.7 Development plans and the coast
- 5.8 Development management and the coast

## 6 Conserving the Historic Environment

- 6.1 Objectives
- 6.2 Working with others

- 6.3 Designating Conservation Areas
- 6.4 Development plans and the historic environment
- 6.5 Development management and the historic environment

## 7 Economic Development

- 7.1 Objectives
- 7.2 Planning for economic development
- 7.3 Promoting diversification in the rural economy
- 7.4 Promoting the low carbon economy, business and technology clusters and social enterprises
- 7.5 Development plans and the economy
- 7.6 Development management and the economy

## 8 Transport

- 8.1 Objectives
- 8.2 Promoting walking and cycling
- 8.3 Supporting public transport
- 8.4 Managing traffic and parking
- 8.5 Planning for roads, airports, ports and inland waterways
- 8.6 Development plans and transport
- 8.7 Development management and transport

## 9 Housing

- 9.1 Objectives
- 9.2 Development plans and new housing provision
- 9.3 Development management and housing

## 10 Planning for Retailing and Town Centres

- 10.1 Objectives
- 10.2 Development plans and retailing and town centres
- 10.3 Development management and retailing and town centres



## 11 Tourism, Sport and Recreation

- 11.1 Objectives
- 11.2 Development plans and tourism, sport and recreation
- 11.3 Development management and tourism, sport and recreation

## 12 Infrastructure and Services

- 12.1 Objectives
- 12.2 Water supply and waste water management
- 12.3 Development plans and water
- 12.4 Development management and water
- 12.5 Planning to manage waste
- 12.6 Development plans and waste planning
- 12.7 Development management and waste planning
- 12.8 Renewable and low carbon energy
- 12.9 Development plans and renewable and low carbon energy
- 12.10 Development management and renewable and low carbon energy
- 12.11 Telecommunications
- 12.12 Development plans and telecommunications
- 12.13 Development management and telecommunications

## 13 Minimising and Managing Environmental Risks and Pollution

- 13.1 Objectives
- 13.2 Flood risk and climate change
- 13.3 Development plans and flood risk
- 13.4 Development management and flood risk
- 13.5 Dealing with unstable and contaminated land
- 13.6 Development plans and contaminated land
- 13.7 Development management and contaminated land
- 13.8 Development plans and unstable land
- 13.9 Development management and unstable land
- 13.10 Improving the quality of water and air

- 13.11 Development plans and improving the quality of water and air
- 13.12 Development management and improving the quality of water and air
- 13.13 Reducing noise and light pollution
- 13.14 Development plans and noise and lighting
- 13.15 Development management and noise and lighting

## 14 Minerals

- 14.1 Objectives
- 14.2 Providing positively for the safeguarding and working of minerals resources to meet society's needs
- 14.3 Protecting areas of importance to the natural and built heritage from inappropriate mineral development
- 14.4 Reducing the impact of mineral extraction and related operations during the period of working
- 14.5 Achieving a high standard of restoration and aftercare and providing for beneficial after-uses when mineral working has ceased
- 14.6 Encouraging the efficient and appropriate use of high quality materials and maximising the potential for re-use and re-cycling
- 14.7 Development plans and minerals
- 14.8 Development management and minerals

## Annexes

Annex 1 Planning Policy Wales, Technical Advice Notes

Annex 2 Guide to the application of national planning policy statements in Local Development Plans: Policy Schedules

## Figures

- Figure 2.1 Development Plans
- Figure 3.1 Making and Enforcing Planning Decisions
- Figure 4.1 Well-being Goals
- Figure 4.2 A definition of sustainable development in Wales
- Figure 4.3 Legislative requirements for sustainable development in the planning system



Figure 4.4	Definition of Previously Developed Land
Figure 4.5	Objectives of Good Design
Figure 4.6	Planning for Sustainability
Figure 5.1	Conserving and Improving Natural Heritage and the Coast
Figure 6.1	Conserving the Historic Environment
Figure 7.1	Economic Development
Figure 8.1	Transport
Figure 9.1	Housing
Figure 10.1	Retailing and Town Centres
Figure 11.1	Tourism, Sport and Recreation
Figure 12.1	Current consent bodies for electricity installations
Figure 12.2	Renewable and low carbon energy scales for planning purposes
Figure 12.3	Infrastructure and Services
Figure 13.1	Environmental Risks and Pollution
Figure 14.1	Minerals



## How to use this document

The introductory chapter sets out the purpose of this document, provides an **overview of the planning system** and includes a section on the context for planning in Wales. This is followed by two chapters (2 and 3) which **describe the planning system** in Wales and its principal procedures. Chapter 4 sets out the **main policy objectives and principles** which underpin the remaining chapters (5-14) which deal with particular subjects.

Each of the subject chapters begins with a statement of the **Welsh Government's objectives** for that subject. These chapters also contain sections on how the subject should be treated in **development plans** and for **development management** purposes.

At the end of each of Chapters 2-14 there is a **guide to the application of national planning policy statements in Local Development Plans**. These sections are reassembled under the different types of policy headings in Annex 2 at the end of the document as a cross-check for planning officers to ensure that they have taken account of all the relevant policy statements in *Planning Policy Wales* in drafting their local development plans.

**Reference documents** and **explanatory notes** are indicated in the text using superscript numbers. The references and notes are available as bookmarks on the page on which they appear and are listed at the end of each chapter (including web links). These documents and notes provide information that should be read in conjunction with *Planning Policy Wales*.

**Cross-references** are used to indicate where in this document further or related guidance is set out.

*Planning Policy Wales* is published in **electronic form only**. Proposed changes will be consulted upon in draft form, with the agreed changes then being incorporated directly into *Planning Policy Wales* in a fully integrated way and published in a complete new edition.





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# Planning Policy Wales



## Chapter 1 Introduction



## 1.1 What this document sets out to do

1.1.1 *Planning Policy Wales* (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs, listed in Annex 1). Procedural advice is given in circulars and policy clarification letters. It translates our commitment to sustainable development into the planning system so that it can play an appropriate role in moving towards sustainability (see Chapter 4).

1.1.2 Reference documents (listed at the end of each chapter) provide information that should be read in conjunction with this document.

1.1.3 The Wales Spatial Plan *People, Places, Futures* sets a strategic framework to guide future development and policy interventions. It integrates the spatial aspects of national strategies for social inclusion and economic development, health, transport and environment, translating the Welsh Government's sustainable development duty into practice.

1.1.4 PPW, the TANS, circulars and policy clarification letters comprise national planning policy. National planning policy and the Wales Spatial Plan should be taken into account in the preparation of development plans. They may be material to decisions on individual planning applications and will be taken into account by the Welsh Ministers and Planning Inspectors in the determination of called-in planning applications and appeals<sup>1</sup>.

1.1.5 Every local planning authority in Wales must prepare a Local Development Plan (LDP) for its area. The LDP will be the development plan for each county or county borough council and each National Park, superseding the Unitary Development Plan (UDP) or any other existing development plan. Detailed advice on the preparation of LDPs is contained in Chapter 2, the *Local Development Plan Manual, 2015* and *Planning your community: A guide to Local Development Plans, 2006*.

1.1.6 The Welsh Government's land use planning policies for minerals development are now contained in Chapter 14. This policy, which covers the short and long term future use and safeguarding of mineral deposits, is supplemented by a series of Minerals TANs (listed in Annex 1). *Minerals Planning Policy Wales (2001)* is hereby cancelled.

1.1.7 PPW will continue to be monitored and reviewed in relation to the Welsh Government's objectives for Wales. Proposed changes or additions to policy will be notified in draft form and will be incorporated into PPW when finalised. Such draft documents will be available on the Welsh Government's website at [www.gov.wales](http://www.gov.wales).

1.1.8 The *Index of Planning Policy for Wales* provides a guide to extant published planning documents. All are available on the Welsh Government's website at [www.gov.wales](http://www.gov.wales).



## 1.2 What the planning system is for

1.2.1 The planning system manages the development and use of land in the public interest, contributing to the achievement of sustainable development. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. A well functioning planning system is fundamental for sustainable development.

1.2.2 The planning system must provide for an adequate and continuous supply of land, available and suitable for development to meet society's needs. It must do this in a way that pays regard to:

- overall sustainability principles (see 4.3), outcomes (see 4.4) and objectives (see 4.4 and 4.6), paying particular attention to climate change as a key sustainability concern (see 4.5);
- the Wales Spatial Plan (see 4.7.1);
- detailed policies on the different topic areas set out in this document.

1.2.3 The planning system should be efficient, effective and simple in operation. It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land or to regulate development for other than land use planning reasons.

1.2.4 The planning system should not normally be used to secure objectives achievable under other legislation. The principle of non-duplication should be maintained even though the powers and duties resulting from other legislation may also be the concern of local authorities.

1.2.5 Provided that a consideration is material in planning terms (see 3.1.2 to 3.1.4) it must be taken into account in dealing with a planning application even though other machinery may exist for its regulation. Even where consent is needed under other legislation, the planning system may have an important part to play, for example in deciding whether the development is appropriate for the particular location. The grant of planning permission does not remove the need to obtain any other consent that may be necessary, nor does it imply that such consents will be forthcoming.

## 1.3 Making the planning system work better

1.3.1 The Welsh Government is committed to supporting the delivery of effective and efficient public services that meet the needs of people in Wales<sup>2</sup>.

1.3.2 Under the Local Government (Wales) Measure 2009 all local authorities and National Park authorities have a statutory duty to make arrangements to secure continuous improvement in the exercise of their functions<sup>3</sup>. Each local authority must publish an annual assessment of its performance. The aim is for authorities to enhance the sustainable quality of life and environment for local citizens and communities.

1.3.3 Local planning authorities are encouraged to apply the principles of the Measure in exercising their functions. This means that each planning authority should consider:

- using qualitative and quantitative information (including, but not limited to, performance indicators) to monitor and review performance, using the results to secure continuous improvements to the service;
- communicating effectively, giving clear, full information about how people can participate in planning matters;
- ensuring that all interested parties are fully consulted, particularly on development plans and planning applications;
- making services easily available to all who need them, using technology to the full;
- using resources effectively, working with others to provide coordinated services, treating everyone fairly; and
- having an effective, easy to use complaints system which allows matters to be put right quickly and effectively.

1.3.4 Participation is an essential part of the planning process, and authorities are required to be as open as possible in making planning information publicly available. While authorities have legal obligations to make certain information available, they should consider ways in which they can **provide better access to information**, in accessible formats, in a reasonable time and at reasonable cost, to ensure effective involvement by all members of the community, recognising that people with disabilities, mobility problems or other special needs have the right to be involved.

1.3.5 Local planning authorities must take appropriate steps to satisfy themselves, and be able to demonstrate, that their policies, operational practices and organisational culture do not lead to any systematic unfairness in the treatment of any group in the population. The outputs of the planning system, particularly those where discretion is central, should be monitored and the results made widely available.

1.3.6 It is essential that LDPs are prepared quickly to provide a firm basis for planning decisions, particularly where the adopted development plan is not up to date or major development is proposed. Local planning authorities are required to agree a Delivery Agreement with the Welsh Government and should use project management approaches to monitor and review progress.

1.3.7 **Performance targets for planning applications** are established in law. There is a statutory duty for local planning authorities to determine planning applications within 8 weeks of the receipt of a valid planning application (or 16 weeks where applications require an Environmental Statement). This period can be extended with the agreement of the applicant.

1.3.8 Minor applications should be determined within this 8-week period. However, it is accepted that some large or complex proposals may take longer. Planning authorities should seek to agree a timetable for handling such applications with the developer. Well-managed pre-application discussions are an important part of the planning process<sup>4</sup>. They can improve the quality of applications and help reduce the time taken to deal with a formal application. It is important that development proposals are handled efficiently **and the Welsh Government expects each**



**local planning authority to determine 80 per cent of its planning applications within 8 weeks of receipt of a valid application.** Improved efficiency of decision making should not compromise the quality of either the decision making process or the development.

## 14 The context for planning in Wales

### Primary legislation

1.4.1 The primary legislation related to land-use planning is:

- the Town and Country Planning Act 1990 – the principal Act regulating the development of land in England and Wales;
- the Planning (Listed Buildings and Conservation Areas) Act 1990 – makes provision for listing of buildings of special architectural or historic interest, designation of conservation areas and exercise of planning functions in relation to these;
- the Planning (Hazardous Substances) Act 1990 – makes provision for regulatory control of hazardous substances;
- the Planning and Compensation Act 1991 – amended the above three Acts, principally by strengthening local planning authorities' planning enforcement and development management powers;
- the Planning and Compulsory Purchase Act, 2004 – introduced the Local Development Plan system in Wales, a statutory duty requiring the Welsh Government to prepare the Wales Spatial Plan and various reforms to development management provisions in the Town and Country Planning Act 1990;
- the Planning Act 2008 – supplements the 2004 Act, and introduces further reforms to development management;
- the Planning (Wales) Act 2015 – principally amends the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 to introduce a number of reforms that strengthen the 'plan-led' approach to planning in Wales and improve the development management and enforcement systems.

### Subordinate legislation

1.4.2 The main instruments of subordinate legislation are:

- the Town and Country Planning (General Permitted Development) Order 1995 (GPD0) (SI 1995 No 418) as amended;
- the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) (SI 2012 No 801);
- the Town and Country Planning (Use Classes) Order 1987 (the Use Classes Order) (SI 1987 No 764) as amended;
- the Town and Country Planning (Local Development Plan) Regulations 2005 (SI 2005 No 2839) (W 203); and
- the Town and Country Planning General Regulations 1992 (SI 1992 No 1492) as amended.



## Other relevant legislation

1.4.3 The Welsh Government has specific duties regarding equal opportunities and sustainable development under the **Government of Wales Act 2006** and the Well-being of Future Generations (Wales) Act 2015. Sections 77 and 79 of the Government of Wales Act respectively set out the Welsh Ministers' duty to make appropriate arrangements with a view to securing that their functions are exercised with due regard to the principle that there should be equality of opportunity for all people and to make appropriate arrangements to promote sustainable development. The Well-being of Future Generations Act (Wales) 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. These duties have implications for the planning system and later sections of this document refer to them where appropriate.

1.4.4 The Welsh Government is required to make a contribution to the International<sup>5</sup>, EU<sup>6</sup> and UK targets for greenhouse gas emission reduction. The **Climate Change Act 2008** provides the statutory framework for the reduction of greenhouse gas emissions in the UK. At the core of the Act is a requirement for the UK to reduce net UK greenhouse gas emissions by 80 per cent by 2050 – and CO<sub>2</sub> emissions by at least 34 per cent by 2020 – against a 1990 baseline. The planning system will play an important role in tackling climate change and reducing greenhouse gas emissions (see Section 4.5).

1.4.5 The **Human Rights Act**<sup>7</sup> came into force on 2 October 2000 to incorporate the provisions of the European Convention on Human Rights (ECHR) into UK law and enable the UK Courts to enforce these rights. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every individual together with the limitations placed on these rights in order to protect the rights of others and of the wider community. The Human Rights Act makes it unlawful for a public authority to act incompatibly with these ECHR rights except where, as a result of primary legislation, it could not have acted differently. The Human Rights Act has implications for the planning system.

## The European Union context

1.4.6 The European Union (EU) context for planning policy and the preparation of development plans is provided by:

- **EU legislation** (a range of Directives and Regulations, along with judgements of the European Courts). Later chapters of this document refer to specific Environment Directives where these need to be taken into account.
- The **EU Sustainable Development Strategy** adopted in 2006<sup>8</sup>;
- The **7th Environment Action Programme**<sup>9</sup>;
- The **European Spatial Development Perspective (ESDP)** and EU territorial cohesion agenda; and
- **EU funding** regimes.





1.4.7 The Territorial Agenda for the enlarged EU builds on the ESDP and identifies priorities for the spatial development of Europe, the role of cities and regions, the future of rural areas, the promotion of clusters for competition and innovation, climate change, ecological, environmental and cultural resources and implementation, and commitments to sustainable development.

1.4.8 The comprehensive Sustainable Development Strategy for the enlarged EU was adopted in 2006. The aim of this strategy is to support and promote actions to enable the EU to achieve continuous improvement of the quality of life both for current and future generations through the creation of sustainable communities able to manage and use resources efficiently and to tap the ecological, and social innovation potential of the economy, ensuring prosperity, environmental protection and social cohesion.

1.4.9 Substantial financial support for international cooperation on topics relevant for planning policy set out in PPW is available under the Territorial Co-operation Objective (INTERREG) of Structural Funds for the period 2014-2020<sup>10</sup>. Since 2000 mainstream EU structural and environmental funds have supported significant social and economic progress in Wales. For 2014-2020 funding is available from the programme for West Wales and the Valleys to aid the transformation to a more competitive and sustainable regional economy. The remainder of Wales is eligible for funding from the East Wales Regional programmes. The planning system should support the effective implementation of the Structural Fund programmes by ensuring that suitable sites are brought forward and applications for planning permission determined expeditiously.

1.4.10 The Welsh Government Rural Communities – Rural Development Programme 2014-2020<sup>11</sup> is funded by the European Union and the Welsh Government. It is a 7 year investment programme which aims to improve resilience and promote transformational change in agriculture, forestry and rural communities. It will support a wide range of activities to support the sustainable management of natural resources, grow rural businesses and improve the well-being of rural communities.

## References

- <sup>1</sup> Planning and Compulsory Purchase Act 2004, Section 62  
[www.opsi.gov.uk/acts/acts2004/ukpga\\_20040005\\_en\\_1](http://www.opsi.gov.uk/acts/acts2004/ukpga_20040005_en_1)
- <sup>2</sup> Programme for Government, Welsh Government, 2011  
[www.wales.gov.uk/about/programmeforgov/?lang=en](http://www.wales.gov.uk/about/programmeforgov/?lang=en)
- <sup>3</sup> Guidance on Local Government Improvement, Welsh Assembly Government, 2010 (statutory guidance on local government improvement under Part 1 of the Local Government (Wales) Measure 2009 and linked to the Wales Programme for Improvement)  
[www.wales.gov.uk/topics/localgovernment/partnership/progimprove/part1lgi/?lang=en](http://www.wales.gov.uk/topics/localgovernment/partnership/progimprove/part1lgi/?lang=en)
- <sup>4</sup> Practice Guide: Realising the potential of pre-application discussions, Welsh Government, 2012  
[www.wales.gov.uk/topics/planning/policy/guidanceandleaflets/preappguide/?lang=en](http://www.wales.gov.uk/topics/planning/policy/guidanceandleaflets/preappguide/?lang=en)
- <sup>5</sup> Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997)  
[www.unfccc.int/kyoto\\_protocol/items/2830.php](http://www.unfccc.int/kyoto_protocol/items/2830.php)

- <sup>6</sup> The European Union 'Climate and Energy' (the 20-20-20 targets) package (2008)  
[www.ec.europa.eu/environment/climat/climate\\_action.htm](http://www.ec.europa.eu/environment/climat/climate_action.htm)
- <sup>7</sup> The Human Rights Act 1998  
[www.opsi.gov.uk/acts/acts1998/ukpga\\_19980042\\_en\\_1](http://www.opsi.gov.uk/acts/acts1998/ukpga_19980042_en_1)
- <sup>8</sup> The EU Sustainable Development Strategy, Council of the European Union 10633/1/06 REV 1  
Brussels European Council 16/16 June 2006 – Presidency Conclusions  
[www.euractiv.com/sustainable-development-eu-strat-links-dossier-188277](http://www.euractiv.com/sustainable-development-eu-strat-links-dossier-188277)
- <sup>9</sup> Living well within the limits of our planet – 7th Environment Action Programme, European Commission, 2013 <http://ec.europa.eu/environment/pubs/pdf/factsheets/7eap/en.pdf>  
[www.ec.europa.eu/environment/newprg/index.htm](http://www.ec.europa.eu/environment/newprg/index.htm)
- <sup>10</sup> Details are available on the Wales European Funding Office website  
[www.wefo.wales.gov.uk/programmes/territorial/?lang=en](http://www.wefo.wales.gov.uk/programmes/territorial/?lang=en)
- <sup>11</sup> Wales Rural Development Programme 2014-2020, Welsh Government, 2015  
[www.gov.wales/topics/environment-countryside/farming-and-countryside/cap/rural-development/wales-rural-development-programme-2014-2020/?lang=en](http://www.gov.wales/topics/environment-countryside/farming-and-countryside/cap/rural-development/wales-rural-development-programme-2014-2020/?lang=en)





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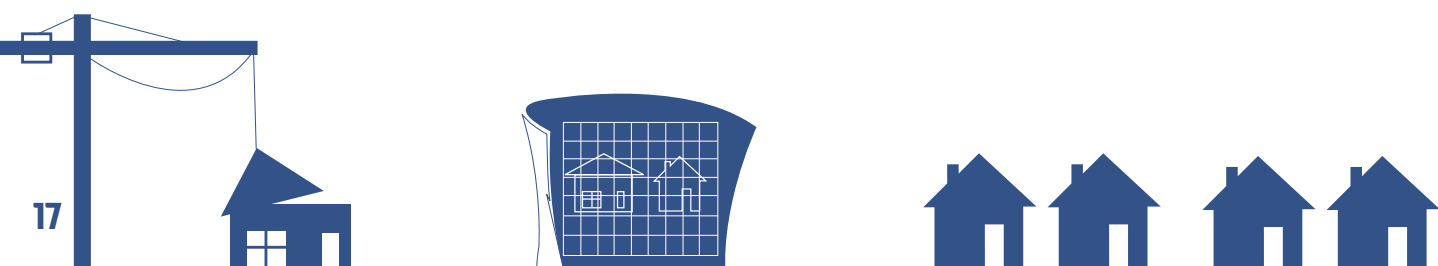
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# Planning Policy Wales



## Chapter 2 Local Development Plans



## 2.1 Plan-led System<sup>1</sup>

2.1.1 The aim of the planning system is to make planned provision for an adequate and continuous supply of land to meet society's needs in a way that is consistent with sustainability principles (see section 4.3).

2.1.2 Up-to-date Local Development Plans (LDPs) are a fundamental part of a plan-led planning system and set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). The LDP should show how places are expected to change in land-use terms to accommodate development needs over the plan period in order to provide certainty for developers and the public about the type of development that will be permitted at a particular location.

## Statutory provisions

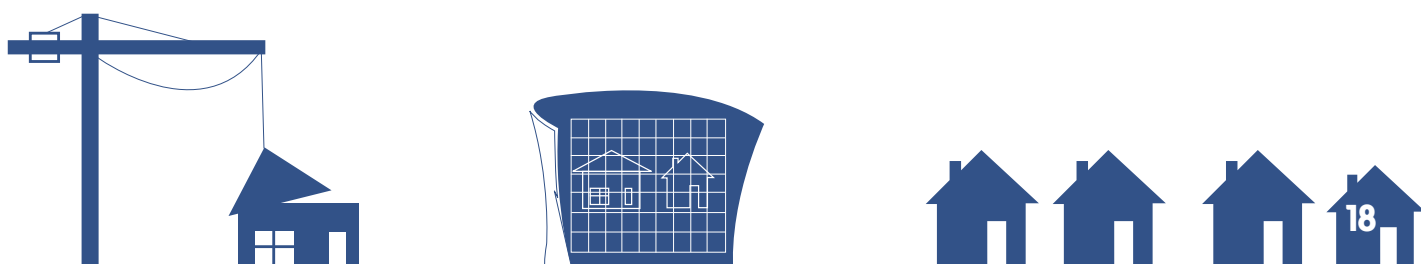
2.1.3 LDP preparation is a statutory duty of the local planning authority (Section 62 of the 2004 Act) which is required to exercise the function with the objective of contributing to the achievement of sustainable development (Section 39 of the 2004 Act). Authorities should give high priority to LDP preparation, monitoring and revision to ensure up to date plans are in place.

2.1.4 In addition to the 2004 Act, the procedures for LDP preparation are set out in the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005. The Welsh Government's Local Development Plan Manual provides useful guidance on LDPs.

2.1.5 The statutory requirements for Strategic Environmental Assessment (SEA)<sup>2</sup>, Sustainability Appraisal (SA)<sup>3</sup> and Habitats Regulations Assessment (HRA)<sup>4</sup> must be met.

2.1.6 The Single Integrated Plan (SIP) (meeting the requirement for Community Strategies under Part 2: Sections 37-46 of the Local Government (Wales) Measure 2009) should provide the overarching strategic framework for all the other plans and strategies for the local authority, including the LDP<sup>5</sup>. SIPs and LDPs need to be complementary with the LDP expressing, in appropriate land use planning terms, those elements of the SIP that relate to the development and use of land, provided that the elements of the SIP are in conformity with national and international policy and obligations. Under the Well-being of Future Generations (Wales) Act 2015 Public Service Boards will be established for each local authority area; each will prepare a Local Well-being Plan to replace the SIP (see also Chapter 4).

2.1.7 Local planning authorities must consider the relationship of their LDP to **other adopted national, regional or local strategies** and are encouraged to work together in order to plan effectively for cross boundary and strategic issues; the soundness tests require that the plan must be compatible with adjoining plans and strategies, i.e. it must 'fit' (see 2.5 below). The sharing of skills, knowledge and best practice can reduce unnecessary duplication and ensure resources are used more effectively and efficiently.



2.1.8 Plan preparation should be inclusive and recognise the requirements of all sectors of society, including in compliance with the general duty in the **Race Relations (Amendment) Act 2000** to promote race equality and with the **Disability Discrimination Act 1995**, which places a duty on all those responsible for providing a service to the public not to discriminate against disabled people by providing a lower standard of service.

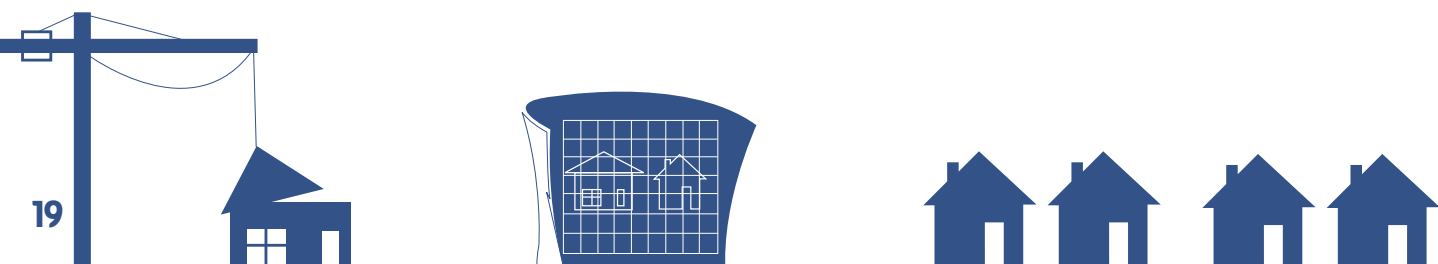
2.1.9 **The Welsh Language (Wales) Measure 2011** introduced a duty on organisations, including local planning authorities, to comply with standards to do with the Welsh language. The Standards provide clarity about the services that should be provided in Welsh and require organisations to use the Welsh language in a reasonable and proportionate manner. Many of the Standards are likely to be relevant to all stages of the process of preparing and revising LDPs but particularly to the way in which local planning authorities publicise proposals, consult with the public, communicate with those making representation and make arrangements for the conduct of examination proceedings.

## 2.2 Plan form and content<sup>6</sup>

2.2.1 It is for the local planning authority to determine how its LDP should be tailored to the needs of the area based upon robust evidence. It should be a succinct plan expressed in plain language avoiding jargon; it should not be long, complex, vague or over-detailed nor a compendium of policies to cover every eventuality and should avoid repeating national planning policy.

2.2.2 An LDP should have a clear base date and an operational plan period of at least 10 years on adoption and should focus on the key **issues** to be addressed in the plan area. It should incorporate a concise, long-term **vision** and **strategy** indicating clearly the plan's main **objectives** along with the broad direction of change and the key spatial locations for development and infrastructure required to achieve them. The clear focus should be on planning for places. The strategy, which should be broadly illustrated in diagrammatic format on a **key diagram**, should be aspirational but realistic and should provide a transparent guide to what is intended to be achieved by the implementation of the plan. **Deliverability and financial viability** are key considerations and costs such as infrastructure and affordable housing must be considered during preparation of the plan (see section 3.7 regarding planning obligations and the Community Infrastructure Levy)<sup>7</sup>. The strategy should be framed so it is capable of being rolled forward to accommodate subsequent revision.

2.2.3 The plan should include **policies**<sup>8</sup> to achieve outcomes, support and identify site allocations/development areas, define where constraints apply and set out the general criteria against which planning applications for the development and use of land and buildings will be considered, preferably by the use of generic policies rather than repetition. Policies should be distinct from, but should be supported by, concise reasoned justification.





2.2.4 National planning policy set out in *Planning Policy Wales* should not be repeated as policy in LDPs but plans should explain how it will apply to the local area, critically how national and local policy will work together.

2.2.5 Plans should not duplicate provisions in other legislative regimes, for example, in environmental health, building regulation and health and safety legislation. The policies should not include statements of intent or descriptions of administrative arrangements. Plans should not seek to designate areas where special facilities or grants will be available, or where special consultation arrangements will apply, although it may be appropriate to refer to them in the text.

2.2.6 A '**proposals map**' on a geographical Ordnance Survey base must delineate those policies and proposals with a spatial component including all allocations; although where spatial delineations are determined by other mechanisms they do not need to be shown (e.g. by TAN15 Development Advice Maps<sup>9</sup>). In the event of a contradiction between the main body of the LDP and the proposals map, the provisions of the former prevail.

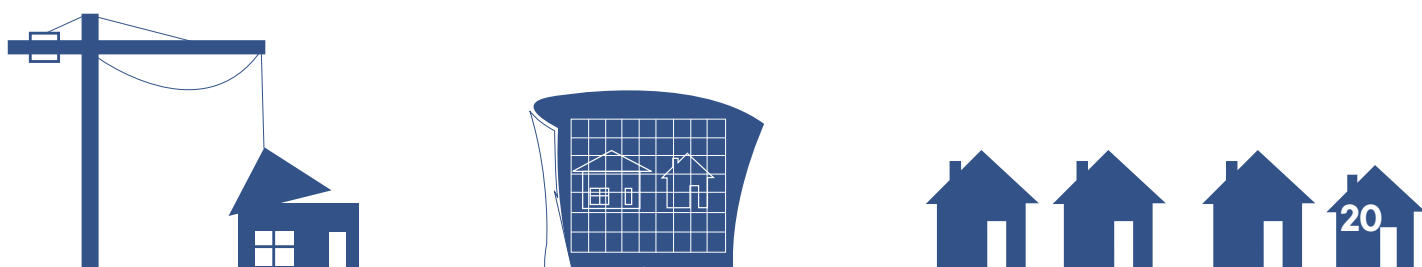
2.2.7 Further detailed guidance to supplement plan policy, but not new policy, may be included in **supplementary planning guidance** in the form, for example, of development/design briefs or master plans (see section 2.4).

2.2.8 In the light of local circumstances it is for individual authorities to consider the need for **phasing** of development over the period of the LDP. Phasing may be justified by considerations relating to physical or social infrastructure, or to the adequacy of other services, which may indicate that a particular site cannot be released for development until a particular stage in the plan period. Where phasing is included in an LDP it should take the form of a broad indication of the timescale envisaged for the release of the main development areas or identified sites, rather than an arbitrary numerical limit on permissions or a precise order of release of sites in particular periods.

2.2.9 Proposals should allow for a reasonable degree of choice and **flexibility**, for example to secure an efficient and effective housing market. Flexibility will be needed in respect of the emergence of unidentified sites, i.e. sites not allocated in the LDP for the particular type of development and generally referred to as windfall sites. Phasing policies should recognise the need for possible adjustment to the timing of land release to the extent that the emergence of unidentified sites exceeds or falls short of the assumptions in the LDP. Where assumptions are made in the LDP about the future availability of windfall sites the assumptions will need to be checked by regular monitoring of planning permissions granted.

## 2.3 Strategic Environmental Assessment (SEA), Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)

2.3.1 **Sustainable development** is our shared responsibility. Local planning authorities are responsible for setting the framework for the development of sustainable communities in their areas, integrating services and infrastructure requirements at a local level and, seeking to achieve



a sustainable development through the goals of the Well-being of Future Generations (Wales) Act 2015. In addition, Section 39 of the 2004 Act requires authorities to prepare LDPs with the objective of contributing to the achievement of sustainable development. (See Chapter 4; and figure 4.2 regarding plan making).

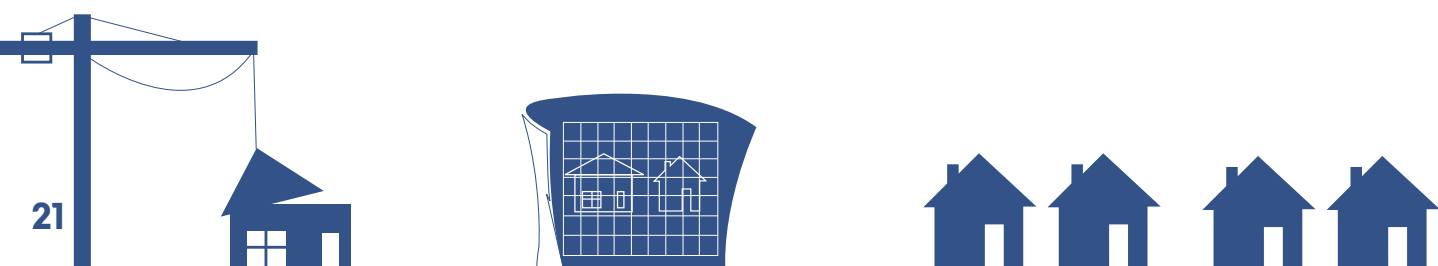
2.3.2 Sustainability Appraisal and Strategic Environmental Assessment will play an important part in demonstrating that the LDP is sound by ensuring that it reflects sustainable development objectives.

2.3.3 Local planning authorities must comply with the European Union Directive 2001/42/EC<sup>10</sup> requiring formal environmental assessment during production of certain plans and programmes which are likely to have significant effects on the environment (commonly known as the **Strategic Environmental Assessment** (SEA) Directive). The Directive has been incorporated into Welsh law by virtue of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (the SEA Regulations). It applies to all LDPs and may also apply to certain types of supplementary planning guidance (SPG). **Local planning authorities must comply with the SEA Regulations as well as the LDP Regulations when preparing LDPs.**

2.3.4 A local planning authority must also carry out a Sustainability Appraisal (SA) of the LDP and prepare a report of the findings (the SA Report) as an integral part of the process of plan preparation (Section 62(6) of the 2004 Act). SA and SEA work can be undertaken separately but Welsh Government is of the view that it should be combined and fully integrated into the plan making process as long as the SA meets the requirements of the SEA Regulations. **Any references to SA in Welsh Government LDP policy and guidance should be taken as also referring to SEA.** The LDP SA does not remove the requirement for a formal **Environmental Impact Assessment** for individual development proposals where such an appraisal is required by legislation<sup>11</sup> (see section 3.3).

2.3.5 The purpose of sustainability appraisal is to ensure that a systematic and iterative process is undertaken during the preparation (and revision) of a plan which identifies and reports on the extent to which implementation of the plan will achieve the environmental, social and economic objectives by which sustainable development can be defined (including the Welsh language), and identifies related opportunities for improving plan performance. (See also guidance in relation to the Welsh language in TAN 20<sup>12</sup>.)

2.3.6 To be most effective in ensuring that decisions at each stage accord with sustainable development principles (see section 4.2) sustainability appraisal should be fully integrated into the plan making and monitoring process. The authority should identify a clear set of integrated objectives with which to evaluate alternative policies (where appropriate), proposals and locations for development so that it is clear from the process how and why particular options have been chosen; the SEA process requires the consideration of reasonable alternatives.





2.3.7 An integrated appraisal should expose the full range of significant economic, social and environmental considerations:

- Plans will be effective if they have regard to **economic** considerations and are realistic and practical. LDPs should include an indication, in broad terms, of the assumptions made about the resources likely to be available for effecting the policies (including proposals) formulated. They should provide developers and others with scope to make choices to secure the efficient and effective use of resources. LDPs (and development management decisions later based upon them) should take account of European, national and local economic and development policies.
- LDPs (and later development management decisions) should take account of **social** considerations relevant to land use issues, such as the relationship of planning policies and proposals to social needs and problems, including the likely impact of policies and proposals on the whole community. Social considerations will be particularly relevant in assessing the need for affordable housing and for special needs housing, in preparing measures for crime prevention, and for sport and recreation provision. The several impacts of plans upon health and its determinants should be considered. LDPs should make provision for land for schools, further and higher education, places of worship, recreation and other community facilities.
- Most LDP policies and proposals will have **environmental** implications which may be local, regional, national or international. The environmental effects of a plan, including realistic alternatives, need to be considered as early in the plan preparation process as possible.

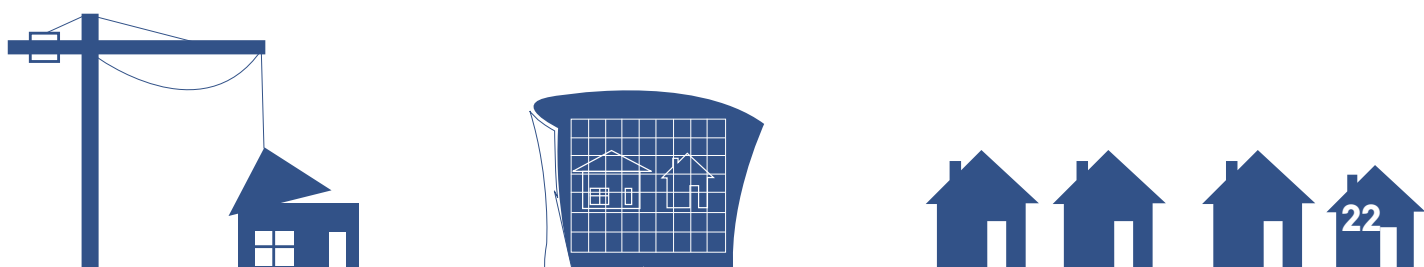
2.3.8 When integrating SA into their plan-making process Authorities should document and be able to demonstrate in an SA Report how at each stage they are meeting the requirements of SA and in particular SEA; those aspects specifically required to meet the SEA Regulations should be clearly recorded and signposted.

2.3.9 As part of the preparatory work in developing the LDP information and evidence base, local planning authorities should undertake the **scoping** stage of the SEA process and then seek the views of the statutory Consultation Bodies (under the SEA Regulations) and stakeholders (i.e. other local partners) identifying the main issues to be reflected in the integrated plan objectives and level of detail required.

2.3.10 During the pre-deposit participation stage (LDP Regulation 14), local planning authorities must ensure sustainability appraisal requirements are incorporated into the objectives used to assess the strategic options leading to the identification and development of the preferred strategy. They should work with the Consultation Bodies and stakeholders and prepare an initial SA report to show how SA requirements have been met and SA issues have informed the plan.

2.3.11 At pre-deposit public consultation stage (LDP Regulation 15), local planning authorities must consult on the initial SA report alongside the preferred strategy document.

2.3.12 Responses to the pre-deposit public consultation should be used to inform the development of the deposit plan and revisions to the SA report. Late focussed changes or changes required at examination should also be subject to the same integrated assessment process.



**2.3.13 Habitats Regulations Assessment (HRA)**<sup>13</sup> must be undertaken when preparing LDPs to ensure compliance with the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). Part 6 Chapter 8 of the Habitats Regulations requires local planning authorities to consider the impact of their draft LDPs on European Sites to ensure that the requirements of Article 6 of the Habitats Directive (92/43/EEC<sup>14</sup>) are met. All LDPs must be screened as part of HRA to determine whether the draft plan, alone or in combination with other plans or projects, is likely to have a significant effect on any 'European sites'. If such effects are likely, the plan must be subject to an appropriate assessment. All Ramsar sites, potential Special Protection Areas (pSPAs) and candidate Special Areas of Conservation (cSACs) must be considered as European sites for the purposes of the Habitats Regulations.

2.3.14 Where the appropriate assessment identifies potentially significant adverse impacts on a European site, the planning authority must identify whether there are mitigation measures, or alternative solutions to the plan, which will counteract those adverse impacts. If there are no less damaging alternative solutions and if, in exceptional circumstances, it is proposed that a plan be adopted despite the fact that it may adversely affect the integrity of a European site, the HRA will need to address and explain the imperative reasons of overriding public interest (IROPI) which the local planning authority considers to be sufficient to outweigh the potentially adverse effects on the European site(s), and the compensatory measures to be provided. The Welsh Government expects that development plans will only proceed to adoption on the basis of IROPI in the most exceptional circumstances. An LDP will not be permitted to proceed to adoption on the basis of IROPI where the HRA identifies that the development plan (either alone or in combination with other plans or projects) may incur the risk of seriously compromising the ecological characteristics of a cSAC.

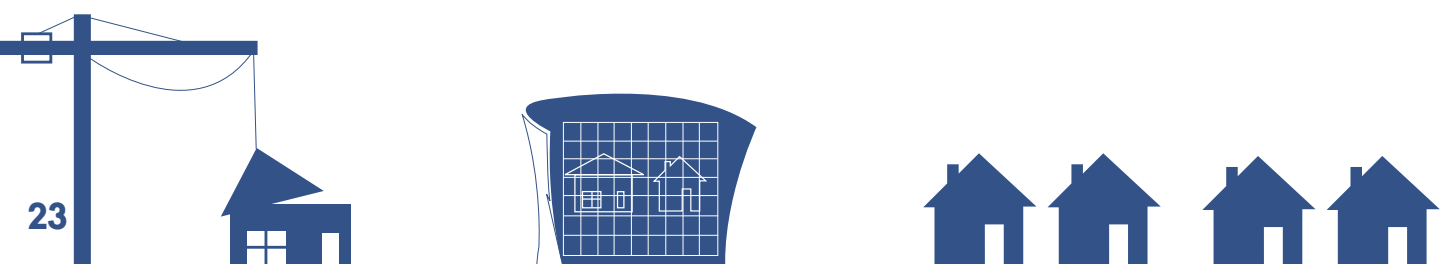
2.3.15 The HRA should be programmed to fit in with existing plan-making procedures, including the SEA, wherever possible, but the appraisal should be clearly identified and kept distinct from that of the SA/SEA. LDPs cannot proceed to adoption until the HRA process has been completed.

## 24 Supplementary Planning Guidance

2.4.1 LDPs should contain sufficient policies and proposals to provide the basis for deciding planning applications while avoiding excessive detail. They should not repeat national planning policy. Selective use of supplementary planning guidance (SPG) is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP are to be interpreted and applied in particular circumstances or areas.

2.4.2 The LDP should not delegate the criteria for decisions on planning applications to SPG which should only contain guidance and advice. Nor should SPG be used to avoid subjecting policies and proposals to public scrutiny and independent examination in accordance with statutory procedures.

2.4.3 SPG does not form part of the development plan but it must be consistent with the plan and with national policy. It must derive from and be clearly cross referenced to a generic LDP policy,



specific policies for places, and/or – in the case of a masterplan or site brief – a plan allocation. SPG cannot be linked to national policy alone; there must be an LDP policy or policy criterion that provides the development plan ‘hook’, whilst the reasoned justification provides clarification of the related national policy. The LDP should note which policies are supplemented by SPG.

2.4.4 Only the policies in the development plan have special status under section 38(6) of the 2004 Act in deciding planning applications but SPG may be taken into account as a material consideration. In making decisions on matters that come before it, the Welsh Government and the Planning Inspectorate will give substantial weight to approved SPG which derives from and is consistent with the development plan, and has been the subject of consultation.

2.4.5 Local planning authorities will need to consider the potential role of SPG in relation to the LDP strategy and policies. Key SPG being produced in tandem with the LDP should be listed in the Delivery Agreement along with the implications for resources, the timetable, and monitoring.

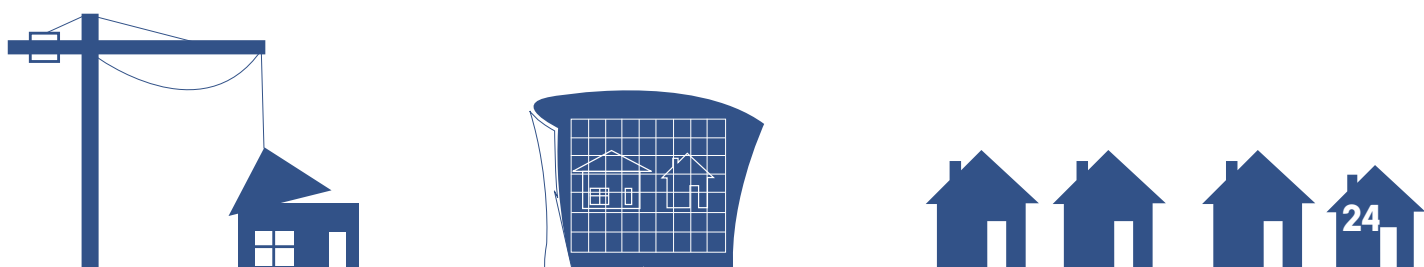
2.4.6 Local planning authorities should review the effectiveness and relevance of their existing SPG early in the preparation or revision of the LDP; SPG should always be clear as to which LDP policies it supplements. SPG should be prepared in accordance with a local planning authority’s community involvement scheme; consultation should involve the general public, businesses, and other interested parties and there should be a record of how their views were taken into account before the SPG was finalised.

2.4.7 Once the LDP Inspector’s report is received confirming the LDP policy approach, SPG should be formally approved by resolution of the local planning authority so that it can be given due weight.

2.4.8 While SPG should be tailored to local circumstances, local planning authorities should explore the opportunities for joint working or sharing and ensure cross-boundary consistency wherever possible.

2.4.9 SPG, along with the policy it supplements, should be reviewed on a regular basis in the LDP annual monitoring report. Any proposed revision of the policies on which SPG is based should include a review of that SPG. Annual monitoring may also identify the requirement for new SPG.

2.4.10 Even though SPG is non-statutory and does not require an SA, the SEA Regulations may apply to some types of SPG – for example some site briefs/masterplans/place plans. Where screening indicates that SEA applies and there are likely to be significant environmental effects, the local planning authority will need to ensure it has met the requirements of the SEA Regulations.



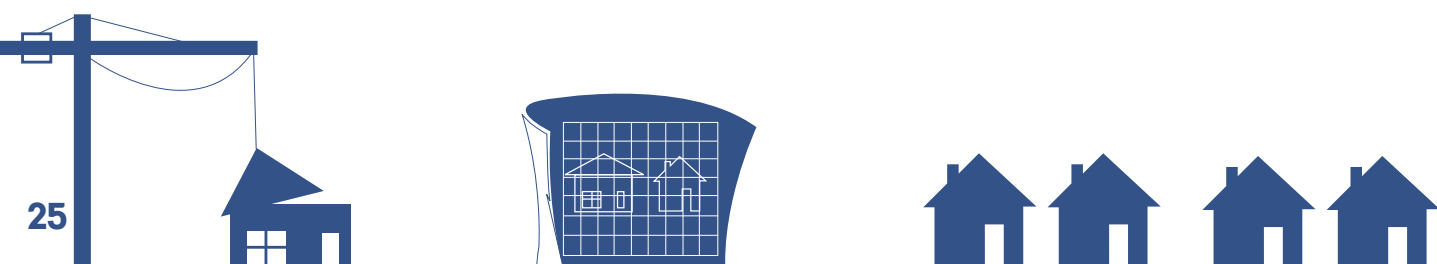
## 2.5 Plan preparation process

2.5.1 The process to be followed in preparing a new or full replacement plan under the full procedure can be divided into the 7 cyclical stages outlined below, with community involvement and integrated SA work key to informing the content of the Plan<sup>15</sup>. (Part 4A of the LDP Regulations provides for a short form revision procedure for circumstances where the issues involved are not of sufficient significance to justify undertaking the full revision procedure.)

- **Evidence base** (Section 61 of the 2004 Act) Review, develop and maintain a proportionate robust evidence base including monitoring the current development plan; preparation and publication of a Review Report related to plan revision. SA scoping report. (Cyclical – see last bullet).
- **Delivery Agreement** (Section 63 of the 2004 Act; LDP Regulations 5 to 10) Preparation and publication of the Delivery Agreement incorporating the plan preparation timetable and the community involvement scheme (CIS).
- **Pre-Deposit Plan Preparation** (LDP Regulations 14 to 16A) Early stakeholder engagement and formal consultation on evidence (including a Review Report related to a proposed revision), issues, objectives, alternatives, preferred strategy, allocations, policies, integrated SA/initial SA report and candidate sites; consideration of responses.
- **Deposit** (LDP Regulations 17 to 19) Formal consultation on the deposit LDP; SA report; consideration of responses.
- **Submission and Examination** (Section 64 of the 2004 Act; LDP Regulations 22 and 23) Independent Inspector considers the submitted LDP documentation (including representations), often with hearings held in public, to determine the soundness of the submitted LDP.
- **Inspector's Report** (Section 64 of the 2004 Act; LDP Regulation 24) Identifies any required changes to the deposit LDP.
- **Adoption** (Section 67 of the 2004 Act; LDP Regulations 25, 25A & 39) The adopted LDP, the adoption statement and SA Report are publicised and made available.
- **Monitoring, Review and Revision** (Sections 69, 70 & 76 of the 2004 Act; LDP Regulations 3, 25A & 41) Annual monitoring reports (AMRs) and plan reviews with at least 4 yearly full reviews; a **Review Report** with conclusions about any need for plan **revision** or **replacement**. (And back to the first step above – cyclical – see first bullet).

## Management of the process: the Delivery Agreement

2.5.2 The Delivery Agreement, comprising the timetable and community involvement scheme (CIS), is a commitment to a project plan and policy for proactively involving the community in plan preparation; it must be approved by formal resolution of the local planning authority and agreed with the Welsh Government, publicised and made available for public inspection. The Delivery Agreement should be kept under regular review. Only exceptionally (where factors beyond a local planning authority's control prevent the initial targets being attained) should a revised timetable be considered during plan preparation. It may be necessary to revise the CIS when significant changes have occurred. For the preparation of an LDP Revision, a revised Delivery Agreement will be necessary.



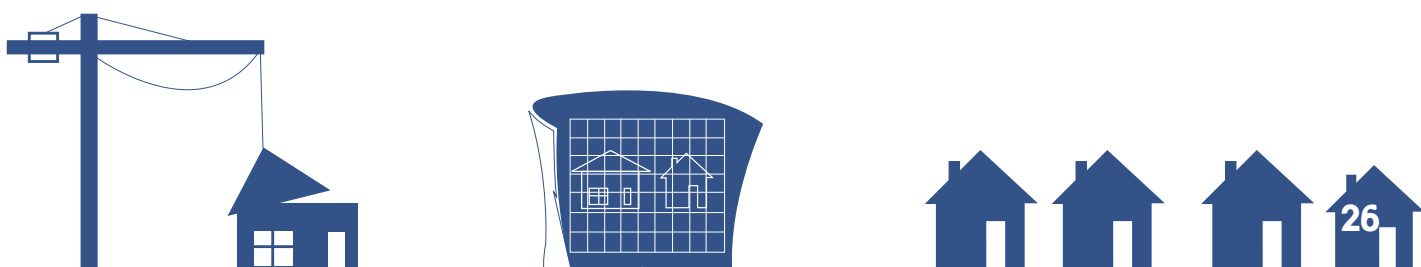
2.5.3 A standard prescribed timetable for LDPs is not appropriate because there will be substantial variations in the context in which they are prepared and the nature of planning issues being addressed. Local planning authorities replacing LDPs will be familiar with the process and be maintaining an up-to-date evidence base; they should aim to complete a full replacement plan in considerably less than 4 years of the decision to do so. The timetable for the revision of an LDP will depend upon the extent of the changes required but these should be dealt with expeditiously. Where the spatial strategy is still appropriate and the changes are limited, such as involving allocating new sites, revising growth predictions or specific policy changes, then the short form revision process would be appropriate with completion within 12 months.

## Evidence Base

2.5.4 Section 61 of the 2004 Act requires a local planning authority to keep under review all matters that are expected to affect the development of its area. A local planning authority's policies and proposals and decisions should be founded on a thorough understanding of the area's needs, opportunities and constraints. This requires authorities to maintain and continually develop an up-to-date relevant and proportionate information base concerning the economic, environmental and social characteristics of its area that will inform the preparation, monitoring and review of the LDP, including:

- i. the principal physical, economic, social and environmental characteristics;
- ii. the principal purposes for which land is used;
- iii. the size, composition and distribution of the population;
- iv. the communications, transport system and traffic; and
- v. any other considerations which may be expected to affect those matters.

2.5.5 Local planning authorities also should take account of the effects of similar issues in neighbouring areas in consultation with the local planning authorities concerned. They should be selective and concentrate on material needed for plan preparation, monitoring and decision-making. The results of surveys and research should be made available for public inspection on request.



## Collaborative working, engagement and consultation

2.5.6 Issues of a nature which affect more than one local planning authority will require consultation and collaboration between all authorities likely to be affected. The resulting cross-boundary strategies or agreements, especially where evidenced and formally endorsed, will be important inputs to the LDP and examination process. Statements of common ground and joint evidence bases can assist in demonstrating positive collaboration. Local planning authorities are encouraged to consider the advantages of carrying out certain aspects of plan preparation in tandem or through joint working arrangements.

2.5.7 The local planning authority should seek to secure a degree of consensus over the future development and use of land in its area by involving the general public, community councils, voluntary bodies, the business community and all other relevant stakeholders in the preparation of LDPs as indicated in the CIS. There are statutory requirements for engagement and consultation during LDP preparation; further guidance is in the LDP Manual.

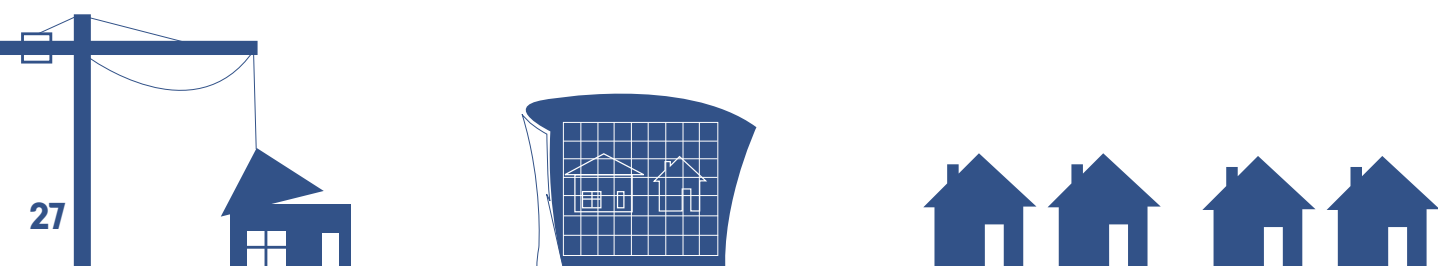
### Joint Plans and Joint Working

2.5.8 Two or more local planning authorities may agree to prepare or revise a joint LDP for their areas (section 72 of the 2004 Act and LDP Regulation 36). This is encouraged where it would be more efficient and effective in tackling cross-boundary issues and would improve the robustness of the plan.

2.5.9 Each local planning authority involved must comply with the preparation procedures for the joint LDP as if preparing a separate LDP. Where two or more local planning authorities agree to prepare or revise a joint LDP, each local planning authority must comply with the procedures for the preparation of the joint LDP or revision as required if preparing an LDP or revision separately. All the local planning authorities must prepare/revise the plan; it cannot be done on a unilateral basis by an individual authority.

### Submission, Independent Examination and Adoption

2.5.10 The local planning authority must submit the Deposit LDP together with supporting documents, to the Planning Inspectorate (PINS) for independent examination on behalf of Welsh Ministers<sup>16</sup>. A local planning authority should only place on deposit and subsequently submit an LDP for examination which it considers to be 'sound'. Occasionally, if new information such as new national policy, becomes available in the later stages of plan preparation and some limited changes are deemed necessary to make the plan sound then the authority can exceptionally publish, as an addendum to the deposit plan, a schedule of **focussed changes**. Provided the addendum has been the subject of consultation (in the same way as the deposit plan) and revised SA (if necessary) it will be accepted by the Planning Inspector as part of the submitted LDP. It will be the submitted LDP as amended by the proposed focussed changes that will be the starting point for considerations of soundness.



2.5.11 The examination will assess whether **preparation requirements** have been followed and will determine whether the plan is 'sound', namely that it meets all **3 soundness tests**<sup>17</sup> specified here in national planning policy as:

1. **Does the plan fit?** (i.e. is it clear that the LDP is consistent with other plans?);
2. **Is the plan appropriate?** (i.e. is the plan appropriate for the area in the light of the evidence?);
3. **Will the plan deliver?** (i.e. is it likely to be effective?).

2.5.12 The Inspector's recommendations are binding. The plan must be adopted by the local planning authority within 8 weeks of receipt of the Inspector's report, incorporating the Inspector's recommendations in full.

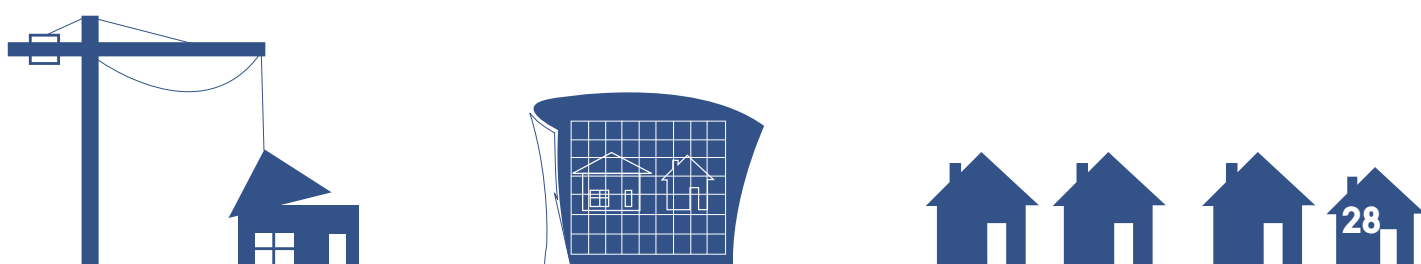
2.5.13 An LDP becomes operative on the date it is adopted or, if the plan has been called in, the date it is approved by the Welsh Government.

## Plan Withdrawal

2.5.14 A local planning authority may withdraw an emerging LDP at any time before it is submitted for examination (section 66 of the 2004 Act). Once the plan is submitted, it can only be withdrawn if either the Inspector carrying out the examination recommends that it is withdrawn (and the Welsh Government does not overrule that recommendation) or the Welsh Government directs that the plan must be withdrawn. As soon as reasonably practicable after an LDP is withdrawn the authority must advertise the fact and remove all documents from the public domain (LDP Regulation 26). The authority should consider which elements of the evidence may be valid when preparing a further plan, thereby avoiding repetition of evidence gathering and minimising further cost.

## Plan Monitoring

2.5.15 A local planning authority is required to submit an **annual monitoring report** (AMR) to the Welsh Government by 31 October each year based on the implementation and performance of the adopted LDP for the preceding period 1st April to 31st March, and to publish the AMR. The AMR should provide information as to the extent to which the objectives set out in the LDP are being achieved, identify any policy that is not being implemented and give the reasons, together with any steps the authority intends to take to secure the implementation of the policy and any intention to revise or replace the LDP (section 76 of the 2004 Act; LDP Regulation 37). It should identify any changes to key parts of the plan which would need to be considered in a review and possible plan revision.





## Plan Review and Review Report

2.5.16 The timing and frequency of **plan review**, and the consequential need for a **Review Report**, will depend upon the findings of the AMR and on local circumstances. To ensure that the LDP is kept up to date and the plan period remains strategic, an authority should commence a more thorough full review of its LDP at least once every 4 years following adoption (i.e. initial adoption and adoption following a review under section 69 of the 2004 Act), potentially sooner if suggested by the findings of the AMRs (LDP Regulation 41).

2.5.17 The Review Report must be formally approved by the local planning authority and precede any revision of the LDP (LDP Regulation 41). The Report will set out clearly what has been considered and what needs to change and why; and, when appropriate, must make a conclusion on the revision procedure to be followed. Early engagement opportunities at the pre-deposit stage will enable any dissenting views on the scope of a proposed revision to be expressed and considered by the local planning authority.

2.5.18 To establish whether revision or replacement of an LDP is required a plan review should assess the degree to which there has been a significant or fundamental change in:-

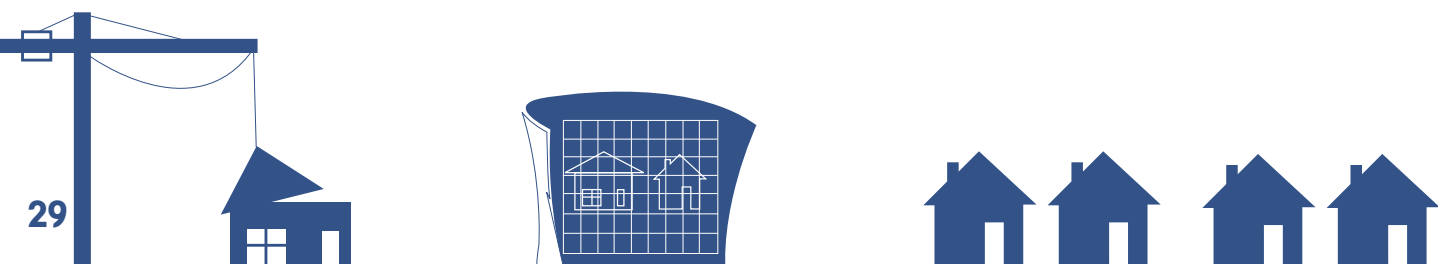
- external conditions/economic and financial conditions/neighbouring plans
- national policy or legislation
- the local context e.g. major employment site closure
- development proposals and investment strategies of major public and private investors
- implementation and delivery of policies
- the viability and deliverability of a policy or proposal
- forecasts or assumptions
- the cumulative effect of a range of issues

An important further consideration will be the end date of the original plan and the time required to prepare and adopt a revision or replacement to ensure the plan looks sufficiently further forward to provide the plan-led approach, give a steer and influence on future investment and change and demonstrate a 5-year supply of deliverable housing land.

## Plan Revision and Replacement

2.5.19 The LDP can be revised in whole or in part to respond flexibly to changing circumstances; revisions should be proportionate to the issues in hand and should include reconsideration of the SA and the soundness of the plan.

2.5.20 Where a Review Report indicates that the existing plan is substantially out-of-date and/or the scale of alterations necessary are fundamental, the **replacement** of a plan (i.e. a completely new plan) will be justified. The process to be followed is the same as for preparing a new plan.





2.5.21 Alternatively, a Review Report could indicate that the plan does not need to be completely replaced but requires some **revision**. This could be where a partial rolling forward of the plan is necessary, forecasts and assumptions have changed, policy needs to be refined/supplemented or new sites, in line with the original strategy, are needed. In circumstances where the issues involved are not of sufficient significance to justify undertaking the full revision procedure, local planning authorities can use the short form revision procedure.

2.5.22 When deciding to make revisions to a plan, an authority should consider the degree of inter-relationship between different policy areas in the plan as selective changes may have significant consequences for the coherence and effectiveness of the plan as a whole and could affect the soundness of the original strategy and overall plan. The local planning authority needs to give careful consideration, based on evidence, to which revision procedure is followed, as the decision could have significant ramifications procedurally at the public examination and hence 'soundness'.

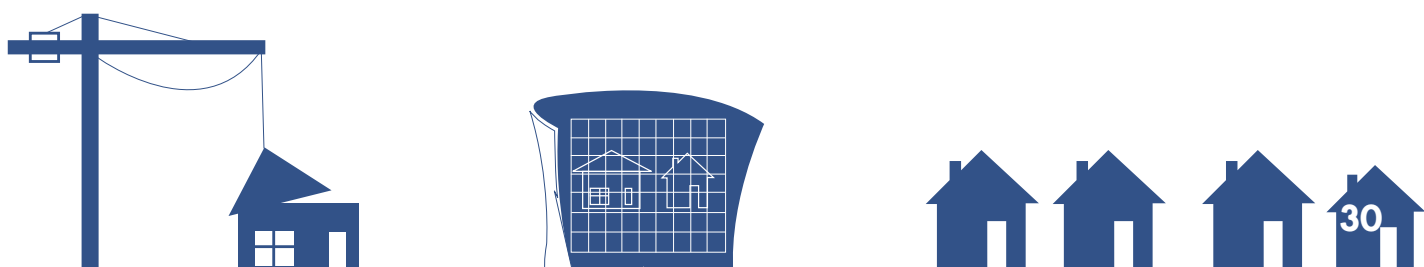
2.5.23 For the preparation of an LDP Revision, a review of the Delivery Agreement will be necessary; the existing CIS should set out the intentions for community involvement when revising an LDP, but parts of it may need to be refreshed; a new Timetable for the revision will be required. The revised Delivery Agreement must be agreed with Welsh Government and published.

2.5.24 The consultation documents for plan revision should indicate clearly the proposed changes to the existing policies and proposals and linkages to the parts of the plan to be retained. Any representations should focus on the changes or their relationship with the LDP and the Review Report. Local planning authorities are not required to consider representations that do not relate to the changes unless they can be reasonably regarded as of relevance to the soundness of the plan revision.

2.5.25 Examination of the proposed revisions will be within the context of the adopted plan; the Inspector will consider the local planning authority's conclusions regarding the continued soundness of the plan (as set out in the Review Report) as well as the appropriateness of the changes in the light of the evidence base. The Inspector will have discretion to determine whether a representation about a retained or a linked policy should be regarded as relevant and considered as an objection requiring to be heard at examination.

## Availability of Documents

2.5.26 An authority is required to publish (including on its web-site) and make available for public inspection the Delivery Agreement (i.e. the timetable and CIS) and the adopted LDP (LDP Regulations 10 & 39). It must also advertise the availability of the plan and the various other documents, reports and statements produced during the procedure leading to its adoption. Copies of these other documents must remain available for public inspection until six weeks after the date of publication of the notice of adoption or approval of the plan (the period for legal challenge) (LDP Regulation 38). Any direction or notification from the Welsh Government about the plan must also be available for inspection.



2.5.27 Plan documents, including the proposals maps, should be available at each stage in electronic form, but paper copies are also required for inspection and purchase at a reasonable charge at identified, publicly accessible locations.

## 2.6 The Welsh Government role in the plan process

2.6.1 The Welsh Government's role in the preparation of LDPs is one of active stewardship of the system as a whole. It will encourage, and if necessary seek to ensure, the adoption of sound, up-to-date LDPs. In order to prevent the need for more formal interventions to be made later in the plan process, local planning authorities should engage the Welsh Government in ongoing dialogue from an early stage.

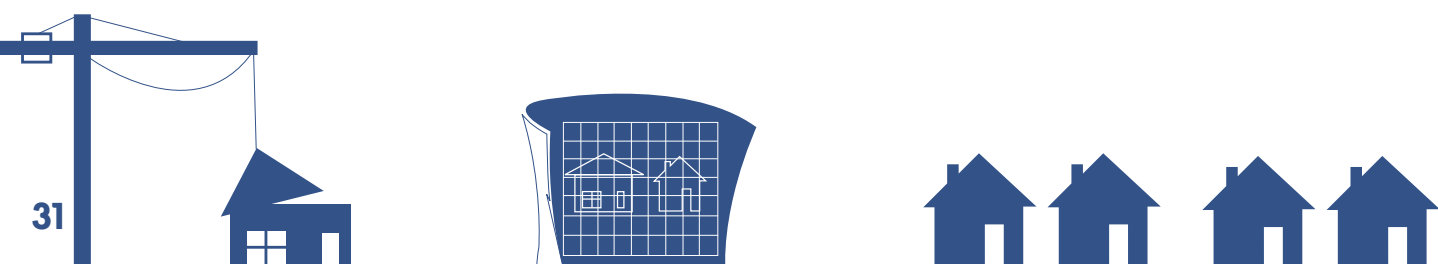
2.6.2 If an emerging LDP appears to conflict with national policy and appears not to be justified by robust evidence of local circumstances, the Welsh Government will draw this to the attention of the local planning authority at the statutory consultation stages. These views will be considered by the Inspector at examination.

2.6.3 The Welsh Government has wide-ranging **powers of direction** in relation to LDPs including being able to:

- i. direct the terms of the Delivery Agreement documents where agreement cannot be reached – section 63(5)
- ii. direct an authority to modify its plan in a specified manner before adoption – section 65(1)
- iii. call-in a plan for determination by the Welsh Government – section 65(4)
- iv. direct in relation to withdrawal of the LDP prior to adoption – section 66(2)(b)
- v. direct a local planning authority not to adopt the plan where the recommendations of the examination inspector are considered to be in conflict with national policy – section 67(4)
- vi. direct that a plan shall be revised (i.e. altered or replaced) – section 70(2)
- vii. direct, where an authority withdraws from an agreement to prepare a joint LDP, the resumption of the independent examination and that steps taken for the purpose of the joint plan examination are to have an effect in relation to the corresponding individual plan of that authority – section 72(7).

2.6.4 However the Welsh Government will generally only consider using these powers of direction as a last resort when dialogue has failed and where an LDP:

- raises issues of national importance, or
- could have wide effects beyond the area of the plan-making authority.



2.6.5 The Welsh Government also has **default powers** (section 71 of the 2004 Act) where it considers an authority is failing or omitting to do anything necessary in connection with the preparation, revision or adoption of the LDP.

2.6.6 The Welsh Government may revoke an LDP at the request of the authority at any time (section 68 of the 2004 Act).

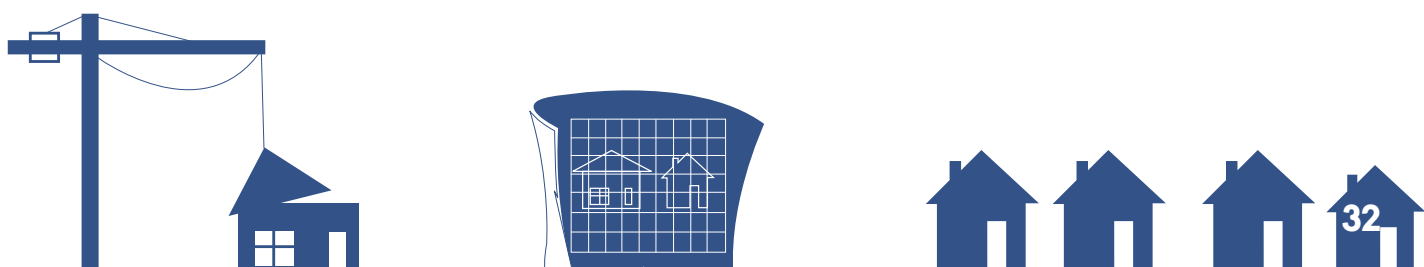
## 2.7 High Court challenge (section 113 of the 2004 Act)

2.7.1 Any person can challenge the validity of an LDP or any revision to it on the grounds that it is not within the powers conferred by Part 6 of the 2004 Act, or that there has been a failure to comply with requirements in that Part of the 2004 Act or Regulations made under it (i.e. the LDP Regulations). In such circumstances an application may be made to the High Court to have the plan or part of the plan quashed. Applications must be made within six weeks of the date of the published notice that the plan has been adopted.

## 2.8 Emerging or outdated plans

2.8.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 3.1.2).

2.8.2 Additionally, where an LDP is still in preparation, questions of **prematurity** may arise. Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context. Where there is a phasing policy in the plan that is critical to the plan structure there may be circumstances in which it is necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. The stage which a plan has reached will also be an important factor and a refusal on prematurity grounds will seldom be justified where a plan is at the pre-deposit plan preparation stage, with no early prospect of reaching deposit, because of the lengthy delay which this would impose in determining the future use of the land in question.



2.8.3 Whether planning permission should be refused on grounds of prematurity requires careful judgement and the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.

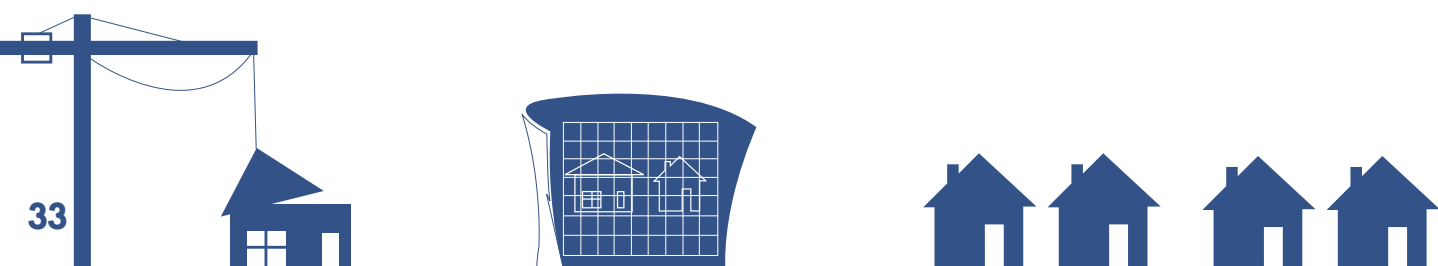
2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted LDP are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).

## **Blight and Avoiding Blight**

2.8.5 Once a local planning authority publishes a deposit LDP which it proposes to adopt, in accordance with LDP Regulations 17 or 26B, it will trigger the planning blight provisions, as will the deposit of proposals to revise or replace an adopted LDP.

2.8.6 While a local planning authority should ensure that adequate provision is made for development and infrastructure provision when preparing its LDP, it is important that proposals are realistic and likely to be implemented during the plan period to assist in keeping blight to a minimum.

2.8.7 Where circumstances change so that there are proposals in an adopted LDP which are no longer likely to be implemented, the local planning authority should take the necessary action to ensure that this is clear to those using or referring to the plan. This is particularly important in cases such as proposals for major development or infrastructure projects (e.g. road proposals) where uncertainty of the likelihood of projects proceeding can lead to perceived blight to property owners in the vicinity. The only way of removing such proposals from the plan is through a formal revision and the annual monitoring report (AMR) is a useful tool to highlight necessary changes. However, it is recognised that decisions not to proceed with proposals may be taken on a timescale that does not match annual monitoring or plan revision. Therefore, where a firm decision has been made not to proceed with a proposal (e.g. through a formal resolution), the local planning authority should ensure that copies of the resolution (or other appropriate document) are made available for public inspection. The local planning authority may also wish to inform directly those whose land or property may have been affected, and others as they think fit. Local planning authorities should be aware that taking this approach does not equate to a formal alteration to the plan. In terms of section 38(6) of the 2004 Act, the proposals in the plan will remain unaffected. The record of the decision by the local planning authority that the proposals will not be taken forward will, however, be a material consideration in respect of any subsequent planning application or appeal. The local planning authority should ensure that the decision not to proceed with the proposal is incorporated in the next set of alterations to the plan or its subsequent replacement.



## 2.9 National Policy Statements

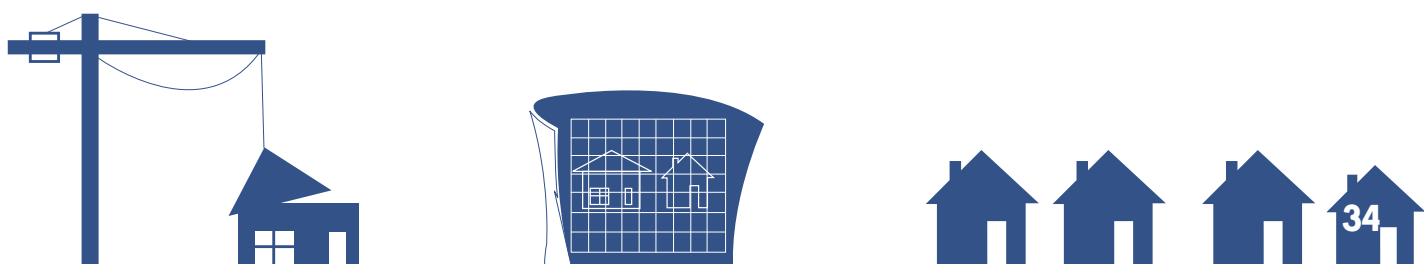
2.9.1 As an aid to LDP preparation chapters of *Planning Policy Wales* include summary tables in which the statements of national planning policy are categorised according to whether they:

- need to inform locational strategy, with or without a policy in support; or
- need to be reflected in local topic-based policy<sup>18</sup>; or
- constitute national development management policy and do not need to be repeated as local policy in LDPs.

2.9.2 Policy statements on some subjects may fall into more than one of these categories, as indicated in the following chapters. For example, locating retail and other services in existing centres is a national development management policy but it may also need local spatial expression. Occasionally the particular policy classification depends upon the nature of the proposal. For example, cluster development could be promoted through a site-specific proposal needing local expression and a policy in support, or through a more generic approach in local topic-based policy.

2.9.3 It is not necessarily the case that there will need to be a dedicated policy for each subject itemised. For example, any of the locational issues listed should inform the overall LDP strategy and its site-specific proposals. Development management guidance may be dealt with appropriately in some instances in a generic fashion rather than in separate topic policies. In addition, some themes, such as mixed use and high-density development, are cross-cutting and appear in several PPW chapters, and there should be scope to combine policy on such issues in an LDP. The LDP should not attempt to have a policy for every type of development. This will lead to duplication of criteria and inflexibility. In any event, it will not be possible to foresee every possible type of development and so the aim should be for a small suite of development management policies that set a framework to guide decisions.

2.9.4 National development management policies set out here should, where appropriate, be considered in the determination of individual applications, particularly where national planning policy provides a more up-to-date policy on certain topics (see sections 2.8 and 4.2).



## Figure 2.1 Development Plans

### Guide to the application of national planning policy statements in LDPs

#### Locational considerations

The national planning policy statements which should inform locational policy in LDPs can be found in the following paragraph:

Paragraph	Policy Issue
2.3.7	Provision for land for schools, further and higher education, places of worship, recreation and other community facilities.

#### National development management policies

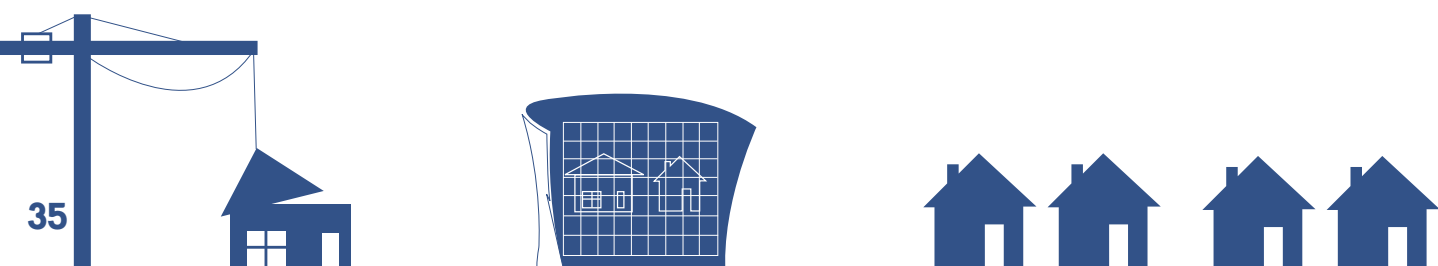
The following paragraphs contain statements of national development management policy which should not need to be repeated as local policy in LDPs:

Paragraph	Policy Issue
2.1.2	Status of the development plan in determining planning applications
2.8.1	Weight to be given to emerging development plans
2.8.2-2.8.4	Prematurity

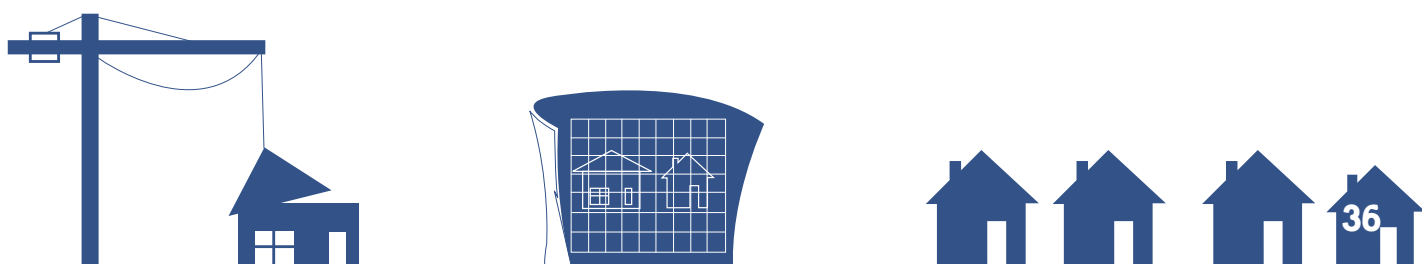
Topics relevant to the local area may simply be mentioned with a cross-reference to PPW.

## References

- <sup>1</sup> The LDP system established in Part 6 of the Planning and Compulsory Purchase Act 2004 (**'the 2004 Act'**) ([www.legislation.gov.uk/ukpga/2004/5/part/6](http://www.legislation.gov.uk/ukpga/2004/5/part/6)) was commenced fully in 2005. Additional to the 2004 Act, procedures for plan preparation are set out in The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 – S.I.2005/2839(W.203) as amended (**'the LDP Regulations'**) ([www.legislation.gov.uk/wsi/2005/2839/contents/made](http://www.legislation.gov.uk/wsi/2005/2839/contents/made)). 'The Local Development Plan Manual', Welsh Government, 2015 (**'the LDP Manual'**) ([www.wales.gov.uk/topics/planning/policy/policy-and-guidance-on-development-plans/ldpmanual/?lang=en](http://www.wales.gov.uk/topics/planning/policy/policy-and-guidance-on-development-plans/ldpmanual/?lang=en)) provides further guidance
- <sup>2</sup> Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 – S.I.2004/1656(W.170) (**'the SEA Regulations'**) – Regulations 5(2) and 5(4)). ([www.legislation.gov.uk/wsi/2004/1656/contents/made](http://www.legislation.gov.uk/wsi/2004/1656/contents/made))



- <sup>3</sup> Section 62(6) of the 2004 Act
- <sup>4</sup> Part 6 Chapter 8 of The Conservation of Habitats and Species Regulations 2010 – S.I.2010/490 (**‘the Habitats Regulations’**) ([www.legislation.gov.uk/uksi/2010/490/contents/made](http://www.legislation.gov.uk/uksi/2010/490/contents/made))
- <sup>5</sup> In national parks the National Park Management Plan should dovetail with the relevant Single Integrated Plan(s) for the National Park area, and should inform the LDP
- <sup>6</sup> Section 62 of the 2004 Act and LDP Regulations 11 & 12
- <sup>7</sup> Two useful sources of guidance on viability, available on the PAS web-site ([www.pas.gov.uk/viability](http://www.pas.gov.uk/viability)) are the Harman Report: “Viability Testing Local Plans: Advice for planning practitioners” 2012, and Financial viability in planning guidance (RICS, October 2012)
- <sup>8</sup> A site specific proposal is a type of policy
- <sup>9</sup> Technical Advice Note (Wales) 15, ‘Development and Flood Risk’, Welsh Assembly Government 2004 [www.gov.wales/topics/planning/policy/tans/tan15/?lang=en](http://www.gov.wales/topics/planning/policy/tans/tan15/?lang=en)
- <sup>10</sup> [www.eur-lex.europa.eu/legal-content/EN/TXT/?qid=1437399738864&uri=CELEX:32001L0042](http://www.eur-lex.europa.eu/legal-content/EN/TXT/?qid=1437399738864&uri=CELEX:32001L0042)
- <sup>11</sup> Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 – S.I.1999/293 as amended
- <sup>12</sup> Technical Advice Note 20: Planning and the Welsh Language – [www.gov.wales/topics/planning/policy/tans/planning-and-the-welsh-language/?lang=en](http://www.gov.wales/topics/planning/policy/tans/planning-and-the-welsh-language/?lang=en)
- <sup>13</sup> See Annex 6 of Technical Advice Note 5 ‘Nature Conservation and Planning’, Welsh Government, 2009 [www.gov.wales/topics/planning/policy/tans/tan5/?lang=en](http://www.gov.wales/topics/planning/policy/tans/tan5/?lang=en)
- <sup>14</sup> EC Directive 1992/43/EEC on Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive), as amended [www.eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A31992L0043%3AEN%3AHTML](http://www.eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A31992L0043%3AEN%3AHTML)
- <sup>15</sup> Transitional and saving provisions are provided in The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 – S.I.2015/1598(W.197); guidance is included in the LDP Manual
- <sup>16</sup> Local Development Plan Examinations - Procedure Guidance, The Planning Inspectorate, August 2015 [www.gov.wales/topics/planning/appeals/examination-process/?lang=en](http://www.gov.wales/topics/planning/appeals/examination-process/?lang=en)
- <sup>17</sup> Key questions relating to the soundness tests are in chapter 8 of the LDP Manual
- <sup>18</sup> ‘Topic-based’ relates to the structure of PPW and not to how an LDP should be structured, the determination of which is for each local planning authority to decide

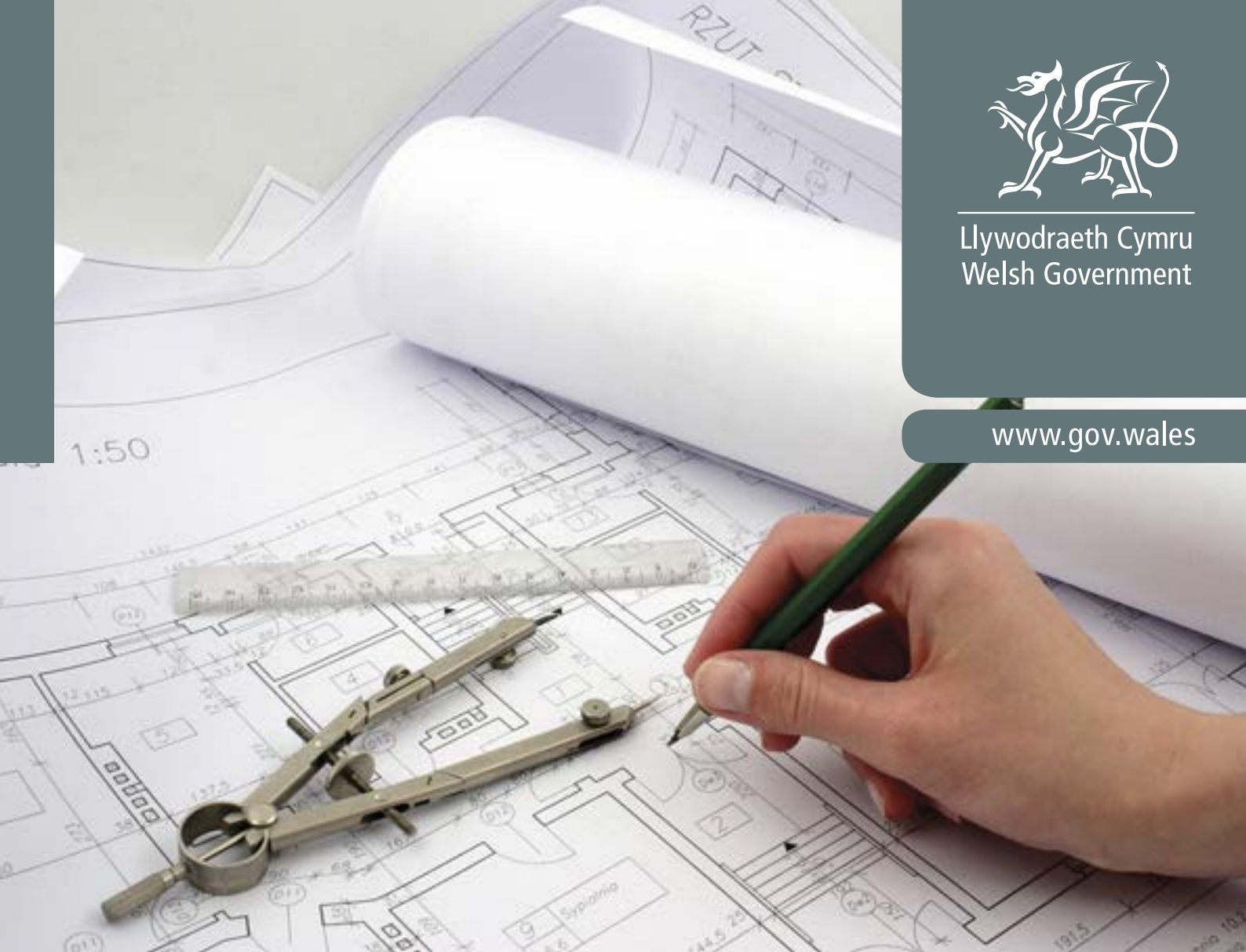






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# Planning Policy Wales



## Chapter 3 Making and Enforcing Planning Decisions





## 3.1 Taking planning decisions

3.1.1 The planning system is intended to help protect the amenity and environment of towns, cities and the countryside in the public interest while encouraging and promoting high quality, sustainable development. Some changes of land use or minor works are permitted by law and do not need planning permission from the local planning authority<sup>1</sup>, while others of a more substantial nature require planning permission before development or change of use can begin.

3.1.2 In line with the presumption in favour of sustainable development (see 4.2) applications for planning permission, or for the renewal of planning permission, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise<sup>2</sup>. Material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government. All applications should be considered in relation to up to date policies (see 2.8 and 4.2).

3.1.3 Factors to be taken into account in making planning decisions (**material considerations**) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability (see 4.2).

3.1.4 Material considerations must also be fairly and reasonably related to the development concerned. The Courts are the final arbiters of **what may be regarded as material considerations** in relation to any particular application, but they include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The effects of a development on, for example, health, public safety and crime can also be material considerations, as, in principle, can public concerns in relation to such effects.

3.1.5 The local planning authority should have good reasons if it approves a development which is a departure from the approved or adopted development plan, or is contrary to the Welsh Government's stated planning policies, the advice of a statutory consultee or the written advice of its officers, and those reasons should be recorded in the Committee's minutes. Where planning permission is refused, the local planning authority must state clearly the reasons for the refusal.

3.1.6 Unless otherwise specified, **a planning permission runs with the land** and it is seldom desirable to provide for any other arrangement. Exceptionally, even though such considerations will rarely outweigh the more general planning considerations, the **personal circumstances** of occupiers, personal hardship or the difficulties of businesses which are of value to the local community, may be material to the consideration of a planning application. In such circumstances, permission may be granted subject to a condition that it is personal to the applicant<sup>3</sup>. Authorities should bear in mind that personal permissions will hardly ever be justified for works or uses that will remain long after the personal circumstances of the applicant have changed.



3.1.7 The planning system does not exist to protect the **private interests** of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. The Courts have ruled that the individual interest is an aspect of the public interest, and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties. However, such consideration should be based on general principles, reflecting the wider public interest (for example a standard of 'good neighbourliness'), rather than the concerns of the individual.

3.1.8 When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the **substance of local views must be considered**, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission; objections, or support, must be based on valid planning considerations. There may be cases where the development proposed may give rise to public concern. The Courts have held that perceived fears of the public are a material planning consideration that should be taken into account in determining whether a proposed development would affect the amenity of an area and could amount to a good reason for a refusal of planning permission. It is for the local planning authority to decide whether, upon the facts of the particular case, the perceived fears are of such limited weight that a refusal of planning permission on those grounds would be unreasonable.

3.1.9 The Welsh Government's Model Code of Conduct for elected and co-opted members of county/county borough councils, community councils and national park authorities sets out **recommended standards of conduct** they should follow in the performance of their duties. All relevant authorities are required to adopt the Code and all members must give written undertakings to be bound by it. A breach of the Code may constitute maladministration, misconduct or both. Elected members must declare any pecuniary or personal interest in any application before them and in most cases should not speak or vote on any proposal where they have such an interest<sup>4</sup>. Officers are expected to observe their authority's employees' code of conduct and relevant professional codes in performing their duties<sup>5 6 7</sup>.

## 3.2 Exceptions to the process: permitted development rights

3.2.1 The Town and Country Planning (General Permitted Development) Order 1995 (GPDO) as amended gives **a general permission for certain defined classes of development or use of land, mainly of a minor character**. The most commonly used class permits a wide range of small extensions or alterations to dwelling houses. Development requiring Environmental Impact Assessment does not benefit from permitted development rights. Schemes for Simplified Planning Zones also confer planning permission for developments of types defined in the scheme. Under the 28 and 56 day determination procedure local planning authorities may require their prior approval to be obtained before certain permitted development rights can be exercised. In National Parks and other areas specified in Article 1(6) of the GPDO, and within the areas of land specified in Article 1(5) of the GPDO – Areas of Outstanding Natural Beauty (AONBs), Sites of Special Scientific Interest (SSSIs) and conservation areas – the GPDO provides for the reduction of some permitted development rights while others are withdrawn. The Habitats Regulations ensure that any permission granted under the GPDO is not in breach of the Habitats Directive<sup>8</sup>.



3.2.2 Local planning authorities should always have full regard to the operational needs of the agricultural, forestry and telecommunications industries, the need to avoid imposing any unnecessary or excessively costly requirements, and the normal considerations of reasonableness. They will also need to consider the effect of development on public amenity, the conservation of landscape, habitat, wildlife, historic sites and listed buildings and their settings. Irrespective of whether they have to follow the determination procedures, developers intending to exercise their permitted development rights should also take these considerations into account.

**3.2.3 In exceptional circumstances, the general permission which the GPDO grants for a particular development or class of development may be withdrawn** in a particular area by a Direction made by the local planning authority or by Welsh Ministers under Article 4 of that Order. Such action will rarely be justified unless there is a real and specific threat, i.e. there is reliable evidence to suggest that permitted development is likely to take place which could damage an interest of acknowledged importance and which should, therefore, be brought within full planning control in the public interest. Similarly, save in exceptional circumstances, planning conditions should not be imposed which restrict or withdraw permitted development rights.

### 3.3 Environmental Impact Assessment<sup>9 10</sup>

3.3.1 Environmental Impact Assessment (EIA) is the process by which information about the likely environmental effects of certain types of development is collected, assessed and taken into account, both by the developer, as part of project design, and by the local planning authority in deciding whether planning permission should be granted. It is a quite separate process from the appropriate assessment required under the Habitats Regulations (see 2.3.13-2.3.14 and 5.5.9).

3.3.2 Development which falls within a relevant description in Schedule 1 to the Regulations is known as Schedule 1 development and must always be subject to EIA<sup>11</sup>. Development of a type listed in Schedule 2 to the Regulations which meets one of the relevant criteria or exceeds one of the relevant thresholds listed in the second column of the table in Schedule 2 or is located in a sensitive area, as defined in the Regulations, is known as Schedule 2 development. Developers may decide for themselves that EIA will be required for their proposed Schedule 2 development (including that which would otherwise benefit from permitted development rights).

3.3.3 Otherwise, local planning authorities must determine and formally record whether or not EIA is required (known in the Regulations as a 'screening opinion'). In making this determination, local planning authorities must take into account the relevant selection criteria in Schedule 3 to the Regulations. Developers who are dissatisfied with a screening opinion that EIA is required, or where the authority fails to adopt an opinion within three weeks, may ask the Welsh Ministers to make a screening direction<sup>12</sup>.

3.3.4 Where EIA is required, the developer must prepare and submit an Environmental Statement (ES) to accompany the planning application, setting out the information specified in Schedule 4 to the Regulations. While the responsibility for compiling the ES rests with the developer, there should be consultation with those with relevant information. Public authorities that have such information in their possession are required to make it available to the developer.



3.3.5 Developers should be encouraged to obtain a formal opinion from the local planning authority on what should be included in the ES (known as a 'scoping opinion')<sup>13</sup>. Developers may request that the Welsh Ministers provide a 'scoping direction' where an authority fails to make a scoping opinion within five weeks.

3.3.6 The ES (and the application to which it relates) must be publicised. Public authorities with relevant environmental responsibilities, and the public, must be given an opportunity to give their views on the project and the ES.

3.3.7 The period within which the local planning authority should determine an application to which EIA applies is 16 weeks from the date of receipt of the ES. The local planning authority must inform the public of its decision whether to grant or refuse permission and the main reasons and considerations on which the decision is based.

3.3.8 Local planning authorities should advise developers, where relevant, to consider the potential benefits of managing the EIA process in parallel with the Authorisations process managed by Natural Resources Wales. Starting work on the ES as soon as possible, and consulting with the local planning authority, should help to ensure that the process is carried out effectively.

## **34 Ensuring access for all**<sup>14 15 16 17 18 19 20</sup>

3.4.1 Disability Access Groups need to be consulted throughout the land use planning process.

3.4.2 Developments must conform to the provisions of the Equality Act 2010<sup>21</sup> and local planning authorities have a duty when granting planning permission to draw applicants' attention to their statutory obligations. It is open to planning authorities to require broader access than required by the Act if this can be justified.

3.4.3 When a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility. The preparation of access audits may be useful in any assessment of accessibility.

3.4.4 Where it is not clear from a planning application that provision for everyone is being achieved, it will be preferable to resolve the issue through negotiation. If there is a clear planning need it may be appropriate to impose a condition<sup>22</sup> to ensure adequate accessibility for all.

3.4.5 Historic buildings can present particular accessibility difficulties<sup>23</sup>. The provision of access suitable for all should be encouraged wherever the installation of such access would not unduly affect the special character of an historic building. When a new extension is designed for a building of special architectural or historic interest it should be fully accessible. Access audits may be useful in assessing the accessibility of historic buildings.



## 3.5 Control of outdoor advertisements<sup>24 25</sup>

3.5.1 The statutory provisions enable local planning authorities to control the display of advertisements when justified in the interests of public safety and amenity. The control regime does not enable the authority to regulate the subject matter of any advertisement. The test in assessing an advertisement's impact on public safety is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting or confusing that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety.

3.5.2 The test in considering an advertisement's impact on amenity is whether it will adversely affect the appearance of the building, or of the immediate neighbourhood, where it is to be displayed. Local planning authorities should therefore consider the local characteristics of the neighbourhood, including its scenic, historic, architectural or cultural features. Because assessment of these factors may appear to involve some subjective judgement, authorities should be consistent in their assessment of visual impact in similar or comparable neighbourhoods or surroundings.

3.5.3 No advertisement sign should be displayed without the consent of the landowner, and it is an offence to erect or paint signs on any part of a public highway<sup>26</sup>. Unless applicants are able to demonstrate prior highway authority authorisation for the proposed sign(s), then applications to display advertisements on (or overhanging) highway land should be refused automatically.

3.5.4 Revised guidance on the criteria for brown and white tourist signing was issued in 2013<sup>27</sup>. Applicants requiring highway signs, for sites that meet these criteria, should apply to the appropriate highway authority.

## 3.6 Planning conditions

3.6.1 Conditions on a planning permission can enable many development proposals to proceed where it would otherwise be necessary to refuse planning permission. The proper use of conditions can improve the quality of development and enhance public confidence in the outputs of the planning system<sup>28</sup>.

3.6.2 Conditions should only be imposed where they are:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

3.6.3 Where appropriate, development plans should specify the policies for certain types of development which, if approved by the authority, would be subject to planning conditions.



3.6.4 Planning permission cannot be granted subject to conditions which specifically require works on land outside the application site and outside the control of the applicant. However, it is possible for local planning authorities to grant permission subject to a condition that development should not be commenced or occupied until some obstacle to the development has been overcome.

## 3.7 Planning obligations and the Community Infrastructure Levy<sup>29</sup>

3.7.1 Planning obligations are useful arrangements to overcome obstacles which may otherwise prevent planning permission from being granted. Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. It is essential that arrangements are fair to both the developer and the community, that the process is as transparent as possible, and that development plans provide guidance on the types of obligations which authorities may seek from developers. When granting planning permission local planning authorities may seek to enter into a planning obligation with a developer to:

- restrict development or use of the land;
- require operations or activities to be carried out in, on, under or over the land;
- require the land to be used in a specified way; or
- to require payments to be made to the authority either in a single sum or periodically.

3.7.2 The **Community Infrastructure Levy** Regulations 2010 came into force in April 2010<sup>30</sup> and are non-devolved. The regulations allow local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money raised from the levy (CIL) must be used to fund infrastructure to support the development of the local authority's area. "Infrastructure" includes roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities and open spaces. Local planning authorities may wish to consider whether it is appropriate to utilise a CIL when preparing or reviewing their Local Development Plan.

3.7.3 The CIL is intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms. As a result, there may still be some site specific impact mitigation requirements without which a development should not be granted planning permission. Some of these needs may be provided for through the CIL but others may not, particularly if they are very local in their impact. There is therefore still a legitimate role for development-specific planning obligations to enable a local planning authority to be confident that the specific consequences of development can be mitigated.

3.7.4 However, in order to ensure that planning obligations and the CIL can operate in a complementary way and the purposes of the two regimes are clarified, the regulations scale back the way planning obligations operate. Limitations are placed on the use of planning obligations in three respects:

- putting the policy tests on the use of planning obligations (set out in Wales in Circular 13/97, *Planning Obligations*) on a statutory basis for developments which are capable of being charged the CIL;





- ensuring the local use of the CIL and planning obligations do not overlap; and
- limiting pooled contributions from planning obligations towards infrastructure which may be funded by the CIL.

3.7.5 The CIL regulations place into law the policy tests on the use of planning obligations. The statutory tests are intended to clarify the purpose of planning obligations in light of the CIL and provide a stronger basis to dispute planning obligations policies or practice that breach these criteria. This seeks to reinforce the purpose of planning obligations in seeking only essential contributions to allow the granting of planning permission, rather than more general contributions which are better suited to use of the CIL.

3.7.6 From 6 April 2010 it has been unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development that is capable of being charged the levy, whether there is a local levy in operation or not, if the obligation does not meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the development.

3.7.7 Where planning obligations are sought, the parties should work for an early agreement to avoid unnecessary delay in the planning process.

3.7.8 A planning obligation may be entered into via a unilateral undertaking by a developer or by agreement between a developer and a planning authority. Planning obligations run with the land, so they may be enforced against both the original covenantor and anyone subsequently acquiring an interest in the land.

3.7.9 A planning obligation may be modified or discharged by agreement between the local planning authority and the person(s) against whom the obligation is enforceable or by application to the authority (after five years from the date of entering into the obligation). An applicant has a right of appeal to the Welsh Ministers against the local planning authority's determination or its failure to give notice of that determination.

3.7.10 Planning obligations should only be sought where they are necessary to make a proposal acceptable in land use planning terms. Planning permission may not be bought or sold and negotiations should be conducted in a way that is seen to be fair, open and reasonable. Unacceptable development should never be allowed because of unrelated benefits. Acceptable development should never be refused simply because an applicant is unwilling to offer such benefits. If there is a choice between imposing conditions and entering into a planning obligation, the imposition of a condition is preferable. Conditions are more transparent, offer greater flexibility in the light of changing circumstances and offer a developer the right of appeal to the Welsh Ministers against those conditions considered to be onerous.



## 3.8 Enforcing planning decisions

3.8.1 An effective development management process requires local planning authorities to be prepared to take **enforcement action** in appropriate circumstances. The decisive issue for the authority is whether the breach of planning control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.

3.8.2 Enforcement action taken by an authority to prevent or remedy breaches of planning control needs to be effective and timely. This means that local planning authorities should look at all means available to them to achieve the desired result. In all cases there should be dialogue with the owner or occupier of land and in some cases mediation may also be an agreed way forward. In many cases this dialogue could result in an accommodation which means that enforcement action is unnecessary. Such early dialogue or mediation would avoid enforcement action coming as a surprise to the owner or occupier.

3.8.3 The statutory time limits for taking enforcement action must be adhered to and prompt initiation of action may be necessary to prevent an unacceptable breach of planning control from becoming well established and more difficult to remedy. Any enforcement action should be commensurate with the breach of planning control to which it relates. The intention should be to remedy the effects of the breach of planning control, not to punish the person(s) responsible for the breach.

## 3.9 Using Completion Notices

3.9.1 Where a material start has been made but development is not proceeding, local planning authorities have the power to serve a **Completion Notice**. Completion Notices have two main purposes, namely to encourage the completion of a development for which permission has been partially implemented and to provide a means, should the development not after all be carried through, of disposing of the uncertainty created by an incompletely exercised permission. Local planning authorities should exercise this power where they consider it necessary to resolve uncertainty.

3.9.2 Local planning authorities should bear in mind that, where a Completion Notice takes effect, the works already carried out are lawful. Consequently, the authority will need to consider making a Discontinuance Order if it subsequently wishes to have these works removed.

## 3.10 Revoking, modifying or discontinuing planning permission

3.10.1 If it considers that it is expedient to do so, a local planning authority has the power to make an order revoking or modifying a planning permission<sup>31</sup>; or requiring that any use of land be discontinued or continued subject to conditions; or that any buildings or works shall be altered or removed. Revocation and Modification Orders are required to be confirmed by the Welsh Ministers unless they are unopposed, but Discontinuance Orders must always be confirmed by the Welsh Ministers. Compensation is payable by the local planning authority as the result of an order taking effect.



3.10.2 The Welsh Ministers have reserve powers to make their own Revocation/Modification or Discontinuance Orders, but only after consultation with the local planning authority. Such intervention would overturn a local planning authority's judgement on a matter which is, in the first place, its responsibility and may only be justified in exceptional circumstances. The general principle followed by successive UK Governments and continued by the Welsh Government, is that such action should be considered only where the original decision is judged to be grossly wrong, so that damage would be done to the wider public interest. This policy also applies to the use of the Welsh Ministers' default powers in respect of listed buildings and conservation area consent.

## 3.11 Planning Appeals

3.11.1 When a planning authority refuses planning permission, imposes conditions which an applicant finds unacceptable, or does not determine a planning application within the appropriate period, an applicant has the right to appeal to the Welsh Ministers. There is no right of appeal by third parties where planning permission has been granted.

3.11.2 Most planning appeals are determined by Planning Inspectors under powers statutorily transferred to them. The Welsh Ministers have powers to recover jurisdiction over planning appeals from Inspectors and to determine them. Those powers may be used in relation to:

- residential development of more than 150 houses or on more than 6 hectares of land;
- retail developments of over 10,000 square metres;
- major proposals for the winning and working of minerals;
- proposals for major developments which could have wide effects beyond their immediate locality;
- proposals giving rise to substantial controversy beyond the immediate locality;
- proposals which raise novel planning issues;
- proposals which raise significant legal difficulties;
- proposals to which a Central Government Department has objected; or
- cases that can only be decided in conjunction with a case over which an Inspector has no jurisdiction.

## 3.12 The Welsh Ministers' general role in decision taking

3.12.1 Development proposals are generally best determined locally by planning authorities which know their area, its needs and sensitivities. The Welsh Ministers do not interfere with local planning authorities' jurisdiction unless it is necessary to do so. The Welsh Ministers' powers to 'call in' planning applications are used selectively. Each application is looked at individually. **Call in** is generally only considered appropriate where an application raises planning issues of more than local importance. It could be considered appropriate, for example, in the case of proposals that:

- are in conflict with national planning policies;
- could have wide effects beyond their immediate locality;
- may give rise to substantial controversy beyond the immediate locality;
- are likely significantly to affect sites of scientific, nature conservation or historic interest or areas of landscape importance;



- raise issues of national security; or
- raise novel planning issues.

3.12.2 Local planning authorities must refer to the Welsh Ministers, in accordance with the provisions of the 2012<sup>32</sup> and 2015<sup>33</sup> Notification Directions, applications which they do not propose to refuse for 6 categories of development:

- Flood Risk Area Development, incorporating emergency services or highly vulnerable development (10 or more dwellings for residential schemes), where the entire site is within flood zone C2;
- Significant Residential Development – residential development of more than 150 units or residential development on more than 6 hectares of land, not in accordance with the provisions of the development plan in force in the area;
- Minerals Development – development consisting of or including the winning and working of minerals on new sites or extensions to existing sites, not in accordance with the provisions of the development plan in force in the area;
- Waste Development – development which is intended for use wholly or mainly for the deposit of waste into or on to land, not in accordance with the provisions of the development plan in force in the area;
- Aggregates Development in National Parks and Areas of Outstanding Natural Beauty – development involving the extraction of aggregates on new sites or extensions to existing sites in these statutorily designated areas;
- Unconventional Oil and Gas Development – development involving the onshore exploration, appraisal or production of coal bed methane or shale oil or gas using unconventional extraction techniques, including hydraulic fracturing (but does not include the making of exploratory boreholes which do not involve the carrying out of such unconventional extraction techniques).

## Figure 3.1 Making and Enforcing Planning Decisions

### Guide to the application of national planning policy statements in LDPs

#### National development management policies

The following paragraphs contain statements of national development management policy which should not need to be repeated as local policy in LDPs:

Paragraph	Policy Issue
3.4.2-4	Access for all
3.4.5	Access to historic buildings
3.5	Control of outdoor advertisements
3.6	Planning conditions
3.7	Planning obligations and the Community Infrastructure Levy
3.8	Enforcing planning decisions



Paragraph	Policy Issue
3.9	Completion notices
3.10	Revoking, modifying or discontinuing a planning permission
3.11, 3.12	Welsh Ministers' decisions on planning applications and appeals

Topics relevant to the local area may simply be mentioned with a cross-reference to PPW.

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# Planning Policy Wales



## Chapter 4 Planning for Sustainability

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## 4.1 Sustainable Development

4.1.1 The goal of sustainable development is to “enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.”<sup>1</sup>

### Our duty

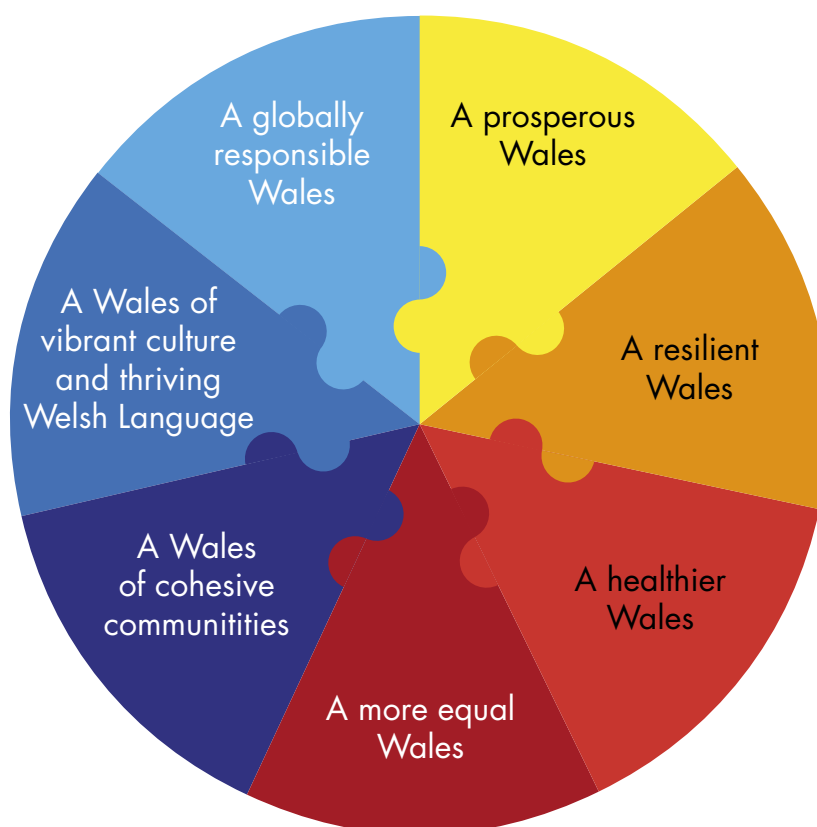
4.1.2 The Welsh Government remains one of the few administrations in the world to have a distinctive statutory duty in relation to sustainable development.

4.1.3 The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) that they must carry out sustainable development. In carrying out this duty, actions which public bodies must take include:

- setting and publishing objectives (“well-being objectives”) that are designed to maximise its contribution to achieving each of the well-being goals; and
- taking all reasonable steps (in exercising its functions) to meet those objectives.

4.1.4 The Act puts in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales:

**Figure 4.1 Well-being Goals**



- **A prosperous Wales**

An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.

- **A resilient Wales**

A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).

- **A healthier Wales**

A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.

- **A more equal Wales**

A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).

- **A Wales of cohesive communities**

Attractive, viable, safe and well-connected communities.

- **A Wales of vibrant culture and thriving Welsh Language**

A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.

- **A globally responsible Wales**

A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.

## Definition of Sustainable Development

4.1.5 The Well-being of Future Generations Act (Wales) provides a clear definition of sustainable development in Wales.

## Figure 4.2 A definition of sustainable development in Wales

“Sustainable development” means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

Acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.1.6 Our approach is consistent with, and builds on, the shared UK principles<sup>2</sup> of:

- **living within environmental limits:** by setting out a pathway to using only our fair share of the earth’s resources and becoming a One Planet nation within the lifetime of a generation;
- **ensuring a strong, healthy and just society:** our focus on how a sustainable approach will improve the quality of life and well-being of the people of Wales and especially those in our less well-off communities;
- **achieve a sustainable economy:** by setting out how we want to transform our economy so that it is low carbon, low waste;
- **promoting good governance:** through confirming sustainable development as the central organising principle of the Welsh Government and through encouraging and enabling others to embrace sustainable development as their central organising principle; and
- **using sound science responsibly:** through the use of our sustainable development principles as part of our evidence-based approach to policy making.

## 4.2 Planning for sustainability

4.2.1 The planning system is necessary and central to achieving the sustainable development of Wales. It provides the legislative and policy framework (see Figure 4.3) to manage the use and development of land in the public interest in a way which is consistent with key sustainability principles (see 4.3) and key policy objectives (see 4.4). In doing so, it can contribute positively to the achievement of the Well-being goals.

4.2.2 **The planning system provides for a presumption in favour of sustainable development** to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when:

- preparing a development plan (see Chapter 2); and
- in taking decisions on individual planning applications (see Chapter 3).

4.2.3 This is supported through legislation (see Figure 4.3) and national policy (PPW). Local planning authorities, as public bodies subject to the requirements of the Well-being of Future Generations (Wales) Act, must exercise these functions as part of carrying out sustainable development.



## Figure 4.3 Legislative requirements for sustainable development in the planning system

### Plan-making (Local Development Plans)

Section 39 of the Planning and Compulsory Purchase Act 2004 requires that every local planning authority in Wales must prepare a Local Development Plan (LDP) for its area. Authorities must exercise the function with the objective of contributing to the achievement of sustainable development and must have regard to national policies and advice issued by Welsh Ministers.

Section 2 of the Planning (Wales) Act 2015 makes it clear that preparing an LDP is part of carrying out sustainable development.

They are also subject to Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulations Assessment (see Chapter 2). The Well-being of Future Generations (Wales) Act 2015 requires Public Service Boards to produce a Local Well-Being Plan which sets objectives and actions as to how the well-being goals will be achieved in a particular area. Regard has to be paid to this Plan in developing an LDP.

### Making sustainable planning decisions

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise (see Chapter 3).

4.2.4 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:

- there is no adopted development *plan* or
- relevant development plan *policies* are considered outdated or superseded or
- where there are no relevant *policies*

there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to maximise the contribution to meeting the local well-being objectives.

4.2.5 In taking decisions on individual planning applications it is the responsibility of the decision-maker to judge whether this is the case using all available evidence, taking into account the key principles (see 4.3) and key policy objectives (see 4.4) of planning for sustainability. In such cases the local planning authority must clearly state the reasons for the decision.

4.2.6 Those proposing development also have a responsibility to provide sufficient information to enable the decision maker to make an informed judgement on whether the proposed development is sustainable.

4.2.7 The Welsh Government is committed to measuring the contribution that the planning system makes and will develop a monitoring framework to complement and support our wider measure of progress towards Sustainable Development in Wales through the Well-being of Future Generations (Wales) Act.

### 4.3 The Sustainable Development Principle

4.3.1 The Well-being of Future Generations (Wales) Act establishes a 'sustainable development principle' which means that a defined public body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. In order to achieve this principle we expect all those involved in the planning system to adhere to:

- putting people, and their quality of life now and in the future, at the centre of decision-making;
- **engagement and involvement**, ensuring that everyone has the chance to obtain information, see how decisions are made and take part in decision-making;
- taking a **long term** perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;
- respect for **environmental limits**, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;
- tackling **climate change** by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change;
- applying the **precautionary principle**. Cost-effective measures to prevent possibly serious environmental damage should not be postponed just because of scientific uncertainty about how serious the risk is;
- using **scientific knowledge to aid decision-making**, and trying to work out in advance what knowledge will be needed so that appropriate research can be undertaken;
- while preventing pollution as far as possible, ensuring that the **polluter pays** for damage resulting from pollution. In general the Welsh Government will seek to ensure that costs are met by those whose actions incur them;
- applying the **proximity principle**, especially in managing waste and pollution. This means solving problems locally rather than passing them on to other places or to future generations;
- taking account of the full range of **costs and benefits** over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime; and
- working in **collaboration** with others to ensure that information and knowledge is shared to deliver outcomes with wider benefits.





4.3.2 Further advice on acting in accordance with the sustainable development principle and guidance on the implementation of the Well-being of Future Generations (Wales) Act will be published by the Welsh Government.

## 44 Objectives

4.4.1 The following sustainability objectives for the planning system reflect our vision for sustainable development and the outcomes we seek to deliver across Wales. These objectives should be taken into account in the preparation of development plans and in taking decisions on individual planning applications in Wales. These reflect the sustainable development outcomes that we see the planning system facilitating across Wales.

4.4.2 Detailed application of some of these objectives is explored in later sections of this chapter. Chapters 5 to 13 consider in more detail the responsibilities and scope for action of local planning authorities in these policy fields and provide guidance as to how they can be met. Technical Advice Notes providing additional guidance are signposted in these chapters where relevant. The following points include in brackets an indication of where in this document further guidance is set out.

4.4.3 In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should:

## A Prosperous Wales

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites (Sections 4.7, 4.8 and 4.9).
- Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings (Section 4.12).
- Play an appropriate role in securing the provision of infrastructure to form the physical basis for sustainable communities (including water supplies, sewerage and associated waste water treatment facilities, waste management facilities, energy supplies and distribution networks and telecommunications), while ensuring proper assessment of their sustainability impacts (Chapter 12).
- Maximise the use of renewable resources, including sustainable materials (recycled and renewable materials and those with a lower embodied energy). Where it is judged necessary to use non-renewable resources they should be used as efficiently as possible. The use of renewable resources and of sustainably produced materials from local sources should be encouraged and recycling and re-use levels arising from demolition and construction maximised and waste minimised (4.11.5 and 4.11.10).
- Encourage opportunities to reduce waste and all forms of pollution and promote good environmental management and best environmental practice (4.11.5, Chapters 12 and 13). Waste arising from demolition and construction should be minimised, and opportunities to recycle and re-use this waste promoted (4.11.5).
- Support initiative and innovation and avoid placing unnecessary burdens on enterprises (especially small and medium sized firms) so as to enhance the economic success of both urban and rural areas, helping businesses to maximise their competitiveness (Chapter 7).

- Promote a low carbon economy and social enterprises (Section 7.4).
- Facilitate the provision of minerals to meet the needs of society both now and in the future whilst protecting and improving the amenity of communities and the natural and built environment, together with promoting efficient use, recycling, waste prevention and the use of appropriate alternative materials (Chapter 14).

## A Resilient Wales

- Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems. In particular, planning should seek to ensure that development does not produce irreversible harmful effects on the natural environment and support measures that allow the natural heritage to adapt to the effects of climate change. The conservation and enhancement of statutorily designated areas and of the countryside and undeveloped coast; the conservation of biodiversity, habitats, and landscapes; the conservation of the best and most versatile agricultural land; and enhancement of the urban environment all need to be promoted (4.10, 4.11.10, Chapters 5 and 13).
- Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding. This includes managing and seeking to mitigate the consequences of climate change (see 4.5.4 and 4.5.5) by building resilience into the natural and built environment (Chapters 5, 12 and 13).

## A Healthier Wales

- Contribute to the protection and, where possible, the improvement of people's health and well-being as a core component of achieving the well-being goals and responding to climate change. Consideration of the possible impacts of developments – positive and/or negative – on people's health at an early stage will help to clarify the relevance of health and the extent to which it needs to be taken into account (Sections 4.7, 8.1, 11.1 and Chapter 12).

## A More Equal Wales

- Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare (Sections 4.6 and 4.7, Chapters 7, 10 and 11).
- Promote quality, lasting, environmentally-sound and flexible employment opportunities (Chapter 7).
- Respect and encourage diversity in the local economy (Section 4.6 and Chapter 7).

## A Wales of Cohesive Communities

- Locate developments so as to minimise the demand for travel, especially by private car (Section 4.7 and Chapter 8).
- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods (4.11.12 and Chapter 9).



- Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity. In general, developments likely to support the achievement of an integrated transport system should be encouraged (Section 4.7 and Chapter 8).
- Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car (Section 4.7 and 4.11.11).

## A Wales of Vibrant Culture and Thriving Welsh Language

- Help to ensure the conservation of the historic environment and cultural heritage, acknowledging and fostering local diversity (4.11.10 and Chapter 6).
- Contribute positively to the well-being of the Welsh language and ensure any negative impacts on the use of the language are mitigated (4.13).

## A Globally Responsible Wales

- Support the need to tackle the causes of climate change by moving towards a low carbon economy. This includes facilitating development that reduces emissions of greenhouse gases in a sustainable manner, provides for renewable and low carbon energy sources at all scales and facilitates low and zero carbon developments (Sections 4.7, 4.11 and Chapter 12).

## 4.5 Planning for climate change

4.5.1 Tackling climate change is a fundamental part of delivering sustainable development. Climate change is one of the most important challenges facing the world and the Welsh Government has made a commitment to tackling climate change, resolving that the Government and people of Wales will play the fullest possible part in reducing its carbon footprint (see 1.4.4). Our commitment to action on climate change is based on a scientific imperative to act and to act urgently to reduce greenhouse gas emissions and deal with the consequences of climate change.

4.5.2 The Welsh Government has set out to achieve annual carbon reduction-equivalent emissions reductions of 3 per cent per year from 2011 in areas of devolved competence, which include land use planning<sup>3</sup>. We are also committed to achieving at least a 40% reduction in all greenhouse gas emissions in Wales by 2020 against a 1990 baseline. This will assist in making a significant contribution to the UK Carbon Budgets. The Climate Change Strategy for Wales<sup>4</sup> and associated Delivery Plans on Emission Reduction and Adaptation set out how we intend to limit greenhouse gas emissions and adjust to changes in our climate. This includes a specific action to ensure that land use and spatial planning promote sustainable development and enable a move towards a low carbon economy which takes account of future climate impacts. Key areas that underpin actions in each sector are as follows:

- Supporting behaviour change
- Research and good practice
- Innovation and skills
- Buildings



- Energy generation
- Food

4.5.3 Climate change will have potentially profound environmental, economic and social justice implications and failure to address it will make **planning for sustainability impossible**. The economic imperative to act was set out in the Stern Review<sup>5</sup> and by the UK Committee on Climate Change, where the costs of doing nothing are significantly greater than the expected costs of co-ordinated global action.

4.5.4 The changes to the climate and impacts arising from climate change that Wales can expect are provided by the UK Climate Impacts Programme [UKCIP]<sup>6</sup>.

Wales can expect:

- Increase in winter rainfall and in the frequency of intense rainfall
- Increase in the length of the growing season
- Rising sea levels
- More extreme weather, such as severe storms
- Hotter average temperatures
- An increase in the number of hot and dry summers and an increase in the number of extremely hot days
- Milder winters and a reduction of snowfall.

This will have a range of impacts, including:

- An increase in flash flooding due to heavy rain and an increase in river and coastal flooding and erosion
- Increased pressure on sewer systems
- Increase in winter storm damage
- Change in habitats and species
- Changes to the landscape
- Summer water shortages and increased incidence of low flow rivers
- Increased risk of subsidence in subsidence prone areas
- Increased thermal discomfort in buildings
- Health problems in summer, including heat related deaths linked to high air pollution.

4.5.5 These impacts present risks to people, property, infrastructure and resources and a fundamental challenge to how we plan the development and the use of land and provision of environmental infrastructure in Wales. A complementary twin-track approach to tackling climate change is needed recognising:

- A. **The causes of climate change** – by acting, and acting urgently, to cut emissions of greenhouse gas emissions that cause climate change in order to avoid the worst impacts of climate change; and



B. **The consequences of climate change** – the impact of the changes in the climate that are already locked into the climate system which will occur as a result of past emissions.

4.5.6 A changing climate will present the planning system with short and long term challenges, but it will also present new opportunities that should be maximised.

4.5.7 **Planning to minimise the causes of climate change** means taking decisive action to move towards a low carbon economy (see Section 12.8) by proactively reducing the demand for energy (see Chapter 8 and Section 12.8), facilitating the delivery of new and more sustainable forms of energy provision at all scales (see Section 12.8) and minimising the emissions of greenhouse gases to the atmosphere.

4.5.8 **Planning for the consequences of climate change** means recognising that changes to our climate over the next 30 or 40 years caused by past emissions are largely unavoidable. Failure to prepare for the inevitable impacts through adaptation measures will lead to further vulnerability for communities through damage to property, infrastructure and the economy. We need to plan for these impacts, reducing the vulnerability of our natural environment and built environment to climate change.

4.5.9 Consideration of the impacts of climate change should use the latest set of UK Climate Projections (and the latest Climate Change Risk Assessment<sup>7</sup>) to ensure that they have identified appropriate policies and measures to adapt to these impacts, including the consequential impacts of such measures.

4.5.10 Planning for climate change must be carried out in a way that is consistent with sustainability principles, and in a way which does not prejudice future action to tackle climate change, by integrating solutions to tackle the causes and consequences of climate change. This will require close co-operation across all sectors and communities.

## Ecological Footprint

4.5.11 Closely aligned to the commitments to tackling climate change is the Welsh Government's approach to reducing the ecological footprint of Wales. Our Sustainable Development Scheme sets out an ambition for Wales to use its fair share of the Earth's resources, where, within a generation, our ecological footprint is reduced to the global average availability of resources – 1.88 global hectares per person. The current footprint shows that, if everyone on the Earth lived as we do, we would use 2.7 planets worth of resources. Reducing Wales' ecological footprint will require a large reduction in the total resources used to sustain our lifestyles. The policy and guidance set out here in PPW will make an important contribution to reducing our footprint, whilst delivering sustainable development and tackling climate change.

## 4.6 Priorities for urban and rural areas

4.6.1 Recognising the strengths of urban communities, which are home to the majority of the population of Wales, the Welsh Government's priorities for urban areas are, through integrated approaches, to:



- secure environmentally-sound and socially inclusive regeneration in those urban areas which require it, so that they become more desirable places in which to live and work; and
- foster sustainable change, in particular making it possible to live with less noise, congestion and traffic pollution, and improving the quality of life.

Development can help to arrest the decline in community facilities and deliver environmentally-sound modernisation, re-use or replacement of urban infrastructure.

4.6.2 An effective way to achieve regeneration is to foster integrated communities within the existing settlement pattern by promoting mixed use development, comprising appropriate combinations of housing (including affordable housing), employment, retailing, education, leisure and recreation uses and open space. Such developments should be promoted through, and fully justified in the development plan.

4.6.3 Priorities for **rural areas** are to secure:

- sustainable rural communities with access to affordable housing and high quality public services;
- a thriving and diverse local economy where agriculture-related activities are complemented by sustainable tourism and other forms of employment in a working countryside; and
- an attractive, ecologically rich and accessible countryside in which the environment and biodiversity are conserved and enhanced.

4.6.4 The countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against the economic, social and recreational needs of local communities and visitors. Central to this is ensuring that the countryside is resilient to the impacts of climate change and plays a role in reducing the causes of climate change through the protection of carbon sinks and as a sustainable energy source.

4.6.5 For these aims and priorities to be realised it will be essential that social, economic and environmental policies are fully integrated.

## 4.7 Sustainable settlement strategy: locating new development

4.7.1 Development plans need to reflect the policy goals of the Wales Spatial Plan. They have a major role in setting out the vision for sustainable communities in Wales. This vision should consider not only the needs of existing urban and rural areas but also future relationships between urban settlements and their rural hinterlands, particularly in light of the impacts of climate change.

4.7.2 Development plans need to provide a framework to stimulate, guide and manage change towards sustainability. They should secure a sustainable settlement pattern which meets the needs of the economy, the environment and health, while respecting local diversity and protecting the character and cultural identity of communities. In their land allocation policies and proposals, local planning authorities should:





- promote sustainable patterns of development, identifying previously developed land and buildings, and indicating locations for higher density development at hubs and interchanges and close to route corridors where accessibility on foot and by bicycle and public transport is good;
- maintain and improve the vitality, attractiveness and viability of town, district, local and village centres (Chapter 10);
- foster development approaches that recognise the mutual dependence between town and country, thus improving linkages between urban areas and their rural surroundings;
- locate development so that it can be well serviced by existing infrastructure (including for energy supply, waste management and water) (Chapter 12);
- ensure that development encourages opportunities for commercial and residential uses to derive environmental benefit from co-location (Chapter 12);
- locate development in settlements that are resilient to the effects of climate change, by avoiding areas where environmental consequences and impacts cannot be sustainably managed. Where development takes place in areas of known risks, ensure that the development is designed for resilience over its whole lifetime (Chapter 13);
- ensure that tackling the causes and consequences of climate change is taken into account in locating new development (see Sections 5.6 to 5.8 and 13.2 to 13.4).

4.7.3 Local planning authorities should consider the contribution that their settlement strategies can make to tackling the causes of climate change (see Sections 4.5 and 12.8) and the need to deal with the consequences of climate change (see Sections 4.5 and 13.2).

4.7.4 Local planning authorities should assess the extent to which their development plan settlement strategies and new development are consistent with **minimising the need to travel and increasing accessibility by modes other than the private car**. A broad balance between housing and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Local authorities should adopt policies to locate major generators of travel demand such as housing, employment, retailing, leisure and recreation, and community facilities including libraries, schools and hospitals within existing urban areas or in other locations which are, or can be, well served by public transport, or can be reached by walking or cycling. Preparing accessibility profiles for public transport, walking, cycling and freight may assist local authorities in plan preparation and assessing possible development sites. Wherever possible, developments should be located at major public transport nodes or interchanges.

**Higher density development**, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

4.7.5 Planning authorities should reassess development sites which are highly accessible to non-car modes and allocate them for travel intensive uses such as offices, shopping, leisure, hospitals and housing of sufficient density to fully utilise their accessibility potential. Sites which are unlikely to be well served by public transport, walking and cycling should either not be allocated for development or be allocated or reallocated for uses which are not travel intensive.

4.7.6 Development plans should **encourage a mix of uses in town centres** and other appropriate places to add activity and choice of places in which to live. Integration of different





uses in accessible locations can increase social inclusion, reduce the need to travel and make towns safer for people both day and night. Mixed use can incorporate all or a selection of office, industrial, leisure, retail, community and residential uses if sensitively designed (4.11.7 and 4.11.8). Mixed use can increase the feasibility of delivering local renewable and low carbon energy solutions such as district heating schemes (see Section 12.8). Development plans should identify the range of facilities and activities that communities wish to be provided and maintained in urban locations. Plans should encourage the clustering of complementary enterprises in industrial and commercial areas so as to reduce traffic generation.

4.7.7 For most rural areas the opportunities for reducing car use and increasing the use of public transport, walking and cycling are more limited than in urban areas. **In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes** when compared to the rural area as a whole. Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities and be identified as the preferred locations for most new development including housing and employment provision. The approach should be supported by the service delivery plans of local service providers.

4.7.8 **Development in the countryside** should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

## 4.8 Managing urban form by means of green belts and green wedges<sup>8</sup>

4.8.1 Around towns and cities there is often the need to protect open land. Local planning authorities need to **consider establishing Green Belts and making local designations, such as green wedges**. Both Green Belts and green wedges must be soundly based on a formal assessment of their contribution to urban form and the location of new development and can take on a variety of spatial forms. The essential difference between them is the issue of permanence. **Land within a Green Belt should be protected for a longer period than the current development plan period, whereas green wedge policies should be reviewed as part of the development plan review process.**

4.8.2 Both Green Belts and green wedges can:

- provide opportunities for access to the open countryside;
- provide opportunities for outdoor sport and outdoor recreation;
- maintain landscape/wildlife interest;
- retain land for agriculture, forestry, and related purposes;
- improve derelict land; and
- provide carbon sinks and help to mitigate the effects of urban heat islands.



However, the extent to which the use of land fulfils these objectives is not a material factor in determining whether land should be included within a Green Belt or green wedge.

4.8.3 The **purpose of a Green Belt** is to:

- prevent the coalescence of large towns and cities with other settlements;
- manage urban form through controlled expansion of urban areas;
- assist in safeguarding the countryside from encroachment;
- protect the setting of an urban area; and
- assist in urban regeneration by encouraging the recycling of derelict and other urban land.

4.8.4 All local planning authorities in parts of Wales which are subject to significant pressures for development must consider the need for Green Belts. Green Belts will not necessarily need to extend in a continuous band around an urban area.

4.8.5 **The most important attributes of Green Belts are their permanence and their openness.** In respect of permanence, the boundaries of Green Belts should be altered only in exceptional circumstances and land within a Green Belt should be protected for a longer period than the current development plan period. To maintain openness, development within a Green Belt must be strictly controlled. The general policies controlling development in the countryside apply in a Green Belt but there is, in addition, a general presumption against development which is inappropriate in relation to the purposes of the designation (see 4.8.14 to 4.8.18).

4.8.6 Green Belts should be established through development plans. Before designating land around an urban area as a Green Belt, local planning authorities must consider and justify which would be the most appropriate means of protection. When including Green Belt policies in their plans, authorities must demonstrate why normal planning and development management policies would not provide the necessary protection.

4.8.7 Green Belt boundaries should be chosen carefully using physical features and boundaries to include only that land which it is necessary to keep open in the longer term. Where the designation of a Green Belt is likely to affect more than one local authority, consultation will be necessary with all authorities likely to be affected.

4.8.8 Since Green Belts require long term protection, when considering Green Belt designation local planning authorities will need to ensure that a sufficient range of development land is available which is suitably located in relation to the existing urban edge and the proposed Green Belt, bearing in mind the longer term need for development land, the effects of development pressures in areas beyond the Green Belt and the need to minimise demand for travel. This may require land to be safeguarded, and boundaries of a proposed Green Belt must be carefully defined to achieve this.

4.8.9 Settlements and other developed sites within a Green Belt should only be included as part of the Green Belt if no new building, or infilling only, is proposed. Policies should list and define the boundaries of settlements where infilling would be permitted. Settlements and other sites where limited expansion is proposed should be excluded from the Green Belt and policies for those settlements should be included in the development plan.



4.8.10 **Local designations such as green wedges** may be justified where land is required to serve the same purpose to a Green Belt (see 4.8.3), but these designations do not convey the permanence of a Green Belt.

4.8.11 Like Green Belts, green wedges should be established through development plans. Local planning authorities should only maintain green wedges where they can demonstrate that normal planning and development management policies cannot provide the necessary protection. They should state in their development plans the areas that require extra protection and why.

4.8.12 In defining green wedges it is important to include only land that is strictly necessary to fulfil the purposes of the policy. Factors such as openness, topography and the nature of urban edges should be taken into account. Clearly identifiable physical features should be used to establish defensible boundaries. Green wedge policies should be reviewed as part of the development plan review process. The general policies controlling development in the countryside apply in green wedges, but there is, in addition, a general presumption against development which is inappropriate in relation to the purposes of the designation (see 4.8.14 to 4.8.18).

4.8.13 As with Green Belts, when considering green wedges local planning authorities will need to ensure that a sufficient range of development land is available which is suitably located in relation to the existing urban edge and the proposed green wedge.

### Inappropriate development

4.8.14 When **considering applications for planning permission in Green Belts or green wedges**, a **presumption against inappropriate development** will apply. Local planning authorities should attach substantial weight to any harmful impact which a development would have on a Green Belt or green wedge.

4.8.15 Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.

4.8.16 The construction of new buildings in a Green Belt or in a locally designated green wedge is inappropriate development unless it is for the following purposes:

- justified rural enterprise needs;
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings;
- limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- small scale diversification within farm complexes where this is run as part of the farm business.



4.8.17 The **re-use of buildings in a Green Belt or green wedge** is not inappropriate development provided that:

- the original building is substantial, permanent and capable of conversion without major reconstruction;
- the new use will not have a greater impact on the openness of the Green Belt or green wedge and the purposes of including land within it. Strict control will need to be exercised over the extension, alteration or any associated use of land for re-used buildings; and
- the building is in keeping with its surroundings.

4.8.18 Other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of including land within it.

## 4.9 Preference for the re-use of land

4.9.1 Previously developed (or brownfield) land (see Figure 4.4) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.

4.9.2 Many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

- in and around existing settlements where there is vacant or under-used land, commercial property or housing;
- in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;
- which secure land for urban extensions, and;
- which facilitate the regeneration of existing communities.

4.9.3 If the Welsh Government's objectives for the more sustainable use of land and buildings and the re-use of previously developed sites are to be achieved, local authorities and other stakeholders will need to be more proactive. Wherever possible, local authorities should work with landowners to ensure that suitable sites are brought forward for development and to secure a coherent approach to renewal. In some instances the local authority may need to purchase land in order to facilitate redevelopment. Wherever possible this should be done by negotiated agreement, but it may involve the use of **compulsory purchase powers**.



## Figure 44 Definition of Previously Developed Land

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage (see note 1 below) of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures.

Excluded from the definition are:

- land and buildings currently in use for agricultural or forestry purposes;
- land in built-up areas which has not been developed previously, for example parks, recreation grounds and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings;
- land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings;
- previously developed land the nature conservation value of which could outweigh the re-use of the site; and
- previously developed land subsequently put to an amenity use.

### Notes:

1. The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site will also be defined as previously-developed. However this does not mean that the whole area of the curtilage should therefore be redeveloped. For example, where the footprint of a building only occupies a proportion of a site of which the remainder is open land (such as a hospital) the whole site should not normally be developed to the boundary of the curtilage. The local planning authority should make a judgement about site layout in this context, bearing in mind other planning considerations such as policies for the protection of open space, playing fields or development in the countryside. They should consider such factors as how the site relates to the surrounding area and requirements for on-site open space, buffer strips and landscaped areas.
2. This relates to minerals and waste sites which would otherwise remain unrestored after use because the planning permission allowing them did not include a restoration condition. All other such sites will be restored to greenfield status, by virtue of the planning condition.

## 4.10 Conserving the best and most versatile agricultural land

4.10.1 In the case of **agricultural land**, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future<sup>9</sup>. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.



## 4.11 Promoting sustainability through good design

4.11.1 Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings.

4.11.2 Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals. These objectives can be categorised into five key aspects of good design:

**Figure 4.5 Objectives of Good Design**



4.11.3 The design principles and concepts that have been applied to these aspects should be reflected in the content of any design and access statement required to accompany certain applications for planning permission and listed building consent<sup>10 11</sup> which are material considerations.

4.11.4 Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and provides buildings and environments that are convenient and enjoyable to use for everyone (see Section 3.4).

4.11.5 Good design should promote the efficient use of resources, including land. It should seek to maximise energy efficiency and the efficient use of other resources, minimise the use of non-renewable resources and minimise the generation of waste and pollution. Ways to achieve this include, for example, site selection and treatment and the application of whole life costing in construction (and see Chapter 13).

4.11.6 Good design should ensure that development contributes to tackling the causes of climate change (by reducing greenhouse gas emissions) and to effective adaptation to the consequences of climate change. An integrated and flexible approach to design, including location, density, layout and built form, will be an appropriate way of contributing to climate responsive development.

4.11.7 Mixed use development (of both built and open space) emphasising flexibility and adaptability, can provide particular design opportunities, adding interest and vitality to living and working environments. At the same time, good design is important for the success of relatively compact mixed use developments, for example in helping to keep noise levels low (see Sections 13.13 and 13.14).

4.11.8 Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.

4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

4.11.10 In areas recognised for their landscape, townscape or historic value, such as National Parks, Areas of Outstanding Natural Beauty and conservation areas, and more widely in areas with an established and distinctive design character, it can be appropriate to seek to promote or reinforce traditional and local distinctiveness. In those areas the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be





particularly important. The impact of development on listed buildings should be given particular attention.

4.11.11 Local planning authorities and developers should consider the issue of accessibility for all, including the needs of people with sensory impairments, people with learning difficulties and people with mobility impairments, such as wheelchair users, elderly people and people with young children, at an early stage in the design process (see 3.4).

4.11.12 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard must be given by local planning authorities in the preparation of development plans. They should be reflected in any supplementary planning guidance, and may be material considerations in the determination of planning applications. The aim should be to produce safe environments through good design<sup>12</sup>.

4.11.13 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and a sense of place or 'bro', and help to secure continued public acceptance of new development. Local planning authorities should encourage early consultation/pre-application discussions with potential developers and other interested parties on design matters and design and access statements.

4.11.14 A design and access statement is a communication tool explaining how the objectives of good design have been considered from the outset of the development process. In preparing design and access statements, applicants should take an integrated and inclusive approach to sustainable design, proportionate to the scale and type of development proposal. They should be 'living'<sup>13</sup> documents dealing with all relevant aspects of design throughout the process and the life of the development, clearly stating the comprehensive design principles and concepts adopted and include illustrative material in plan elevation and section where relevant.

4.11.15 Development plans should provide clear policies, supported where appropriate by supplementary planning guidance, setting out the design expectations of local planning authorities for various places and development proposals. Local planning authorities should encourage good quality design of buildings and spaces in their policies and guidance and should use these to eliminate poor quality development.

4.11.16 Planning and development briefs should be used to outline sustainable design requirements where appropriate. Supplementary planning guidance and briefs can usefully be prepared in partnership with stakeholders and should be subject to appropriate consultation. The preparation of audits and appraisals can assist local planning authorities in the exercise of their planning and development management functions. Design frameworks can also help to revitalise towns and other urban areas and to guide development in villages.

## 4.12 Planning for sustainable buildings

4.12.1 Climate responsive developments are those that tackle the causes of climate change and adapt to the current and future effects of climate change through the incorporation of effective mitigation and adaptation measures<sup>14</sup>.



4.12.2 Development proposals should **mitigate** the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition. The overall aspiration is to secure zero carbon buildings while continuing to promote a range of low and zero carbon (LZC) technologies as a means to achieve this.

4.12.3 Development proposals should also include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change, for example by incorporating green space to provide shading and sustainable drainage systems to reduce run-off<sup>15</sup>, and are designed to prevent overheating and to avoid the need for artificial cooling of buildings.

4.12.4 Practice Guidance – Planning for Sustainable Buildings<sup>16</sup> provides guidance for local planning authorities and developers on sustainable building design.

### Local Development Plan

4.12.5 Local planning authorities should assess strategic sites to identify opportunities to require higher sustainable building standards (including zero carbon) to be required. In bringing forward standards higher than the national minimum, set out in Building Regulations, local planning authorities should ensure that what is proposed is evidence-based and viable. Such policies should be progressed through the Local Development Plan process in accordance with relevant requirements of legislation and national policy. Further advice is contained in Practice Guidance – Planning for Sustainable Buildings<sup>17</sup>.

4.12.6 Applications that reflect the key principles of climate responsive developments and exceed the standards set out in Building Regulations should be encouraged.

4.12.7 Particular attention should be given to opportunities for minimising carbon emissions associated with the heating, cooling and power systems for new developments. This can include utilising existing or proposed local and low and zero carbon energy supply systems (including district heating systems), encouraging the development of new opportunities to supply proposed and existing development, and maximising opportunities to co-locate potential heat customers and suppliers.

## 4.13 Supporting the Welsh language

4.13.1 The Welsh language is part of the social and cultural fabric of Wales. The Welsh Government is committed to ensuring that the Welsh language is supported and encouraged to flourish as a language of many communities all over Wales. '*A living language: a language for living*' sets out how the Welsh Government intends to achieve its goal of strengthening the use of the Welsh language in everyday life<sup>18</sup>.

4.13.2 The goals set in the Well-being of Future Generations (Wales) Act 2015 include the aim of achieving "a Wales of vibrant culture and thriving Welsh language". The future well-being of the language across the whole of Wales will depend upon a wide range of factors, particularly education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities. The land use planning system should also take account of



the Welsh language and in so doing can contribute to its well-being. The Planning (Wales) Act 2015 contains provisions relating to the consideration of the Welsh language in the appraisal of development plans and in dealing with applications for planning permission.

4.13.3 Local planning authorities must consider the likely effects of their development plans on the use of the Welsh language in the Sustainability Appraisal of their plans, and should keep their evidence up to date. All local planning authorities should include in the reasoned justifications to their development plans a statement on how they have taken the needs and interests of the Welsh language into account in plan preparation, and how any policies relating to the Welsh language interact with other plan policies<sup>19</sup>.

4.13.4 It should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. Where possible, the planning system should seek to create conditions which are conducive to the use of the Welsh language. Appropriate development plan policies about the broad scale, location and phasing of new development could assist in achieving this aim. Policies relating to affordable housing could also be of benefit. However, policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

4.13.5 Considerations relating to the use of the Welsh language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may only be carried out in respect of major development not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan<sup>20</sup>. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s)' linguistic ability.

## Figure 4.6 Planning for Sustainability

### Guide to the application of national planning policy statements in LDPs

#### Locational considerations

The national policy statements which should inform the designation of Green Belts or green wedges in development plans, and the spatial policies arising from such designations, can be found in the following paragraphs:

Paragraph	Policy Issue
4.8.7, 4.8.8	Green Belt boundaries
4.8.9	Settlements within Green Belts where infilling permitted
4.8.9	Settlements excluded from Green Belts
4.8.11, 4.8.12	Boundaries of green wedges

## Topic-based policies

The national planning policy statements to be considered for inclusion in topic-based policies can be found in the following paragraphs:

Paragraph	Policy Issue
4.11.10	Promoting traditional and local distinctiveness
4.11.2-4.11.16	Design considerations
4.12.5- 4.12.7	Opportunities for higher sustainable building standards on strategic sites

In some cases the detail may more appropriately be given in Supplementary Planning Guidance.

## National development management policies

The following paragraphs contain statements of national development management policy which should not need to be repeated as local policy in LDPs:

Paragraph	Policy Issue
4.6.4	Conservation and enhancement of the countryside
4.7.8	Infilling or minor extensions to rural settlements
4.7.8	New building in the open countryside
4.8.5, 4.8.12, 4.8.14-4.8.18	Development control in Green Belts and green wedges
4.9.1	Preference for use of previously developed land
4.10.1	Conserving the best and most versatile agricultural land
4.11.2, 4.11.5, 4.11.7, 4.11.8, 4.11.9, 4.11.15	Sustainability through good design, including the efficient use of resources and land, mixed use development, environmental quality, visual appearance and landscape
4.11.6	Tackling causes and impacts of climate change through design
4.11.9	Material planning considerations and rejection of poor designs
4.11.11	Accessibility for all
4.11.10	Scale, siting and appropriate building materials in areas recognised for their landscape, townscape or historic value
4.11.12	Designing out crime
4.11.13	Early consultation on design matters
4.12.6	Climate responsive development

Topics relevant to the local area may simply be mentioned with a cross-reference to PPW.



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- <sup>3</sup> Programme for Government, Welsh Government, 2011  
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- <sup>4</sup> Climate Change Strategy for Wales, Welsh Assembly Government, 2010  
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- <sup>5</sup> The Stern Review on the Economics of Climate Change, HM Treasury, 2006
- <sup>6</sup> United Kingdom Climate Impacts Programme [www.ukcip.org.uk/](http://www.ukcip.org.uk/)
- <sup>7</sup> The UK Climate Change Risk Assessment, Defra [www.gov.uk/government/publications/uk-climate-change-risk-assessment-government-report](http://www.gov.uk/government/publications/uk-climate-change-risk-assessment-government-report)
- <sup>8</sup> The terms 'Green Belt' and 'green wedge' are used in this section as this terminology is widely understood. There are other terms for local designations, but for the purpose of this section these are encompassed by the term 'green wedge'
- <sup>9</sup> Technical Advice Note 6, Planning for Sustainable Rural Communities, Welsh Assembly Government 2010 [www.gov.wales/topics/planning/policy/tans/tan6/?lang=en](http://www.gov.wales/topics/planning/policy/tans/tan6/?lang=en)
- <sup>10</sup> Article 7 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (S.I.2012/801) and Regulation 6 of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (SI 2012/793)  
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- <sup>11</sup> Technical Advice Note 12, Design, Welsh Government, 2014  
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- <sup>12</sup> Welsh Office Circular 16/94, 'Planning out crime'  
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- <sup>13</sup> The definition of a 'living' design and access statement can be found in Appendix 1 of Technical Advice Note 12, Design, Welsh Government 2014  
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- <sup>15</sup> Technical Advice Note 15, Development and Flood Risk, Welsh Assembly Government 2004  
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# Planning Policy Wales



## Chapter 5 Conserving and Improving Natural Heritage and the Coast





## 5.1 Objectives

5.1.1 The natural heritage of Wales includes its geology, land forms and biodiversity and its natural beauty and amenity. It embraces the relationships between landform and landscape, habitat and wildlife, and their capacity to sustain economic activity and to provide enjoyment and inspiration<sup>1</sup>. The natural heritage and valued landscapes of Wales are not confined to statutorily designated sites but extend across all of Wales – to urban areas, the countryside and the coast<sup>2</sup>. Attractive and ecologically rich environments are important, both for their own sake and for the health and the social and economic well-being of individuals and communities. Biodiversity and landscape are important in the economic life of many communities and the quality of the environment is often a factor in business location decisions.

5.1.2 The Welsh Government's objectives for the conservation and improvement of the natural heritage are to:

- promote the conservation of landscape and biodiversity, in particular the conservation of native wildlife and habitats;
- ensure that action in Wales contributes to meeting international responsibilities and obligations for the natural environment;
- ensure that statutorily designated sites are properly protected and managed;
- safeguard protected species, and to
- promote the functions and benefits of soils, and in particular their function as a carbon store.

5.1.3 A key role of the planning system is to ensure that society's land requirements are met in ways which do not impose unnecessary constraints on development whilst ensuring that all reasonable steps are taken to safeguard or enhance the environment. However, conservation and development can often be fully integrated. With careful planning and design, not only can the potential for conflict be minimised, but new opportunities for sustainable development can also be created. For example, new development on previously developed land provides opportunities to restore and enhance the natural heritage through land rehabilitation, landscape management and the creation of new or improved habitats.

5.1.4 It is important that biodiversity and landscape considerations are taken into account at an early stage in both development plan preparation and development management. The consequences of climate change on the natural heritage and measures to conserve the landscape and biodiversity should be a central part of this.

5.1.5 Since natural heritage issues are not confined by administrative boundaries they must be addressed strategically through consultation and collaboration with adjoining planning authorities. Moreover, in addressing these issues local planning authorities need to work with other stakeholders, in particular, Natural Resources Wales and the voluntary sector. Natural Resources Wales has a statutory role in both the preparation of development plans and development management and will provide specific advice on landscape and nature conservation issues. The voluntary sector has developed a wide range of expertise and makes a vital contribution to the conservation of the natural heritage. Bodies such as the Wildlife Trusts Wales and the Royal Society for the Protection of Birds are valuable sources of information and advice.



## 5.2 Caring for biodiversity<sup>3 4 5 6</sup>

5.2.1 The United Kingdom has ratified the Biodiversity Convention<sup>7</sup>, which requires that the components of the Earth's biological diversity should be used in ways which do not lead to their decline. The commitments contained in the Convention are reflected in the Welsh Ministers' Sustainable Development Scheme and in other policies and programmes.

5.2.2 The Natural Environment and Rural Communities Act<sup>8</sup> places a duty on every public authority, in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Under section 42 of the Act, the Welsh Government must publish a list of the living organisms and types of habitat which, in the Welsh Government's opinion, are of principal importance for the purpose of conserving biodiversity in Wales. Under section 41(3) of the Act the Welsh Government has a duty to take such steps as appear to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any published lists, or promote the taking by others of such steps.

5.2.3 The Welsh Government will ensure that its policies contribute to the conservation of the abundance and diversity of native wildlife and its habitats and will minimise the adverse effects on wildlife where conflict of interest is unavoidable.

5.2.4 The UK Biodiversity Action Plan (UKBAP) includes objectives to conserve, and, where practicable, enhance:

- the quality and range of wildlife habitats and ecosystems;
- the overall populations and natural ranges of native species;
- internationally important and threatened species, habitats and ecosystems;
- species, habitats and natural and managed ecosystems characteristic of local areas; and
- biodiversity of natural and semi-natural habitats where this has been diminished over recent decades.

5.2.5 The Welsh Government is committed to promoting Habitat and Species Action Plans relevant to Wales prepared under the UKBAP in fulfilment of its obligations under the Countryside and Rights of Way Act.

5.2.6 The UKBAP objectives can best be realised through close co-operation and partnership between public agencies, local communities and the private and voluntary sectors. In line with its commitment to active community involvement in the planning process, the Welsh Government supports the preparation of Local Biodiversity Action Plans (LBAPs) as a means of engaging communities and private sector organisations in the conservation and enhancement of biodiversity at the local level to achieve these national goals.

5.2.7 The Wales Biodiversity Group has a special role in taking biodiversity commitments forward in partnership with local authorities, Welsh Government Sponsored Bodies (WGSBs), non-governmental organisations, the private sector and local communities. It has issued practical guidance on the preparation of LBAPs.

5.2.8 The planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable<sup>9</sup>. Local planning authorities must address biodiversity issues, insofar as they relate to land use planning, in both development plans and development management decisions. Local planning authorities should consider how they might accommodate a response to climate change as part of their overall approach towards meeting biodiversity objectives. Ways in which the adaptation needs of biodiversity could be considered include identifying the scope for minimising or reversing the fragmentation of habitats and improving habitat connectivity through the promotion of wildlife corridors. Local planning authorities should ensure that development minimises impact within areas identified as important for the ability of species to adapt and/or to move to more suitable habitats.

## Trees and woodlands

5.2.9 Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.

5.2.10 Local planning authorities should, as appropriate, make full use of their powers to protect and plant trees to maintain and improve the appearance of the countryside and built up areas.

## Commons<sup>10</sup>

5.2.11 Common land is a finite resource and should not be developed unnecessarily. Access to it should not be prevented or impeded unnecessarily, and its proper management should be encouraged.

## 5.3 Measures to conserve landscape and biodiversity

### Statutory designations

5.3.1 Many of the most important areas of landscape quality and nature conservation have been statutorily designated. These statutorily designated sites make a vital contribution to protecting landscape and biodiversity and can also be important in providing opportunities for sustainable economic and social development.

5.3.2 While the value of all the landscapes of Wales is recognised<sup>11</sup> local planning authorities should have regard to the relative significance of international, national and local designations in considering the weight to be attached to nature conservation interests and should take care to avoid placing unnecessary constraints on development.



5.3.3 The **Statutory Landscape Designations**<sup>12 13</sup> which apply in Wales are National Parks and Areas of Outstanding Natural Beauty (AONBs).

5.3.4 The statutory purposes of National Parks are to conserve and enhance their natural beauty, wildlife and cultural heritage and to promote opportunities for public understanding and enjoyment of their special qualities<sup>14</sup>. Where it appears that there is a conflict between those purposes, greater weight shall be given to the first. National Park Authorities have been set up to pursue these purposes, and other public bodies and other relevant authorities have a statutory duty to have regard to these purposes<sup>15</sup>. National Park Authorities also have a duty to seek to foster the economic and social well-being of their local communities<sup>16</sup>.

5.3.5 The primary objective for designating AONBs is the conservation and enhancement of their natural beauty<sup>17</sup>. Development plan policies and development management decisions affecting AONBs should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well-being of the areas. Local authorities, other public bodies and other relevant authorities have a statutory duty to have regard to AONB purposes<sup>18</sup>.

5.3.6 National Parks and AONBs are of equal status in terms of landscape and scenic beauty and both must be afforded the highest status of protection from inappropriate developments. In development plan policies and development management decisions National Parks and AONBs must be treated as of equivalent status. In National Parks and AONBs, development plan policies and development management decisions should give great weight to conserving and enhancing the natural beauty, wildlife and cultural heritage of these areas.

5.3.7 The duty to have regard to National Park and AONB purposes applies to activities affecting these areas, whether those activities lie within or outside the designated areas.

5.3.8 The Statutory Nature Conservation Designations<sup>19 20 21 22 23 24</sup> include, for example, Sites of Special Scientific Interest (SSSIs), sites designated under the Ramsar Convention and those designated under EC Directives, such as Special Protection Areas (SPAs) or Special Areas of Conservation (SACs).

5.3.9 The Welsh Government will ensure that international responsibilities and obligations for conservation are fully met, and that, consistent with the objectives of the designation, statutorily designated sites are protected from damage and deterioration, with their important features conserved by appropriate management.

5.3.10 For the purposes of land use planning, potential SPAs and candidate SACs (included in the list sent to the European Commission) should be treated in the same way as classified SPAs and designated SACs. Sites which the UK and the European Commission have agreed as Sites of Community Importance and which are to be designated as SACs attract the same legal protection as if they had already been designated. The same considerations should, as a matter of policy, be applied to listed Ramsar sites.

## Non-statutory designations

5.3.11 **Non-statutory designations**, such as Special Landscape Areas or Sites of Interest for Nature Conservation, should be soundly based on a formal scientific assessment of the nature conservation, landscape or geological value of the site. Local non-statutory sites can add value to the planning process particularly if such designations are informed by community participation and reflect community values. Local planning authorities should apply these designations to areas of substantive conservation value where there is good reason to believe that normal planning policies cannot provide the necessary protection. Such designations should not unduly restrict acceptable development.

5.3.12 Designating an **Environmentally Sensitive Area** does not directly affect the status of the area in planning terms. However, the features which contributed to the designation of such areas may be important in formulating planning policies or making development management decisions.

## LANDMAP information system

5.3.13 The LANDMAP information system<sup>25</sup> methodology is an important information resource upon which local planning authorities can draw in making the landscape assessments needed to inform local policy, guidance and decision making in this field. LANDMAP describes and evaluates aspects of the landscape and provides the basis of a consistent Wales-wide approach to landscape assessment. LANDMAP assessments should be published. They can help to inform supplementary planning guidance on landscape assessment (covering, for example, local distinctiveness, special landscape areas and design).

## 54 Development plans and the conservation and improvement of the natural heritage

5.4.1 Development plans must set out the locational policy framework for the conservation and enhancement of the natural heritage within the context of an integrated strategy for social, economic and environmental development in line with sustainability principles. Plans should seek to conserve and enhance the natural heritage in ways which bring benefits to local communities and encourage social and economic progress. Development plans should be informed by a sustainability appraisal commencing at the outset of the plan (see 2.3).

5.4.2 The UKBAP objectives should be taken into account in the development of development plan policies. Local Biodiversity Action Plans can provide a valuable basis for this and can be a material consideration both in the preparation of development plans and the making of planning decisions. Principles and targets contained in Local Agenda 21 strategies, national Habitat and Species Action Plans and Countryside and Community Strategies should also inform development plan policies and proposals.



5.4.3 Development plans should encourage the appropriate management of features of the landscape which are of major importance for wild flora and fauna in order to complement and improve the ecological coherence of the Natura 2000<sup>26</sup> network<sup>27</sup>. The features concerned are those which, because of their linear and continuous structure or their function as 'stepping stones' or 'wildlife corridors', are essential for migration, dispersal or genetic exchange. The development of networks of statutory and non-statutory sites and of the landscape features which provide links from one habitat to another can make an important contribution to the conservation and enhancement of biodiversity and the quality of the local environment, including enabling adaptation to climate change. LBAPs are valuable tools for actively involving local communities in the development and management of habitat networks.

5.4.4 Although non-statutory designations carry less weight than statutory designations, they should be given adequate protection in development plans. Where an assessment has identified that certain features or characteristics of the sites need to be conserved or enhanced, local planning authorities should state in their development plans what features or characteristics require this extra protection and why, and explain how the policies will achieve this protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate socio-economic activities.

5.4.5 The development plan should:

- identify all international, national and local designated sites (including potential SPAs, candidate SACs and listed Ramsar sites);
- provide criteria against which a development affecting the different types of designated site will be assessed, reflecting their relative significance;
- include locally-specific policies for the conservation and, where appropriate, enhancement of landscape and amenity;
- provide for the conservation and, where appropriate, enhancement of biodiversity and landscape outside designated areas, in particular identifying opportunities to conserve important local habitats and species, and to safeguard and manage landscape features of major importance for nature conservation or amenity;
- make appropriate provision for Local Nature Reserves;
- include, where appropriate, locally-specific policies for conserving native woodland and protecting and planting trees;
- clarify how biodiversity will be safeguarded outside statutory designated sites without unduly restricting development that is otherwise appropriate;
- provide for the protection and enhancement of open space of conservation value, seeking to identify opportunities to promote responsible public access for enjoyment and understanding of the natural heritage where this is compatible with its conservation and existing land uses; and
- recognise the potential of, and encourage land uses and land management practices that help to secure carbon sinks.



5.4.6 The areas to which policies for the conservation and enhancement of the natural heritage apply (including those with either statutory or non-statutory designation and those which are candidates for such designations) should, wherever practical, be clearly identified on the proposals maps or be capable of being identified from clear criteria in environmental protection policies.

## **5.5 Development management and the conservation and improvement of the natural heritage**

5.5.1 Biodiversity and landscape considerations must be taken into account in determining individual applications and contributing to the implementation of specific projects. The effect of a development proposal on the wildlife or landscape of any area can be a material consideration. In such instances and in the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs of local businesses and communities. Where development does occur it is important to ensure that all reasonable steps are taken to safeguard or enhance the environmental quality of land. Pre-application discussions between the developers, local planning authorities and statutory advisers such as Natural Resources Wales are recommended.

5.5.2 When considering any development proposal (including on land allocated for development in a development plan) local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment. Where other material considerations outweigh the potential adverse environmental effects, authorities should seek to minimise those effects and should, where possible, retain and, where practicable, enhance features of conservation importance.

5.5.3 In some cases it will be necessary to refuse planning permission on conservation grounds. However, local planning authorities must always consider whether environmental issues could be adequately addressed by modifying the development proposal or by attaching appropriate planning conditions or obligations. Where this is not possible and the adverse effect on the environment clearly outweighs other material considerations the development should be refused.

5.5.4 For all planning applications likely to result in disturbance or harm to a protected species or likely to have a significant adverse effect on sites of more than local importance, or on a designated area, local planning authorities should seek the advice of Natural Resources Wales and should always consult them before granting permission.

### **Development management and statutory designations**

5.5.5 Statutory designation does not necessarily prohibit development, but proposals for development must be carefully assessed for their effect on those natural heritage interests which the designation is intended to protect.



5.5.6 In **National Parks or AONBs**, special considerations apply to major development proposals which are more national<sup>28</sup> than local in character. Major developments should not take place in National Parks or AONBs except in exceptional circumstances. This may arise where, after rigorous examination, there is demonstrated to be an overriding public need and refusal would be severely detrimental to the local economy and there is no potential for locating the development elsewhere or meeting the need in some other way. Any construction and restoration must be carried out to high environmental standards. Consideration of applications for major developments should therefore include an assessment of:

- the need for the development, in terms of national considerations, and the impact of permitting it or refusing it upon the local economy;
- the cost of and scope for providing the development outside the designated area or meeting the need for it in some other way;
- any detrimental effect on the environment and the landscape, and the extent to which that could be moderated.

5.5.7 In National Parks, AONBs and other sensitive landscape and nature conservation areas environmental impact assessment may be required for a greater proportion of Schedule 2 proposals than in the wider countryside (see 5.5.9).

5.5.8 With regard to **SSSIs**, which are of national importance, the Wildlife and Countryside Act, as amended by the Countryside and Rights of Way Act 2000, places a duty on all public bodies (including local planning authorities) to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features by reason of which a SSSI is of special interest<sup>29</sup>. SSSIs can be damaged by developments within or adjacent to their boundaries, and in some cases, by development some distance away. There is a presumption against development likely to damage a SSSI. Before authorising operations likely to damage any of the notified features on a SSSI, local planning authorities must give notice of the proposed operations to Natural Resources Wales, and must take its advice into account in deciding whether to grant planning permission and in attaching planning conditions<sup>30</sup>.

5.5.9 **Environmental Impact Assessment** (EIA) is required for those developments which fall within Schedule 1 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and may be required for development falling within Schedule 2 to the Regulations. Schedule 2 development means development, other than exempt development, of a description mentioned in Column 1 of the table in Schedule 2 where:

- a. any part of that development is to be carried out in a sensitive area; or
- b. any applicable threshold or criterion in the corresponding part of Column 2 of that table is respectively exceeded or met in relation to that development.

A sensitive area, for the purposes of the Regulations, includes, among other things, a SSSI, a proposed or listed Ramsar site, a potential or classified SPA or a candidate or designated SAC. EIA will be required for Schedule 2 development where that development is likely to have a significant effect on the environment. The fact that a development would affect a sensitive area would not, of itself, justify the requirement for EIA although it would increase the possibility of EIA being required. That judgement must be taken on the particular merits of each case. Local planning

authorities should consult Natural Resources Wales if uncertain about the significance of a project's likely effect on the environment.

5.5.10 The Welsh Ministers, on the advice of Natural Resources Wales, will normally call in, for their own determination, planning applications which are likely to have a significant effect on sites of more than local importance, for example, SSSIs, SPAs, candidate or designated SACs and sites listed under the Ramsar Convention<sup>31</sup>.

## Protected species

5.5.11 The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat<sup>32 33 34</sup>. Local planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site concerned, and should consult Natural Resources Wales before granting permission. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the planning decision.

5.5.12 Developments are always subject to the legislation covering European protected species<sup>35</sup> regardless of whether or not they are within a designated site. New developments for which development works would contravene the protection afforded to European protected species require derogations from the provisions of the Habitats Directive. A derogation<sup>36</sup> may only be authorised if there is no satisfactory alternative and if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. The development works to be authorised must be for the purposes of preserving 'public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'<sup>37</sup>. Derogations are granted by a licence issued by Natural Resources Wales<sup>38</sup>. Local planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities should take the above three requirements for derogation into account when considering development proposals where a European protected species is present.

## Trees and woods<sup>39</sup>

5.5.13 Local authorities have a duty to ensure that adequate provision is made for the planting or preservation of trees by imposing conditions when granting planning permission and/or by making Tree Preservation Orders (TPOs).

5.5.14 Local authorities have a general power to make TPOs if it appears it is expedient to do so in the interests of amenity. They can make a provisional TPO which takes effect immediately, and it can remain effective for six months or until the TPO is confirmed.



5.5.15 In the case of a site recorded on the inventory of ancient woodland produced by the former Countryside Council for Wales, authorities should consult with Natural Resources Wales before authorising potentially damaging operations.

## Commons and greens

5.5.16 Where planning permission is being granted to a development on common land, an advisory note can be attached stating that the consent of the Welsh Ministers may be required under the various common land legislation, the most usual being Section 38 of the Commons Act 2006 or Section 16 of the Commons Act 2006.

5.5.17 Town and village greens are well protected by legislation and development is generally prohibited except where the development is for the better enjoyment of the land for sports and pastimes and in other limited circumstances.

## Allotments

5.5.18 Allotments should be retained, particularly where they have an important open space function and contribute to sustainable development. A proposal to appropriate or dispose of statutory allotments for a different use would usually require the local authority to apply for the consent of the Welsh Government under Section 8 of the Allotments Act 1925.

## 5.6 Managing the coast

5.6.1 The European Union is promoting a coordinated policy for coastal regions and is calling on Member States to put in place strategies for Integrated Coastal Zone Management (ICZM)<sup>40</sup>. ICZM is intended to be a participatory and dynamic process for integrating the policies influencing coastal regions, so as to ensure that the management of these areas is environmentally and economically sustainable, socially equitable and cohesive, including recognising the threat to coastal zones posed by climate change. The Welsh National Marine Plan (WNMP) is being developed to optimise opportunities for the sustainable development of our seas<sup>41</sup>.

5.6.2 The main principles of ICZM embedded into relevant plans and projects, recognising the importance of the coast for:

- the conservation of the natural and historic environment;
- urban and rural development, including housing, local industry and agriculture; and
- tourism, leisure and recreation.

5.6.3 Local planning authorities should clearly establish what the coast means for them and develop, or apply, specific policies which reflect the characteristics of their coastlines. In doing so local planning authorities should acknowledge the interrelationships between the physical, biological and land use characteristics of their coastal areas and the impacts of climate change. This will enable local planning authorities to identify those areas likely to be suitable for

development, those subject to significant constraints and those considered to be unsuitable for development. Areas subject to constraints or considered unsuitable for development may include those where conservation or enhancement of the natural and historic environment requires development to be limited, where visual intrusion will need carefully to be considered and where there may be risks of erosion, flooding or land instability. In other areas the economic potential of the coast may be unlocked in a sustainable manner<sup>42</sup>.

## 5.7 Development plans and the coast

5.7.1 In preparing their development plans local planning authorities will be expected to take into account other plans and policies with implications for the coastal area. They will need to consider landward and seaward pressures – and the impacts of these pressures – on coastal systems. Landward pressures may include major developments on the coast, port and harbour works, leisure and recreational facilities, wind power generation or coastal defences. Seaward pressures may include waste disposal, sea fishing, increased leisure sailing, dredging of navigable channels, water sports and bathing, marine aggregates extraction or tidal and wave power generation. The impacts associated with such activities can be widespread and may relate to inappropriate land use, pressure for services and facilities, and impacts on existing businesses and employment as well as on the natural and historic character of the coastline.

5.7.2 Development plans should normally only propose coastal locations for development which needs to be on the coast<sup>43</sup>. In particular, the undeveloped coast will rarely be the most appropriate location for development. Where new development requires a coastal location the developed coast will normally provide the best option, provided that due regard is paid to the risks of erosion, flooding or land instability.

5.7.3 Proposed developments of national or regional importance that require a coastal location should be included in the development plan.

5.7.4 Policies should aim to protect or enhance the character and landscape of the undeveloped coastline. Planning policies to be pursued in **Heritage Coast** areas should be incorporated in development plans. Designation as a heritage coast does not directly affect the status of the area in planning terms. However, the features which contributed to the designation of such areas may be important in formulating planning policies or making development management decisions.

5.7.5 In low-lying, undeveloped coastal areas, options for coastal defence may include a policy of managed set back<sup>44</sup>. Shoreline management plans will establish long-term local policy frameworks for the management of coastal risk<sup>45</sup>. The priorities contained within them should influence and inform the preparation of development plans (see also Sections 13.2 to 13.4).

5.7.6 For estuaries and parts of the open coast, local planning authorities and other agencies and interest groups may cooperate to prepare estuary or coastal management plans. These should complement and be consistent with development policies.



5.7.7 Coastal locations considered suitable for development, unsuitable for development, or subject to significant constraints should be shown on the Proposals Map (5.6.3). Areas designated as Heritage Coast (5.7.4) and key sites for proposed developments of national or regional importance requiring a coastal location, where these have been identified (5.7.3), should also be shown.

## 5.8 Development management and the coast

5.8.1 The seaward limit of planning control is generally the mean low water mark, but between high and low water mark the planning system usually needs to operate in conjunction with a range of sectoral controls over coastal and marine development. Decisions on development proposals below mean water mark are generally outside the scope of the planning system and are regulated according to the type of activity. Examples include licences for oil and gas and water or wind driven generating systems issued by the UK Government. In this context it is important to recognise that on-shore development can often have an impact off-shore. For example, while planning control does not extend below the low water mark, the SAC designation may be applied to marine habitats as both existing and potential SACs and SPAs include a number of estuarine and other coastal areas. Planning authorities will have an important role in the protection of designated marine and coastal areas where a land based development might have an effect on the reasons for designation, and in preventing any significant effect on such areas of nature conservation interest.

5.8.2 Before major developments are permitted it will be essential to demonstrate that a coastal location is required. Where development is considered to satisfy this test it should be designed so as to be resilient to the effects of climate change over its lifetime.

5.8.3 New coastal development should not generally be permitted in areas which would need expensive engineering works, either to protect developments on land subject to erosion by the sea or to defend land which might be inundated by the sea. There is also the need to consider the possibility of such works causing a transfer of risks to other areas, bearing in mind also that erosion and the risk of inundation are likely to be exacerbated by climate change.

5.8.4 In considering applications for planning permission for new coastal defence works, local planning authorities should take into account all potential environmental effects, both on and off-shore, and information contained in shoreline management plans.

## Figure 5.1 Conserving and Improving Natural Heritage and the Coast

### Guide to the application of national planning policy statements in LDPs

#### Locational considerations

LDPs must establish a locational policy framework for the conservation and enhancement of the natural heritage (5.4.1). Specific policies should also be developed for coastal areas.

The national policy statements which should inform a framework for the conservation and enhancement of the natural heritage and policies for coastal areas can be found in the following paragraphs:

Paragraph	Policy Issue
5.2.8	Biodiversity and climate change – safeguarded areas and buffer zones (where these are mapped)
5.2.11, 5.5.16, 5.5.17	Common land, town and village greens and allotments
5.3.1, 5.3.10	Conservation and enhancement of statutorily designated nature and landscape areas
5.3.10	Potential SPAs and SACs
5.3.11, 5.4.4, 5.4.5	Conservation and enhancement of locally-designated nature and landscape areas (where these are mapped)
5.3.12	Environmentally Sensitive Areas
5.4.5	Areas of open space of conservation value (where these are mapped)
5.6.3, 5.7.3, 5.7.4	Coastal areas

#### Topic-based policies

Topic-based policies are required for all areas and sites designated for nature and landscape (5.4.5) and for coastal protection and defence (5.7.5).

The national planning policy statements on the natural heritage and the coast which should be included, or considered for inclusion, in topic-based policies in the LDP can be found in the following paragraphs:

Paragraph	Policy Issue
5.2.9, 5.4.5	Protection of trees and woodlands
5.4.3	Landscape features of major importance for wild flora and fauna
5.4.4, 5.4.5	Conservation and enhancement of locally-designated nature and landscape areas (where these are not mapped)
5.4.5	Conservation and enhancement of all statutorily designated nature and landscape areas and sites
5.4.5	Areas of open space of conservation value (where not mapped)
5.7.5	Coast protection and defence



## National development management policies

The following paragraphs contain statements of national development management policy which should not need to be repeated as local policy in LDPs:

Paragraph	Policy Issue
5.2.9	Protection of trees and woodlands
5.2.11, 5.5.16	Common land
5.3.4, 5.3.5, 5.3.6, 5.3.7, 5.5.5, 5.5.6, 5.5.7	Areas with statutory landscape designation (National Parks and AONBs)
5.3.9, 5.5.9	Areas and sites with statutory nature conservation designation (SSSIs, Ramsar sites, SPAs, SACs)
5.5.2, 5.5.5, 5.5.9	Minimising adverse environmental impacts
5.5.3	Use of planning conditions and obligations
5.5.8, 5.5.9	Development affecting SSSIs
5.5.11, 5.5.12	Protected species
5.5.17	Town and village greens
5.5.18	Allotments
5.7.2, 5.8.1, 5.8.2, 5.8.3	Coastal development
5.8.4	Coastal defence works

Topics relevant to the local area may simply be mentioned with a cross-reference to PPW.

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- <sup>2</sup> The UK has signed and ratified the Council of Europe's European Landscape Convention. It came into force in the UK in March 2007. This convention defines landscape as 'an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors'. The definition applies across the whole territory of member states and not only to areas which have been formally designated for protection. It includes urban and peri-urban landscapes as well as those in rural areas and on the coast, and 'everyday or degraded landscapes' as well as 'those that might be considered outstanding'. Member states undertake to integrate landscape into their regional and town planning policies. Additionally, the convention stresses the importance of involving local communities in landscape protection, management and planning
- <sup>3</sup> 'Conserving Biodiversity – the UK Approach' (2007) [www.jncc.defra.gov.uk/page-5155](http://www.jncc.defra.gov.uk/page-5155)
- <sup>4</sup> 'Biodiversity: The UK Steering Group Report', HMSO, 1995 [www.jncc.defra.gov.uk/page-5155](http://www.jncc.defra.gov.uk/page-5155)

- <sup>5</sup> 'Government Response to the UK Steering Group Report on Biodiversity', Cm 3260, HMSO, 1996 [www.jncc.defra.gov.uk/page-5155](http://www.jncc.defra.gov.uk/page-5155)
- <sup>6</sup> 'Sustaining the variety of life: five years of the UK Biodiversity Action Plan', DETR, 2001 [www.jncc.defra.gov.uk/page-5155](http://www.jncc.defra.gov.uk/page-5155)
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- <sup>8</sup> The Natural Environment and Rural Communities Act 2006, S40(1) [www.opsi.gov.uk/acts/acts2006/ukpga\\_20060016\\_en\\_1](http://www.opsi.gov.uk/acts/acts2006/ukpga_20060016_en_1)
- <sup>9</sup> Planning for Biodiversity Good Practice Guide, David Tyldesley and RTPI, 1999 [www.biodiversityplanningtoolkit.com/stylesheet.asp?file=29062010175126](http://www.biodiversityplanningtoolkit.com/stylesheet.asp?file=29062010175126)
- <sup>10</sup> Commons Act 2006; [www.opsi.gov.uk/acts/acts2006/ukpga\\_20060026\\_en\\_1](http://www.opsi.gov.uk/acts/acts2006/ukpga_20060026_en_1).  
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- <sup>11</sup> In line with the provisions of the European Landscape Convention
- <sup>12</sup> AONBs: originally designated under the National Parks and Access to the Countryside Act 1949; now designated under the Countryside and Rights of Way Act 2000
- <sup>13</sup> National Parks: see Part II of the National Parks and Access to the Countryside Act 1949 and Part III of the Environment Act 1995 [www.opsi.gov.uk/acts/acts1949a](http://www.opsi.gov.uk/acts/acts1949a), [www.opsi.gov.uk/acts/acts1995/ukpga\\_19950025\\_en\\_1](http://www.opsi.gov.uk/acts/acts1995/ukpga_19950025_en_1)
- <sup>14</sup> Environment Act 1995 S.61 [www.opsi.gov.uk/acts/acts1995/ukpga\\_19950025\\_en\\_1](http://www.opsi.gov.uk/acts/acts1995/ukpga_19950025_en_1)
- <sup>15</sup> Environment Act 1995, S62 [www.opsi.gov.uk/acts/acts1995/ukpga\\_19950025\\_en\\_1](http://www.opsi.gov.uk/acts/acts1995/ukpga_19950025_en_1)
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- <sup>20</sup> Technical Advice Note 5, 'Nature Conservation and Planning', Welsh Government, 2009 [www.wales.gov.uk/topics/planning/policy/tans/tan5/?lang=en](http://www.wales.gov.uk/topics/planning/policy/tans/tan5/?lang=en)
- <sup>21</sup> EC Directive 1992/43/EEC on Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive), as amended [www.eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A31992L0043%3AEN%3AHTML](http://www.eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A31992L0043%3AEN%3AHTML)
- <sup>22</sup> EC Directive 2009/147/EEC on the Conservation of Wild Birds (codified Birds Directive) [www.ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.htm](http://www.ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm)
- <sup>23</sup> Convention on Wetlands of International Importance especially as Waterfowl Habitat, (Ramsar Convention 1971 as amended) [www.jncc.gov.uk/page-1369](http://www.jncc.gov.uk/page-1369)
- <sup>24</sup> Conservation (Natural Habitats, &c) Regulations 1994 (SI 1994/2716) (as amended) [www.opsi.gov.uk/si/si1994/Uksi\\_19942716\\_en\\_1.htm](http://www.opsi.gov.uk/si/si1994/Uksi_19942716_en_1.htm)
- <sup>25</sup> 'The LANDMAP Information System – LANDMAP methodology', Natural Resources Wales [www.naturalresources.wales/landmap](http://www.naturalresources.wales/landmap)
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- <sup>28</sup> 'National' in this context means UK
- <sup>29</sup> Wildlife and Countryside Act, 1981 as amended by Sch. 9 of the Countryside and Rights of Way Act, 2000 [www.opsi.gov.uk/acts/acts1981a](http://www.opsi.gov.uk/acts/acts1981a), [www.opsi.gov.uk/acts/acts2000/ukpga\\_20000037\\_en\\_1](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_1)
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- <sup>34</sup> Protection of Badgers Act, 1992 [www.opsi.gov.uk/acts/acts1992/Ukpga\\_19920051\\_en\\_1](http://www.opsi.gov.uk/acts/acts1992/Ukpga_19920051_en_1)
- <sup>35</sup> Species listed in Habitat Regulations (SI 1994/2716), Schedules 2 and 4
- <sup>36</sup> A derogation is an authorised departure from the system of protection
- <sup>37</sup> Conservation (Natural Habitats, &c) Regulations 1994 (SI 1994/2716) (as amended), Reg. 44 [www.opsi.gov.uk/si/si1994/Uksi\\_19942716\\_en\\_1.htm](http://www.opsi.gov.uk/si/si1994/Uksi_19942716_en_1.htm)

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# Planning Policy Wales



## Chapter 6 Conserving the Historic Environment

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## 6.1 Objectives

6.1.1 It is important that the historic environment<sup>1 2 3 4</sup> – encompassing archaeology and ancient monuments<sup>5</sup>, listed buildings<sup>6</sup>, conservation areas and historic parks, gardens and landscapes – is protected. The Welsh Government's objectives in this field are to:

- preserve or enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations; and specifically to;
- protect archaeological remains, which are a finite and non-renewable resource, part of the historical and cultural identity of Wales, and valuable both for their own sake and for their role in education, leisure and the economy, particularly tourism;
- ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest; and to
- ensure that conservation areas are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls over businesses and householders.

6.1.2 Local planning authorities have an important role in securing the conservation of the historic environment while ensuring that it accommodates and remains responsive to present day needs. This is a key aspect of local authorities' wider sustainable development responsibilities which should be taken into account in both the formulation of planning policies and the exercise of development management functions.

## 6.2 Working with others

6.2.1 Local planning authorities must work with Government and other agencies having particular responsibilities and powers in respect of the conservation of the historic environment. The Welsh Government's historic environment division, Cadw, has responsibility for protecting, conserving and promoting an appreciation of the historic environment of Wales. The Welsh Government has a duty to compile lists of buildings of special architectural or historic interest. Listing ensures that the special interest of these buildings is recognised and that works which would affect them are brought within statutory control. It may schedule ancient monuments considered to be of national importance and has responsibilities for determining applications for consent to works affecting scheduled monuments. The Welsh Government also has to be notified by local authorities of certain applications for listed building consent, so that it can consider whether the application should be called in for its determination. Applications by local planning authorities for works in their area affecting listed buildings and the demolition of buildings in conservation areas are determined by the Welsh Ministers<sup>7</sup>.





6.2.2 The Royal Commission on the Ancient and Historical Monuments of Wales is the national body of survey and record. It compiles and makes available a comprehensive archive and national database of ancient monuments and historic buildings in Wales (the National Monuments Record) for use by individuals and bodies concerned with understanding, conserving and managing the built environment. The Royal Commission must be notified by local planning authorities of all proposals to demolish listed buildings. The four Welsh Archaeological Trusts maintain the Historic Environment Record and implement schemes to mitigate adverse development impacts on archaeological remains. They also provide archaeological advice to local planning authorities and should be contacted, as appropriate, in the exercise of plan preparation and development management functions.

## 6.3 Designating Conservation Areas

6.3.1 Conservation area designation<sup>8 9 10</sup> is the main instrument available to local planning authorities to give effect to conservation policies for a particular neighbourhood or area. They must designate as a conservation area any 'area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'<sup>11</sup>. Authorities should advise Cadw when conservation areas are designated<sup>12</sup>.

6.3.2 Local planning authorities are required to formulate and publish proposals for the preservation or enhancement of conservation areas<sup>13</sup>. The positive management of conservation areas is necessary if their character or appearance is to be protected and enhanced. Authorities should establish consistent criteria against which existing and/or new conservation areas and their boundaries should be reviewed. Cancellation of designation should be considered where an area, or part of an area, is no longer considered to possess the special interest which led to its designation.

6.3.3 The preparation of townscape audits and conservation area character appraisals can assist planning authorities in the exercise of their planning and development management functions.

## 6.4 Development plans and the historic environment

6.4.1 Development plans should reflect national policies for the preservation and enhancement of the historic environment. Development plans should also set out proposals for re-use or new development affecting historic areas and buildings, which may assist in achieving the Welsh Government's objectives for urban regeneration.

6.4.2 Development plans should reflect **national** policies for the protection and enhancement of **sites of archaeological interest** and their settings. Archaeological remains scheduled as being of national importance should be identified for preservation. Not all nationally important remains meriting preservation will necessarily be scheduled. Such remains and, in appropriate circumstances, other unscheduled archaeological remains of more local importance, and their settings, may also be identified in development plans as particularly worthy of preservation.



6.4.3 Local planning authorities should not include in their development plans policies requiring developers to finance archaeological works in return for the grant of planning permission. Developers should not expect to obtain planning permission for archaeologically damaging development merely because they arrange for the recording of sites whose physical preservation in situ is both desirable (because of their level of importance) and feasible.

6.4.4 Development plans should include locally-specific policies for the conservation of the built environment that are relevant to development management decisions and which should be taken into consideration in the determination of applications for both listed building consent and conservation area consent.

6.4.5 Development plans should include locally-specific policies for works of demolition, alteration, extension or re-use of **listed buildings and their curtilages**, outlining any criteria that will be applied to development proposals and which could affect an authority's decision on a related application for planning permission.

6.4.6 Development plan policies should make it clear that development proposals will be judged for their effect on the character and appearance of **conservation areas**, as identified in the assessment and proposal document, to ensure that any new development is in accord with the area's special architectural and historic interest. While the character or appearance of conservation areas must be a major consideration, it cannot prevent all new development.

6.4.7 Development plans should clearly indicate how detailed assessment documents and statements of proposals for individual conservation areas relate to the plan and what weight will be given to them in decisions on planning applications. The development plan should not include policies for the designation of new conservation areas or extensions to existing conservation areas, nor should it include detailed statements or proposals for existing conservation areas. The process of assessment, detailed definition or revision of boundaries and formulation of proposals for individual conservation areas should be pursued separately from the development plan.

6.4.8 Although no additional statutory controls follow from the inclusion of a site in the World Heritage List, such **World Heritage Sites** have been inscribed because of their outstanding international importance. Development plan policies should reflect this, emphasising the need to protect both the sites and their settings for future generations.

6.4.9 The non-statutory 'Register of **Landscapes, Parks and Gardens** of Special Historic Interest in Wales'<sup>14</sup> has been prepared in two parts. The first part, consisting of seven volumes, covers parks and gardens, by unitary authority and former county council areas, while the second is divided into two volumes, covering 'outstanding' and 'special' historic landscapes throughout Wales. Local planning authorities should take both parts of the Register into account in preparing their development plans (see 6.5.25).

6.4.10 The development plan should show the boundaries of areas of protection on the Proposals Map. These boundaries have been fixed under other powers and representations should not be invited on them.



## 6.5 Development management and the historic environment

### Archaeological remains

6.5.1 The desirability of preserving an **ancient monument** and its setting is a material consideration in determining a planning application, whether that monument is scheduled or unscheduled. Where nationally important **archaeological remains**, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. In cases involving lesser archaeological remains, local planning authorities will need to weigh the relative importance of archaeology against other factors, including the need for the proposed development.

6.5.2 The needs of archaeology and development can be reconciled, and potential conflict very much reduced, if developers discuss their proposals for development with the local planning authority at an early stage. Archaeological assessments commissioned by developers (sometimes as part of a wider Environmental Impact Assessment) can help to provide information on the archaeological sensitivity of a site before submitting a planning application. If important remains are thought to exist at a development site, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken<sup>15</sup>. The results of any assessment and/or field evaluation should be provided as part of a planning application. If this information is not provided, authorities should consider whether it is appropriate to direct the applicant to supply further information, or whether to refuse permission for inadequately documented proposals.

6.5.3 Where local planning authorities decide that physical preservation in situ of archaeological remains is not justified in the circumstances of the case, and that development resulting in the destruction of the archaeological remains should proceed, before granting planning permission the authority needs to be satisfied that the developer has made appropriate and satisfactory provision for the archaeological investigation and subsequent recording of the remains and the publication of the results. Archaeological investigations should be carried out before development commences, working to a project brief prepared by the planning authority.

6.5.4 Local planning authorities may impose conditions to protect a monument and require that an archaeological watching brief is carried out. In order to secure the provision of an appropriate archaeological investigation and subsequent recording of remains, a negative condition may be imposed prohibiting the carrying out of the development until such time as works or other action (for example, an excavation), have been carried out by a third party<sup>16</sup>.

6.5.5 Archaeological remains may only become apparent when development has commenced. Where such remains are deemed by the Welsh Government to be of national importance, the remains may be scheduled. In these circumstances, developers would need to seek separate Scheduled Monument Consent before continuing work. The local planning authority or the Welsh Government may revoke planning consent if deemed necessary.



6.5.6 Local planning authorities are required to consult the Welsh Government on any development proposal that is likely to affect the site of a scheduled ancient monument. **Scheduled monument consent** must be sought from the Welsh Government for any proposed works to a scheduled ancient monument. Consent can only be granted for detailed proposals, and planning permission alone is insufficient to authorise the works<sup>17</sup>. Scheduled Ancient Monuments are exempt from conservation area control; however, where buildings are both scheduled and listed, ancient monument legislation takes precedence and scheduled monument consent, rather than listed building consent, is required for works. In these cases, when considering applications for demolition the Welsh Government will have regard to the need to explore alternative uses. Where alterations are proposed, regard will be had to the retention of important features.

## Listed buildings

6.5.7 There is no statutory requirement to have regard to the provisions of the development plan when considering **applications for listed building consent**, since in these cases the Courts have accepted that Section 54A of the Town and Country Planning Act 1990 (superseded by section 38(6) of the Planning and Compulsory Purchase Act 2004) does not apply.

6.5.8 There should be a general presumption in favour of the preservation of listed buildings. The continuation or reinstatement of the original use should generally be the first option when the future of a listed building is considered. However, not all original uses will now be viable or necessarily appropriate. The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building's survival. The aim should be to identify the optimum viable use that is compatible with the character and setting of an historic building.

6.5.9 Where a development proposal affects a **listed building** or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

6.5.10 Applicants for **listed building consent** must be able to justify their proposals, show why alteration or demolition of a listed building is desirable or necessary. It is generally preferable for both the applicant and the planning authority if related applications for planning permission and listed building consent are considered concurrently. Consideration of proposals for a listed building should be made on the basis of a full, rather than an outline planning consent. Planning permission alone is insufficient to authorise works to a listed building.

6.5.11 Planning authorities must, unless directed otherwise, notify the Welsh Government before listed building consent is granted<sup>18 19</sup>. Once a building is listed (or is the subject of a building preservation notice) consent is required<sup>20</sup> for its total or partial demolition and for any works of alteration or extension which would affect its character as a building of special architectural or historic interest. Controls apply to all works, both external and internal, that would affect a building's special interest.



6.5.12 While it is an objective of Welsh Government policy to secure the conservation and sustainable use of historic buildings, there will very occasionally be cases where demolition is unavoidable. Listed building controls ensure that proposals for demolition are fully scrutinised and justified before any decision is reached. The demolition of any Grade I or Grade II\* listed building should be wholly exceptional and require the strongest justification. In determining applications for total or substantial demolition of listed buildings, authorities should take into account the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use, the adequacy of efforts made to retain the building in use and the merits of alternative proposals for the site. The Welsh Government would not expect consent to be given without convincing evidence that all reasonable efforts have been made to sustain existing uses, or to find viable new uses, and that these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition. Authorities should not authorise demolition of an historic building to make way for new development, unless it is certain that the new development will proceed. This requirement can be secured by condition. Conditions may also be used to require the preservation of particular features and/or to require works to be carried out in a certain way.

6.5.13 The Royal Commission on the Ancient and Historical Monuments of Wales must be notified of all proposals to demolish listed buildings and is allowed access to buildings which it wishes to record before demolition takes place. Local planning authorities should consider, in all cases of alteration or demolition, whether it is appropriate to make the recording of features that would be destroyed by the works, a condition of planning consent<sup>21</sup>. Authorities should not, however, require applicants to finance recording programmes in return for the granting of consent and applicants should not be expected to be granted consent because they have arranged suitable programmes.

6.5.14 The objectives of listed building designation can generally be met through a planning authority's development planning and development management functions. In exceptional circumstances, where there is a real and specific threat, **Article 4** Directions bringing certain categories of permitted development within planning control can be made by local authorities without the need for approval by the Welsh Government. Directions must relate solely to a listed building or to development within the curtilage of a listed building, provided that they do not affect the carrying out of development by a statutory undertaker<sup>22</sup>.

6.5.15 Local planning authorities have the power to serve **Building Preservation Notices** in respect of buildings which are not listed, but which they consider are of special architectural or historic interest and in danger of demolition or alteration in such a way as to affect their character as buildings of such interest. A Notice applies a majority of the Act's provisions relating to listed buildings<sup>23 24</sup> to the building concerned and takes effect immediately it is served.



## Conservation areas

6.5.16 There is no statutory requirement to have regard to the provisions of the development plan when considering **applications for conservation area consent**, since in these cases the Courts have accepted that Section 54A of the Town and Country Planning Act 1990 (superseded by section 38(6) of the Planning and Compulsory Purchase Act 2004) does not apply.

6.5.17 Should any proposed development conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the grant of planning permission. In exceptional cases the presumption may be overridden in favour of development deemed desirable on the grounds of some other public interest. The Courts have held that the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

6.5.18 Conservation area designation introduces control over the total or substantial **demolition<sup>25</sup> of unlisted buildings within conservation areas<sup>26</sup>**. Partial demolition of an unlisted building within a conservation area does not require conservation area consent. Procedures for conservation area consent are essentially the same as for listed building consent. In exercising controls, account should be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole. Consideration should also be given to replacement structures. The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area.

6.5.19 When considering planning **applications for advertisements in conservation areas**, local planning authorities should pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

6.5.20 Authorities should take into account the visual, historic and amenity contribution of **trees in conservation areas**. New planting or replanting may be appropriate where consistent with the character and appearance of the area. Special provisions apply for trees in conservation areas which are not the subject of Tree Preservation Orders<sup>27</sup>.

6.5.21 The objectives of conservation area designation can generally be met through a planning authority's development planning and development management functions. The General Permitted Development Order requires planning applications for certain types of development in conservation areas which outside these areas would be classified as permitted development. In exceptional circumstances, to help to protect features that are key elements of the character and appearance of particular conservation areas and where there is a real and specific threat, local planning authorities can also withdraw specific permitted development rights through the **use of Article 4 Directions**. The designation of a conservation area does not in itself automatically justify making an Article 4 Direction.





6.5.22 Article 4(2) Directions can be made in relation to dwelling houses in conservation areas where the permitted development would front a highway, waterway or open space. The Welsh Ministers' approval is not required, but authorities must notify residents and take account of local views before confirming such a Direction. With the exception of those circumstances identified in Article 5(1), the withdrawal of permitted development rights outside these specified categories continues, to require Article 4(1) Directions for which the Welsh Ministers' approval is needed before they can become effective. The Welsh Ministers will consider approval where the Direction is backed by a clear assessment of an area's special architectural and historic interest, where the importance to the special interest of the features in question is established, where the Direction involves the minimum withdrawal of permitted development rights necessary to achieve its objectives, and where the planning authority can demonstrate local support.

6.5.23 It is generally preferable, for both the applicant and the planning authority, for related applications for planning permission and conservation area consent to be considered concurrently. Consideration of proposals for development in a conservation area should be made on the basis of a full, rather than an outline, consent.

## World heritage sites and historic landscapes, parks and gardens<sup>28</sup>

6.5.24 **World Heritage Sites**<sup>29</sup> are a material consideration to be taken into account by local planning authorities in the determination of planning applications, and by the Welsh Government in determining cases on appeal or following call-in. The impact of development proposals on both the sites and their settings should be carefully considered.

6.5.25 Local planning authorities should protect parks and gardens and their settings included in the first part of the 'Register of **Landscapes, Parks and Gardens** of Special Historic Interest in Wales'. Cadw should be consulted on planning applications affecting grade 1 and II\* sites and the Garden History Society should be consulted on all parks and gardens on the Register. Information on the historic landscapes in the second part of the Register should be taken into account by local planning authorities in considering the implications of developments which are of such a scale that they would have a more than local impact on an area on the Register (see para 6.4.9). The effect of proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, or on the setting of such a park or garden, may be a material consideration in the determination of a planning application<sup>30</sup>.





## Figure 6.1 Conserving the Historic Environment

### Guide to the application of national planning policy statements in LDPs

#### Locational considerations

For the most part, policies to be applied within areas for protection, such as Conservation Areas, and to Listed Buildings or Ancient Monuments, will be clear from national legislation and guidance and will not need to be repeated in an LDP unless there is a locally distinct application.

#### Topic-based policies

The national planning policy statements on the historic environment which should be included, or considered for inclusion, in topic-based policies in the LDP can be found in the following paragraphs. Such policies should focus on any locally distinct element that differs from national guidance or which would benefit from elaboration.

Paragraph	Policy Issue
6.4.1, 6.4.4	Historic environment
6.4.1	Historic areas and regeneration where proposals are being brought forward
6.4.2	Sites of archaeological interest
6.4.5	Listed buildings

#### National development management policies

The following paragraphs contain statements of national development management policy which should not need to be repeated as local policy in LDPs:

Paragraph	Policy Issue
6.4.3	Financing archaeological works
6.4.6	Conservation Areas and assessments
6.5.1	Ancient monuments and archaeological remains
6.5.3	Archaeological investigation before development commences
6.5.8	Preservation of listed buildings and optimum viable use
6.5.9	Proposals affecting a listed building or its setting
6.5.12	Consent to demolish a listed building/use of conditions
6.5.17	Conservation Area consent: need to preserve or enhance character
6.5.18	Conservation Area consent considerations
6.5.19	Advertisements in Conservation Areas



Paragraph	Policy Issue
6.5.20	Trees in Conservation Areas
6.5.24	World Heritage sites
6.5.25	Effect on historic landscape, park or garden and settings as a material consideration

Topics relevant to the local area may simply be mentioned with a cross-reference to PPW.

## References

- <sup>1</sup> Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012, SI No. 2012/793 [www.legislation.gov.uk/wsi/2012/793/contents/made](http://www.legislation.gov.uk/wsi/2012/793/contents/made)
- <sup>2</sup> Welsh Office Circular 61/96, 'Planning and the Historic Environment: Historic Buildings and Conservation Areas' [www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular6196/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular6196/%3Flang%3Den)
- <sup>3</sup> Welsh Office Circular 1/98, 'Planning and the Historic Environment: Directions by the Secretary of State for Wales' [www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular198/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular198/%3Flang%3Den)
- <sup>4</sup> Technical Advice Note 12, 'Design', Welsh Government, 2014 [www.wales.gov.uk/topics/planning/policy/tans/tan12/%3Flang%3De](http://www.wales.gov.uk/topics/planning/policy/tans/tan12/%3Flang%3De)
- <sup>5</sup> Ancient Monuments and Archaeological Areas Act 1979 [www.legislation.gov.uk/ukpga/1979/46/contents](http://www.legislation.gov.uk/ukpga/1979/46/contents)
- <sup>6</sup> Planning (Listed Buildings and Conservation Areas) Act 1990 [www.opsi.gov.uk/acts/acts1990/Ukpga\\_19900009\\_en\\_1](http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900009_en_1)
- <sup>7</sup> Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012, SI No. 2012/793 [www.legislation.gov.uk/wsi/2012/793/contents/made](http://www.legislation.gov.uk/wsi/2012/793/contents/made)
- <sup>8</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, Section 70(5) [www.opsi.gov.uk/acts/acts1990/Ukpga\\_19900009\\_en\\_1](http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900009_en_1)
- <sup>9</sup> Welsh Office Circular 61/96, 'Planning and the Historic Environment: Historic Buildings and Conservation Areas' [www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular6196/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular6196/%3Flang%3Den)
- <sup>10</sup> Welsh Office Circular 29/95, 'General Development Order Consolidation 1995' [www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular2995/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular2995/%3Flang%3Den)
- <sup>11</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, Section 69 [www.opsi.gov.uk/acts/acts1990/Ukpga\\_19900009\\_en\\_1](http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900009_en_1)
- <sup>12</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, Section 70(5) [www.opsi.gov.uk/acts/acts1990/Ukpga\\_19900009\\_en\\_1](http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900009_en_1)
- <sup>13</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, Section 71 [www.opsi.gov.uk/acts/acts1990/Ukpga\\_19900009\\_en\\_1](http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900009_en_1)



- <sup>14</sup> 'Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales', CCW, Cadw, ICOMOS UK – Part 1: Parks and Gardens (published on a county basis); Part 2.1: Landscapes of Outstanding Historic Interest; Part 2.2: Landscapes of Special Historic Interest  
[www.cadw.gov.wales/historicenvironment/protection/historiclandscapes/?lang=en](http://www.cadw.gov.wales/historicenvironment/protection/historiclandscapes/?lang=en)
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- <sup>17</sup> Ancient Monuments (Class Consents) Order 1994 (SI 1994/1381)  
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- <sup>18</sup> Welsh Office Circular 1/98, 'Planning and the Historic Environment: Directions by the Secretary of State for Wales' [www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular198/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular198/%3Flang%3Den)
- <sup>19</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, Section 13  
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- <sup>20</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, Section 7  
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- <sup>22</sup> Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418), Article 4 [www.opsi.gov.uk/si/si1995/Uksi\\_19950418\\_en\\_1.htm](http://www.opsi.gov.uk/si/si1995/Uksi_19950418_en_1.htm)
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- <sup>27</sup> Welsh Office Circular 64/78, 'Trees and Forestry' [www.opsi.gov.uk/acts/acts1990/Ukpga\\_19900009\\_en\\_1](http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900009_en_1)
- <sup>28</sup> The provisions of the European Landscape Convention are relevant in considering the impacts of development on world heritage sites and historic landscapes  
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- <sup>29</sup> Welsh Office Circular 61/96, 'Planning and the Historic Environment: Historic Buildings and Conservation Areas' [www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular6196/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular6196/%3Flang%3Den)
- <sup>30</sup> Guide to Good Practice on Using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process, Revised Edition, Cadw, Welsh Assembly Government and CCW, 2007 [www.cadw.gov.wales/docs/cadw/publications/LandscapesRegisterGoodPractice\\_EN.pdf](http://www.cadw.gov.wales/docs/cadw/publications/LandscapesRegisterGoodPractice_EN.pdf)





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# Planning Policy Wales

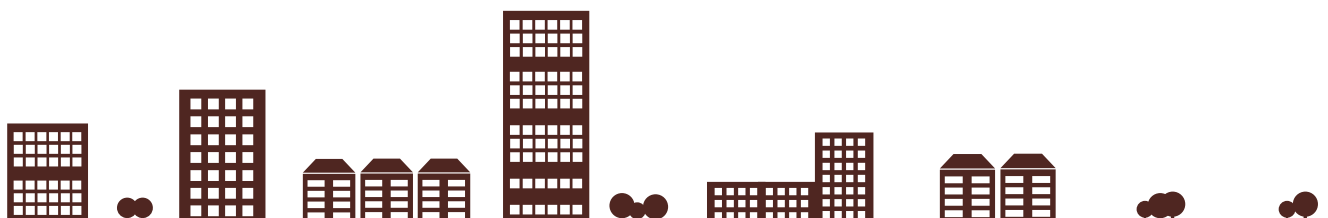


## Chapter 7 Economic Development

## Credits

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## 7.1 Objectives

7.1.1 For planning purposes the Welsh Government defines economic development as development of land and buildings for activities that generate wealth, jobs and incomes. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction and energy sectors are also important to the economy and are sensitive to planning policies.

7.1.2 It is essential that the planning system considers, and makes provision for, the needs of the entire economy and not just those uses defined under parts B1-B8 of the Town and Country Planning Use Classes Order. Particular policies on other economic sectors are also found elsewhere in *Planning Policy Wales*: in relation to Retail and Town Centres (Chapter 10); Tourism, Sport and Recreation (Chapter 11) and Infrastructure and Services (Chapter 12).

7.1.3 The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development. To this end, the planning system, including planning policies, should aim to ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses. Local planning authorities should aim to facilitate the provision of sufficient land required by the market, except where there are good reasons to the contrary. In addition, wherever possible local planning authorities should seek to guide and control economic development to facilitate regeneration and promote social and environmental sustainability. In so doing, they should aim to:

- co-ordinate development with infrastructure provision;
- support national, regional, and local economic policies and strategies;
- align jobs and services with housing, wherever possible, so as to reduce the need for travel, especially by car;
- promote the re-use of previously developed, vacant and underused land; and
- deliver physical regeneration and employment opportunities to disadvantaged communities.

7.1.4 In applying these and other considerations, local planning authorities should aim to steer economic development to the most appropriate locations, rather than prevent or discourage such development.

7.1.5 Effective planning for the economy requires local planning authorities to work strategically and co-operatively steering development and investment to the most efficient and most sustainable locations, regardless of which local authority area they are in. In addition, travel-to-work patterns do not necessarily respect local authority boundaries and it is essential that local planning authorities identify and make adequate provision for their role in the regional and sub-regional economies of Wales<sup>1</sup>.





## 7.2 Planning for Economic Development

7.2.1 Planning policies for economic development must provide developers and others with scope to make choices to secure the efficient and effective use of resources including land. Development plans and development management decisions should take account of European, national and local economic and development policies. Realistic assumptions should be made about the resources (including financial and natural environmental resources) likely to be available for putting planning policies and proposals into effect. Plans and decisions should also be based on up-to-date and locally specific evidence which demonstrates the suitability of the existing employment land supply in relation to the locational and development requirements of business. As part of the process of establishing a local evidence base, local planning authorities should undertake, and keep under review, an Employment Land Review which is relevant to prevailing market conditions and the requirements of the development plan. In line with the Welsh Government's policies for encouraging co-ordination and joint working between local authorities, local planning authorities should, wherever possible, work with each other and with relevant economic fora in order to prepare Employment Land Reviews on a sub-regional basis, but in a way which allows individual local planning authorities to identify their own land banks.

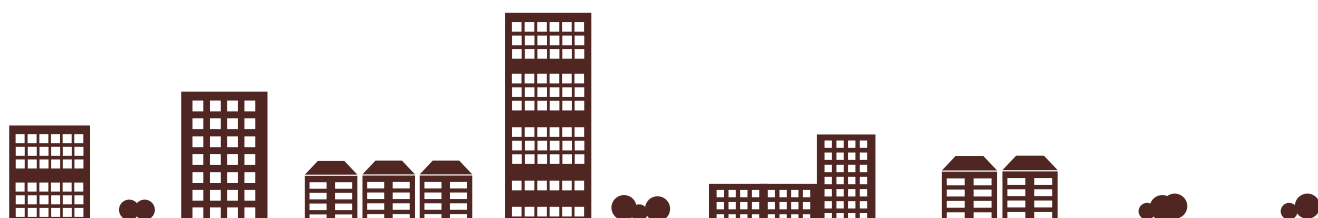
7.2.2 Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations<sup>2</sup>.

7.2.3 In seeking to promote economic development local planning authorities should consider all relevant policy options including the use of **Simplified Planning Zones**<sup>3</sup> and **Local Development Orders**<sup>4</sup> in order to facilitate and simplify the planning process for enterprises in their area. These mechanisms will be of particular significance for those local authorities which have **Enterprise Zones**.

7.2.4 Mixed use development should be promoted in and adjoin existing settlements, where appropriate. Policies and supplementary planning guidance should support mixed use developments, including flexible workplace/dwellings and commercial premises, where these are appropriate.

## 7.3 Promoting diversification in the rural economy

7.3.1 Many commercial and light manufacturing activities can be located in rural areas without causing unacceptable disturbance or other adverse effects<sup>5</sup>. Small-scale enterprises have a vital role in promoting healthy economic activity in rural areas, which can contribute to both local and national competitiveness. New businesses in rural areas are essential to sustain and improve rural communities, but developments which only offer short-term economic gain may not be appropriate. Local authorities should encourage the growth of self employment and micro businesses in rural areas by adopting a supportive and flexible approach to home working. Information



communications technology, in particular broadband, is vital to communities and business in rural areas. Improvements to information communications infrastructure networks should be supported throughout rural Wales<sup>6</sup>.

7.3.2 While some employment can be created in rural locations by the re-use of existing buildings<sup>7</sup>, new development will be required in many areas. New development sites are likely to be small and, with the exception of farm diversification and agricultural development to which separate criteria apply<sup>8</sup>, should generally be located within or adjacent to defined settlement boundaries, preferably where public transport provision is established. However, some industries may have specific land requirements which cannot be accommodated within settlements. The absence of allocated employment sites should not prevent authorities from accommodating appropriate small-scale rural enterprises in or adjoining small rural settlements. The expansion of existing businesses located in the open countryside should be supported provided there are no unacceptable impacts on local amenity.

7.3.3 Local planning authorities should adopt a positive approach to development associated with farm diversification in rural areas, irrespective of whether farms are served by public transport. While initial consideration should be given to adapting existing farm buildings<sup>9</sup>, the provision of a sensitively designed new building on a working farm within existing farm complexes may be appropriate where a conversion opportunity does not exist.

## **74 Promoting the low carbon economy, business and technology clusters and social enterprises**

7.4.1 Local planning authorities should support the shift towards a low carbon economy, for example by encouraging the development of clusters of industrial and commercial uses deriving environmental benefit from co-location, especially through the development of waste stream technologies and practices (i.e. eco-industrial networks). They should look favourably on proposals for new on-site low carbon energy generation including, for example, high efficiency energy recovery from waste, as well as generally facilitating the provision of an integrated network of waste facilities, provided that there are no unacceptable impacts on local amenity.

7.4.2 Local planning authorities should also seek to support the development of innovative business and technology clusters. Development plan policies need to identify potential networks and cluster areas, making clear the criteria used to categorise them and the links to policies relating to the creation of the transport, environmental and telecommunications infrastructure needed to support such networks.

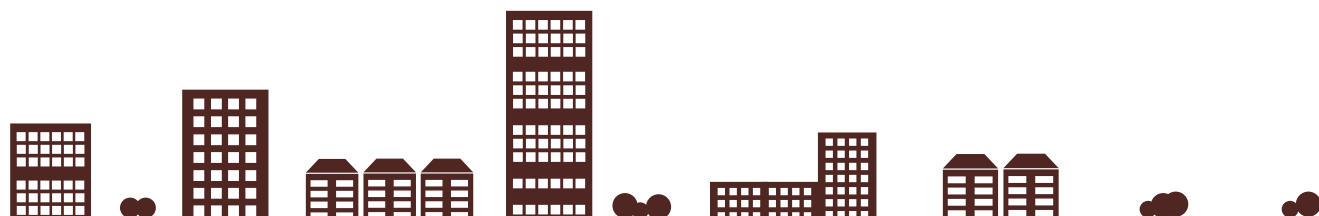
7.4.3 Local planning authorities should take into account the possibility that certain kinds of businesses may be especially important in providing opportunities for social groups disadvantaged within the labour market. Whether this is the case can only be determined by analysis of the circumstances in particular places at particular times, and will need to be kept under review and should be factored into the local evidence base.



## 7.5 Development plans and the economy

### 7.5.1 Development plans should:

- reflect work with neighbouring authorities and other relevant stakeholders to plan strategically for employment land provision;
- be underpinned by an up to date and appropriate evidence base to support policy choices and land allocations for economic development;
- using this evidence base, as far as is practicable set out an economic vision for the area, including a broad assessment of anticipated employment change by broad sector and land use;
- provide targets on land provision for the employment uses (Classes B1-B8), showing net change in land/floorspace for offices and industry/warehousing separately, and protect these sites from inappropriate development;
- include policies relating to future development on existing employment sites to protect them from inappropriate development:
  - to encourage the regeneration and re-use of sites which are still suitable and needed for employment;
  - to control and manage the release of unwanted employment sites to other uses;
- seek to provide the right amount of land and qualitative mix of sites to meet the market demand for economic development uses;
- propose specific locations for those necessary industries which are detrimental to amenity and may be a source of pollution;
- seek to promote and facilitate development that will deliver physical regeneration;
- in safeguarding existing sites and providing new sites, prioritise sites that deliver appropriate job and training opportunities to disadvantaged communities;
- concentrate development that attracts large numbers of people, including retail and offices, in city, town and village centres;
- include criteria-based policies to deal with development not specifically allocated in the development plan and help respond to unexpected change;
- include policies on the scope for new economic development in and adjoining rural settlements and identify suitable sites. In remote rural areas and smaller settlements a criteria based approach should be considered;
- include policies encouraging farm diversification and new rural development opportunities;
- identify protection zones around establishments that hold hazardous substances and protect the ability of existing establishments to operate or expand by preventing the incremental development of vulnerable uses in the vicinity of such sites.



## 7.6 Development management and the economy

7.6.1 Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

- the numbers and types of jobs expected to be created or retained on the site;
- whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;
- a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.

7.6.2 When considering planning applications which have economic development potential, local planning authorities should seek the views of all relevant local authority departments and particularly from Economic Development Officers as this can assist in the identification of economic benefits.

7.6.3 Employment and residential uses can be compatible and local planning authorities should have regard to the proximity and compatibility of proposed residential development adjacent to existing industrial and commercial uses to ensure that both amenity and economic development opportunities are not unduly compromised.

7.6.4 Establishments that hold hazardous substances have an important role in the economy. When considering the location of new development, authorities should ensure appropriate separation between major hazard sites and the public are maintained to manage the risks to people and the environment of a major accident. Consultation with the statutory bodies is essential.

7.6.5 Local planning authorities should adopt a constructive approach towards **agricultural development proposals**, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In addition they should adopt a positive approach to the conversion of rural buildings for business re-use<sup>10</sup>.

### Figure 7.1 Economic Development

#### Guide to the application of national planning policy statements in LDPs

##### Locational considerations

Sustainability principles should underlie decisions about the location of new development for enterprise and employment uses. Any major new employment allocations and key sites should be the subject of consultation at the pre deposit stage. All new employment allocations will be shown on the Proposals Map. The national policy statements which should inform the development of these policies can be found in the following paragraphs:

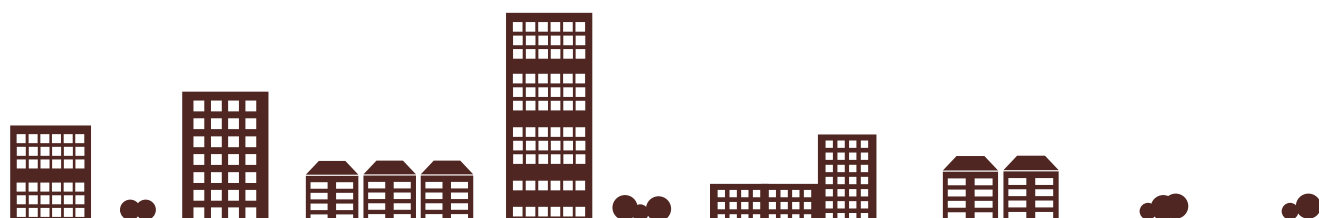


Paragraph	Policy Issue
7.1.3, 7.6.3	Align jobs and services with housing
7.1.3, 7.5.1	Delivering regeneration
7.1.4, 7.1.5	Employment sites
7.2.4	Mixed-use development
7.3.1, 7.3.2, 7.5.1	Employment sites in rural areas
7.4.1, 7.4.2	Low carbon, innovation and technology clusters
7.5.1	Industry detrimental to amenity
7.5.1	Concentrating developments that attract large numbers of people in town centres
7.6.4	New locations for hazardous development and special industrial uses

## Topic-based policies

The national planning policy statements to be considered for inclusion in the topic based policies can be found in the following paragraphs:

Paragraph	Policy Issue
7.1.3	Economic development proposals utilising underused, vacant and previously developed land
7.2.3	Simplified Planning Zones, Local Development Orders
7.2.4	Mixed-use development including flexible workplace/dwellings
7.3.1	Micro businesses and home working in rural areas
7.3.2, 7.6.5	Re-use of buildings in rural areas
7.3.3	Farm diversification
7.4.1	Low carbon economy
7.4.2	Innovation and technology clusters
7.4.3	Consideration of social impacts
7.5.1	Working with neighbouring authorities
7.5.1	Criteria for assessment of economic development proposals, including in remote rural areas and smaller settlements
7.5.1	Location of establishments where hazardous substances are used or stored



## National development management policies

The following paragraphs contain statements of national development management policy which should not need to be repeated as local policy in LDPs:

Paragraph	Policy Issue
7.1.3 7.1.5	Sustainable economic development
7.1.3, 7.2.1	European, national, regional and local economic development policies
7.3.2	Employment developments within or adjoining rural settlements
7.5.1	Protecting classes B1-B8 from inappropriate development
7.6.1	Development considerations for economic development
7.6.5	Agricultural development proposals

Topics relevant to the local area may be mentioned with a cross-reference to PPW.

## References

- <sup>1</sup> Technical Advice Note 23, Economic Development, Welsh Government, 2014  
[www.wales.gov.uk/topics/planning/policy/tans/tan-23/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan-23/%3Flang%3Den)
- <sup>2</sup> Technical Advice Note 23, Economic Development, Welsh Government, 2014  
[www.wales.gov.uk/topics/planning/policy/tans/tan-23/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan-23/%3Flang%3Den)
- <sup>3</sup> Technical Advice Note 3, Simplified Planning Zones, Welsh Assembly Government, 1996  
[www.wales.gov.uk/topics/planning/policy/tans/tan3/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan3/%3Flang%3Den)
- <sup>4</sup> Welsh Government Circular 03/2012 – Guidance on using a Local Development Order  
[www.wales.gov.uk/topics/planning/policy/circulars/welshgovcirculars/ldocircular/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/circulars/welshgovcirculars/ldocircular/%3Flang%3Den), April 2012 and The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 [www.legislation.gov.uk/wsi/2012/801/contents/made](http://www.legislation.gov.uk/wsi/2012/801/contents/made), SI 2012/801(W.110)
- <sup>5</sup> Technical Advice Note 6, Planning for Sustainable Rural Communities, Welsh Assembly Government, 2010 [www.wales.gov.uk/topics/planning/policy/tans/tan6/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan6/%3Flang%3Den)
- <sup>6</sup> Technical Advice Note 6, Planning for Sustainable Rural Communities, Welsh Assembly Government, 2010 [www.wales.gov.uk/topics/planning/policy/tans/tan6/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan6/%3Flang%3Den)
- <sup>7</sup> Technical Advice Note 23, Economic Development, Welsh Government, 2014  
[www.wales.gov.uk/topics/planning/policy/tans/tan-23/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan-23/%3Flang%3Den)
- <sup>8</sup> Technical Advice Note 6, Planning for Sustainable Rural Communities, Welsh Assembly Government, 2010 [www.wales.gov.uk/topics/planning/policy/tans/tan6/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan6/%3Flang%3Den)
- <sup>9</sup> Technical Advice Note 23, Economic Development, Welsh Government, 2014  
[www.wales.gov.uk/topics/planning/policy/tans/tan-23/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan-23/%3Flang%3Den)
- <sup>10</sup> Technical Advice Note 6, Planning for Sustainable Rural Communities, Welsh Assembly Government, 2010 [www.wales.gov.uk/topics/planning/policy/tans/tan6/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan6/%3Flang%3Den)







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# Planning Policy Wales



## Chapter 8 Transport





## 8.1 Objectives

8.1.1 The Welsh Government aims to extend choice in transport and secure accessibility in a way which supports sustainable development and helps to tackle the causes of climate change by: encouraging a more effective and efficient transport system, with greater use of the more sustainable and healthy forms of travel, and minimising the need to travel<sup>1</sup>. This will be achieved through integration:

- within and between different types of transport;
- between transport measures and land use planning;
- between transport measures and policies to protect and improve the environment; and
- between transport measures and policies for education, health, social inclusion and wealth creation.

For example, ensuring that development is accessible by means other than the private car will help to meet the Welsh Government's objectives for social inclusion. Encouraging cycling and walking will contribute to the aim of improving the levels of health in Wales.

8.1.2 The Welsh Government is committed to enabling more people to undertake and enjoy the benefits of active travel. We want to encourage people to leave their cars behind and use active travel where it is suitable for them to do so. The Active Travel (Wales) Act 2013 requires local authorities in Wales to produce active travel maps and deliver year on year improvements in active travel routes and facilities. The planning system has an important role to play in promoting active travel journeys and securing new and improved active travel routes and related facilities.

8.1.3 The Welsh Government is committed to improving regional and national transport, and improving accessibility. Implementation of the Welsh Government's Transport Strategy will help to achieve more integrated transport services. The Wales Transport Strategy will be linked to the Wales Spatial Plan and provide the context for Regional Transport Plans (RTPs).

8.1.4 The Welsh Government supports a **transport hierarchy** in relation to new development that establishes priorities in such a way that, wherever possible, they are accessible in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles. Careful consideration needs to be given to the allocation of new sites which are likely to generate significant levels of movement in Local Development Plans to ensure that access provisions which promote walking and cycling, as well as by public transport are included from the outset. Similarly, the Welsh Government expects that Design and Access Statements give consideration to accessing developments by modes other than private motor vehicles.

8.1.5 Land use planning can help to achieve the Welsh Government's objectives for transport through:

- reducing the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling;
- locating development near other related uses to encourage multi-purpose trips and reduce the length of journeys;



- improving accessibility by walking, cycling and public transport;
- ensuring that transport is accessible to all, taking into account the needs of disabled and other less mobile people;
- promoting walking and cycling;
- supporting the provision of high quality public transport;
- supporting traffic management measures;
- promoting sustainable transport options for freight and commerce;
- supporting sustainable travel options in rural areas;
- supporting necessary infrastructure improvements; and
- ensuring that, as far as possible, transport infrastructure does not contribute to land take, urban sprawl or neighbourhood severance.

8.1.6 Development plan strategies and policies need to be consistent and integrated with the strategies and policies contained in RTPs, Road Traffic Reduction Reports, and Air Quality Management Plans and information in Strategic Noise Maps<sup>2</sup>. Each regional consortium must prepare an RTP that includes a review of existing transport provision and sets out its proposals for the coordination and improvement of all transport modes, future investment priorities and the implementation of specific measures. Any RTP proposal that directly involves the development or use of land, or has land use implications, should appear as a policy or proposal in the development plan.

8.1.7 Local authorities should ensure that when planning transport centred projects their approach is compatible with the Welsh Transport Appraisal Guidance (WelTAG)<sup>3</sup>. They should ensure that the full range of possible solutions, including solutions other than road enhancement, is considered.

8.1.8 The Road Traffic Reduction Act 1997 requires local authorities to produce a report setting out an assessment of the traffic on the roads for which it is the local highway authority and a forecast of expected growth in traffic levels<sup>4</sup>. The report should also contain targets for reducing levels of local road traffic or the rate of growth of those levels. Development plan policies should be consistent with the approach adopted to fulfil these obligations and any national targets set by the Welsh Ministers under the Road Traffic Reduction (National Targets) Act 1998.

8.1.9 Transport emissions contribute significantly to climate change, diffuse pollution of groundwater and surface water (Section 13.10) and poor local air quality, which can in turn affect people's health. The Environment Act 1995 requires local authorities to review and assess air quality in their areas to determine whether air quality objectives are likely to be met<sup>5</sup>. Where it is found that air quality objectives are unlikely to be met, an air quality management area must be declared and an action plan must be developed<sup>6</sup>. Development plan policies and decisions on planning applications should take into account statutory air quality objectives, together with the results of air quality reviews and assessments and any Air Quality Management Plans or Area Action Plans (see Section 13.11).



## 8.2 Promoting active travel

8.2.1 The Active Travel (Wales) Act 2013 aims to make walking and cycling the most attractive option for shorter journeys. In particular, everyday journeys such as to and from a workplace or education establishment or in order to access health, leisure or other services or facilities.

8.2.2 Walking should be promoted for shorter trips. The impact of policies and development on pedestrians should be considered. Planning authorities should, taking into account the requirements of the Active Travel (Wales) Act 2013, promote specific measures to assist pedestrians including the provision of safe, convenient and well-signed routes.

8.2.3 Cycling should also be encouraged for short trips and as a substitute for shorter car journeys or, as part of a longer journey when combined with public transport. Local authorities should, taking into account the requirements of the Active Travel (Wales) Act 2013, encourage the implementation of specific measures to develop safe cycling, including new or improved routes, and secure parking and changing facilities in major developments and at transport interchanges. Where appropriate, planning authorities should also seek to assist the completion of the national cycle network, and of key links to and from the network.

## 8.3 Supporting public transport

8.3.1 Local authorities should promote public transport as a means to achieve environmental objectives, to assist in relieving congestion and to encourage social inclusion. Collaborative working by regional groups of local authorities and the establishment of cross-boundary transport consortia are assisting this process. Appropriate public transport measures include improved facilities for railway and bus passengers, park and ride schemes, and measures to encourage better services. Local authorities may wish to explore the potential for new rail lines (including light rail), the re-opening of rail lines, the provision of new stations and enhanced passenger services on existing lines. Rail services, with their fixed infrastructure, can provide a focus for regeneration and new development, as can bus services, especially in urban areas where supporting facilities and priority schemes, such as bus lanes, are provided.

8.3.2 The ease of **interchange between transport modes and personal safety** are important determinants of public transport use. Local authorities should safeguard existing public transport interchanges from development that would compromise their continued use. Near major public transport interchanges in city, town and district centres, planning authorities should allocate available sites for uses that maximise the accessibility potential of the site, including high density residential development, employment, shopping and leisure uses. Local authorities should identify in development plans and RTPs the need for additional interchange sites and improvements to existing interchanges, including measures to promote personal safety. In rural areas, interchange sites should be identified at nodes where the transfer between local and long distance public transport services can take place.



8.3.3 **Park-and-ride** should normally be considered as one element of a comprehensive planning and transport strategy designed to improve the relative attractiveness of public transport and reduce the overall dependence on cars. Where the RTP has identified a requirement for park-and-ride facilities, planning authorities should identify suitable sites in the development plan.

8.3.4 Local authority support for bus services, passenger rail services or proposals for associated facilities should be consistent with locational policies. Where additional public transport would be required to allow development to proceed, an appropriate policy should be included in the development plan and RTP. Where development can only take place with improvements to public transport services, local authorities should consider the use of planning conditions and/or planning obligations.

## 84 Managing traffic and parking

8.4.1 Local authorities should adopt an integrated approach to traffic management. They should consider how different measures can complement one another and contribute to the achievement of wider planning and transport objectives, taking into account the needs of the disabled and less mobile sections of the community. Within town centres priority should be given to walking, cycling, public transport and delivery vehicles through the reallocation of road space. In established urban and rural neighbourhoods, traffic management measures should be adopted to improve the street environment and promote road safety, whilst in areas of new development traffic calming measures should be incorporated from the outset. In appropriate areas local authorities should consider using powers available under the Transport Act 2000 to designate **Home Zones**. In rural areas, traffic management measures should be sympathetic to the character of the area whilst achieving reduced traffic speed, and environmental and safety improvements<sup>7</sup>.

8.4.2 **Car parking provision** is a major influence on the choice of means of transport and the pattern of development. Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate. Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan.

8.4.3 Local authorities should consider parking issues on a joint basis with neighbouring authorities, utilising existing collaborative bodies such as regional planning fora or transport consortia. They should jointly establish maximum levels of parking for broad classes of development, together with a threshold size of development above which such levels will apply. These maximum standards should be set in collaboration with interested organisations. Local authority groupings will need to ensure that their parking standards reflect local transport provision, are adopted by individual authorities as supplementary planning guidance, and are kept under review. The Welsh Government will investigate mechanisms to endorse maximum parking standards prepared by local authority groupings.

8.4.4 As part of the overall approach to parking, local authorities should gear their charging policies for on-street parking and off-street parking, where it is under their control, to complement their land use policies. This may mean rebalancing their charging and traffic management regimes so as to encourage short-term parking for retail users and discourage all-day parking by commuters.



8.4.5 Private non-residential parking is also an important component of parking provision in town centres. Authorities should, where appropriate, seek to encourage appropriate redevelopment or re-use of existing private parking sites to bring the provision down to revised standards, and should refuse planning permission for public and private car parks which do not meet the strategic aims of the development plan and RTP.

8.4.6 The Transport Act 2000 includes measures that would allow the introduction of **road user charging** and/or a **workplace parking levy**. Whilst the opportunities for road user charging are likely to be limited in Wales, a workplace parking levy could be desirable to facilitate, either directly or indirectly, the achievement of RTP policies. Local authorities will need to consider carefully how road user charging and a workplace parking levy would fit alongside development plan policies and the approaches of neighbouring authorities. Such measures could increase pressure for the dispersal of development away from charged areas. For this reason, schemes must be designed and implemented in ways that support the vitality of town and city centres and that do not result in the dispersal of development.

## 8.5 Planning for roads, railways, airports, ports and inland waterways

8.5.1 Local authorities should utilise available powers to **reduce the need to use trunk roads and other through routes for short, local journeys**. Development plans should specify the primary road network, including trunk roads, and separately identify the core network. These routes should be identified as corridors for movement adjacent to which development that would compromise this role will be resisted. Development plans should include all proposals for new roads and major improvements to the primary road network over the plan period, and beyond where known, and set out the broad policy on priorities for minor improvements. For local road schemes the development plan procedures should normally provide the means to examine both the need for and the alignment of the route.

8.5.2 Development plans should also include policies and proposals relating to the development of other transport infrastructure and related services (such as public transport interchange facilities, rail facilities, harbours and airports) including safeguarding zones. Where local planning authorities wish to safeguard land for transport infrastructure, including schemes identified in the RTP, they should do so through a proposal in the development plan, where possible showing the precise route of the proposed new or improved infrastructure. When the precise route is not known, a safeguarding policy may be applied to the area of land necessary for the scheme. Blight should be kept to a minimum by including in development plans only firm schemes on which work will commence within the plan period. When development plans are prepared or amended, existing transport proposals should be reviewed, so as to remove any proposals that have previously been safeguarded but are now abandoned or any that are unlikely to commence during the plan period.

8.5.3 The strategic significance of **freight** access to industry and commerce should be taken into consideration by planning authorities. Wherever possible they should promote the carriage of freight by rail, water or pipeline rather than by road. Local authorities should consider which routes



are most suitable for use by road freight and encourage the location or relocation of distribution and operating centres to sites which have good access to these routes. The same applies to other developments generating frequent road freight movements. Wherever possible, new facilities should be located adjacent to railways and/or ports to promote modal transfer.

8.5.4 Local authorities should **consider the potential for promoting the use of railways for additional passenger and freight traffic**. They should identify new infrastructure (including park and ride sites), multi-modal transfer facilities and, where appropriate, major employment sites with access to railways. Disused railways and disused or unused rail sidings should be safeguarded from development where there is a realistic prospect for their use for transport purposes in the future. As an interim measure it may be appropriate to use disused rail alignments as open space corridors (greenways) for example for walking and cycling.

8.5.5 Developments at **airports** may provide improved facilities and bring economic benefits, but they may also give rise to environmental and other concerns that need to be taken into account. Airports can be major generators of movement. Any development proposal therefore needs careful consideration as to the extent to which it is related to the operation of the airport and is sustainable, given the existing and planned levels of public transport and the need to prevent urban sprawl. Related issues of noise, pollution and community safety also need to be taken into account.

8.5.6 Planning authorities should seek to **promote the use of ports and inland waterways** by the protection or provision of access to them and by the retention or provision of appropriate wharf, dock, harbour and rail transfer facilities. The provision of these facilities needs to be weighed against environmental considerations, such as the loss or erosion of estuarine habitats. Inland waterways in Wales are principally used for recreation purposes<sup>8</sup>.

8.5.7 Great care must be taken to minimise the adverse impacts of new transport infrastructure, or improvements to existing infrastructure, on the natural, historic and built environment and on local communities, where neighbourhood severance should especially be avoided. Routes should make the best use of existing landforms and other landscape features to reduce noise and visual effects, subject to safety and other environmental considerations.<sup>9 10</sup> Where no other alternative routes or options are practicable, transport infrastructure schemes should provide mitigation measures to minimise the impacts caused by their construction and operation.

## 8.6 Development plans and transport

8.6.1 Development plans provide the main means for achieving integration between land use and transport. They must provide an explanation of the authority's transport aims and the way in which the transport policies support the other objectives of the plan. Development plans should provide the means for:

- examining the relationship between transport and land use planning;
- promoting the integration and co-ordination of transport and land use planning; and
- promoting strategies to reduce the need to travel.





## 8.6.2 The development plan should:

- set out the land use/transportation strategy, addressing accessibility and the provision of strategic and integrated transport facilities, including roads, railways and interchanges;
- ensure that new housing, jobs, shopping, leisure and services are highly accessible by public transport, walking and cycling;
- locate major generators of travel demand within existing urban areas, or in other locations that can be well served by public transport, walking or cycling;
- encourage higher density and mixed-use development near public transport nodes, or near corridors well served by public transport;
- ensure that development sites which are highly accessible to non-car modes are used for travel intensive uses, reallocating their use if necessary;
- in rural areas, designate local service centres, or clusters of settlements where a sustainable functional linkage can be demonstrated, as the preferred locations for new development;
- include specific measures to promote active travel in accordance with the Active Travel (Wales) Act 2013;
- set out policies to promote the use of public transport including new and improved interchange facilities and, where appropriate, park and ride schemes;
- include appropriate traffic management policies;
- identify the primary road network, including trunk roads, and separately identify the core network;
- identify proposals for new roads and major improvements to the primary route network and the broad policy on priorities for minor improvements;
- include policies and proposals relating to the development of transport infrastructure other than roads;
- identify, and where appropriate protect, routes required for the sustainable movement of freight;
- protect disused transport infrastructure, including railways, rail sidings, ports, harbours and inland waterways from development that would compromise their future transport use, where re-use is a possibility; and
- minimise the adverse impacts of transport infrastructure projects on the natural, historic and built environment and on local communities.

## 8.7 Development management and transport

8.7.1 When determining a planning application for development that has transport implications, local planning authorities should take into account:

- the impacts of the proposed development on travel demand;
- the level and nature of public transport provision;
- accessibility by a range of different transport modes;
- the opportunities to promote active travel journeys, and secure new and improved active travel routes and related facilities, in accordance with the provisions of the Active Travel (Wales) Act 2013;



- the willingness of a developer to promote travel by public transport, walking or cycling, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);
- the environmental impact of both transport infrastructure and the traffic generated<sup>11</sup> (with a particular emphasis on minimising the causes of climate change associated with transport); and
- the effects on the safety and convenience of other users of the transport network.

**8.7.2 Transport Assessments** (TA) are an important mechanism for setting out the scale of anticipated impacts a proposed development, or redevelopment, is likely to have. They assist in helping to anticipate the impacts of development so that they can be understood and catered for. The Welsh Government expects that all applications for developments (including changes of use) falling into the following categories will be accompanied by a TA:

Use	Threshold
Food retail	> 1,000m <sup>2</sup> gross floor area
Non-food retail	> 1,000m <sup>2</sup> gross floor area
Cinemas and conference facilities	> 1,000m <sup>2</sup> gross floor area
Leisure facilities	> 1,000m <sup>2</sup> gross floor area
Business	> 2,500m <sup>2</sup> gross floor area
Industry	> 5,000m <sup>2</sup> gross floor area
Distribution and warehousing	> 10,000m <sup>2</sup> gross floor area
Hospitals	> 2,500m <sup>2</sup> gross floor area
Higher and further education	> 2,500m <sup>2</sup> gross floor area
Schools	All new schools
Stadia	> 1,500 seats
Housing	> 100 dwellings
Hotels	> 1,000m <sup>2</sup> gross floor area

In addition, local planning authorities should consider requiring TAs in locally sensitive areas for developments which fall outside of the thresholds indicated above. TAs can be required for any proposed development if the local planning authority considers that there is a justification or specific need. Wherever possible both the TA and the Design and Access Statement (where required) should use common evidence and the content of the TA should aim to complement, not duplicate, the Statement. It is expected that TAs will also provide the basis for negotiation on scheme details, including the level of parking, and measures to improve public transport access, walking and cycling. They also provide an important basis for the preparation of Travel Plans<sup>12</sup>.



8.7.3 It is also expected that the proposed access to a development will reflect the likely travel patterns involved. It should ensure that people can reach the development, as far as practicable, by walking, cycling and public transport, as well as by car. Large-scale development proposals may merit special traffic measures or road works to cater for them in the existing network. They may also require other works within the overall transport network, for example new rail infrastructure. Where transport improvements will be needed to enable the proposal to go ahead, these should normally be provided first.

8.7.4 Direct access to a motorway or motorway slip road would not be acceptable other than to a motorway service area approved by the Welsh Ministers. Direct access from new development on to a primary road should be avoided where possible. Where feasible, access should be on to a secondary road. At any location, traffic flow and safety can be assisted by good junction design. The number of accesses permitted will depend upon the type and nature of the road. Similarly, the type of access provided should reflect the type of road and the volume and character of traffic likely to use the access and the road<sup>13</sup>.

8.7.5 Where necessary, planning conditions may legitimately be imposed on the grant of planning permission to secure on-site transport measures and facilities as part of the proposed development. Planning obligations may also be used in appropriate circumstances to secure off-site improvements in public transport, walking and cycling, where such measures would be likely to influence travel patterns to the site involved.



## Figure 8.1 Transport

### Guide to the application of national planning policy statements in LDPs

#### Locational Considerations

LDPs should establish the framework for the planning of sustainable and integrated transport in Wales.

The national policy statements which should inform the development of these policies can be found in the following paragraphs:

Paragraph	Policy Issue
8.1.3, 8.1.6	Regional Transport Plan proposals
8.2.3	Completing the National Cycle Network
8.3.2, 8.5.2, 8.5.4, 8.6.2	Safeguarding and provision of public transport interchanges and other transport infrastructure
8.3.3	Park-and-Ride schemes
8.5.1, 8.6.2	Proposals for additions or improvements to the road network
8.5.2	Prevention of blight
8.5.2, 8.6.2	Proposals relating to non-road transport infrastructure

LDPs should specify the primary road network, including trunk roads, and separately identify the core network. Development should be resisted where it would compromise the use of these routes as corridors for movement (8.5.1; 8.7.4).

#### Topic-based policies

The national planning policy statements to be considered for inclusion in topic-based policies can be found in the following paragraphs:

Paragraph	Policy Issue
8.1.6	Regional Transport Plan proposals
8.2.2, 8.6.2	Measures to assist pedestrians
8.2.3, 8.6.2	Measures to assist cyclists
8.3.4	Public transport improvements which would allow development to proceed
8.4.2, 8.4.3, 8.4.5	Parking standards
8.5.2	Transport interchanges and other infrastructure (not roads) (if not included as site-specific proposals)
8.5.4, 8.6.2	Safeguarding disused railway infrastructure



Paragraph	Policy Issue
8.5.2, 8.5.6, 8.6.2	Promotion of ports and safeguarding of waterway infrastructure
8.6.2	Accessibility of new development by non-car modes
8.6.2	Location of major generators of travel demand

In some cases the detail may be given more appropriately in Supplementary Planning Guidance.

## National Development Management Policies

The following paragraphs contain statements of national development management policy which should not need to be repeated as local policy in LDPs:

Paragraph	Policy Issue
8.2.2	Promoting walking
8.2.3	Encouraging cycling
8.3.1	Promoting public transport
8.4.1	Traffic management (urban and rural)
8.4.5	Car parks to meet strategic aims
8.5.3, 8.5.4	Shift of freight to non-road modes; promotion of modal transfer
8.5.3	Distribution centre location
8.5.5	Airport development
8.5.7	Transport infrastructure impacts
8.7.1	Transport considerations in development management
8.7.2	Transport Assessments and Travel Plans
8.7.3	Access to developments
8.7.4	Motorway and other road junctions

Topics relevant to the local area may simply be mentioned with a cross-reference to PPW.



## References

- <sup>1</sup> One Wales: Connecting the Nation – The Transport Strategy, Welsh Assembly Government 2008 [www.gov.wales/topics/transport/planning-strategies/?lang=en](http://www.gov.wales/topics/transport/planning-strategies/?lang=en)
- <sup>2</sup> As required by Directive 2002/49/EC on the Assessment and Management of Environmental Noise, transposed by the National Assembly for Wales as Welsh Statutory Instrument 2006 No. 2629 (W.225) The Environmental Noise (Wales) Regulations 2006 [www.opsi.gov.uk/legislation/wales/wsi2006/20062629e.htm](http://www.opsi.gov.uk/legislation/wales/wsi2006/20062629e.htm) (as amended by the Environmental Noise (Wales) (Amendment) Regulations 2009 (SI2009/47) [www.opsi.gov.uk/legislation/wales/wsi2009/wsi\\_20090047\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2009/wsi_20090047_en_1)). See also Welsh Statutory Instrument 2007 No. 3519 (W.311) The Environmental Noise (identification of Noise Sources) (Wales) Regulations 2007 [www.assemblywales.org/sub-ld6912-e.pdf](http://www.assemblywales.org/sub-ld6912-e.pdf)
- <sup>3</sup> Welsh Transport Planning and Appraisal Guidance (WelTAG), Welsh Assembly Government 2008. The Welsh Government requires that major transport initiatives seeking government funding are appraised with this guidance. WelTAG enables practitioners to set transport objectives, plan, evaluate and monitor initiatives in accordance with the Wales Transport Strategy. WelTAG applies to transport initiatives that are in the planning stage, but does not apply to those that have completed statutory procedures. [www.gov.wales/topics/transport/planning-strategies/weltag/?lang=en](http://www.gov.wales/topics/transport/planning-strategies/weltag/?lang=en)
- <sup>4</sup> Road Traffic Reduction Act, 1997 [www.opsi.gov.uk/acts/acts1997/ukpga\\_19970054\\_en\\_1](http://www.opsi.gov.uk/acts/acts1997/ukpga_19970054_en_1)
- <sup>5</sup> Environment Act 1995, Section IV, Air Quality [www.opsi.gov.uk/acts/acts1995/ukpga\\_19950025\\_en\\_1](http://www.opsi.gov.uk/acts/acts1995/ukpga_19950025_en_1)
- <sup>6</sup> Air Quality (Wales) Regulations 2000 (SI 2000/1940), HMSO 2000 (Wales), as amended [www.opsi.gov.uk/legislation/wales/wsi2000/20001940e.htm](http://www.opsi.gov.uk/legislation/wales/wsi2000/20001940e.htm)
- <sup>7</sup> Technical Advice Note (Wales) 18, 'Transport', Welsh Assembly Government 2007 [www.wales.gov.uk/topics/planning/policy/tans/tan18/?lang=en](http://www.wales.gov.uk/topics/planning/policy/tans/tan18/?lang=en)
- <sup>8</sup> Technical Advice Note (Wales) 14, 'Coastal Planning', Welsh Office 1998 [www.wales.gov.uk/topics/planning/policy/tans/tan14?lang=en](http://www.wales.gov.uk/topics/planning/policy/tans/tan14?lang=en)
- <sup>9</sup> Technical Advice Note (Wales) 11, 'Noise', Welsh Office 1997 [www.wales.gov.uk/topics/planning/policy/tans/tan11?lang=en](http://www.wales.gov.uk/topics/planning/policy/tans/tan11?lang=en)
- <sup>10</sup> Welsh Statutory Instrument 2006 No. 2629 (W.225) The Environmental Noise (Wales) Regulations 2006 [www.opsi.gov.uk/legislation/wales/wsi2006/20062629e.htm](http://www.opsi.gov.uk/legislation/wales/wsi2006/20062629e.htm). See also Welsh Statutory Instrument 2007 No. 3519 (W.311) The Environmental Noise (identification of Noise Sources) (Wales) Regulations 2007 [www.assemblywales.org/sub-ld6912-e.pdf](http://www.assemblywales.org/sub-ld6912-e.pdf)
- <sup>11</sup> Including noise, as required by Environmental Noise Regulations
- <sup>12</sup> Technical Advice Note 18, Transport [www.wales.gov.uk/topics/planning/policy/tans/tan18/?lang=en](http://www.wales.gov.uk/topics/planning/policy/tans/tan18/?lang=en), Welsh Assembly Government 2007



<sup>13</sup> 'Manual for Streets' [www.communities.gov.uk/publications/planningandbuilding/manualforstreets](http://www.communities.gov.uk/publications/planningandbuilding/manualforstreets), Department for Transport/Communities and Local Government/Welsh Assembly Government 2007 and 'Manual for Streets 2' [www.gov.uk/government/publications/manual-for-streets-2](http://www.gov.uk/government/publications/manual-for-streets-2), The Chartered Institute of Highways & Transportation 2010







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# Planning Policy Wales



## Chapter 9 Housing

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## 9.1 Objectives

9.1.1 A home is a vital part of people's lives; it affects their health and well-being, quality of life and the opportunities open to them. The Welsh Government's approach, set out in the National Housing Strategy<sup>1</sup> is to:

- provide more housing of the right type and offer more choice;
- improve homes and communities, including the energy efficiency of new and existing homes; and
- improve housing-related services and support, particularly for vulnerable people and people from minority groups.

The Welsh Government will seek to ensure that:

- previously developed land (see definition at Figure 4.4) is used in preference to greenfield sites;
- new housing and residential environments are well designed<sup>2</sup>, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that
- the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. (Affordable housing is defined in 9.2.14.) Local planning authorities should promote:

- mixed tenure communities;
- development that is easily accessible by public transport, cycling and walking, although in rural areas required development might not be able to achieve all accessibility criteria in all circumstances;
- mixed use development so communities have good access to employment, retail and other services;
- attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk;
- greater emphasis on quality, good design and the creation of places to live that are safe and attractive;
- the most efficient use of land;
- well designed living environments, where appropriate at increased densities;
- construction of housing with low environmental impact (see 4.12); reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate<sup>3 4</sup>; and
- 'barrier free' housing developments, for example built to Lifetime Homes standards<sup>5</sup>.



9.1.3 Local authorities should adopt a corporate approach, involving **housing and planning representatives** in the public and private sectors, and their communities in preparing and co-ordinating development plans and local housing strategies. In preparing development plans it is important that the relevant local housing strategy and community strategy are given full consideration so that planning policies and decisions are compatible with the housing objectives. Where the local planning authority is a National Park Authority there should be close liaison with the housing departments and committees of the local authorities of which the National Park is part.

9.1.4 Local authorities must understand their whole housing system so that they can develop evidence-based market and affordable housing policies in their local housing strategies and development plans. They should ensure that development plan policies are based on an up-to-date assessment of the full range of housing requirements across the plan area over the plan period. Local authority planning and housing staff should work in partnership with local stakeholders, including private house builders, to **produce Local Housing Market Assessments** (LHMAs)<sup>6</sup>. LHMAs must include monitoring so that responses to changing housing requirements can be reflected in updated development plans and housing strategies.

## 9.2 Development Plans and new housing provision<sup>7</sup>

9.2.1 In planning the provision for new housing, local planning authorities must work in collaboration with housing authorities, registered social landlords, house builders, developers, land owners and the community and must take account of the following:

- *People, Places, Futures – The Wales Spatial Plan*<sup>8</sup>;
- *Statutory Code of Practice on Racial Equality in Housing – Wales*<sup>9</sup>;
- the Welsh Government's latest household projections;
- local housing strategies;
- community strategies;
- local housing requirements (needs and demands)<sup>10</sup>;
- the needs of the local and national economy;
- social considerations (including unmet need);
- the capacity of an area in terms of social, environmental and cultural factors (including consideration of the Welsh language) to accommodate more housing;
- the environmental implications, energy consumption, greenhouse gas emissions and flood risk;
- the capacity of the existing or planned infrastructure; and
- the need to tackle the causes and consequences of climate change.

9.2.2 Local planning authorities will need to have a clear understanding of the factors influencing **housing requirements** in their area over the plan period. The latest Welsh Government local authority level Household Projections for Wales, alongside the latest Local Housing Market Assessment, will form part of the plan's evidence base together with other key issues such as what the plan is seeking to achieve, links between homes and jobs, the need for affordable housing, Welsh language considerations, the provisions of corporate strategies and the deliverability of the



plan. Household projections provide estimates of the future numbers of households and are based on population projections and assumptions about household composition and characteristics. Certain elements of the projections, such as births and deaths, will remain relatively constant throughout the plan period. However other elements, such as migration and household formation rates, have the ability to influence outcomes significantly. Local planning authorities will need to assess whether the various elements of the projections are appropriate for their area, and if not, undertake modelling, based on robust evidence, which can be clearly articulated and evidenced, to identify alternative options. The level of housing provision to be proposed over a plan period must be considered in the context of viability and deliverability. Where housing market areas cross local authority boundaries, authorities must consider potential implications with neighbouring authorities when formulating a level of housing provision. Effective monitoring of these issues is essential to ensure that there is an adequate and continuing supply of housing to meet the identified requirement throughout the plan period.

9.2.3 Local planning authorities must **ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing** judged against the general objectives and the scale and location of development provided for in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live. There must be sufficient sites suitable for the full range of housing types. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study<sup>11</sup>. The Welsh Government will monitor development plans and their implementation to ensure that sufficient housing land is brought forward for development in each local planning authority and that economic development and related job opportunities are not unreasonably constrained.

9.2.4 Local planning authorities, in partnership with the community, including the private sector, must develop policies to meet the challenges and particular circumstances evident in their areas in specific locations. If these policies need to diverge from national policies in order to meet specific **local housing needs for market housing** (which normally would have no occupancy restriction), local planning authorities will need carefully to justify the variation with robust evidence that they deem appropriate. The justification might be in terms of, for example, land supply, environmental or social impacts in combination. Evidence could be adduced from local studies such as those deriving from the community strategy, or from studies forming part of the evidence base for the development plan. The sustainability appraisal, including the Strategic Environmental Assessment, would be part of the evidence base providing justification for a departure from national policy<sup>12</sup>.

9.2.5 In producing their development plans, local planning authorities should **devise a settlement strategy** which establishes housing policies in line with their local housing strategy and a spatial pattern of housing development balancing social, economic and environmental needs. The settlement strategy will be informed by a sustainability appraisal and should be fully justified. It should be developed and integrated as part of an overarching strategy in the development plan. Local planning authorities and house builders are encouraged to work together constructively to identify housing land in the most appropriate locations for development.



9.2.6 Local planning authorities should **address the scope and potential for rehabilitation, conversion, clearance and redevelopment** when considering suitable sites for housing development. Maximising the use of suitable previously developed land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites. In particular, local authorities should consider the contribution to the overall provision of land for housing that can be made by reclaimable or reclaimed urban land and by disused or underused buildings. Sites which are no longer likely to be needed for office or industrial purposes may also be appropriate locations for housing.

9.2.7 Any proposals for **new settlements** should be promoted through, and fully justified in, the development plan. Plans should state clearly the contribution which developers will be expected to make towards the provision of infrastructure, community facilities and affordable housing. New settlements on greenfield sites are unlikely to be appropriate in Wales, and should only be proposed where such development would offer significant environmental, social and economic advantages over the further expansion or regeneration of existing settlements.

9.2.8 In identifying sites to be allocated for housing in development plans, local planning authorities should follow a **search sequence**, starting with the re-use of previously developed land and buildings within settlements, then settlement extensions and then new development around settlements with good public transport links.

9.2.9 Local planning authorities should consider the following **criteria in deciding which sites to allocate for housing** in their development plans:

- the availability of previously developed sites and empty or underused buildings and their suitability for housing use;
- the location of potential development sites and their accessibility to jobs, shops and services by modes other than the car, and the potential for improving such accessibility;
- the capacity of existing and potential infrastructure, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals), to absorb further development, and the cost of adding further infrastructure;
- the scope to build sustainable communities to support new physical and social infrastructure, including consideration of the effect on the Welsh language (see 4.13), and to provide sufficient demand to sustain appropriate local services and facilities;
- the physical and environmental constraints on development of land, including, for example, the level of contamination, stability and flood risk<sup>13</sup>, taking into account the possible increase of such risk as a result of climate change (and see Chapter 13), and the location of fragile habitats and species, archaeological and historic sites and landscapes (Chapters 5 and 6);
- the compatibility of housing with neighbouring established land uses which might be adversely affected by encroaching residential development; and
- the potential to reduce carbon emissions through co-location with other uses.





9.2.10 In determining the order in which sites identified in accordance with paragraph 9.2.8 above should be allocated, the presumption will be that previously developed sites or buildings for re-use or conversion should be allocated before greenfield sites. The exception to this principle will be where previously developed sites perform so poorly in relation to the criteria listed in paragraph 9.2.9 as to preclude their use for housing (within the relevant plan period or phase) before a particular greenfield site.

9.2.11 Policies which seek to make maximum use of vacant urban land for housing will need to distinguish between sites which need to be retained for recreation, amenity or nature conservation purposes, and areas which are genuinely suitable for housing development. Where substantial new housing is to be permitted, plans should include policies to make clear that developers will be expected to provide open space which is reasonably related in scale and location to the development.

9.2.12 Policies will be needed to cover the physical scale and design of new buildings, access, density, and off-street parking, taking account of particular residential areas and of changing needs. Strong pressure for development may give rise to inappropriately high densities if not carefully controlled. Higher densities should be encouraged on easily accessible sites, where appropriate, but these will need to be carefully designed to ensure a high quality environment. In particular, local planning authorities should adopt a flexible approach to car parking standards.

9.2.13 Development plans should include clear policy criteria against which applications for development of unallocated sites will be considered. Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas. 'Tandem' development, consisting of one house immediately behind another and sharing the same access, may cause difficulties of access to the house at the back and disturbance and lack of privacy to the house in front, and should be avoided.

9.2.14 A community's need for **affordable housing**<sup>14</sup> is a material planning consideration which must be taken into account in formulating development plan policies. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. However, it is recognised that some schemes may provide for staircasing to full ownership. Where this is the case there must be secure arrangements in place to ensure the recycling of capital receipts to provide replacement affordable housing. Affordable housing includes social rented housing owned by local authorities and registered social landlords and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents. All other types of housing are referred to as 'market housing', that is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the local planning authority. Local Housing Market Assessments provide the evidence base supporting policies to deliver affordable housing through the land use planning system.





9.2.15 Affordable housing also makes an essential contribution to community regeneration and social inclusion. It is desirable in planning terms that new housing development in both rural and urban areas incorporates a reasonable mix and balance of house types and sizes so as to cater for a range of housing needs and contribute to the development of sustainable communities. For affordable housing it is important that authorities have an appreciation of the demand for different dwelling sizes and types of housing (i.e. intermediate and social rented) in relation to supply, so that they are well informed in negotiating the required appropriate mix of dwellings for new developments<sup>15</sup>.

9.2.16 Development plans must include an **authority-wide target for affordable housing** (expressed as numbers of homes) based on the LHMA and identify the expected contributions that the policy approaches identified in the development plan (for example, site thresholds, site specific targets, commuted sums and affordable housing exception sites) will make to meeting this target. The target should take account of the anticipated levels of finance available for affordable housing, including public subsidy, and the level of developer contribution that can be realistically sought<sup>16</sup>. In principle all new market housing may contribute to meeting the need for affordable housing.

9.2.17 In their development plan local planning authorities should include either **site thresholds** or a combination of thresholds and **site-specific targets**<sup>17</sup>. Local planning authorities should set site capacity thresholds for residential developments above which a proportion of affordable housing will be sought from developers. This applies both to sites specifically allocated in the development plan and to unallocated sites and will normally take the form of on-site affordable housing contributions. Site specific targets are indicative affordable housing targets for each residential site and for each mixed-use site which includes a residential component. For sites which fall below the site threshold local planning authorities may secure commuted sums using a section 106 agreement. Commuted sums should be used by the local planning authority solely for facilitating or providing affordable housing.

9.2.18 Local planning authorities may identify **sites for up to 100% affordable housing** based on criteria reflecting local circumstances which are set out in the development plan and relate to the creation of sustainable communities. Such sites are likely to be small in number, in relation to the total number of sites available in a local planning authority area, and in scale.

9.2.19 Policies must indicate that an authority will seek to negotiate with developers where it is intended to include an element of affordable housing in proposed developments. Policies should also state what the authority would regard as affordable housing and the arrangements it would expect for ensuring that such housing remains reserved for those who need it.

9.2.20 **Residential mobile homes** can make a contribution to overall housing provision and have a part to play in providing low cost accommodation for small households. Local planning authorities should consult the park homes industry about the provision of appropriate sites.

9.2.21 Local authorities are required to assess **the accommodation needs of Gypsy families**<sup>18</sup>. It is therefore important that local planning authorities have policies for the provision of Gypsy sites in their development plans<sup>19</sup>. In drawing up policies local planning authorities should consult providers of social housing, representatives of Gypsies and Travellers and



landowners in areas likely to be appropriate for Gypsy sites, in accordance with their Community Involvement Scheme<sup>20</sup>.

9.2.22 In planning for **housing in rural areas** it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment. There should be a choice of housing, recognising the housing needs of all, including those in need of affordable or special needs provision. In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled. Many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.

9.2.23 The special provision of **affordable housing exception sites** must be considered to help ensure the viability of the local community. To support policies, local planning authorities should refer to their up-to-date local housing market assessment or local survey. Policies should make clear that the release of small housing sites within or adjoining existing settlements for the provision of affordable housing to meet local needs which would not otherwise be allocated in the development plan, is an exception to the policies for general housing provision. Such policies must be fully justified, setting out the type of need and the kind of development which fall within their terms. The affordable housing provided on exception sites should meet the needs of local people in perpetuity. Sites must meet all the other criteria against which a housing development would be judged. Affordable housing exception sites are not appropriate for market housing.

9.2.24 Development plans should:

- quantify the housing requirement (both market and affordable housing);
- set an affordable housing target;
- set out a settlement strategy;
- allocate housing land on the basis of the search sequence specified in 9.2.8 and the criteria in 9.2.9;
- include clear policy criteria against which applications for development of unallocated sites will be considered;
- specify the circumstances in which previously developed sites would be deemed to perform so poorly that their use would not be favoured before that of a (particular) greenfield site;
- include clear development management policies to guide the determination of applications, including guidance on design, access, density, off-street parking and open space provision for particular areas as appropriate;
- specify mechanisms to be used to monitor the take up of housing land;
- include policies for affordable housing in areas where need has been identified, including any areas where exception sites will be considered; and
- include policies to indicate where developer contributions will be expected toward infrastructure, community facilities and affordable housing.



## 9.3 Development management and housing

9.3.1 New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. Where housing development is on a significant scale, or where a new settlement or urban village is proposed, it should be integrated with existing or new industrial, commercial and retail development and with community facilities.

9.3.2 Sensitive **infilling** of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport. Residential development in the vicinity of existing industrial uses should be restricted if the presence of houses is likely to lead residents to try to curtail the industrial use.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas. Details of the procedure to be followed in dealing with housing applications identified as **significant residential development** under the notification direction are given in paragraph 3.12.2.

9.3.5 Where development plan policies make clear that an element of affordable housing, or other developer contributions, are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the local planning authority considers that the proposal for a site does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application.

9.3.6 New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Isolated new houses in the open countryside require special justification, for example where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby



accommodation. All applications for new rural enterprise dwellings<sup>21</sup> should be carefully examined to ensure that there is a genuine need. It will be important to establish whether the rural enterprise is operating as a business and will continue to operate for a reasonable length of time. New rural enterprise dwellings should be located within or adjoining the existing farm/business complex or access. Local planning authorities should follow the guidance in TAN 6<sup>22</sup> with regard to the requirements for rural enterprise dwelling appraisals.

9.3.7 The Welsh Government wishes to encourage younger people to manage farm businesses and promote the diversification of established farms. To support this policy objective it may be appropriate to allow a second dwelling on established farms that are financially sustainable in the following situations:

- Where there are secure and legally binding arrangements in place to demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or, that transfer of management is only conditional upon grant of planning permission for the dwelling. The younger person should demonstrate majority control over the farm business and be the decision maker for the farm business partnership; or
- Where there is an existing functional need for an additional 0.5 or more of a full-time worker and that person obtains at least 50% of a Grade 2 Standard Worker salary (as defined by the latest version of the Agricultural Wages Order), from the farm business.

In these circumstances a rural enterprise dwelling may be considered favourably provided the criteria set out above and in TAN 6 paragraph 4.4.1 (c) – (e) are met. These special policy exceptions will only apply to the first additional dwelling to be attached to an established farm after TAN 6 comes into force and **not to subsequent dwellings**.<sup>23</sup>

9.3.8 It is important to establish that stated intentions to engage in the rural enterprise are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period. If it is considered that a new dwelling will be essential to support a new rural enterprise, but the case is not completely proven, the dwelling should normally for the first three years be a caravan, or a wooden structure which can be easily dismantled, or other temporary accommodation. Temporary rural enterprise dwellings should satisfy normal planning requirements, for example on siting and access, and will have to be removed at the end of the period for which the permission was granted. Local planning authorities should not grant temporary planning permissions in locations where they would not permit a permanent dwelling.

9.3.9 Where the need to provide accommodation to enable a rural enterprise worker to live at or near their place of work has been accepted as justifying isolated residential development in the open countryside, it will be necessary to ensure that the dwellings are kept available for this need. For this reason planning permission should be granted subject to an occupancy condition. Rural enterprise dwellings should also be classified as affordable housing as defined in TAN 2, *Planning and Affordable Housing*. This will ensure that the dwelling remains available to meet local affordable housing need should the original justification have ceased to exist.

9.3.10 Applications for rural enterprise dwellings must only be permitted where the rural enterprise dwelling appraisal provides conclusive evidence of the need for the dwelling and an occupancy condition is applied.



9.3.11 **One Planet Development** is development that through its low impact either enhances or does not significantly diminish environmental quality. One Planet Developments should initially achieve an ecological footprint of 2.4 global hectares per person or less in terms of consumption and demonstrate clear potential to move towards 1.88 global hectares over time (the global average availability of resources in 2003). They should also be zero carbon in both construction and use.<sup>24 25</sup>

9.3.12 One Planet Developments may take a number of forms. They can either be single homes, co-operative communities or larger settlements. They may be located within or adjacent to existing settlements or be situated in the open countryside. **Land based One Planet Developments located in the open countryside** should provide for the minimum needs of the inhabitants in terms of income, food, energy and waste assimilation over a period of no more than 5 years from the commencement of work on the site. This should be evidenced by a management plan produced by a competent person(s). The management plan should set out the objectives of the proposal, the timetable for development of the site and the timescale for review. It should be used as the basis of a legal agreement relating to the occupation of the site, should planning consent be granted.

## Figure 9.1 Housing

### Guide to the application of national planning policy statements in LDPs

#### Housing requirement

A range of evidence, including the Welsh Government's latest household projections and the results of the Local Housing Market Assessment, should inform the quantification of the housing requirement (both market and affordable housing) for each local planning authority. It should be underpinned by collaborative working with neighbouring authorities and other stakeholders (9.2.1-9.2.2, 9.1.4 and 9.2.15).

#### Locational considerations

The national planning policy statements which should inform the settlement strategy in the LDP and the locational policies arising from it can be found in the following paragraphs:

Paragraph	Policy Issue
9.1.2	Housing in locations accessible to public transport, walking and cycling
9.2.3-9.2.5, 9.2.24	Settlement strategy and housing requirements
9.2.7	New settlements
9.2.8-9.2.9	Housing allocation search sequence
9.2.11	Housing on vacant urban land
9.2.21	Gypsy sites
9.2.22	Housing choice in rural areas, infilling



## Topic-based policies

The national planning policy statements on housing which should be included or considered for inclusion in topic-based policies in the LDP can be found in the following paragraphs:

Paragraph	Policy Issue
9.1.2	Sustainable residential environments
9.1.2, 9.2.16-19, 9.2.23	Affordable housing, including exception sites
9.2.2	Monitoring the take up of housing land
9.2.5	Settlement strategy identification criteria
9.2.7, 9.2.15	Developer contributions and housing
9.2.10	Circumstances where previously developed land is unsuitable for housing
9.2.11	Open space provision and housing
9.2.12	Design and density of housing
9.2.13	Housing on unallocated sites
9.2.22	Housing in the countryside

## National development management policies

The following paragraphs contain statements of national development management policy which should not need to be repeated as local policy in LDPs:

Paragraph	Policy Issue
9.2.13	Tandem development
9.2.22, 9.3.6	Housing in open countryside
9.3.1	Integration of new housing with existing settlement pattern
9.3.2-9.3.4	Infill development
9.3.2	Expansion of small towns and villages
9.3.2	Housing in the vicinity of industrial uses
9.3.5	Affordable housing as a material consideration
9.3.6-9.3.10	Rural enterprise dwellings
9.3.11-9.3.12	One planet development

Topics relevant to the local area may simply be mentioned with a cross-reference to PPW.





## References

- <sup>1</sup> Improving Lives and Communities – Homes in Wales, Welsh Assembly Government, 2010 [www.gov.wales/topics/housing-and-regeneration/publications/strategydoc/?lang=en](http://www.gov.wales/topics/housing-and-regeneration/publications/strategydoc/?lang=en)
- <sup>2</sup> Technical Advice Note 12, Design, Welsh Government 2014 [www.wales.gov.uk/topics/planning/policy/tans/tan12/?lang=en](http://www.wales.gov.uk/topics/planning/policy/tans/tan12/?lang=en)
- <sup>3</sup> Technical Advice Note 8, Planning for Renewable Energy, Welsh Assembly Government, 2005 [www.wales.gov.uk/topics/planning/policy/tans/tan8/?lang=en](http://www.wales.gov.uk/topics/planning/policy/tans/tan8/?lang=en)
- <sup>4</sup> Technical Advice Note 12, Design, Welsh Government 2014 [www.wales.gov.uk/topics/planning/policy/tans/tan12/?lang=en](http://www.wales.gov.uk/topics/planning/policy/tans/tan12/?lang=en)
- <sup>5</sup> The 'Lifetime Homes' concept promoted by the Joseph Rowntree Foundation comprises 16 major standards that aim to provide homes which are flexible and can cater for people with a wide range of disabilities
- <sup>6</sup> Local Housing Market Assessment Guide [www.gov.wales/topics/housing-and-regeneration/publications/marketassessguide/?lang=en](http://www.gov.wales/topics/housing-and-regeneration/publications/marketassessguide/?lang=en), Welsh Assembly Government, 2006  
Getting Started with your Local Housing Market Assessment – A Step-by-step Guide, Welsh Government, 2012 [www.gov.wales/topics/housing-and-regeneration/publications/starhouseassessguide/?lang=en](http://www.gov.wales/topics/housing-and-regeneration/publications/starhouseassessguide/?lang=en)
- <sup>7</sup> Local Development Plans Manual, Edition 2, Welsh Government 2015 [www.gov.wales/topics/planning/policy/policy-and-guidance-on-development-plans/ldpmanual/?lang=en](http://www.gov.wales/topics/planning/policy/policy-and-guidance-on-development-plans/ldpmanual/?lang=en)
- <sup>8</sup> People, Places, Futures – The Wales Spatial Plan, Welsh Assembly Government 2004 and 2008 update [www.wales.gov.uk/topics/planning/development-plans/wales-spatial-plan/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/development-plans/wales-spatial-plan/%3Flang%3Den)
- <sup>9</sup> Statutory Code of Practice on Racial Equality in Housing – Wales, Commission for Racial Equality, 2006 [www.equalityhumanrights.com/your-rights/service-users/housing](http://www.equalityhumanrights.com/your-rights/service-users/housing)
- <sup>10</sup> Local Housing Market Assessment Guide, Welsh Assembly Government 2006 [www.gov.wales/topics/housing-and-regeneration/publications/marketassessguide/?lang=en](http://www.gov.wales/topics/housing-and-regeneration/publications/marketassessguide/?lang=en)
- <sup>11</sup> Technical Advice Note 1, Joint Housing Land Availability Studies, Welsh Government, 2015 [www.gov.wales/topics/planning/policy/tans/tan1/?lang=en](http://www.gov.wales/topics/planning/policy/tans/tan1/?lang=en)
- <sup>12</sup> A Brief Guide to Examining Development Plan Documents, Planning Inspectorate [www.planningportal.gov.uk/uploads/pinsldf/public\\_leaflet\\_dpd.pdf](http://www.planningportal.gov.uk/uploads/pinsldf/public_leaflet_dpd.pdf)
- <sup>13</sup> Technical Advice Note 15, Development and Flood Risk, Welsh Assembly Government 2004 [www.wales.gov.uk/topics/planning/policy/tans/tan15?lang=en](http://www.wales.gov.uk/topics/planning/policy/tans/tan15?lang=en)
- <sup>14</sup> Technical Advice Note 2, Planning and Affordable Housing, Welsh Assembly Government 2006 [www.wales.gov.uk/topics/planning/policy/tans/tan2?lang=en](http://www.wales.gov.uk/topics/planning/policy/tans/tan2?lang=en)





- <sup>15</sup> The Affordable Housing Toolkit, Welsh Assembly Government, June 2006, provides practical advice to enable local authorities and partners to maximise the supply of affordable housing [www.gov.wales/topics/housing-and-regeneration/publications/affordablehousingtoolkit/?lang=en](http://www.gov.wales/topics/housing-and-regeneration/publications/affordablehousingtoolkit/?lang=en)
- <sup>16</sup> Technical Advice Note 2 (paragraphs 10.2 and 14.3) states that delivery against this target should be monitored to inform the next review of the development plan
- <sup>17</sup> These terms are defined in Technical Advice Note 2, paragraphs 10.3-10.10
- <sup>18</sup> Housing (Wales) Act 2014, sections 101 – 104 [www.legislation.gov.uk/anaw/2014/7/contents](http://www.legislation.gov.uk/anaw/2014/7/contents)
- <sup>19</sup> Welsh Assembly Government Circular 30/2007, Planning for Gypsy and Traveller Caravan Sites [www.wales.gov.uk/about/foi/publications-catalogue/circular/2007/gypsy/%3Flang%3Den](http://www.wales.gov.uk/about/foi/publications-catalogue/circular/2007/gypsy/%3Flang%3Den)
- <sup>20</sup> Appendix F of the Local Housing Market Assessment Guide provides advice about how such assessments should be undertaken
- <sup>21</sup> Practice Guidance – Rural Enterprise Dwellings, Technical Advice Note 6, Planning for Sustainable Rural Communities, Welsh Government 2011 [www.wales.gov.uk/topics/planning/policy/guidanceandleaflets/redpracticeguide/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/guidanceandleaflets/redpracticeguide/%3Flang%3Den)
- <sup>22</sup> Technical Advice Note 6, Planning for Sustainable Rural Communities, Welsh Assembly Government 2010 [www.wales.gov.uk/topics/planning/policy/tans/tan6/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan6/%3Flang%3Den)
- <sup>23</sup> Technical Advice Note 6, Planning for Sustainable Rural Communities, Welsh Assembly Government 2010 [www.wales.gov.uk/topics/planning/policy/tans/tan6/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan6/%3Flang%3Den)
- <sup>24</sup> Technical Advice Note 6, Planning for Sustainable Rural Communities, Welsh Government, 2010 [www.gov.wales/topics/planning/policy/tans/tan6/?lang=en](http://www.gov.wales/topics/planning/policy/tans/tan6/?lang=en)
- <sup>25</sup> Practice Guidance – One Planet Development, Welsh Government, 2012 [www.gov.wales/topics/planning/policy/guidanceandleaflets/oneplanet/?lang=en](http://www.gov.wales/topics/planning/policy/guidanceandleaflets/oneplanet/?lang=en)

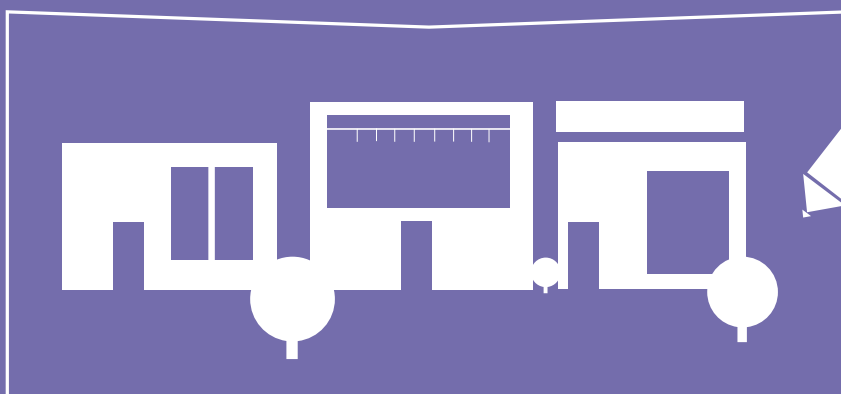




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# Planning Policy Wales



## Chapter 10 Planning for Retail and Town Centres



## 10.1 Objectives

10.1.1 The Welsh Government's objectives for retailing and town centres are to:

- secure accessible, efficient, competitive and innovative retail provision for all the communities of Wales, in both urban and rural areas;
- promote established town, district, local and village centres as the most appropriate locations for retailing, leisure and other complementary functions;
- enhance the vitality, attractiveness and viability of town, district, local and village centres; and to
- promote access to these centres by public transport, walking and cycling.

10.1.2 Wherever possible this provision should be located in proximity to other commercial businesses, facilities for leisure, community facilities and employment. Town, district, local and village centres are the best locations for such provision at an appropriate scale. Such co-location of retail and other services in existing centres, with enhancement of access by walking, cycling and public transport, to provide the opportunity to use means of transport other than the car, will provide the greatest benefit to communities. This complementary mix of uses should also sustain and enhance the vitality, attractiveness and viability of those centres as well as contributing to a reduction of travel demand<sup>1</sup>.

10.1.3 Vitality is reflected in how busy a centre is at different times and in different parts, and attractiveness in the facilities and character which draw in trade. Viability, on the other hand, refers to the ability of the centre to attract investment, not only to maintain the fabric but also to allow for improvement and adaptation to changing needs.

10.1.4 Corner shops in urban areas, village shops in rural areas, and public houses and other individual outlets with a retail function which are not part of established centres, can play a vital economic and social role and their loss can be damaging to a local community. Their role needs to be taken into account in preparing development plans and in development management, bearing in mind also the policies for diversification of the local economy set out in Section 4.6 and Chapter 7.

## 10.2 Development plans and retailing and town centres

10.2.1 Local planning authorities should develop through their community strategies and development plans a clear strategy and policies for retail development which seek to achieve vital, attractive and viable centres. They should set out a framework for the future of town, district, local and village centres in their area which promotes a successful retailing sector supporting existing communities and centres. Development plans should establish the existing hierarchy of centres, identify those which fulfil specialist functions and be clear about their future roles. Development plans should also identify changing pressures and opportunities and devise appropriate responses to them. In some situations it may be necessary to take pro-active steps to identify town or city centre locations for expansion. In others it may be necessary to identify measures to reinvigorate centres, or to manage decline in the relative importance of a centre



as other centres expand. Dealing with change may mean redefining the boundaries of centres (and see 10.2.11) or identifying acceptable changes of use.

10.2.2 **New regional shopping centres**, with more than 50,000 square metres of gross floorspace, can have a substantial impact over a wide area and severely harm the nearest major centres. Although there may be circumstances in which a new regional shopping centre could fulfil an important retail need, full account needs to be taken of all likely impacts and it is unlikely that opportunities exist for such a centre in Wales at present.

## Support for existing centres

10.2.3 In developing policies to revitalise and increase the attractiveness of existing centres, local planning authorities should consult the private sector and local communities and should pay particular attention to the character of historic towns and conservation areas.

10.2.4 Although retailing should continue to underpin town, district, local and village centres it is only one of the factors which contribute towards their well-being. Policies should encourage a **diversity of uses in centres**. Mixed use developments, for example combining retailing with entertainment, restaurants and housing, should be encouraged so as to promote lively centres as well as to reduce the need to travel to visit a range of facilities. Leisure uses can benefit town and district centres and with adequate attention to safeguarding amenities can contribute to a successful evening economy.

10.2.5 In existing centres, the restoration of redundant buildings which are worthy of retention can make them suitable for re-use for a variety of retailing, commercial, entertainment, cultural or residential purposes. Public realm improvements and other distinctive design solutions can assist the regeneration of town centres<sup>2</sup>.

10.2.6 Good access to, and convenient movement within, town centres are essential. Development plans should **encourage the provision of good access to town and other centres for walkers and cyclists and for public transport**, allowing for bus priority measures and public transport facilities. They should also encourage easy access to and within centres, and appropriate facilities, for people with limited mobility. Access for delivery vehicles should be provided for so as to assist the efficient functioning of centres. Access by car and short-term parking can also help centres to compete with existing out of centre locations, but they should be managed to minimise congestion, pollution and parking problems which would otherwise reduce the convenience, attractiveness or competitiveness of these centres.

10.2.7 Development plans may **distinguish between primary and secondary frontages in town centres** and consider their relative importance to the character of the centre. Primary frontages are characterised by a high proportion of retail uses, while secondary frontages are areas of mixed commercial development including, for example, restaurants, banks and



other financial institutions. Banks and other financial institutions provide important services and local planning authorities should encourage their retention in town centres. This may involve the upgrading of premises and the installation of new customer services. However, such uses should not be allowed to dominate primary shopping areas in a way that can undermine the retail function.

10.2.8 Policies and supplementary planning guidance should support management **of town centres** and, where appropriate, of smaller centres. Such management, involving enhancement and promotion, can be an important factor in achieving vitality, attractiveness and viability of town, district, local and village centres. Appropriate management measures can also contribute to the achievement of a safe and crime free environment. Partnership between local authorities and the private sector is essential to the success of such management<sup>3</sup>.

## Identifying new sites - the sequential approach

10.2.9 Local planning authorities should consider through their development plans whether new sites should be identified in town, district, local or village centres for retail development, leisure development or other uses best located in centres. Uses which need to be accessible to a large number of people, including retailing, major leisure uses (such as theatres, multi-screen cinemas, bingo halls and bowling alleys), offices of central and local government, commercial offices, hospitals and tertiary education facilities are preferably to be located in town centres. Smaller scale retail provision, including appropriately sized supermarkets, leisure facilities, and other facilities such as local health centres, branch libraries, area offices of the local authority and primary schools should preferably be located in district, local and village centres.

10.2.10 In deciding whether to identify sites for retail and leisure developments, local planning authorities should in the first instance **consider whether there is a need for additional provision** for these uses. Such need may be quantitative so as to address a provable unmet demand for the provision concerned. Precedence should be given to establishing quantitative need for both convenience and comparison floorspace, particularly as a basis for development plan allocations before qualitative factors are brought into play. Qualitative assessment should cover both positive and negative implications. Where the current provision appears to be adequate in quantity, the need for further allocations must be fully justified in the plan. This may be the case if new provision can be located where it:

- supports the objectives and strategy of an up-to-date development plan or the policies in this guidance;
- is highly accessible by walking, cycling or public transport;
- contributes to a substantial reduction in car journeys;
- contributes to the co-location of facilities in existing town, district, local or village centres;
- significantly contributes to the vitality, attractiveness and viability of such a centre; or where it
- alleviates a lack of convenience provision in a disadvantaged area.

If there is no need for further development for retail or leisure uses, there will be no need to identify additional sites.





10.2.11 Where a need is identified for such new development, local planning authorities should **adopt a sequential approach** to the selection of sites. The sequential approach should also be used when allocating sites for the other uses best located in existing centres (see 10.2.9). Adopting a sequential approach means that first preference should be for town centre locations, where suitable sites or buildings suitable for conversion are available. If they are not available, then consideration should be given to amending the boundaries of existing centres so that appropriate edge of centre sites are included, as referred to in paragraph 10.2.1. Where this is not practical, then district and local centres might be considered and, only then, out-of-centre sites in locations that are accessible by a choice of means of transport. When proposing a development plan allocation in an edge of centre or out-of-centre location for uses best located in an existing centre, local planning authorities must have regard to need and to the sequential test and must be able to justify the proposal fully.

10.2.12 Local planning authorities should take a positive approach, in partnership with the private sector, in identifying additional sites which accord with this approach. In allocating sites for different types of retail developments they should take account of such factors as floorspace, quality, convenience, attractiveness and traffic. They should not however prescribe rigid floorspace limits, whether for town centres or other development, that would unreasonably inhibit the retail industry from responding to changing demand and opportunity. As proposals for development may come forward after the development plan has been adopted, and may be brought forward irrespective of whether the plan provides allocations, plans should also include a criteria-based policy in line with this guidance against which such proposals can be judged.

10.2.13 Development plans should:

- establish the strategic role to be performed by the main centres in the retail hierarchy;
- set out measures to reinvigorate particular centres, as appropriate;
- set out detailed policies to achieve vital, attractive and viable centres;
- allocate sites for new retail and leisure facilities and other uses best located in town centres, where there is assessed to be a quantitative or qualitative need using the sequential approach;
- include a criteria based policy against which proposals coming forward on unallocated sites can be judged; and
- set out policies for primary and secondary frontages, where appropriate.

## 10.3 Development management and retailing and town centres

10.3.1 When determining a planning application for retail, leisure or other uses best located in a town centre, including redevelopment, extensions or the variation of conditions, local planning authorities should take into account:

- compatibility with any community strategy or up-to-date development plan strategy;
- need for the development/extension, unless the proposal is for a site within a defined centre or one allocated in an up-to-date development plan;





- the sequential approach to site selection;
- impact on existing centres;
- net gains in floorspace where redevelopment is involved, and whether or not it is like-for-like in terms of comparison or convenience;
- rate of take-up of allocations in any adopted development plan;
- accessibility by a variety of modes of travel;
- improvements to public transport;
- impact on overall travel patterns; and
- best use of land close to any transport hub, in terms of density and mixed use.

10.3.2 This approach reinforces the role of centres as the best location for most retail/leisure activities. In contrast to the way in which locations outside existing centres are dealt with, consideration of the need for additional provision is not a matter that should be taken into account when proposals for uses best located in centres come forward. It is not the role of the planning system to restrict competition between retailers within centres.

10.3.3 Where need is a consideration, precedence should be accorded to establishing quantitative need. It will be for the decision-maker to determine and justify the weight to be given to any qualitative assessment, as outlined in paragraph 10.2.10. Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms, though they may be material considerations in making a decision on a planning application.

10.3.4 Developers should be able to demonstrate that all potential town centre options, and then edge of centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered for key town centre uses. The onus of proof that more central sites have been thoroughly assessed rests with the developer and, in the case of appeal Welsh Ministers will need to be convinced that this assessment has been undertaken. This approach also requires flexibility and realism from local planning authorities, developers and retailers.

10.3.5 To maximise the opportunities for new development in centres, developers and retailers will need to be more flexible and innovative about the format, design and scale of proposed development and the amount of car parking, tailoring these to fit the local circumstances. Rather than propose developments with a mixture of large scale retail and/or leisure uses and a large amount of car parking which can only be accommodated at single site out-of-centre or even out-of-town locations, developers are expected to demonstrate why they could not develop elements of the larger scheme on a site, or a number of sites, in more central locations with less car parking.



10.3.6 For major new retail proposals, local planning authorities should consider not only the incremental effects of that proposal but also the likely cumulative effects of recently completed developments, together with outstanding planning permissions and development plan commitments, in the catchment areas of those centres.

10.3.7 The commitments to accessible shopping and to sustaining existing centres mean that local planning authorities should **seek to retain an adequate level of provision for food shopping**, together with post offices and pharmacies, in existing town, district and local centres and in villages.

10.3.8 **Out-of-centre food supermarkets** should not be allowed if their provision is likely to lead to the loss of general food retailing in the centre of smaller towns. Where the inclusion of post offices and pharmacies in out-of-centre retail developments would be likely to lead to the loss of existing provision they should be discouraged by imposing appropriate conditions.

10.3.9 The economic and social role of **local shops, village shops and public houses** should be taken into account when considering applications for a change of use of existing shops into dwellings or other uses. In rural areas local planning authorities should adopt a positive approach to applications for conversion of suitable village properties to shops and for extensions to village shops designed to improve their viability. A positive approach should also be taken, subject to amenity considerations, to re-establishing a public house in villages which have completely lost such provision. The lack of public transport in rural areas should not preclude small-scale retail or service development where this will serve local needs.

10.3.10 Shops ancillary to other uses, such as farm shops that will help to meet the demand for fresh produce, craft shops and shops linked to petrol stations, can also serve a useful role in rural areas by providing new sources of jobs and services (see Chapter 7). In assessing such proposals, local planning authorities should take account of:

- the potential impact on nearby village shops;
- the desirability of providing a service throughout the year; and
- the likely impact of traffic generated and access and parking arrangements.

10.3.11 Edge of centre or out-of-centre retail developments may seek over time to change the range of goods they sell or the nature of the sales area, for example by subdivision to a mix of smaller units, or to a single 'department' store. Sites might come up for redevelopment or be extended, or additional floorspace (possibly in the form of mezzanine floors) might be proposed. Local planning authorities should anticipate such future changes to retail developments (which are likely to impact upon the vitality, attractiveness or viability of a town centre) by placing **conditions** on the initial permission and on any subsequent variation allowed. Conditions might be appropriate to prevent the development from being subdivided into a large number of smaller shops, to limit the range of goods sold or to restrict the amount of floorspace. Applications to remove or vary such conditions should be considered in accordance with this guidance.



10.3.12 Some types of retailing, such as **stores selling bulky goods and requiring large showrooms**, may not be able to find suitable sites in town centres. Such stores should be located at edge of centre sites or, where such sites are not available, at locations accessible via a choice of means of transport. Retail parks, where such stores are grouped, should only be considered favourably where accessible to public transport as well as private transport. The need for retail parks should be tested in accordance with the principles in paragraph 10.3.1 above. The scale, type and location of out-of-centre retail developments should not be such as to be likely to undermine the vitality, attractiveness and viability of those town centres that would otherwise serve the community well, and should not be allowed if they would be likely to put town centre strategies at risk.

10.3.13 **Single retail outlets at factories selling their own products** are likely to be suitable where, individually or cumulatively, they do not harm the vitality, attractiveness or viability of a town centre and where they are acceptable in regard to traffic generation, access and parking. Free-standing developments which include a number of factory outlets should be assessed on the same basis as other retail proposals. The central issue is not whether goods are sold at a discount, but whether such retail developments would divert trade in comparison goods away from existing town centres. Such centres may draw customers from a wide catchment area, predominantly by car, and as a result are unlikely to be consistent with the criteria in this guidance unless those issues can be satisfactorily resolved. Factory outlet centres may play a positive role in revitalising declining shopping centres where there is presently unused capacity or a lack of suitable opportunities for conversion.

10.3.14 **Warehouse clubs** share many of the characteristics of very large retail outlets, and they should be treated as if they were retail businesses in assessing planning applications for them.

10.3.15 **Amusement centres** are most appropriately sited in secondary shopping areas or in areas of mixed commercial development. They are unlikely to be acceptable in primary shopping areas, close to housing or near schools, places of worship, hospitals and hotels, nor in conservation areas or other places of special architectural, historic, landscape or natural environment character. In resort towns, seafront locations may be preferred (but see Sections 5.6 to 5.8). Account will always need to be taken of the amount of noise already generated in the area. It will not normally be reasonable to expect amusement centres to be quieter than their neighbours.

10.3.16 Applications for renewal of planning permission for retail, leisure, and other uses best located in existing town centres should be determined in accordance with the up-to-date development plan and with regard to this guidance including the sequential approach. This may mean that permissions are not renewed where the proposals are not in accord with current policy. Proposals to change the use of existing retail allocations which are not in conformity with this guidance (for example, because they are located where access by walking, cycling and public transport is poor) to other more acceptable land uses at those locations, should be supported.



10.3.17 Applications for non-retail use of allocated retail sites which conform to this guidance should not normally be permitted. However, some sites in urban areas with extant but unimplemented permissions for commercial or retailing uses may be suitable for housing development that could help bring vitality to urban centres. Where vacant offices and retail premises in existing shopping centres seem unlikely to be used again for these purposes, authorities should encourage conversion to other appropriate uses.

10.3.18 Planning applications for retail development should not normally be permitted on land designated for other uses. This advice applies especially to land allocated for industry, employment and housing, where retail development can be shown to have the effect of limiting the range and quality of sites that would be available for such uses.

## Figure 10.1 Retailing and Town Centres

### Guide to the application of national planning policy statements in LDPs

#### Locational considerations

The national planning policy statements which should inform the retail and town centre strategy in the LDP and the locational policies arising from it can be found in the following paragraphs:

Paragraph	Paragraph
10.1.2	Locating retail and other services in existing centres
10.2.1	Centre hierarchy and roles
10.2.4	Diversity of uses and mixed use developments in centres
10.2.6	Traffic management in centres
10.2.7, 10.2.13	Primary and secondary frontages
10.2.9-12	Identifying new sites



## Topic-based policies

The national planning policy statements on retailing and town centres which should be included or considered for inclusion in topic-based policies in the LDP can be found in the following paragraphs:

Paragraph	Policy Issue
10.2.1	Policies to achieve vital, attractive and viable centres
10.2.1	Measures to reinvigorate particular centres
10.2.6	Accessibility of centres and traffic management
10.2.8	Management of centres
10.2.12	Criteria-based policy for determining proposals on unallocated sites

## National development management policies

The following paragraphs contain statements of national development management policy which should not need to be repeated as local policy in LDPs:

Paragraph	Policy Issue
10.1.2	Locating retail and other services in existing centres
10.2.2	New regional shopping centres
10.2.4	Mixed use development
10.3.1, 10.3.16	Uses best located in centres – key factors
10.3.2	Uses best located in centres – needs
10.3.6	Major new retail proposals – incremental and cumulative effects
10.3.7	Retention of food shopping and essential services etc in centres
10.3.8	Out-of-centre food supermarkets
10.3.9	Change of use to/from local shops and village shops, and to/from public houses
10.3.10	Shops ancillary to other uses, e.g. farm shops
10.3.11	Change in nature of edge of centre and out-of-centre retail developments
10.3.12	Bulky goods
10.3.13	Factory outlets
10.3.14	Warehouse clubs
10.3.15	Amusement centres



Paragraph	Policy Issue
10.3.16	Inappropriate retail allocations
10.3.17	Retention of allocated retail sites
10.3.18	Retail development on land designated for other uses

Topics relevant to the local area may simply be mentioned with a cross-reference to PPW.

## References

- <sup>1</sup> Technical Advice Note 4, Retailing and Town Centres, Welsh Office 1996  
[www.wales.gov.uk/topics/planning/policy/tans/tan4/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan4/%3Flang%3Den)
- <sup>2</sup> Technical Advice Note 12, Design, Welsh Government 2014  
[www.wales.gov.uk/topics/planning/policy/tans/tan12/?lang=en](http://www.wales.gov.uk/topics/planning/policy/tans/tan12/?lang=en)
- <sup>3</sup> Technical Advice Note (Wales) 4, Retailing and Town Centres, Welsh Office 1996  
[www.wales.gov.uk/topics/planning/policy/tans/tan4?lang=en](http://www.wales.gov.uk/topics/planning/policy/tans/tan4?lang=en)



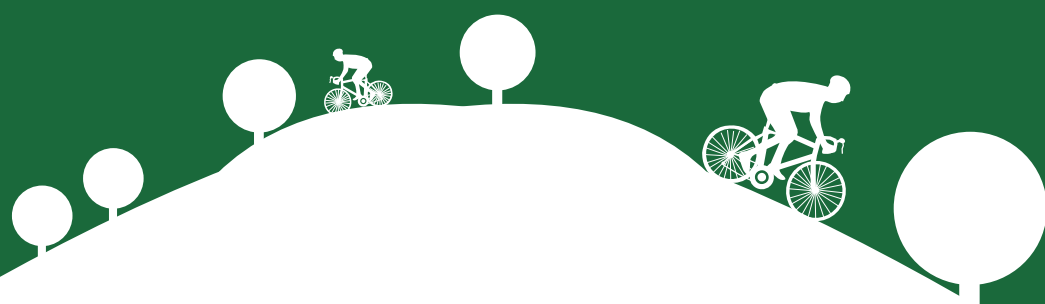




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# Planning Policy Wales



## Chapter 11 Tourism, Sport and Recreation





## 11.1 Objectives

11.1.1 **Tourism** is vital to economic prosperity and job creation in many parts of Wales. It is a significant and growing source of employment and investment, based on the country's cultural and environmental diversity. Tourism can be a catalyst for environmental protection, regeneration and improvement in both rural and urban areas.

11.1.2 The Welsh Government's aim is for :

- tourism to grow in a sustainable way and to make an increasing contribution to the economic, social and environmental well-being of Wales<sup>1</sup>.

11.1.3 **Sport and recreation** contribute to our quality of life. The Welsh Government supports the development of sport and recreation, and the wide range of leisure pursuits which encourage physical activity. These activities are important for the well-being of children and adults and for the social and economic life of Wales. 'Climbing Higher' sets out the Welsh Government's long term strategy for an active, healthy and inclusive Wales where sport and physical activity are used to enhance the quality of life nationally and in local communities<sup>2</sup>. The Welsh Government's main planning objectives are to promote:

- a more sustainable pattern of development, creating and maintaining networks of facilities and open spaces in places well served by sustainable means of travel, in particular within urban areas;
- social inclusion, improved health and well-being by ensuring that everyone, including children and young people, the elderly and those with disabilities, has easy access to the natural environment and to good quality, well-designed facilities and open space; and
- the provision of innovative, user-friendly, accessible facilities to make our urban areas, particularly town centres, more attractive places, where people will choose to live, to work and to visit.

11.1.4 Tourism involves a wide range of activities, facilities and types of development throughout Wales. The planning system should encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and those of local communities. In addition to supporting the continued success of existing tourist areas, appropriate tourist-related commercial development in new destinations, including existing urban and industrial heritage areas, should be encouraged.

11.1.5 Managing and adapting to climate change will be critical to the future of sustainable tourism in Wales. Predicted changes in climate across the world may affect the tourism market in Wales.



11.1.6 Much of the existing provision of facilities and accommodation for tourism occurs in urban locations, including historic and coastal towns. In some places there may be a need to limit new development to avoid damage to the environment (for example in undeveloped coastal areas), or to the amenity of residents and visitors. In others there will be scope to develop well-designed tourist facilities so as to help bring about regeneration, particularly of former industrial areas.

11.1.7 In rural areas, tourism-related development is an essential element in providing for a healthy, diverse, local and national economy. It can contribute to the provision and maintenance of facilities for local communities. Here too development should be sympathetic in nature and scale to the local environment and to the needs of visitors and the local community.

11.1.8 Planning authorities should provide the framework for well-located, good quality tourism, sport, recreational and leisure facilities. The areas and facilities provided in both rural and urban areas should be sensitive to the needs of users, attractive, well-maintained, and protected from crime and vandalism. They should be safe and accessible, including to deprived or disadvantaged communities and to people whose mobility is restricted, by a variety of sustainable means of travel, particularly walking, cycling and public transport<sup>3</sup>. Long-distance routes, rights of way, disused railways and waterways are important tourism and recreation facilities, both in their own right and as a means of linking other attractions.

11.1.9 Development for tourism, sport and leisure uses should, where appropriate, be located on previously developed land. The sensitive refurbishment and re-use of historic buildings presents particular opportunities for tourism and leisure facilities. The *Wales Cultural Tourism Strategy 2003* stresses the importance of a high quality built environment and the sensitive conservation and conversion of historic and vernacular buildings (Chapter 6).

11.1.10 The planning system should ensure that adequate land and water resources are allocated for formal and informal sport and recreation, taking full account of the need for recreational space and current levels of provision and deficiencies, and of the impact of developments related to sport and recreation on the locality and local communities. The role of surface water bodies in flood risk management also needs to be recognised.

11.1.11 Formal and informal open green spaces, including parks with significant recreational or amenity value, should be protected from development, particularly in urban areas where they fulfil multiple purposes, not only enhancing the quality of life, but contributing to biodiversity, the conservation of nature and landscape, air quality and the protection of groundwater. Such open spaces also have a role in climate protection and in enabling the adaptation of urban areas to the impacts of climate change, for example by contributing to flood management and helping to reduce urban heat island effects.



11.1.12 All playing fields whether owned by public, private or voluntary organisations, should be protected from development except where:

- facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- alternative provision of equivalent community benefit is made available; or
- there is an excess of such provision in the area.

11.1.13 Local authorities should seek to protect and enhance the rights of way network as a recreational and environmental resource. They are also encouraged to promote the national cycle network, long distance footpaths, bridleways, canals, and the use of inland waters and disused railways as greenways for sustainable recreation<sup>4</sup>. (And see 8.1.5, 8.2.3 and 8.5.6)

## 11.2 Development plans and tourism, sport and recreation

11.2.1 Development plans should establish a strategic framework for the provision and enhancement of well designed tourism, sport, recreation and leisure facilities in the areas they cover. They should consider the scale and broad distribution of existing facilities and activities and provide for the accommodation and management of future needs in ways which limit negative environmental impacts (including the consequences of climate change), protecting the landscape, biodiversity, the coast, the historic environment and areas of special interest, and the interests of local communities. They should take into account the environmental, economic and social implications of likely future changes in the provision of these facilities and have regard to objectives for urban regeneration and rural diversification.

11.2.2 The development plan should contain clear policies for the provision, protection and enhancement of tourism, sport, recreation and leisure facilities. They should set standards of provision, so that local deficiencies can be identified and met through the planning process, and set out policies to avoid or resolve conflict between different pursuits.

11.2.3 The development plan should protect from development playing fields and open space that has significant amenity or recreational value to local communities. It should indicate the ways in which previously developed or disused land and water bodies will be considered for tourism, sport and recreation uses, particularly in relation to urban regeneration.

11.2.4 The development plan should locate facilities which may generate high levels of travel demand in or close to town centres where possible. It should provide guidance for access to the countryside and coast for tourism, sport and recreational uses, ensuring that access can be provided by a choice of modes of travel, but particularly on foot and by cycle and public transport.



11.2.5 The development plan should consider the scope to use disused land and routes as parks, linear parks or greenways in urban areas. It should encourage the provision of safe cycle routes and footpaths. Where recreational use of redundant railway lines or spaces alongside canals or rivers is proposed, the plan should ensure that there is no detriment to adjoining users, wildlife or flood defences.

11.2.6 The development plan should encourage the multiple use of open space and facilities, where appropriate, to increase their effective use and reduce the need to provide additional facilities. It should ensure that open spaces and built facilities are, where possible, sited, designed and maintained as integral parts of existing and new developments so as to encourage their use and minimise crime and vandalism.

11.2.7 The development plan should encourage the diversification of farm enterprises and other parts of the rural economy for appropriate tourism, sport, recreation and leisure uses, subject to adequate safeguards for the character and appearance of the countryside, particularly its landscape, biodiversity and local amenity value.

### **11.3 Development management and tourism, sport and recreation**

11.3.1 In determining planning applications for tourism developments, local planning authorities need to consider the impact of proposals on the environment and local community. They may seek to reduce the impact of development using arrangements for traffic and visitor management.

11.3.2 Local planning authorities may be justified in seeking Section 106 Planning Agreements to contribute to the maintenance of safe and attractive facilities and open space, and to meet the needs of new communities. Such agreements may also need to be used to help ensure that standards of provision set out in development plans are met.

11.3.3 Authorities need to consider the effects of sport and recreation on neighbouring uses in terms of noise, light emissions, traffic generation and, in the case of larger developments, ease of access and the safety of residents, users and the public (sections 13.13 to 13.15).



## Figure 11.1 Tourism, Sport and Recreation

### Guide to the application of national planning policy statements in LDPs

#### Locational considerations

The LDP should provide a framework for tourism, sport, recreation and leisure facilities (11.1.8) setting out a strategic approach to such development in the area (11.2.1).

The national policy statements which should inform a framework for tourism, sport, recreation and leisure can be found in the following paragraphs:

Paragraph	Policy Issue
11.1.10	Availability of recreational land and water resources
11.2.1	Sustainable tourism proposals
11.2.3	Protection of open space
11.2.5	Sympathetic use of greenways

#### Topic-based policies

The national planning policy statements on tourism, sport, recreation and leisure which should be included, or considered for inclusion, in topic-based policies in the LDP can be found in the following paragraphs:

Paragraph	Policy Issue
11.2.1	Sustainable provision for tourism
11.2.1	Rural diversification
11.2.2	Standards of provision
11.2.3	Tourism development and provision of open spaces
11.2.4	Safe cycle routes
11.2.6	Multi-purpose and adjacent tourism and recreation uses



## National development management policies

The following paragraphs contain statements of national development management policy which should not need to be repeated as local policy in LDPs:

Paragraph	Policy Issue
11.1.7	Sympathetic rural tourism
11.1.8	Maintenance and accessibility of areas and facilities
11.1.8	Provision of green routes and rights of way
11.1.9	Provision on previously-developed land; re-use of buildings
11.1.11	Protection of open spaces
11.1.12	Protection of playing fields
11.1.13	Protection of Rights of Way
11.3.1-11.3.3	Recreational and tourist development management considerations

Topics relevant to the local area may simply be mentioned with a cross-reference to PPW.

## References

- <sup>1</sup> Partnership for Growth: The Welsh Government Strategy for Tourism 2013 – 2020, Welsh Government 2013
- <sup>2</sup> 'Climbing Higher: The Welsh Assembly Government Strategy for Sport and Physical Activity', Welsh Assembly Government, 2005 [www.wales.gov.uk/topics/cultureandsport/sportandactiverекреation/climbing/%3Bjsessionid%3DW0J2LsGFnlIM9J3cQGYnpXnkdw1X28WR1kJOVDMYwf8NnGsTs26x!-764344044?lang=en](http://www.wales.gov.uk/topics/cultureandsport/sportandactiverекреation/climbing/%3Bjsessionid%3DW0J2LsGFnlIM9J3cQGYnpXnkdw1X28WR1kJOVDMYwf8NnGsTs26x!-764344044?lang=en)
- <sup>3</sup> Technical Advice Note 16, Sport, Recreation and Open Space, Welsh Assembly Government 2009 [www.wales.gov.uk/topics/planning/policy/tans/tan16e/?lang=en](http://www.wales.gov.uk/topics/planning/policy/tans/tan16e/?lang=en)
- <sup>4</sup> The Countryside and Rights of Way Act 2000 [www.opsi.gov.uk/acts/acts2000/ukpga\\_20000037\\_en\\_1](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_1)





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# Planning Policy Wales



## Chapter 12 Infrastructure and Services



## 12.1 Objectives

12.1.1 Adequate and efficient infrastructure, including services such as education and health facilities along with water supply, sewers, waste management, electricity and gas (the utilities) and telecommunications, is crucial for the economic, social and environmental sustainability of all parts of Wales. It underpins economic competitiveness and opportunities for households and businesses to achieve more socially and environmentally desirable ways of living and working. At the same time, infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them.

12.1.2 This chapter deals with infrastructure and services, that is with issues of water supply and waste water management, waste management, energy supply from renewable and low carbon sources, and telecommunications. Guidance relating to transport infrastructure is in Chapter 8.

12.1.3 European environmental legislation places obligations on EU Member States with regard to the provision of environmental infrastructure (such as waste water treatment plants). The Welsh Government has an important role in securing compliance.

12.1.4 The Welsh Government aims to secure the environmental and telecommunications infrastructure necessary to achieve sustainable development objectives, while minimising adverse impacts on the environment, health and communities. New approaches to infrastructure will be needed in light of the consequences of climate change. The objectives are:

- to protect and improve water resources through increased efficiency and demand management of water, particularly in those areas where additional water resources may not be available;
- to ensure that appropriate sewerage facilities are provided to convey, treat and dispose of waste water in accordance with appropriate legislation and sustainability principles;
- to ensure that appropriate facilities are established to prevent/re-use, prepare for re-use, recycle, recover and, where necessary, safely dispose of waste, so as to meet the Welsh Government's objectives for waste management;
- to promote the generation and use of energy from renewable and low carbon energy sources at all scales and promote energy efficiency, especially as a means to secure zero or low carbon developments and to tackle the causes of climate change;
- to facilitate the development of an advanced broadband telecommunications infrastructure throughout Wales;
- to promote an integrated approach to the provision and renewal of environmental and telecommunications infrastructure;
- to ensure that environmental and telecommunications infrastructure is provided in such a way as to enable sustainable development objectives to be met, avoiding adverse impacts on the environment (including the natural and historic environment), local communities and health;



- to ensure that in considering environmental and telecommunications infrastructure account is taken of the impacts of climate change in the location, design, build, operation and, where appropriate, the decommissioning of new infrastructure (see 4.5); and
- to ensure that the vulnerability of infrastructure to severe weather events is minimised and that infrastructure is designed to cope with higher average temperatures and increasing risk of storm surges, drought and flooding.

12.1.5 The planning system has an important part to play in ensuring that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development so as to minimise risk to human health and the environment and prevent pollution at source. This includes minimising the impacts associated with climate change.

12.1.6 The capacity of existing infrastructure, and the need for additional facilities, should be taken into account in the preparation of development plans and the consideration of planning applications. In general, local planning authorities should seek to **maximise the use of existing infrastructure** and should **consider how the provision of different types of infrastructure can be co-ordinated**.

12.1.7 Local planning authorities must develop a strategic and long-term approach to infrastructure provision when preparing development plans. They should consider both the siting requirements of the utility companies responsible for these services to enable them to meet community needs and the environmental effects of such additional uses. Development may need to be phased, in consultation with the relevant utilities providers, to allow time to ensure that the provision of utilities can be managed in a way consistent with general policies for sustainable development.

12.1.8 It is essential that local planning authorities consult utility companies and other infrastructure providers and Natural Resources Wales at an early stage in the formulation of land use policies. Welsh Government guidance in *Local Development Plan Wales (2005)* provides details of the bodies which must be consulted about particular issues to ensure that plan policies are realistic and capable of implementation. Local authorities are also required to consult appropriate bodies and to take their views into account when determining planning applications.

## 12.2 Water supply and waste water management

12.2.1 In development plans and when considering development proposals local planning authorities should promote increased efficiency and demand management of water resources, particularly in those areas where additional water resources may not be available, taking into account the effects that a changing climate may have over the lifetime of development.

12.2.2 The EU Water Framework Directive<sup>1</sup> imposes requirements for the integrated planning and management of water which have implications for land use planning in both urban and rural areas.

## 12.3 Development plans and water

12.3.1 Development plans should take water-related issues into account from an early stage in the process of identifying land for development and redevelopment. New development should be located and its implementation planned in such a way as to allow for sustainable provision of water services, in particular minimising vulnerability to the impacts of climate change. Design approaches and techniques that improve water efficiency<sup>2</sup> and minimise adverse impacts on water resources, surface water quality, the ecology of rivers and groundwater should be encouraged (see 13.3 to 13.4 and 13.10 to 13.12).

## 12.4 Development management and water

12.4.1 The adequacy of water supply and the sewage infrastructure are material in considering planning applications and appeals. The need to balance the growing demand for water with the needs of the environment is crucial. Even where there is theoretical capacity, timely investment in infrastructure is required to ensure that new development does not adversely affect water supplies, water quality or sewerage. These issues require early identification when locating future development. Local planning authorities should therefore encourage the use of sites where existing water supply and/or drainage provision problems can be solved and seek to avoid the use of sites where adequate water supply and/or drainage provision is unlikely to be achieved.

12.4.2 Development proposals in sewered areas must connect to the main sewer, and it will be necessary for developers to demonstrate to local planning authorities that their proposal site can connect to the nearest main sewer. To ensure consistency of design and facilitate long-term maintenance, sewers should be built to an adoptable standard, and developers should consult sewerage undertakers in the early stages of design and planning<sup>3</sup> (see 4.11).

12.4.3 Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible<sup>4</sup>. Non-mains sewage proposals, such as septic tanks and surface water drainage schemes, included in development applications should be the subject of an assessment of their effects on the environment, amenity and public health in the locality, in accordance with the criteria set out in Circular 10/99, prior to the determination of the planning application. A catchment wide perspective should be adopted including the use of Sustainable Urban Drainage Systems, where appropriate (see 13.3 to 13.4).



## 12.5 Planning to manage waste

12.5.1 The Welsh Government's general policy for waste management is contained in its overarching waste strategy document *Towards Zero Waste* and associated sector plans<sup>5</sup>. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible.

12.5.2 The Collections, Infrastructure and Markets (CIM) Sector Plan describes the waste management framework considered to provide the best solutions to meet environmental, social and economic needs to 2050<sup>6</sup>. It indicates a move towards a position where disposal and recovery options are reduced in favour of high volume source segregated collection followed by reprocessing (as well as preparation for re-use and prevention). The reality as we move from where we are now towards these aspirations is the need for planning authorities to facilitate the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy.

12.5.3 The land use planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:

- minimising adverse environmental impacts and avoiding risks to human health;
- protecting areas of designated landscape and nature conservation from inappropriate development; and
- protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.

12.5.4 There are a number of specific principles, in addition to these general principles, which should guide planning approaches and inform decisions. Of these principles, the waste hierarchy provides the key starting point for all types of waste management proposals and consideration of the hierarchy should be set against the wider social, economic and environmental considerations which are relevant in any given case. The 'Nearest Appropriate Installation' concept and the principle of self sufficiency will only be applicable in relation to wastes covered by Article 16 of the revised Waste Framework Directive (rWFD)<sup>7</sup> and should guide the provision of an integrated and adequate network for the treatment of such wastes. The network should include all necessary supporting facilities such as waste transfer stations and processing facilities.

12.5.5 The waste assessments contained within the CIM Sector Plan will not have to be repeated by local planning authorities at a regional or local level. However, to inform planning decisions it will be important that local planning authorities monitor progress towards the provision of an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed



municipal waste and similar wastes from commercial and industrial sectors as well as private households<sup>8</sup>. For this reason, monitoring arrangements will be established to ensure an up to date position is available to inform decision making. Further detail can be found on the arrangements for monitoring and the provision of waste planning monitoring reports (and supplementary reports where necessary) in TAN 21 Waste.

12.5.6 Natural Resources Wales has a statutory role in relation to the management and regulation of waste and the collection of waste production and management data. It has a key role in providing expert advice to planning authorities as part of local development plan preparation, as a consultee on certain planning applications and to assist planning authorities in evaluating complex waste information and making technical judgements, where necessary. Natural Resources Wales will contribute to the development and implementation of the monitoring arrangements outlined in more detail in TAN 21 Waste through the provision of data and expertise.

## **12.6 Development plans and waste planning**

12.6.1 Development plans should demonstrate how national waste policy, and in particular the CIM Sector Plan, along with any updated position adopted in the waste planning monitoring reports and any other form of waste management priorities relevant to its local area have been taken into account.

12.6.2 As part of facilitating the provision of sustainable waste management, the identification of suitable locations for such development should be considered as part of plan preparation, recognising that the most appropriate locations will be those with the least adverse impact on the local population and the environment and with the best potential to contribute to a broad infrastructure framework. Further advice on addressing waste issues through development plans is contained in TAN 21 Waste.

12.6.3 In addition, development plan strategies and policies, including any specific allocations, should seek to secure opportunities to reduce or recycle waste as part of the design, construction and operation of new buildings. Further advice on sustainable design can be found in TAN 12 Design and TAN 21 Waste.

## **12.7 Development Management and waste planning**

12.7.1 Decisions on waste management proposals should be determined in accordance with the relevant development plan for an area. The extent to which a proposal demonstrates a contribution to the waste management objectives, policy, targets and assessments contained in national waste policy will be a material planning consideration.





12.7.2 The benefits which can be derived from proposals for waste management facilities as well as the impact of proposals on the amenity of local people and the natural and built environment must be adequately assessed to determine whether a planning application is acceptable, and, if adverse impacts on amenity or the environment cannot be mitigated, planning permission should be refused. Further advice on general and specific planning principles and detailed planning considerations can be found in TAN 21 Waste.

12.7.3 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development and waste prevention efforts at the design, construction and demolition stage should be made by developers<sup>9</sup>. All opportunities should be explored to incorporate re-used or recyclable materials or products into a new building or structure. Information regarding such efforts could be included in Design and Access Statements. Further advice on Sustainable Design is contained in TAN 12 Design and Practice Guidance – Planning for Sustainable Buildings.

12.7.4 Planning authorities, other relevant local authority departments and Natural Resources Wales are expected to work closely together to ensure that conditions attached to planning consents and those attached to Environmental Permits are complementary and do not duplicate one another. However, local planning authorities will need to be satisfied that proposals are capable of effective regulation and Natural Resources Wales should assist in establishing this position. In certain circumstances, where proposals are complex, it will be good practice to encourage the parallel tracking of planning and environmental permitting applications.

## 12.8 Renewable and Low Carbon Energy

12.8.1 The UK is subject to the requirements of the EU Renewable Energy Directive. These include a UK target of 15% of energy from renewables by 2020<sup>10</sup>. The UK Renewable Energy Roadmap sets the path for the delivery of these targets, promoting renewable energy to reduce global warming and to secure future energy supplies<sup>11</sup>. The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change (see 4.5) whilst enhancing the economic, social and environmental wellbeing of the people and communities of Wales in order to achieve a better quality of life for our own and future generations. This is outlined in the Welsh Government's Energy Policy Statement *Energy Wales: A Low Carbon Transition* (2012)<sup>12</sup>.

12.8.2 Planning policy at all levels should facilitate delivery of both the ambition set out in *Energy Wales: A Low Carbon Transition* and UK and European targets on renewable energy. The Renewable Energy Directive<sup>13</sup> contains specific obligations to provide guidance to facilitate effective consideration of renewable energy sources, high-efficiency technologies and district heating and cooling in the context of development of industrial or residential areas, and (from 1 January 2012) to ensure that new public buildings, and existing public buildings that are subject to major renovation fulfil an exemplary role in the context of the Directive. The issues



at the heart of these duties are an established focus of planning policy in Wales, and in this context both local planning authorities and developers should have regard in particular to the guidance contained in Technical Advice Note 8: Planning for Renewable Energy<sup>14</sup> and Planning for Renewable Energy – A Toolkit for Planners<sup>15</sup>. The Welsh Government will however consider the preparation of further targeted guidance where appropriate.

12.8.3 The delivery mechanisms for most of our energy aspirations are outside the control of the planning system and are therefore not considered here. The consenting process for renewable energy projects in Wales depends on the size and location of the proposed renewable development and these are summarised in Figure 12.2.

**Figure 12.1 Current consent bodies for electricity installations**

Installation size	Current consent body
<50MW onshore	Local authorities & Welsh Ministers
>50MW onshore	Secretary of State for Energy & Climate Change/ Infrastructure Planning Commission/Appropriate Secretary of State

12.8.4 For the planning system the key area of responsibility is onshore development less than 50MW, although responsibility for approving associated and ancillary consents relating to proposals over 50MW is generally devolved to responsible bodies and organisations in Wales. In addition there may be onshore facilities associated with offshore developments which fall to local planning authorities to determine.

12.8.5 Local planning authorities, particularly those containing Strategic Search Areas (SSAs), should take the Welsh Government's imperative for renewable energy into account when they are consulted on applications for large scale onshore wind power projects considered by the National Infrastructure Directorate within the Planning Inspectorate.

12.8.6 The Welsh Government's aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.

12.8.7 For the purposes of planning policy, renewable energy is the term used to cover those sources of energy, other than fossil fuels or nuclear fuel, which are continuously and sustainably available in our environment. This includes wind, water, solar, geothermal energy and plant material (biomass). These sources of energy can be utilised to generate power, heat, fuels (for transport)



and cooling through a range of renewable energy technologies such as solar panels and wind turbines. For the purposes of planning policy, low carbon energy is the term used to cover technologies that are energy efficient (but does not include nuclear). Renewable and low carbon energy developments will feature in many types of situations such as those that:

- are directly incorporated into the fabric of a building;
- are stand-alone directly connected to the grid;
- built within a new development (e.g. development scale combined heat and power);
- provide heat for a number of buildings (e.g. district heating);
- provide a fuel for use in transport; and
- provide cooling.

12.8.8 The Welsh Government is committed to using the planning system to:

- optimise renewable energy generation;
- optimise low carbon energy generation;
- facilitate combined heat and power systems (and combined cooling, heat and power) where feasible; and
- recognise that the benefits of renewable energy are part of the overall commitment to tackle climate change by reducing greenhouse gas emissions as well as increasing energy security.

12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy (see 4.4.3) to help to tackle the causes of climate change (see 4.7.3). Specifically, they should make positive provision by:

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;
- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability (see Chapter 4); and
- ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.

12.8.10 At the same time, local planning authorities should:

- ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed;
- ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration; and
- encourage the optimisation of renewable and low carbon energy in new development to facilitate the move towards zero carbon buildings (see 4.11 and 4.12).



12.8.11 In mitigating the causes of climate change (see 4.12.2) development proposals should, after reducing energy demand, optimise the use of energy from renewable and low carbon sources. Developers should take into account future requirements for carbon reduction in new buildings as a result of changes to Welsh Building Regulations.

12.8.12 In the short to medium term, wind energy continues to offer the greatest potential (for activities within the control of the planning system in Wales) for delivering renewable energy. Wales has an abundant wind resource and power generation using this resource remains the most commercially viable form of renewable energy. The Welsh Government accepts that the introduction of new, often very large structures for onshore wind needs careful consideration to avoid and where possible minimise their impact. However, the need for wind energy is a key part of meeting the Welsh Government's vision for future renewable electricity production as set out in the Energy Policy Statement (2010) and should be taken into account by decisions makers when determining such applications.

12.8.13 The most appropriate scale at which to identify areas for large scale onshore wind energy development is at an all-Wales level. Technical Advice Note 8: *Planning for Renewable Energy* (2005) identifies areas in Wales which, on the basis of substantial empirical research, are considered to be the most appropriate locations for large scale wind farm development; these areas are referred to as Strategic Search Areas (SSAs). The detailed characteristics of SSAs and the methodology used to define them are outlined in TAN 8 and its Annexes. Development of a limited number of large-scale (over 25MW) wind energy developments in these areas will be required to contribute significantly to the Welsh Government's onshore wind energy aspiration for 2GW in total capacity by 2015/17; UK and European renewable energy targets; to mitigate climate change and deliver energy security.

12.8.14 An integrated approach should be adopted towards planning renewable and low carbon energy developments and additional electricity grid network infrastructure. Additional electricity grid network infrastructure will be needed to support the SSAs and local planning authorities should facilitate grid developments when appropriate proposals come forward whether or not the wind farms are to be connected are located within their authorities. Within the SSAs, whilst cumulative impact can be a material consideration, it must be balanced against the need to meet the Welsh Government's aspirations for energy in Wales and the conclusions reached fully justified in any decisions taken. Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations. The development of large wind farms or other large scale renewable and low carbon energy schemes will not generally be appropriate in internationally or nationally designated areas and sites (see 5.3 and 6.5)<sup>16</sup>.

12.8.15 The impacts from renewable energy developments and associated infrastructure will vary depending on their type, location and scale. This requires different policy and development management considerations<sup>17</sup>. For planning purposes the following scales are considered:



**Figure 12.2 – Renewable and low carbon energy scales for planning purposes**

Scale of development	Threshold (electricity and heat)
Strategic	Over 25MW for onshore wind and over 50MW for all other technologies
Local Authority-wide	Between 5MW and 25MW for onshore wind and between 5MW and 50MW for all other technologies
Sub Local Authority	Between 50kW and 5MW
Micro	Below 50kW

12.8.16 It should be acknowledged that for planning application purposes some types of renewable and low carbon energy technology may form part of an individual installation (i.e. one solar panel or one biomass plant) or combined with other individual installations into a larger proposal (e.g. an array of solar panels or a wind farm).

12.8.17 Strategic scale renewable energy projects of 50MW or over are currently consented by the UK Government advised by the National Infrastructure Directorate within the Planning Inspectorate. Ancillary consents, associated with proposed developments over 50MW continue to be determined within Wales and the Welsh Government expects decisions on ancillary and associated development to be taken in a timely way.

12.8.18 Local planning authorities should facilitate local authority-wide scale renewable energy in development plans by undertaking an assessment of the opportunities and potential for renewable energy in the area. They should also look for opportunities to co-locate major developments in order to optimise renewable energy potential and to promote district heating schemes (see 12.9).

12.8.19 Feed-in Tariffs<sup>18</sup> provide financial support for projects in the sub-local authority scale category by requiring energy suppliers to make regular payments to customers who generate their own electricity. The upper limit of Feed in Tariffs is currently 5MW. There is potential for communities and small businesses to invest in ownership of renewable energy projects or to develop their own projects for local benefit. The Welsh Government's policy is to support community driven renewable energy projects where benefits from the projects are returned to the host community. Local planning authorities should ensure that development plan policies are supportive of projects benefitting from, or eligible for, Feed-in Tariffs.

12.8.20 Many forms of domestic and non-domestic small scale (micro generation) equipment currently benefit from permitted development rights and usually do not require planning permission, subject to specific criteria<sup>19 20</sup>.

12.8.21 The marine energy resource off Wales offers a unique opportunity to deliver significant renewable energy generation whilst establishing new markets in Wales. Offshore renewable energy developments over 1MW require consent from the Marine Management Organisation (MMO),



whilst developments over 100MW are considered by the UK Planning Inspectorate. However, in many cases there will be ancillary structures onshore associated with offshore renewable energy generation which will require planning permission and local planning authorities should ensure that decisions relating to these ancillary structures are taken in a timely way.

## 12.9 Development plans and renewable and low carbon energy

12.9.1 Local planning authorities should plan positively for all forms of renewable and low carbon energy development using up to date and appropriate evidence.

12.9.2 Local planning authorities should guide appropriate renewable and low carbon energy development by undertaking an assessment of the potential of all renewable energy resources and renewable and low carbon energy opportunities within their area and include appropriate policies in development plans. Local planning authorities are encouraged to work collaboratively in order to gather evidence on a sub-regional basis wherever possible<sup>21</sup>.

12.9.3 In undertaking such assessments local planning authorities should establish an evidence base which:

- takes into account the contribution that can be made by their local area towards carbon emission reduction and renewable and low carbon energy production;
- recognises that approaches for the deployment of renewable and low carbon energy technologies will vary;
- identifies the accessible deliverable renewable energy resource potential (including heat) for their area and considers the likely utilisation of this resource over the plan period;
- takes into account the environmental, social and economic impacts and opportunities from renewable and low carbon energy development;
- takes into account the cumulative effects of renewable and low carbon energy development;
- takes into account the likely mechanisms for determining applications for sites based on their potential and actual output; and
- takes into account issues associated with grid connection and the transportation network.

12.9.4 At the strategic scale development plans should, where relevant, provide policies to clarify in the SSAs where strategic scale wind energy developments are likely to be permitted, for example by identifying local micro-siting criteria or identifying specific preferred locations. The SSA boundaries have been drawn to allow for some local refinement; however in defining such locations or criteria it will be important to ensure that they do not differ significantly without local evidence from the indicative boundaries of the SSAs set out in TAN 8.

12.9.5 Policies for strategic renewable energy development in areas outside SSAs, if appropriate, should be included in development plans informed by local authority renewable energy assessments.



12.9.6 Other than onshore wind projects, the most likely form of renewable energy installations to be considered through the planning system will be strategic scale biomass projects. The sustainability of the sources of biomass fuel is not a planning consideration.

12.9.7 The potential for the development of renewable and low carbon energy development within urban/industrial brownfield sites remains largely untapped. There may be further opportunities for the development of wind or other renewable energy schemes on urban/industrial brownfield sites.

12.9.8 Local planning authorities should also seek to maximise the opportunities for district heating and generation schemes in their development plan by co-locating new proposals and land allocations with existing developments and heat suppliers and users.

12.9.9 At the sub-local authority scale renewable energy projects are applicable in all parts of Wales and development plans should encourage such development and clearly set out the local criteria against which such proposals will be evaluated.

## **12.10 Development management and renewable and low carbon energy**

12.10.1 In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national<sup>22</sup>, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts (see 4.5);
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

12.10.2 There may be opportunities to promote Combined Heat and Power (CHP) schemes and the Welsh Government encourages these projects as part of the imperative to reduce carbon emissions.





12.10.3 Developers for renewable and low carbon energy developments should seek to avoid or where possible minimise adverse impacts through careful consideration of location, scale, design and other measures.

12.10.4 Local planning authorities should, where relevant, consider the likely impact of proposed renewable and low carbon energy development on existing or other proposed renewable and low carbon energy developments and sources. In such cases they should consider amendments so as to render them acceptable.

12.10.5 The Welsh Government supports the principle of securing sustainable community benefits for host communities through voluntary arrangements. Such arrangements must not impact on the decision making process and should not be treated as a material consideration unless it meets the tests set out in Circular 13/97<sup>23</sup>.

12.10.6 Local authorities should use planning conditions or obligations (see 3.6 and 3.7) to mitigate impacts, and secure the benefits and opportunities arising from a renewable or low carbon energy development proposal. This may include securing the decommissioning of developments and associated infrastructure and remediation of the site as soon as their use ceases, controlling of transport movements and highway works.

## 12.11 Telecommunications<sup>24</sup>

12.11.1 The Welsh Government recognises that widespread access to affordable, secure telecommunications infrastructure is important to citizens and businesses across Wales. It is important that the telecommunications infrastructure in Wales is able to meet this challenge, helping to build a thriving and prosperous Welsh economy. To this end, the Welsh Government is working with the telecommunications industry and the communications regulator Ofcom to share information on communications infrastructure issues, to understand regulatory, planning and economic barriers to investment and to inform future policy making in this area. The Welsh Government has well-established policies for the protection of the countryside and urban areas – in particular the National Parks, AONBs, SSSIs, the Heritage Coast and areas and buildings of architectural or historic importance (see Chapters 5 and 6 for details). Local planning authorities are encouraged to respond positively to telecommunications development proposals, whilst taking account of the advice on the protection of urban and rural areas.

## 12.12 Development plans and telecommunications

12.12.1 Development plans should set out policies and proposals for the location of telecommunications development, allocating sites for major developments and including criteria-based policies to guide telecommunications developments where sites other than those identified in the plan may be proposed.



12.12.2 Criteria should be sufficiently flexible to accommodate technical changes and may be concerned with the siting and appearance of apparatus, including location and landscaping requirements designed to minimise the impact on amenity consistent with operational requirements.

## 12.13 Development management and telecommunications

12.13.1 The installation of many telecommunications systems is covered by permitted development rights<sup>25</sup>, which may be subject to the local planning authority's prior approval of details of siting and appearance<sup>26</sup>. Where listed building consent is concerned, all telecommunications development is subject to normal statutory procedures (see Chapter 6).

12.13.2 Where approval of details of planning permission is required the following should, in particular, be taken into account for telecommunications related planning applications:

- the extent to which radio and telecommunications masts can be shared; and
- the need for dishes and other installations to blend with their backgrounds.

12.13.3 The Welsh Government attaches considerable importance to keeping the number of masts, and the number of sites for such installations, to the minimum consistent with the efficient operation of the network. The sharing of masts and sites is strongly encouraged where that represents the optimum environmental solution in a particular case. Use should also be made of existing buildings and other structures to site new antennas. Siting should, so far as is practicable, minimise the impact on amenity and the external appearance of the building.

12.13.4 With the closure of the analogue mobile phone network, the re-use of existing sites is encouraged so as to minimise the need for new second and third generation base station sites.

12.13.5 Planning permission or approval of details should not be refused on the basis of policies that take insufficient account of the growth and characteristics of modern telecommunications.

12.13.6 Authorities should not question the need for the telecommunications system that the proposed development is to support, nor seek to prevent competition between different operators. The aim should be for the authorities and operators to work together to find optimum solutions to development requirements. The Welsh Government strongly encourages telecommunications operators and local planning authorities to carry out annual discussions about rollout plans for each authority's area. Pre-application discussions should be carried out between operators and local planning authorities on a specific development proposal. Pre-application discussions should also be carried out between operators and other organisations, including residents groups, with an interest in the proposed development.



12.13.7 Where a mast is to be installed on or near a school or college, it is important that operators discuss the proposed development with the relevant body of the school or college concerned before submitting an application for planning permission or prior approval to the local planning authority.

12.13.8 Health considerations can be material considerations in determining applications for planning permission and prior approval as, in principle, can public concerns in relation to such effects. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker to determine what weight to attach to such considerations in any particular case.

12.13.9 With regard to the health implications of proposed development, it is the Welsh Government's view that, if the development meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines as expressed in the EU Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (as recommended by the report of the Independent Expert Group on Mobile Phones (the Stewart Report) on a precautionary basis), it should not be necessary for a local planning authority in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them. All new base stations are expected to meet the ICNIRP guidelines.

12.13.10 The Stewart Report suggested a number of specific precautionary actions that have been accepted by the Welsh Government. The report does not provide any basis for precautionary actions beyond those already proposed. In the Welsh Government's view, local planning authorities should not implement their own precautionary policies, such as imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.

12.13.11 In any development, significant and irremediable radio interference with other electrical equipment of any kind can be a material planning consideration.



## Figure 12.3 Infrastructure and Services

### Guide to the application of national planning policy statements in LDPs

#### Locational Considerations

The national policy statements which should inform the development of policies for infrastructure and services can be found in the following paragraphs:

Paragraph	Policy Issue
12.1.8, 12.3.1, 12.4.1	Strategic and long term approach to infrastructure provision, encouragement of sites where provision exists and/or where problems can be solved, and phasing
12.6.2	Identification of suitable locations or sites for waste facilities
12.6.3	Waste management and site allocations
12.8.12-14	Large scale (over 25MW) wind energy developments through Strategic Search Areas (SSAs)
12.9.4	Local refinement of Strategic Search Areas (SSA)
12.8.18 & 12.9.8	Opportunities to co-locate major developments to optimise renewable energy
12.9.2	Guide appropriate renewable and low carbon energy developments
12.12.1	Major telecommunications development (if identifiable in LDP)

Local planning authorities should also have regard to Policy Clarification Letter CL-04-04, which deals with the location of waste facilities on industrial estates<sup>27</sup>.

#### Topic-based policies

The national planning policy statements to be considered for inclusion in topic-based policies can be found in the following paragraphs:

Paragraph	Policy Issue
12.2.1	Promoting efficiency and demand management of water resources
12.6.1-2	Facilitating the implementation of national policy on waste
12.8.15	Scales of renewable energy
12.8.18	Facilitating local authority-wide scale renewable and low carbon energy developments
12.9.4	Acceptable restrictions on wind energy development
12.9.9	Criteria for sub-local authority scale renewable and low carbon energy development
12.12.1-2	Telecommunications development

## National development management policies

The following paragraphs contain statements of national development management policy which should not need to be repeated as local policy in LDPs:

Paragraph	Policy Issue
12.1.7	Capacity of existing infrastructure
12.3.1, 12.4.1, 12.4.2, 12.4.3	Water supply and sewerage
12.5.1, 12.5.3, 12.5.4, 12.7.1-2	General principles on suitability of, and location and siting of, waste facilities
12.5.4	Waste Hierarchy; Nearest Appropriate Installation and Self Sufficiency
12.5.2, 12.5.5-6	Waste assessment/national waste policy; waste monitoring
12.7.1	Waste management and non-waste developments
12.7.4	Relationship between planning and environmental permitting (waste)
12.8.2	Welsh Government sustainable renewable energy potential
12.8.6-12.8.11	Support for all forms of renewable and low carbon energy development where impacts are avoided and where possible minimised
12.8.13-14	Strategic Search Areas
12.8.14	Facilitation of additional grid network infrastructure
12.8.14	Large scale renewable energy development in internationally or nationally designated areas
12.8.15	Scales of renewable and low carbon energy development
12.10.1	Development management for renewable and low carbon energy development
12.10.1	Environmental, social and economic benefits
12.10.1	Impact on the natural heritage, coast and the historic environment
12.10.1	Impacts of climate change
12.13.2, 12.13.3	Telecoms mast and site sharing, re-use of existing sites
12.13.2	Siting of telecoms equipment
12.13.5	Taking account of modern telecoms
12.13.6	Need for proposed telecoms system
12.13.11	Radio interference

Topics relevant to the local area may simply be mentioned with a cross-reference to PPW.

Guidance on health considerations relating to telecoms development is contained in paragraphs 12.13.8-10. Local planning authorities should not implement their own precautionary policies.



## References

- <sup>1</sup> EC Water Framework Directive (2000/60/EC) is implemented in river basin districts within England and Wales through the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 (SI2003/3242) [www.opsi.gov.uk/si/si2003/20033242.htm](http://www.opsi.gov.uk/si/si2003/20033242.htm)
- <sup>2</sup> Technical Advice Note 12, 'Design', Welsh Government 2014  
[www.wales.gov.uk/topics/planning/policy/tans/tan12/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan12/%3Flang%3Den)
- <sup>3</sup> Private sewers and lateral drains were transferred to the sewerage undertakers (water companies) on 1 October 2011. Following this, a new process was introduced from 1 October 2012 for all new connections to the public sewer system [www.wales.gov.uk/topics/environmentcountryside/epq/waterflooding/sewers/adoptionarrangements/%3Flang%3Den](http://www.wales.gov.uk/topics/environmentcountryside/epq/waterflooding/sewers/adoptionarrangements/%3Flang%3Den)
- <sup>4</sup> Welsh Office Circular 10/99, 'Planning requirements in respect of the use of non-mains sewerage, incorporating septic tanks in new development'  
[www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular1099/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular1099/%3Flang%3Den)
- <sup>5</sup> Towards Zero Waste – One Wales: One Planet, Welsh Assembly Government 2010  
[www.gov.wales/topics/environmentcountryside/epq/waste\\_recycling/zerowaste/?lang=en](http://www.gov.wales/topics/environmentcountryside/epq/waste_recycling/zerowaste/?lang=en)
- <sup>6</sup> Collections, Infrastructure and Markets Sector Plan, Welsh Government 2012  
[www.gov.wales/topics/environmentcountryside/epq/waste\\_recycling/zerowaste/?lang=en](http://www.gov.wales/topics/environmentcountryside/epq/waste_recycling/zerowaste/?lang=en)
- <sup>7</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives. Wastes covered by Article 16 are mixed municipal wastes and include those mixed wastes collected by third parties from commercial and industrial sectors as well as private households [www.europa.eu/legislation\\_summaries/environment/waste\\_management/ev0010\\_en.htm](http://www.europa.eu/legislation_summaries/environment/waste_management/ev0010_en.htm)
- <sup>8</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, Article 16(1) [www.europa.eu/legislation\\_summaries/environment/waste\\_management/ev0010\\_en.htm](http://www.europa.eu/legislation_summaries/environment/waste_management/ev0010_en.htm)
- <sup>9</sup> A Site Waste Management Plan (SWMP) is a plan to help clients, developers and contractors in the construction and demolition sector think before the start of a project about the waste that will be produced, how to reduce the waste and plan to sustainably manage waste that does arise
- <sup>10</sup> Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable resources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC [www.eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A32009L0028%3AEN%3ANOT](http://www.eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A32009L0028%3AEN%3ANOT)
- <sup>11</sup> UK Renewable Energy Roadmap: 2013 update, Department of Energy and Climate Change, 2013 [www.gov.uk/government/publications/uk-renewable-energy-roadmap-second-update](http://www.gov.uk/government/publications/uk-renewable-energy-roadmap-second-update)
- <sup>12</sup> 'Energy Wales: A Low Carbon Transition', Welsh Government, 2012  
[www.wales.gov.uk/topics/environmentcountryside/energy/energywales/%3Flang%3Den](http://www.wales.gov.uk/topics/environmentcountryside/energy/energywales/%3Flang%3Den)

- <sup>13</sup> See articles 13.5 and 14.5 of the Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable resources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC [www.eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A32009L0028%3AEN%3ANOT](http://www.eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A32009L0028%3AEN%3ANOT)
- <sup>14</sup> 'Technical Advice Note 8 – Planning For Renewable Energy', Welsh Assembly Government, 2005 [www.wales.gov.uk/topics/planning/policy/tans/tan8/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan8/%3Flang%3Den)
- <sup>15</sup> 'Practice Guidance: Planning for Renewable and Low Carbon Energy – A Toolkit for Planners', Welsh Government, 2015 [www.wales.gov.uk/topics/planning/policy/guidanceandleaflets/toolkitforplanners/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/guidanceandleaflets/toolkitforplanners/%3Flang%3Den)
- <sup>16</sup> 'Technical Advice Note 5 – Nature Conservation and Planning', Welsh Assembly Government, 2009 [www.wales.gov.uk/topics/planning/policy/tans/tan5/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan5/%3Flang%3Den)
- <sup>17</sup> Advice is provided in 'Technical Advice Note 8 – Planning for Renewable Energy' [www.wales.gov.uk/topics/planning/policy/tans/tan8/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan8/%3Flang%3Den), Welsh Assembly Government 2005, supplemented by the 'Practice Guidance – Planning Implications of Renewable and Low Carbon Energy Development', [www.wales.gov.uk/topics/planning/policy/guidanceandleaflets/planningimplications/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/guidanceandleaflets/planningimplications/%3Flang%3Den) Welsh Assembly Government 2010
- <sup>18</sup> Feed-in Tariff (Clean Energy Cashback Scheme) [www.decc.gov.uk/en/content/cms/meeting\\_energy/renewable\\_ener/feedin\\_tariff/feedin\\_tariff.aspx](http://www.decc.gov.uk/en/content/cms/meeting_energy/renewable_ener/feedin_tariff/feedin_tariff.aspx)
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# Planning Policy Wales

## Chapter 13 Minimising and Managing Environmental Risks and Pollution



## 13.1 Objectives

13.1.1 Planning and environmental management are separate but complementary. By controlling where development can take place and what operations may be carried out, the planning system has an important role in avoiding or minimising the adverse effects of any environmental risks on present or future land use.

13.1.2 The Welsh Government's objectives are to:

- maximise environmental protection for people, natural and cultural resources, property and infrastructure; and
- prevent or manage pollution and promote good environmental practice.

13.1.3 It is advantageous for the land use planning and various environmental management regimes to operate in parallel. Local planning authorities and pollution control authorities should co-ordinate a joint approach towards developers where possible, especially when an Environmental Statement is required. Implementation of the EU Environment Directives is requiring the various consenting regimes to operate in a more integrated way. For example, competent authorities are encouraged to undertake in combination the assessment needed to fulfil requirements under the Habitats Directive.

13.1.4 Special attention needs to be given to minimising and managing the risks associated with climate change. Planning authorities, Natural Resources Wales and others, in particular the building industry, should use the precautionary principle to plan now, on the basis of the latest climate change scenarios from the UK Climate Impact Programme, and consider how a changing climate is expected to influence environmental risks over the lifetime of new development. Given current uncertainty as to the precise impacts of climate change, planning authorities need to ensure that both places and the development that takes place within them remain adaptable. For example, local planning authorities should identify circumstances in which development might prevent effective management of risks in future. Where it is not possible to avoid building in areas of environmental risk, appropriate design and other adaptation responses will be necessary for both the development and local communities.

13.1.5 Natural Resources Wales and other bodies with an interest should advise planning authorities as more knowledge and information becomes available as to where climate change will increase the specific risk to areas proposed for development.

## 13.2 Flood risk and climate change

13.2.1 Flood risk, whether inland or from the sea, is a material consideration in land use planning. All development on land within the flood plain of a watercourse, or drained via a culvert, or on low lying land adjacent to tidal waters, is at some risk of flooding and whilst flood risk can be reduced by using mitigation measures it can never be completely eliminated.

13.2.2 Rapid flows due to failure of defences pose a greater risk to life than a steady rise in water level, and land protected by tidal defences is extremely vulnerable in the event of a breach due to the speed and depth of flooding. Flooding as a hazard therefore involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Therefore local planning authorities should recognise when assessing development proposals located within areas of flood hazard that the development is still at risk from flooding which may threaten human life and cause substantial damage to property, even where mitigation measures are proposed.

13.2.3 Meeting the Welsh Government's objectives for sustainable development requires action through the planning system to move away from flood defence and the mitigation of the consequences of new development in areas of flood hazard towards a more positive avoidance of development in areas defined as being of flood hazard. Planning authorities should therefore adopt a precautionary approach when formulating development plan policies on development and flood risk, and when considering planning applications. In this context, the principle should be applied on the basis that climate change is likely to increase the risk of coastal and river flooding as a result of sea-level rise and more intense rainfall and reduce service levels provided by surface water drainage infrastructure.

13.2.4 Local planning authorities should take a strategic approach to flood risk and consider the catchment as a whole. They should ensure that new development is not exposed unnecessarily to flooding. Therefore, by considering flood risk in terms of the cumulative impact of the proposed development in the locality on a catchment wide basis (river catchment and coastal cell), recognising that this may require working across administrative boundaries. Development proposals should seek to reduce, and certainly not increase, flood risk arising either from river and/or coastal flooding or from additional run-off from development in any location<sup>1</sup>.

### 13.3 Development plans and flood risk

13.3.1 In preparing their development plans, local planning authorities should consult with adjacent authorities and Natural Resources Wales and ensure that, as well as not being at risk itself, development does not increase the risk of flooding elsewhere. In doing so they should bear in mind that the continued construction of hard engineered flood defences to protect development in defined areas of flood hazard is unlikely to be sustainable in the long term. When drawing up policies and proposals for their area local planning authorities must acknowledge that government resources for flood and coastal defence projects are directed at protecting 'existing' developments and are not available to provide defences in anticipation of future development. A sustainable approach to flooding will therefore involve the avoidance of development in flood hazard areas and, where possible or practical, the encouragement of managed retreat, the creation of wash-lands and flood plain restoration.

13.3.2 In areas of flood plain currently unobstructed, where water flows in times of flood, built development should be wholly exceptional and limited to essential transport and utilities infrastructure. Such infrastructure should be designed and constructed so as to remain operational

even at times of flood, to result in no net loss of floodplain storage, to not impede water flows and to not increase flood risk elsewhere. Local planning authorities should recognise that it will be inappropriate to locate certain types of development such as schools, hospitals, residential development and emergency services within some areas defined as being of high flood hazard. In such areas, local planning authorities should ensure that only appropriate land allocations are made during the preparation of development plans<sup>2</sup>.

13.3.3 Natural Resources Wales has a key role in advising and helping planning authorities and developers to understand the causes and effects of flooding within a river catchment and early consultation with them is recommended<sup>3</sup>. Further useful information is available in Catchment Flood Management Plans<sup>4</sup> and River Basin Management Plans<sup>3</sup>.

## 134 Development management and flood risk

13.4.1 Development proposals in areas defined as being of high flood hazard should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event (and see 12.4.1 and 12.4.2).

13.4.2 In determining applications for development, local planning authorities should work closely with Natural Resources Wales, drainage bodies, sewerage undertakers, prospective developers and other relevant authorities to ensure that surface water run-off is to be controlled as near to the source as possible by the use of sustainable urban drainage systems<sup>4 5</sup>. They should also ensure that development does not:

- increase the risk of flooding elsewhere by loss of flood storage or flood flow route; or
- increase the problem of surface water run-off (and see 12.4.1 and 12.4.2).

13.4.3 It is essential that Natural Resources Wales' advice is obtained and given due weight as a material consideration by planning authorities in determining individual planning applications. Planning authorities must have good reasons for not following the advice of Natural Resources Wales, and these should be reported to Natural Resources Wales prior to planning permission being granted, enabling them to consider submitting further representations. Where detailed information in respect of flood risk is not available, local planning authorities should require developers to carry out detailed technical investigations to evaluate the extent of the risk.

13.4.4 Planning authorities should bear in mind that Natural Resources Wales will not automatically provide or extend a flood warning service. Natural Resources Wales has demanding targets to meet and any increase in the number of new properties requiring a flood warning service will make



these targets more difficult to achieve. Increasing the numbers of new properties in areas at risk from flooding will place increasing pressure on the emergency services and therefore consideration should be given to refusing development.

## **13.5 Dealing with unstable and contaminated land<sup>6</sup>**

13.5.1 The planning system should guide development to lessen the risk from natural or human-made hazards, including risk from land instability and land contamination. The aim is not to prevent the development of such land, though in some cases that may be the appropriate response. Rather it is to ensure that development is suitable and that the physical constraints on the land, including the anticipated impacts of climate change, are taken into account at all stages of the planning process. However, responsibility for determining the extent and effects of instability or other risk remains that of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners.

13.5.2 The current regime for contaminated land was introduced under the provisions of Part IIA of the Environmental Protection Act 1990<sup>7</sup>. Local planning authorities should be aware of the requirements of Part IIA and ensure that their policies and decisions are consistent with it. Guidance on the Part IIA regime has been issued by the Welsh Government<sup>8</sup>. The main issues relating to the interface between the planning system and the contaminated land regime are:

- where land is designated as contaminated land under Part IIA and the owner wishes subsequently to develop the land; and
- where the future use or development of land means that the land will be designated as contaminated land under Part IIA.

## **13.6 Development plans and contaminated land**

13.6.1 Local planning authorities should take into account the nature, scale and extent of contamination which may pose risks to health. Land contamination must be considered in the preparation of development plans to ensure that:

- new development is not undertaken without an understanding of the risks, including those associated with the previous land use, mine and landfill gas emissions, and rising groundwater from abandoned mines;
- development does not take place without appropriate remediation;
- consideration is given to the potential impacts which remediation of land contamination might have upon the natural and historic environments.

13.6.2 Where appropriate, development plans should indicate the general location of known areas of contamination and may also include specific proposals for sites known to be contaminated or where the site history suggests a risk of contamination or the land is designated as contaminated land under Part IIA. Policies for these areas must be accompanied by the warning that they have



been defined on the basis of the best information available to the planning authority, are not necessarily exhaustive and that responsibility for determining the extent and effects of such constraints remains that of the developer.

13.6.3 Plans may indicate that the local planning authority will need to be satisfied that any actual or potential contamination can reasonably be overcome. Policies for the rehabilitation and development of existing polluted land and derelict sites should also be included (see also Section 4.9).

## **13.7 Development management and contaminated land**

13.7.1 Planning decisions need to take into account:

- the potential hazard that contamination presents to the development itself, its occupants and the local environment; and
- the results of a specialist investigation and assessment by the developer to determine the contamination of the ground and to identify any remedial measures required to deal with any contamination.

13.7.2 Where significant contamination issues arise, the local planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land. Where acceptable remedial measures can overcome such contamination, planning permission may be granted subject to conditions specifying the necessary measures. If contamination cannot be overcome satisfactorily, the authority may refuse planning permission.

13.7.3 Undertaking development on land designated as contaminated land for the purposes of Part IIA may provide a net cost benefit, by way of taking land from a perceived negative value to a positive value, necessary to fund the required remediation of contaminated land. If remediation required under Part IIA is to commence via the planning process it will be the responsibility of the local planning authority to ensure that the land is suitable for its proposed use. The developer will need to provide sufficient information to both the local planning authority and the enforcing authority under Part IIA. In such cases remediation will be enforced through planning permission. However, in the absence of a definite timetable for implementing planning permission the option should remain for the enforcing authority under Part IIA to require the necessary remediation and to do so under the 'polluter pays' principle.

13.7.4 A development proposal may introduce changes to a site which may result in land being designated as contaminated under Part IIA, where such land would not be considered contaminated in its existing state under the provision of the regime. The onus will remain with the developer to ensure that the development of the site will not result in designation as contaminated land under Part IIA. The local planning authority will need to ensure that the land is suitable for its proposed use.

13.7.5 When planning permission is granted, a notice should be issued to inform the applicant that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. It should also advise the applicant that, although the local planning authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from contamination<sup>9</sup>.

## 13.8 Development plans and unstable land

13.8.1 Land instability must be considered by local planning authorities in preparation of development plans to ensure that:

- new development is not undertaken without an understanding of the risks, including those associated with subsidence, landslips or rock falls;
- development does not take place without appropriate precautions;
- development is not allowed if expensive engineering projects, which have implications for the public purse, will be required to prevent erosion, or in the case of receding cliffs, if the site is likely to be affected by loss of land to the sea during the lifetime of the development, possibly contributing to pollution at a later date (see 5.6 to 5.8); and
- unstable land is restored to safeguard investment and, where possible, returned to productive use.

13.8.2 Local planning authorities should therefore take into account in plan preparation the nature, scale and extent of ground instability which may pose direct risks to life and health, buildings and structures, or present indirect hazards associated with ground movement such as the possible migration of landfill or mine gas.

13.8.3 Where appropriate, development plans should indicate the general location of known areas of unstable ground. Policies for these areas must be accompanied by the warning that they have been defined on the basis of the best information available to the planning authority, that they are not necessarily exhaustive, and that responsibility for determining the extent and effects of such constraints remains that of the developer. Proposals for areas of land instability should take due account of physical constraints and may recommend action on land reclamation or other remedial action to enable beneficial use of unstable land.

13.8.4 Plans may indicate that the local planning authority will need to be satisfied that a site is stable or that any actual or potential instability can reasonably be overcome.

## 13.9 Development management and unstable land

13.9.1 Planning decisions need to take into account:

- the potential hazard that instability could create to the development itself, to its occupants and to the local environment; and
- the results of a specialist investigation and assessment by the developer to determine the stability of the ground and to identify any remedial measures required to deal with any instability.

13.9.2 Where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission. When planning permission is granted, a notice should be issued to inform the applicant that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. It should also advise the applicant that although the local planning authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability.

## **13.10 Improving the quality of water and air**

13.10.1 The planning system should determine whether a development is an acceptable use of land and should control other development in proximity to potential sources of pollution rather than seeking to control the processes or substances used in any particular development.

13.10.2 Planning authorities should operate on the basis that the relevant pollutant control regimes will be properly applied and enforced by other agencies. They should not seek to control through planning measures, matters that are the proper concern of the pollution control authority. These regimes are set out in the Environment Act 1995, the Environmental Protection Act 1990, the Water Resources Act 1991 and the regulatory regimes introduced by the Pollution Prevention and Control Act 1999. Each of these may have a bearing on the environmental controls imposed on the development in respect of environmental and health concerns and planning authorities will need to ensure that planning conditions do not duplicate or contradict measures more appropriately controlled under these regimes.

13.10.3 Where pollution considerations, which may be relevant to a pollution control authorisation or licence or result from the need to comply with any statutory environmental quality standards or objectives, affect the use and development of land they can be material planning considerations. This provision extends to air quality objectives set out under Part IV of the Environment Act 1995 and the local authority's action plans for Air Quality Management Areas and, in the case of water, to environmental objectives developed as part of the implementation of the European Union's Water Framework Directive<sup>10</sup>. The weight attached to such considerations will depend on the scope of the pollution control system in each case and the effect on land use and amenity.

13.10.4 Local authorities are required to carry out periodic reviews of the air quality in their areas in relation to seven regulated pollutants and to assess this against the air quality objectives set out in the regulations. Where a local authority believes that there is currently, or that there is likely to be in future, a breach in an air quality objective, it must declare an 'Air Quality Management Area'.<sup>11</sup>

13.10.5 The EU Water Framework Directive establishes a strategic approach to water management and a common means of protecting and setting environmental objectives for all groundwaters and surface waters, integrating the various preceding directives into a new framework.

## 13.11 Development plans and improving the quality of water and air

13.11.1 Development plans are important vehicles for the promotion of environmental protection and should enable consideration of the effects which proposed developments, and transport demand associated with them, may have on air or water quality and the effects which air or water quality may have on proposed developments. Local planning authorities should take account of such quality objectives when preparing development plans and should work closely with pollution control authorities in the preparation of these plans and when determining planning applications.

13.11.2 Development plans should include strategic policies on the location of potentially polluting developments and should set out criteria by which applications for such developments will be determined, but they should not exclude provision for such projects or prohibit all applications to set them up. Plans may set out policies and proposals to ensure that incompatible uses of land are separated, in order to avoid potential conflict between different types of development. They should make realistic provision for the types of industry or facility that may be detrimental to amenity or conservation interests, or a potential source of pollution, ensuring resilience to climate change.

## 13.12 Development management and improving the quality of water and air

13.12.1 The potential for pollution affecting the use of land will be a material consideration in deciding whether to grant planning permission. Material considerations in determining applications for potentially polluting development are likely to include:

- location, taking into account such considerations as the reasons for selecting the chosen site itself;
- impact on health and amenity;
- the risk and impact of potential pollution from the development, insofar as this might have an effect on the use of other land and the surrounding environment (the environmental regulatory regime may well have an interest in these issues, particularly if the development would impact on an Air Quality Management Area or a SAC);
- prevention of nuisance;
- impact on the road and other transport networks, and in particular on traffic generation; and
- the need, where relevant, and feasibility of restoring the land (and water resources) to standards sufficient for an appropriate after use. (Powers under the Pollution Prevention and Control Act 1999 require an operator to return a site to a satisfactory state on surrender of an Integrated Pollution Prevention and Control Permit).

13.12.2 Local planning authorities should work closely with pollution control authorities when determining planning applications. The timing of applications under the different regimes may vary and the information relevant to an authorisation under Part I of the Environmental Protection Act 1990 may not be available when applying for planning permission. In deciding to grant permission for a development local planning authorities should be satisfied that any remaining pollution concerns are capable of being dealt with under the other pollution regimes.

13.12.3 Planning authorities may use planning conditions or obligations to meet planning aims to protect the environment where these are pertinent to the development proposed. It is important for planning authorities to understand the scope and purpose of conditions that can be imposed by pollution authorities so as to ensure that planning conditions neither duplicate nor conflict with such conditions. Proposed development should be designed wherever possible to prevent adverse effect to the environment but as a minimum to limit or constrain any effects that do occur.

## 13.13 Reducing noise and light pollution

13.13.1 Noise can affect people's health and well-being and have a direct impact on wildlife and local amenity. Noise levels provide an indicator of local environmental quality. The objective of a policy for noise is to minimise emissions and reduce ambient noise levels to an acceptable standard. Noise Action Plans, drawn up by the Welsh Ministers in relation to Wales under the Environmental Noise Directive, and the Wales Regulations<sup>12</sup>, aim to prevent and reduce environmental noise where necessary and preserve environmental noise quality where it is good. They are a planning consideration in the use and development of land.

13.13.2 There is a need to balance the provision of **lighting** to enhance safety and security to help in the prevention of crime and to allow activities like sport and recreation to take place with the need to:

- protect the natural and historic environment including wildlife;
- retain dark skies where appropriate;
- prevent glare and respect the amenity of neighbouring land uses<sup>13</sup>; and
- reduce the carbon emissions associated with lighting.

Lighting to provide security can be particularly important in rural areas (see 4.11.12).

## 13.14 Development plans and noise and lighting<sup>14</sup>

13.14.1 Development plan policies should be designed to ensure, as far as is practicable, that noise-sensitive developments, such as hospitals, schools and housing, that need to be located close to the existing transportation infrastructure to facilitate access, are designed in such a way as to limit noise levels within and around those developments. Such development should be located away from existing sources of significant noise including air transport and some industrial activities or programmed development such as improved or new roads. Policies should also be designed to ensure, as far as possible, that potentially noisy developments are located in areas where noise will not be such an important consideration or where its impact can be minimised. Local planning authorities should adopt policies to prevent potentially noisy developments in areas which have remained relatively undisturbed by noise. Development plan policies should have regard to any relevant Noise Action Plan, including the need to protect urban 'quiet areas' against an increase in noise.

13.14.2 Local planning authorities should adopt policies for lighting, including the control of light pollution, in their development plans.

## **13.15 Development management and noise and lighting**

13.15.1 Noise can be a material planning consideration, for example in proposals to use or develop land near an existing source of noise or where a proposed new development is likely to generate noise. Local planning authorities should make a careful assessment of likely noise levels and have regard to any relevant Noise Action Plan before determining such planning applications and in some circumstances it will be necessary for a technical noise assessment to be provided by the developer<sup>15</sup> (see 8.5.5).

13.15.2 Special consideration is required where noise-generating development is likely to affect a protected species, or is proposed in or near statutorily designated areas, including urban 'quiet areas' designated in Noise Action Plans. The effect of noise on the enjoyment of other areas of landscape, wildlife and historic value should also be taken into account.

13.15.3 Local authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems (for example, requiring energy-efficient design) and prevent light pollution.

## **Figure 13.1 Environmental Risks and Pollution**

### **Guide to the application of national planning policy statements in LDPs**

#### **Locational considerations**

LDPs should establish land-use planning policies which contribute to minimising and managing environmental risks and pollution. They should formulate policies relating to flood risk and climate change, contaminated and unstable land, air and water quality, noise and light pollution.

The boundaries of areas defined by bodies other than the local planning authority should not generally need to be shown on the LDP Proposals Map, as these boundaries have been fixed under other powers and representations should not be invited on them.

The national policy statements on minimising and managing environmental risks and pollution which should inform the development of LDP policies can be found in the following paragraphs:

Paragraph	Policy Issue
13.3.1	Government resources aimed only at protecting 'existing' developments
13.3.2	Unobstructed floodplains
13.3.2	Highly vulnerable development and emergency services
13.6.2	General location of known areas of contamination
13.6.3	Rehabilitation of polluted or derelict sites
13.8.3	General location of known areas of unstable ground
13.11.1	Location of development to protect quality of air and water
13.11.2	Avoiding potential conflict between incompatible land uses
13.14.1	Locating noise sensitive development away from existing sources of significant noise
13.14.1	Locating potentially noisy developments away from areas where noise is an important consideration

### Topic-based policies

The national planning policy statements on environmental risks and pollution to be considered for inclusion in topic-based policies can be found in the following paragraphs:

Paragraph	Policy Issue
13.6.1	Nature, scale and extent of contaminated land and risk to human health
13.6.3	Rehabilitation of polluted or derelict sites (see also section 4.9 on previously developed land)
13.8.2	Nature, scale and implications of land instability
13.11.1-13.11.2	Strategic policies for potentially polluting developments
13.11.2	Avoiding potential conflict between incompatible land uses
13.14.1	Noise sensitive development
13.14.1	Potentially noisy development
13.14.2	Lighting and light pollution

In some cases the detail may be given more appropriately in Supplementary Planning Guidance.



## National development management policies

The following paragraphs contain statements of national development management policy which do not need to be repeated as local policy in development plans:

Paragraph	Policy Issue
13.2.1	Flood risk
13.2.4	Development proposals should seek to reduce flood risk
13.3.1	Hard engineered flood defences; sustainable approaches to flood risk management
13.3.2	Unobstructed floodplains
13.4.1	Justification of new development in areas of high flood hazard
13.4.2	Surface water run-off
13.4.4	Natural Resources Wales flood warning service
13.5.1	Guiding development to minimise risks from land instability and contamination
13.7.1-2, 13.9.1-2	Investigating and overcoming land contamination and instability
13.12.1	Impact of development on Air Quality Management Areas; minimising pollution of air and water
13.12.2	Satisfaction that any remaining pollution concerns are capable of being dealt with under other pollution regimes
13.12.3	Designing development to prevent adverse effect to the environment
13.13.1	Minimising emissions and levels of ambient noise
13.13.2	Balance provision of lighting with protection of amenity and environment
13.15.2	Noise generating development, statutorily designated areas and protected species

Topics relevant to the local area may simply be mentioned with a cross-reference to PPW.

## References

- <sup>1</sup> Technical Advice Note 15, 'Development and Flood Risk' (2004) provides further advice [www.wales.gov.uk/topics/planning/policy/tans/tan15/%3Fflang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan15/%3Fflang%3Den)
- <sup>2</sup> Technical Advice Note (Wales) 15, 'Development and Flood Risk', Welsh Assembly Government 2004 [www.wales.gov.uk/topics/planning/policy/tans/tan15/%3Fflang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan15/%3Fflang%3Den)
- <sup>3</sup> Natural Resources Wales provides guidance on planning and development on its website. Further useful information is contained in Flood Risk Management Plans and River Basin Management Plans which will be available on Natural Resources Wales' website in due course [www.naturalresources.wales/planning-and-development/guidance-on-planning-and-development/?lang=en](http://www.naturalresources.wales/planning-and-development/guidance-on-planning-and-development/?lang=en)
- <sup>4</sup> Technical Advice Note 15, 'Development and Flood Risk' (2004) [www.wales.gov.uk/topics/planning/policy/tans/tan15/%3Fflang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan15/%3Fflang%3Den) provides further advice on sustainable drainage systems. Further good practice sources can be found at: [www.sudswales.com](http://www.sudswales.com)
- <sup>5</sup> Flood and Water Management Act 2010 [www.opsi.gov.uk/acts/acts2010/ukpga\\_20100029\\_en\\_1](http://www.opsi.gov.uk/acts/acts2010/ukpga_20100029_en_1) and EC Directive 2007/60/EC [www.ec.europa.eu/environment/water/flood\\_risk/index.htm](http://www.ec.europa.eu/environment/water/flood_risk/index.htm) on the assessment and management of flood risks and transposing regulations, the Flood Risk Regulations 2009 (SI 2009/3042) [www.legislation.gov.uk/uksi/2009/3042/pdfs/uksi\\_20093042\\_en.pdf](http://www.legislation.gov.uk/uksi/2009/3042/pdfs/uksi_20093042_en.pdf)
- <sup>6</sup> Appendix A (Causes of Instability) and Appendix B (Sources of Information) of PPG14, 'Development on Unstable Land', 1990, remain in force in Wales until superseded by a Technical Advice Note (Wales) [www.wales.gov.uk/topics/planning/policy/guidanceandleaflets/ppg14annexaandb/%3Fflang%3Den](http://www.wales.gov.uk/topics/planning/policy/guidanceandleaflets/ppg14annexaandb/%3Fflang%3Den)
- <sup>7</sup> Welsh Statutory instrument 2006 No. 2989 (W.278) The Contaminated Land (Wales) Regulations 2006 [www.opsi.gov.uk/legislation/wales/wsi2006/20062989e.htm](http://www.opsi.gov.uk/legislation/wales/wsi2006/20062989e.htm) has revoked and replaced The Contaminated Land (Wales) Regulations 2001 (SI 2001/2197), extending coverage to radioactive contaminated land and consolidating amendments to the Part IIA (Environmental Protection Act 1990) regime
- <sup>8</sup> Contaminated Land Statutory Guidance – 2012, Welsh Government, 2012 [www.wales.gov.uk/legislation/subordinate/nonsi/epwales/2012/%3Fflang%3Den](http://www.wales.gov.uk/legislation/subordinate/nonsi/epwales/2012/%3Fflang%3Den)
- <sup>9</sup> Welsh Office Circular 22/87, 'Development of Contaminated Land' [www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular2287/%3Fflang%3Den](http://www.wales.gov.uk/topics/planning/policy/circulars/welshofficecirculars/circular2287/%3Fflang%3Den)
- <sup>10</sup> EC Water Framework Directive (2000/60/EC) implemented in river basin districts within England and Wales through the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 (SI2003/3242) [www.opsi.gov.uk/si/si2003/20033242.htm](http://www.opsi.gov.uk/si/si2003/20033242.htm)
- <sup>11</sup> The Air Quality Strategy for England, Scotland, Wales and Northern Ireland, Volumes 1 and 2, HMSO, 2011 [www.gov.uk/government/publications/the-air-quality-strategy-for-england-scotland-wales-and-northern-ireland-volume-1](http://www.gov.uk/government/publications/the-air-quality-strategy-for-england-scotland-wales-and-northern-ireland-volume-1)  
[www.gov.uk/government/publications/the-air-quality-strategy-for-england-scotland-wales-and-northern-ireland-volume-2](http://www.gov.uk/government/publications/the-air-quality-strategy-for-england-scotland-wales-and-northern-ireland-volume-2)

- <sup>12</sup> The Environmental Noise (Wales) Regulations 2006 [www.legislation.gov.uk/wsi/2006/2629/contents/made](http://www.legislation.gov.uk/wsi/2006/2629/contents/made) (as amended) (Welsh Statutory Instrument 2006 No. 2629 (W.225)), and The Environmental Noise (Identification of noise sources) (Wales) Regulations 2007 (Welsh Statutory Instrument 2007 No. 3519 (W.311)) [www.opsi.gov.uk/legislation/wales/wsi2007/wsi\\_20073519\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2007/wsi_20073519_en_1) and Explanatory Memorandum, implementing Directive 2002/49/EC on the Assessment and Management of Environmental Noise
- <sup>13</sup> The Clean Neighbourhoods and Environment Act 2005 [www.opsi.gov.uk/acts/acts2005/ukpga\\_20050016\\_en\\_1](http://www.opsi.gov.uk/acts/acts2005/ukpga_20050016_en_1) (and Statutory Instrument 2007 No. 3371 (W.298) (C141) Environmental Protection Wales – The Clean Neighbourhoods and Environment Act 2005 (Commencement No. 3) (Wales) Order 2007) [www.opsi.gov.uk/legislation/wales/wsi2007/wsi\\_20073371\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2007/wsi_20073371_en_1) provides for the control of nuisance from artificial light. See also [www.britastro.org/dark-skies/cleanact.html](http://www.britastro.org/dark-skies/cleanact.html)
- <sup>14</sup> Further guidance on noise and lighting can be found in Technical Advice Note 12, 'Design', Welsh Government 2014 [www.wales.gov.uk/topics/planning/policy/tans/tan12/%3Flang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan12/%3Flang%3Den)
- <sup>15</sup> Technical Advice Note (Wales) 11, 'Noise', Welsh Office 1997 [www.wales.gov.uk/topics/planning/policy/tans/tan11%3Fskip%3D1%26lang%3Den](http://www.wales.gov.uk/topics/planning/policy/tans/tan11%3Fskip%3D1%26lang%3Den)



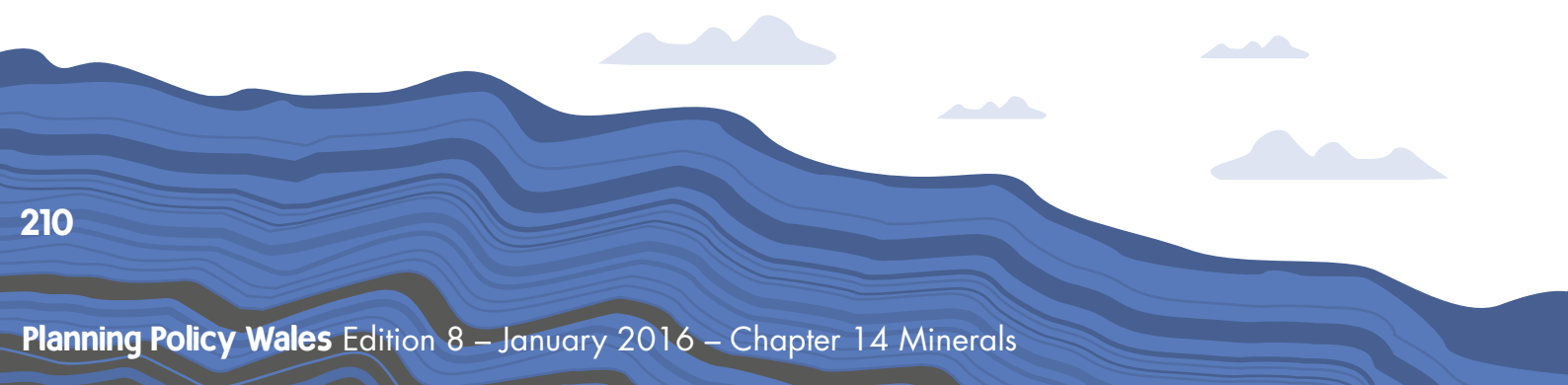
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# Planning Policy Wales

## Chapter 14 Minerals





## 14.1 Objectives

14.1.1 For planning purposes mineral extraction and related development in Wales includes all minerals and substances in, on or under land extracted either by underground or surface working<sup>1</sup>. Mineral working is different from other forms of development in that.

- extraction can only take place where the mineral is found to occur;
- it is transitional and cannot be regarded as a permanent land use even though operations may occur over a long period of time;
- wherever possible any mineral workings should avoid any adverse environmental or amenity impact; where this is not possible working needs to be carefully controlled and monitored so that any adverse effects on local communities and the environment are mitigated to acceptable limits;
- when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife.

14.1.2 It is likely that society needs, and will continue to need for the foreseeable future, a wide range of minerals. The essential role of mineral planning authorities<sup>2</sup> in relation to mineral working is to ensure that a proper balance is struck between that fundamental requirement, the need to ensure a prudent use of finite resources, and the protection of existing amenity and the environment. The key principles are:

- to provide for an adequate supply of minerals that society needs now and in the future, together with protecting and improving amenity;
- to protect things that are highly cherished for their intrinsic qualities, such as wildlife, landscapes and historic features; and to protect human health and safety by ensuring that environmental impacts caused by mineral extraction and transportation are within acceptable limits; and to secure, without compromise, restoration and aftercare to provide for appropriate and beneficial after-use;
- to help conserve non-renewable resources for future generations through efficient use, recycling and waste prevention; to protect renewable resources from serious harm or pollution; and to promote the use of appropriate alternative materials;
- to ensure an adequate supply of minerals that are needed at prices that are reasonable; and to safeguard mineral resources for future generations.

14.1.3 Any effects on local communities and the environment must be minimised and thereafter ameliorated to an acceptable standard. In certain areas, mineral extraction may not be acceptable. For example, where a proposal for mineral extraction would cause demonstrable harm to the environment or amenity, which cannot be overcome by planning conditions or agreements, planning permission should not be granted. There may be other circumstances that dictate this stance. The overriding objective is to provide a sustainable pattern of mineral extraction by adhering to 5 key principles (sections 14.2 – 14.6) that authorities must take into account in development management<sup>3</sup> and when formulating development plan policies.

## 14.2 Providing positively for the safeguarding and working of mineral resources to meet society's needs

### Safeguarding

14.2.1 It is important that access to mineral deposits which society may need is safeguarded. This does not necessarily indicate an acceptance of mineral working, but that the location and quality of the mineral is known and that the environmental constraints associated with extraction, including the potential for extraction of mineral resources prior to undertaking other forms of development, have been considered.<sup>4</sup>

### Ensuring Supply

14.2.2 Each mineral planning authority should ensure that it makes an appropriate contribution to meeting local, regional and UK needs for minerals which reflects the nature and extent of resources in the area, subject to relevant environmental and other planning considerations. For aggregates this should be done under the aegis of the North and South Wales Regional Aggregates Working Parties, whose role is to provide a regional overview of supply and demand and through the framework provided by the Regional Technical Statements for Aggregates in each Aggregate Working Party area<sup>5</sup>. As minerals can only be worked where they occur, it will be necessary for agreement to be reached by groups of authorities to determine the contribution each should make to meet regional needs. For other minerals, particularly coal, it will be necessary to consult relevant organisations, including the Coal Authority, trade federations and mineral operators, together with other mineral planning authorities.

14.2.3 The contribution that a resource could make to regional and UK demand must be taken into account and seeking to meet only local needs or ruling out all forms of mineral working within an area will only rarely be acceptable. The contribution of recycled waste materials should be taken into account where these can be used satisfactorily and realistically instead of primary land-won minerals, and the use of marine-dredged materials should be taken into account where this can be obtained in a sustainable way. However, these sources must not be relied upon to justify failing to adequately assess the potential supply of land-based resources and to safeguard potential primary land-won mineral resources for future generations. As far as practicable, areas for future working should be identified, where this can be undertaken in a sustainable way.

## 14.3 Protecting areas of importance to the natural and built heritage from inappropriate mineral development

14.3.1 Other chapters of PPW (as well as Minerals Technical Advice Notes, Minerals Planning Guidance Notes and Technical Advice Notes) will be of relevance to minerals, however these sections include additional minerals specific advice not contained elsewhere.



14.3.2 Minerals development should not take place in National Parks, Areas of Outstanding Natural Beauty (AONBs), Sites of Special Scientific Interest and National Nature Reserves, save in exceptional circumstances. All mineral applications must therefore be subject to the most rigorous examination and all major mineral developments demonstrated to be in the public interest before being allowed to proceed. Consideration will include an assessment of:

- the need for the development in terms of UK considerations of mineral supply;
- the impact on the local economy of permitting the development or refusing it;
- whether alternative supplies can be made available at reasonable cost, and the scope for meeting the need in some other way;
- the detrimental effect of the proposals on the environment and landscape and the extent to which that can be moderated, and/or the detrimental effect of the proposals on the nature conservation interest of the site in terms of habitat, protected species, bio-diversity; and
- in the case of extensions to existing quarries and other mineral extraction sites, the extent to which the proposal would achieve an enhancement to the local landscape and provide for nature conservation and biodiversity.

14.3.3 Development adjacent or close to these areas may have significant detrimental effect on their special qualities. Minerals development proposed adjacent or close to a National Park or AONB that might affect the setting of these areas, should be assessed carefully to determine whether the environmental and amenity impact is acceptable or not, or whether suitable, satisfactory conditions can be imposed to mitigate the impact.

14.3.4 Minerals proposals within or likely to significantly affect potential and classified SPAs, designated, candidate or proposed SACs or Ramsar sites must be carefully examined. If the proposal would adversely affect the integrity of the site (taking into account advice from Natural Resources Wales) and conditions would not remove this effect, planning permission will not be granted unless alternative supplies cannot be made available at reasonable cost, there is no scope for meeting the need in some other way and regard has been paid to considerations such as the need for the development in terms of UK mineral supply and the impact on the local economy of permitting the development or refusing it.

14.3.5 Mineral planning authorities and the industry should take into account the need to protect the quantity and quality of surface and groundwater supplies.<sup>6 7</sup> Changes in the water table as a result of mineral extraction or the disposal of mineral wastes must not cause unacceptable impact or otherwise damage or adversely affect water resources or sources of water which might be an integral part of sites of high landscape value or nature conservation importance. De-watering that would lead to an offence against a protected species would normally require a licence. Changes in the water table may also cause significant geohazards such as the shrinkage of clay soils leading to subsidence or karstic collapse in limestone areas. The impact of changes to surface and groundwater are likely to require monitoring and require remedial measures to be introduced. Mineral planning authorities must consult Natural Resources Wales on these complex issues and, where doubt exists, should adopt the precautionary principle in taking planning decisions on mineral development.

14.3.6 Irrespective of the Agricultural Land Classification grade, other agricultural factors such as farm structure, soil conservation, farm water supply, surface water and field drainage may be matters to take into account when appraising the full extent of mineral working, restoration and aftercare proposals. The objective should be, wherever possible, to minimise any adverse effects on agriculture occurring as a result of mineral development. These factors are likely to be particularly relevant where agriculture is to be the after use of the site.

## **144 Reducing the impact of mineral extraction and related operations during the period of working**

### **Buffer Zones**

14.4.1 There is often conflict between mineral workings and other land uses as a result of the environmental impact of noise and dust from mineral extraction and processing and vibration from blasting operations.<sup>8</sup> Buffer zones have been used by mineral planning authorities for some time to provide areas of protection around permitted and proposed mineral workings where new development which would be sensitive to adverse impact, including residential areas, hospitals and schools, should be resisted. Within the buffer zone there should be no new mineral extraction or new sensitive development, except where the site of the new development in relation to the mineral operation would be located within or on the far side of an existing built up area which already encroaches into the buffer zone. Other development, including industry, offices and some ancillary development related to the mineral working, which are less sensitive to impact from mineral operations may be acceptable within the buffer zone.

### **Extensions**

14.4.2 Extensions to existing mineral workings are often more generally acceptable than new greenfield sites. However, such a policy should not rule out the possibility of new workings where these may be environmentally more acceptable or where existing workings are unsuitably located and should not be designed to protect existing suppliers or constrain competition.

### **Transport**

14.4.3 When considering minerals proposals the preference is to see freight carried by rail or waterway rather than by road wherever this is economically feasible. Investment in the rail network for mineral transportation could provide a valuable resource capable of being shared by other uses in rural areas. Local planning authorities should encourage the construction of wharves at ports and railheads to serve new mineral development near the existing rail infrastructure.

14.4.4 If road transport is the only means available to serve new mineral development, the capacity of the road network to deal safely with the movement of minerals and related products is a relevant consideration. As mineral development usually takes place in rural locations where the road network may be inadequate to accommodate a significant number of heavy vehicles, the impact of traffic generated by mineral development needs careful consideration and a traffic impact assessment may be required. If necessary, the routes to be used by mineral vehicles should be controlled

through Section 106 agreements or by planning conditions to encourage certain directions of movement through careful access design and appropriate signage. A reduction in the level of road traffic should be encouraged in order to protect the environment by minimising disturbance and congestion, particularly in residential areas.

## **Environmental Management**

14.4.5 A system of structured environmental management should be set up by each minerals company as a means of self-regulation towards environmental improvement. The minerals industry can play its part by initiating annual independent environmental audits of operating sites and making the results freely available to the public and other interested persons. Individual companies may seek accreditation under an environmental performance or monitoring system such as ISO 14001 (International Organisation for Standardisation).<sup>9</sup>

14.4.6 Each operating site should carefully consider its relationship with the local community with a view to maximising good liaison through an established and effective complaints procedure and site liaison meetings.

14.4.7 Several trade associations, such as Minerals Products Association (MPA) and the Confederation of United Kingdom Coal Producers (COALPRO)<sup>10</sup> have developed Codes of Practice which give guidance to their member companies on incorporating environmental policies into their company procedures. The Planning Officers' Society has produced Good Practice Guides on mineral planning conditions<sup>11</sup> and on monitoring minerals and waste management sites<sup>12</sup> which are aimed at introducing quality into minerals and waste development control and assist in producing a consistent approach by authorities.

14.4.8 Mineral planning authorities should undertake regular and rigorous monitoring of active mineral workings to ensure that adequate control is maintained throughout the operations, particularly as any unauthorised extraction is usually irreversible.

## **14.5 Achieving a high standard of restoration and aftercare and providing for beneficial after-uses when mineral working has ceased**

### **Restoration and Aftercare**

14.5.1 Unless new mineral extraction provides satisfactory and suitable restoration, planning permission should be refused. Planning conditions should ensure that land affected by mineral extraction is restored to a high standard suitable for its agreed after-use<sup>13</sup> at the earliest opportunity, and work begun within 6 months of cessation of working wherever this is practicable (except where progressive restoration has already commenced). Restoration and aftercare should provide the means to at least maintain, and preferably enhance, the long-term quality of land and landscapes taken for mineral extraction. This will be to the benefit of local communities and ensure that a valuable natural asset will be passed on to future generations.

14.5.2 Reclamation can provide opportunities<sup>14</sup> for creating or enhancing sites for nature conservation and contribute to the targets in the UK Biodiversity Action Plan and those adopted in local Biodiversity Action Plans throughout Wales.

14.5.3 In view of the long life of many mineral working sites, it is essential that progressive restoration<sup>15</sup> is introduced at the earliest opportunity where appropriate and practicable. The increased use of phased restoration reduces the visual impact of mineral activities at any one time and provides continuity of restoration works throughout the active operations, so reducing the potential environmental damage left by any failure to restore.

## After-Use

14.5.4 After-uses may include agriculture, forestry/woodland, nature conservation, public open space, recreation or other development. A separate planning permission is likely to be required for any after-use except agriculture, forestry, nature conservation or informal recreation which is normally permitted development. Where appropriate, development plans, informed by landscape assessments, local biodiversity action plans and countryside strategies, should provide guidance on the preferred after-uses and reclamation standards. A choice of after-use will depend on many issues, including the overall strategy of the development plan, as well as the location, final landform, availability and quality of soils or other restoration materials and neighbouring land uses. The guiding principles determining the potential after-use of a site should form part of the application submission for proposed mineral extraction or the review of mineral planning permissions, although flexibility and review will often be necessary during the life of the mineral operations. Using the guiding principles as a framework, and even for long term working sites, there must be a defined and acceptable minimum standard of restoration outlined at the application stage. To maximise the opportunities provided by the reclamation operation, it is essential that consultation is undertaken with the mineral planning authority prior to the submission of the application for mineral extraction, to determine the most sensible guiding principles and thus the most appropriate after-use of the restored land.

## Financial Guarantees

14.5.5 Properly worded and relevant planning conditions should be able to secure the restoration, aftercare and after-use of mineral sites.<sup>16</sup> Operators and landowners should ensure that sufficient finance is set aside to enable them to meet restoration and aftercare obligations. The full cost of restoration does not need to be put on deposit at the outset, but it should build up commensurate with the programme of activity or extraction. For larger sites, progressive restoration should be achieved using a stream of funding required at various stages throughout the operation. Operators are encouraged, as a reasonable alternative, to participate in established mutual funding or guarantee schemes which safeguard against possible financial failure.

14.5.6 Sites left unrestored for a long period or delay in legitimate restoration is not acceptable. To address the uncertainty of local communities about the completion of restoration proposals and having regard to the polluter pays principle, wherever it is reasonable to do so, authorities may

require financial guarantees as a means of ensuring that sites will be restored properly and in a reasonable time period. An authority may require financial guarantees by way of a Section 106 planning obligation/agreement as part of the approval of planning permission to ensure that restoration will be fully achieved. Some authorities have local legislation to enable them to impose this provision by way of a condition attached to the planning permission. Mineral planning authorities should have regard to the need to avoid imposing costs that are larger or longer than strictly required to meet best standards.

## **14.6 Encouraging the efficient and appropriate use of high quality materials and maximising the potential for re-use and recycling**

### **Efficiency of Use**

14.6.1 Although there are large resources of useful minerals in Wales, it is important to ensure that they are not wasted and that they are used efficiently and for the purpose(s) specified in the planning permission, although flexibility may be necessary in some circumstances. In some exceptional cases, planning permission may have been granted because of UK or regional need for the mineral in areas which would not normally be suitable for mineral extraction because of environmental or policy objections. If this is the case, it is essential that the mineral is not exploited for a lower grade purpose than that originally intended. Where it is an exception to normal policy to allow mineral extraction at a particular location in order to fulfil a specific need, appropriate conditions and/or time limits should be considered carefully to ensure that the mineral extraction for the intended end-use is adequately controlled. Such controls would be particularly appropriate in National Parks, Areas of Outstanding Natural Beauty, Special Protection Areas, Special Areas of Conservation and Ramsar Sites, but may be applicable elsewhere. The method of extraction and processing to prevent waste production should be taken into account in determining planning proposals.

### **Use of alternative or recycled materials**

14.6.2 Industrial by-products have been used for many years as secondary aggregates which enables primary resources to be conserved.<sup>17</sup> Slag from steel making, material from colliery tips, ash from power stations and slate waste are used in construction and in place of other minerals, and form about 10% of total aggregate supply and the use of these materials could contribute further to the overall supply of aggregates. Road planings and construction and demolition waste are a significant potential source of alternative aggregate material and much of this is already re-used as part of the on-site redevelopment proposals.<sup>18</sup> Research has identified key factors that tend to constrain re-use, including insufficient recycling facilities.<sup>19</sup> These operations appear to have been particularly slow to become established in Wales probably because of the availability of primary materials and their relatively low cost. Authorities should encourage the practice of on-site recycling taking proper account of all likely costs and benefits.

## 14.7 Development plans and minerals

14.7.1 Development plans should set out the broad strategy for mineral working and related development taking into account the Welsh Government's policies. They should provide a clear guide to where mineral extraction is likely to be acceptable and include policies which protect sensitive environmental features and provide environmental and resource protection. Policies and proposals should relate to identifiable areas of land unless there is a good reason why this is not possible and should cover mineral resources which are currently used or which may need to be used in the foreseeable future.

14.7.2 Development plans should encourage the recycling of construction and demolition wastes as well as mineral and industrial wastes. Every local planning authority should, either independently or in concert with its neighbours, make provision for storage and processing of inert materials arising from construction, demolition and maintenance operations by the identification of preferred locations for recycling facilities in development plans. On the rare occasion where suitable sites cannot be identified in development plans, then clear criteria should be set out to assess planning applications for recycling sites.

### Safeguarding

14.7.3 Areas to be safeguarded should be identified on proposals maps and policies should protect potential mineral resources from other types of permanent development which would either sterilise them or hinder extraction, or which may hinder extraction in the future as technology changes. Development plans should promote the integration and co-ordination of transport and land use planning, including the provision of adequate storage and processing facilities for minerals at docks and railheads.

### Ensuring supply

14.7.4 Planning authorities should recognise the importance of maintaining a continuing supply of materials and of the particular policy considerations that may arise in each case.

14.7.5 A land-bank is a stock of planning permissions which usually relates to the extraction of non-energy minerals and provides for continuity of production in spite of fluctuations in demand. Authorities should include policies in their development plans for the maintenance throughout the plan period of land-banks for non-energy minerals which are currently in demand. Mineral planning authority boundaries may form a suitable area basis on which to base a land-bank policy, however for some unitary authorities the administrative area may be too small, the environmental constraints too important, or the availability of a workable resource too limited to enable an individual land-bank policy to be applied. In these circumstances, authorities must agree a joint approach with neighbouring authorities in line with current regional arrangements and are likely to require liaison with relevant mineral planning authorities in England.



14.7.6 Aggregates suitable for road surfacing construction and maintenance, where high specification aggregates are required for skid resistance, are of importance to the UK<sup>20</sup> and significant resources occur in Wales. The fundamental characteristics of these materials, which distinguish them from more general-purpose aggregates, are their ability to meet the stringent specifications required for road construction and repair. Although new road building has declined, authorities should identify potential high specification aggregate resources and consider whether there is a need to protect these resources and potential rail connections to the resources from sterilisation.

14.7.7 Limestone provides the raw material for major industries and it is important for the national economy that minerals of the quality and quantity required continue to be produced and are safeguarded for future use against sterilisation and from use as a lower grade material. There may be a need to maintain a longer landbank of reserves at such sites than required for general aggregates to justify the considerable investment in plant. Mineral planning authorities are encouraged to discuss these matters with the industry with a view to reaching agreement on the extent of resources likely to be required during the life of a development plan.

14.7.8 Active slate quarries play an important part in maintaining local building character in, for example, Snowdonia National Park, where the use of slate of a specific appearance is a strict planning policy. It is important that the supply of slate is maintained.

14.7.9 The demand for energy minerals is largely based on power generation and is difficult to predict long term because of the highly volatile nature of current world markets and prices. This uncertainty makes planning to meet the needs for energy minerals very difficult. There is also limited information about the resources that are likely to be commercially viable for extraction.

## Areas of Future Working

### Non-energy minerals

14.7.10 Non-energy minerals policies and proposals in development plans should make clear where mineral extraction should or is most likely to take place. This approach brings a high degree of certainty to all. These should be clearly identified on a proposals map and should take the form of:

- **Specific Sites** where mineral resources of commercial significance exist and where any planning applications which come forward for those sites are likely to be acceptable in planning terms;
- **Preferred Areas** which will be areas of known resources with some commercial potential and where planning permission might reasonably be anticipated; or
- **Areas of Search** where it is likely that some sites will be appropriate for mineral extraction, depending on economic and/or environmental circumstances. Areas of search will define broad areas that are believed to contain mineral resources of commercial significance but whose extent



is uncertain. Within these areas it is likely that appropriate mitigation measures can overcome all environmental effects. Within areas of search, planning permissions could be granted to meet a shortfall in supply should specific sites, preferred areas, or extensions to existing sites identified in the plan, not come forward. It will not usually be appropriate for an authority to identify only areas of search in a plan; full justification for adopting such an approach would be needed;

- **Other Areas:** Planning permission should not be granted in areas outside those identified in the plan except where the mineral is needed to make good a proven shortfall in supply, and where the proposal is demonstrably proven to be environmentally acceptable and to have no adverse impact on the amenity of nearby residents or communities.

## Energy minerals

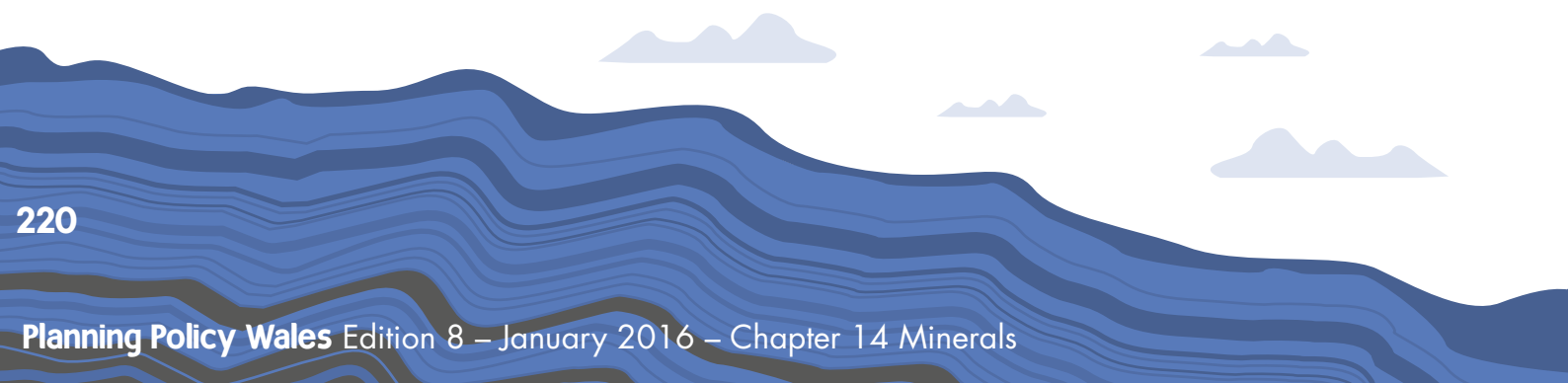
14.7.11 Mineral planning authorities should consider all available information on the extent of coal resources and provide as much guidance in their development plans as possible to indicate where it is likely to be environmentally acceptable for these resources to be worked. To achieve this degree of certainty, policies should state where such operations would not be acceptable and should provide unequivocal statements as to why, and should also provide a set of clear criteria against which any future proposals will be assessed in those areas where there is a possibility of extraction.

14.7.12 Consultation should be undertaken with the Coal Authority, the coal producers, the Coalfield Communities Campaign and with local communities regarding sites that have an existing licence for extraction; and the likelihood of planning permission being granted for these should be clearly stated in the development plan. This will bring certainty to all. Coal producers should, in a spirit of co-operation, provide mineral planning authorities with as much information as possible on their forward programmes to assist in the formulation of plan policies.

14.7.13 Development plans should indicate those areas where oil and gas operations are likely to be acceptable in principle subject to development management criteria being met in a particular case, as well as those areas where operations are unlikely to be acceptable. Policies should distinguish clearly between the three stages of exploration, appraisal and development.<sup>21</sup> Mineral planning authorities should establish with the Department of Energy and Climate Change the areas which are licensed, and identify any environmental and other constraints on production and processing in those areas. The industry has an important role to play in making available to authorities information on their forward plans and the extent of known resources.

## Inactive Sites

14.7.14 Inactive sites with planning permission for future working which are considered unlikely to be reactivated for the foreseeable future should be identified in the development plan and should be the subject of a suitable strategy and associated policies to explain future proposals for the land. The strategy should outline the authority's overall approach to such sites and the policies should seek to deliver that vision. These could reasonably include, for example:



- a clear intention to make prohibition orders to ensure that no further extraction takes place without a further planning consent so as to provide certainty about future workings;
- restoration and after care proposals (which could include natural revegetation for nature conservation/ecological interests in accordance with local Biodiversity Action Plans);
- a proposed after-use – subject to relevant consultations.

14.7.15 In Mid and North Wales in particular, aggregates landbanks are extensive, but a significant proportion of the reserves are contained in long inactive sites which may never be worked again. It is important that the future of these sites should be determined finally to provide certainty to the local community and secure the restoration of old workings at the earliest opportunity. It is in the interests of the minerals industry that landbanks reflect real possibilities for future mineral working. In some circumstances, it may be necessary to maintain an adequate landbank by approval of new permissions in more acceptable locations. Mineral operators are requested to discuss with authorities inactive permissions which will not be reactivated. Where these sites have been inactive and there is no prospect of future working, authorities should consider the use of prohibition orders.

### Reducing the impact of mineral extraction

14.7.16 To avoid conflict between mineral workings and other land uses buffer zones should be identified around existing or proposed minerals sites. The maximum extent of the buffer zone would depend on a number of factors: the size, type and location of workings, the topography of the surrounding area, existing and anticipated levels of noise and dust, current and predicted vibration from blasting operations and availability of mitigation measures. Buffer zones will of necessity vary in size depending on the mineral being extracted and the nature of the operation, but must be clearly defined and indicated in development plans. This will ensure that there is unequivocal guidance on the proximity of mineral operations to sensitive land uses and that the potential impact of existing and future mineral workings is recognised and planned for in the area around the mineral operations. Further guidance on the factors that should be taken into account when defining buffer zones for particular minerals is provided in Technical Advice Notes.

14.7.17 Development plans should set out clearly the criteria that will be applied to minerals proposals to ensure that they do not have an unacceptably adverse impact on the environment and the amenity of nearby residents.<sup>22</sup> Issues that must be addressed include:

- access and traffic generation including the routes to be used for minerals transportation;
- noise<sup>23</sup> (in terms of limits, type and locations);
- the control of dust, smoke and fumes;<sup>24</sup>
- disposal of mineral waste;
- blasting controls;<sup>25</sup>
- land drainage, impact on groundwater resources and the prevention of pollution of water supplies;<sup>26</sup>
- visual intrusion and general landscaping;

- impact on sites of nature conservation, historic and cultural importance, setting out clear and distinct policies for statutorily designated areas and non-statutorily designated areas;
- land instability;
- promotion of the use and treatment of unstable, derelict or contaminated land;
- cumulative impact;
- restoration, aftercare and after-use.

## Review

14.7.18 Development plans are subject to regular review. To facilitate this in relation to mineral policies and proposals, authorities should undertake regular assessments of mineral resources in their areas and of the reserves for which planning permission has been granted. They may do this individually or in collaboration with adjoining authorities. They should also assess with regard to local, regional and national considerations, the significance of all types of mineral working in their area including the need, distribution and production of each type of mineral. It is essential to have a comprehensive and up-to-date set of information to facilitate future sustainable planning for mineral extraction.

## 14.8 Development management and minerals

14.8.1 Proposals for mineral development or proposals where minerals resources are relevant should be considered against the key principles identified in sections 14.1-14.6 of this chapter and other relevant policies contained in PPW (and Minerals Technical Advice Notes, Minerals Planning Guidance Notes and Technical Advice Notes) and the relevant development plan. Authorities will need to bear in mind that other legislation may also be relevant to some of these matters and that the planning system should not conflict with or attempt to duplicate controls better regulated by other bodies under different consent regimes.

14.8.2 The following paragraphs provide specific guidance on the minerals or groups of minerals which authorities in Wales are likely to have to consider.

### Energy Minerals

#### Coal

14.8.3 The objective of the Government's central energy policy is to ensure a secure, diverse and sustainable supply of energy at competitive prices.<sup>27</sup> This objective takes in the Government's concern for the environment, health and safety and a fair deal for all consumers, as well as its commitment to all aspects of sustainable development. While UK coal is available and the generators continue to choose it, UK coal contributes to energy diversity and supply. Opencast coal is generally more flexible and cheaper to produce than deep-mined coal, but there are important environmental and amenity issues involved and these require very careful

consideration. Early consultation should take place with planning authorities and other bodies including the Coal Authority regarding proposed operations to extract coal. Any disturbance of coal will require a licence or other permission from the Coal Authority, in addition to planning permission.

14.8.4 Proposals for opencast or deep-mine development or colliery spoil disposal will be expected to meet the following requirements otherwise they should not be approved:

- The proposal should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage;
- If this cannot be achieved, it should provide local or community benefits which clearly outweigh the disbenefits of likely impacts to justify the grant of planning permission;
- In National Parks and Areas of Outstanding Natural Beauty (AONBs), proposals must also meet the additional tests set out in paragraph 14.3.2;
- Proposals within or likely to affect Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites must meet the additional tests set out in paragraphs 14.3.2 – 14.3.4;
- Land will be restored to a high standard and to a beneficial and suitable after-use.

14.8.5 It is the policy of the Welsh Government that Health Impact Assessment should be provided to accompany any application for opencast coal working.<sup>28</sup> If the mineral planning authority decides that an applicant has failed to provide adequate information on health impacts, it may decide that it cannot process and proceed to determine the application without that information. Where an application for opencast coal working is EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and coal working is likely to have a significant effect on human health, the Health Impact Assessment may serve to inform the Environmental Statement.

## **Oil and Gas – Onshore**

14.8.6 Where oil and gas operations can be carried out in an environmentally acceptable way and consistent with the principles of sustainable development, there is no case in land use planning terms for placing more restrictions on the development than are necessary to ensure the protection of the environment. The licence system<sup>29</sup> brought into effect in 1995 introduced a single licence, the Petroleum Exploration and Development Licence (PEDL), covering exploration, appraisal and developmental activity (underground coal gasification is covered by Coal Authority licensing). Activities under such licences must be carried out in accordance with the requirements for planning permission. For coalbed methane, permission will be required also from the owner of the coal, usually the Coal Authority. It should be noted that off-shore oil and gas production is likely to require onshore installations that may require planning permission.

14.8.7 Coalbed methane extraction equipment is similar to that for conventional gas reservoirs, but coalbed methane is more difficult to extract, particularly from virgin coal seams because of the low permeability of coal. There are additional environmental considerations associated with coalbed methane extraction:

- the environmental impacts of exploration, development, operation and restoration of coalbed methane wells which may have a relatively long productive life of 30 years or more;
- coalbed methane extraction usually entails many more wells than conventional gas;
- the disposal of water produced during well stimulation and gas production which may vary in contamination; and
- adverse effects on subsurface resources such as groundwater.

14.8.8 Coalbed methane is only one type of coal-associated gas types; the others being gob gas and vent gas.

## Non Energy Minerals

14.8.9 Non energy minerals can be conveniently divided into aggregates and non-aggregates, though in practice some minerals, such as limestone, may be worked to meet a variety of end-uses. The recovery of high purity or high quality minerals to meet a particular specification may necessitate the removal of lower grade material. Wherever possible, scarce resources of high grade material should be reserved for the most appropriate use.

### Aggregates

14.8.10 It is essential to the economic health of the country that the construction industry is provided with an adequate supply of the minerals it needs. The main sources of aggregates are crushed rock and sand and gravel – both land-won and marine-dredged. A number of secondary materials are used for construction purposes. These materials are often by-products of industrial processes and include slag from steel manufacture, ash from power stations, colliery spoil, slate waste and recycled material such as demolition arisings and road planings. The importance to the UK of aggregates should be taken into account when planning applications are being considered together with other policies in this guidance and relevant MTANs and TANs. In order to conserve natural resources, particular emphasis should be given to increasing the use of alternative products to primary materials where appropriate.<sup>30</sup>

## Non-Aggregates Minerals

### Dimension Stone

14.8.11 Suitable stone is important for the restoration of historic buildings and ancient monuments and may be available from small operations in specific locations to supply local markets. Dimension stone is used in new buildings where it is important to maintain local building character. It may be necessary to obtain dimension stone from geological formations which are restricted in occurrence in order to obtain a particular colour, texture or homogeneity. There is often a large proportion of waste produced that may be utilised as general construction aggregate.

Market demand will usually result in low rates of output from relatively small sites which may be temporary or intermittent. The cumulative impact of a number of small sites operating in close proximity should be considered.

## **Slate**

14.8.12 Slate is used for roofing, cladding and decorative purposes, and in powder and granular form for specialised applications such as fillers for bituminous products or as reconstituted slate tiles<sup>31</sup>. The slates of north west Wales are of high quality and are available in extensive quantities. The total area of land affected by slate extraction is relatively small, but vast quantities of waste materials have been generated and at the present time there are only limited potential uses. In South Wales, slate is more restricted in distribution and the resource has not been worked on any scale for many years although some slate waste has been used as aggregate material. In North Wales, whilst the industry has declined from its peak production of over 500,000 tonnes it is still an important employer locally. The production sites in Mid and North Wales account for over 85% of the UK output of roofing slate.

14.8.13 A significant issue is the quantity of slate waste remaining in North Wales<sup>32</sup>. Slate waste is one of the largest potential sources of secondary aggregates in Wales, in particular in the Gwynedd area where it is estimated that there are 450-500 million tonnes, more than in any other UK authority. The increased use of slate waste should be encouraged, as for all potential sources of secondary material and where this option is not commercially viable, areas should be identified for restoration. In some cases, removal of slate waste would be undesirable because of its ecological or landscape value, or because of disturbance to local communities or the environment.

## **Brick Clay/Fireclay**

14.8.14 Clay and shale are used in the manufacture of structural clay products, such as facing and engineering bricks, pavers, clay tiles and vitrified clay pipes. Clay and shale are also used for cement manufacture as secondary materials in the formation of cement clinker, as constructional fill and for lining landfill sites. Brick manufacture is the major use and clays are often blended to improve durability and achieve a range of colours and aesthetic qualities. Advances in brickmaking technology and capital investment in modern plants have resulted in a rationalisation of the brick industry to fewer, larger works. These are increasingly dependent on raw materials with predictable and consistent firing characteristics. The blending of clays may require continuing access to more than one extractive site for each production unit in order to provide the right mix of raw materials.

14.8.15 Fireclays generally occur beneath coal seams and therefore resources are nearly always confined to the coal bearing strata. Fireclay was valued historically as refractory materials, but demand has declined markedly since the 1950s and it is now used in the manufacture of cream and buff coloured facing bricks and other clay products meeting high specifications for water absorption and frost resistance. Production in South Wales is entirely as a by-product of opencast mining and output is limited. The close association of coal and fireclay means that opencast coal sites provide one of the few viable sources of fireclay and every opportunity to produce/safeguard the mineral should be examined in the working of opencast coal.



14.8.16 The main issues regarding clay and shale are similar to those for other minerals extraction: to maintain supply to meet needs; to identify and protect high quality resources; to secure acceptable and improved operating standards; and to ensure efficiency of use. Of particular relevance to brick and fireclay is the proximity of some permissions to residential areas, the importance of protecting habitats that favour such extraction areas, the need to consider preserving sites of importance for industrial heritage in view of the age of some of the working sites and the potential for use of fireclay arising during opencast operations.

### **Limestone for industrial uses**

14.8.17 Limestone resources with a certain minimum calcium carbonate content and low levels of impurities are used for industrial purposes, such as iron and steel making, as a catalyst in flue gas desulphurisation equipment and in cement manufacture. High purity limestone<sup>33</sup> occurs in South Wales where most of the outcrop contains some high purity material but is particularly consistent in the area near Bridgend where quarries produce limestone used in Port Talbot steelworks. The low grade Jurassic limestones in the Vale of Glamorgan and high grade Carboniferous limestones provide raw material for cement manufacture. In North Wales, the thickest deposits of high purity limestone occur near the Flintshire/Denbighshire border, which supply stone for cement manufacture at Buckley.

14.8.18 In most quarries, high purity limestone is extracted jointly with limestone for aggregate use and it can be difficult to differentiate between the material produced for the two different markets until after processing has been completed. The environmental impact of quarrying for high purity materials is similar to that for aggregates, except that processing plant may be on a larger scale and transportation of output may involve longer distances to industrial markets.

### **Silica Sand/Rock/Chert**

14.8.19 Silica sand is an essential raw material for the glass, foundry or other industries such as the chemical and ceramics industries. It is produced from crushed sandstones and unconsolidated sands. Production of silica sand has never been significant in Wales and relatively small quantities are produced only in Denbighshire and Flintshire.<sup>34</sup> Chert, was used historically as a grinding medium in pottery manufacture and there is one site remaining at Bryn Mawr, Holywell, which is currently inactive. Silica rock/sand and chert is used mainly for low grade purposes as a general aggregate material as the demand from the industrial markets has declined. Extraction for aggregate purposes should be assessed using the same criteria as for general aggregates.

### **Peat**

14.8.20 The use of peat is almost entirely related to horticulture, either as growing medium or as a soil improver to enhance its physical condition. The main markets for peat are amateur gardeners and the professional horticulture industry, with a limited quantity used by landscape contractors and local authorities. The use of alternatives to peat has increased considerably over the last two decades and now accounts for about 30% of the total substrate used in horticulture in the UK.<sup>35</sup> The use of peat substitutes should be expanded further through the use of material from composting of organic wastes. Peat bogs are of significant nature conservation interest and are frequently



important for archaeological interest and these areas should be protected and conserved for future generations. Future peat extraction should be limited therefore to exceptional circumstances in areas which have already been damaged significantly by recent human activity where restoration towards wetland habitats could improve the nature conservation importance of a worked out bog. Natural Resources Wales should be consulted on proposals for peat extraction.

## **Tufa**

14.8.21 Relatively small deposits of Tufa are located in the Wheeler valley in North Wales and these are probably the only commercial sources in the UK. Tufa provides a substitute for burnt lime or ground limestone dust used by the agricultural market for many years with one remaining operation. Some tufa deposits support a habitat type, petrifying springs with tufa formation, recognised under the Habitats and Species Directive and some sites are being considered as proposed Special Areas of Conservation. The UK, regional and local need for the material, the implications of extraction on the hydrology and nature conservation interests of the area, together with its availability for research and educational purposes, should be taken into account in view of its limited occurrence, together with the general sustainable minerals policies described earlier in the guidance.

## **Metalliferous Minerals – Copper, Gold, Silver, Lead, Zinc**

14.8.22 Resources of metalliferous minerals and related minerals occur in parts of Mid and North Wales.<sup>36</sup> There are no current workings of these minerals and the UK relies on imports of these minerals to meet its requirements. The British Geological Survey (BGS) holds extensive information on areas of potential for future working. Mineral planning authorities should consider the economic need for these minerals against the environmental impact of extraction. Most of the resources occur in the Snowdonia National Park where extraction is unlikely to be acceptable. There may be sites of industrial archaeological importance that should be taken into account in considering proposals for future extraction. Natural Resources Wales should be consulted regarding the control of pollution that may result from mineral extraction.

## **Borrow Pits**

14.8.23 Borrow Pits are temporary mineral workings operated to supply particular construction projects, usually highway contracts. Major contracts may require the supply of large quantities of minerals as engineering fill over a short timescale which may cause significant environmental impact and disturbance to local communities. Borrow pits ought to be located within or close to a construction site and wherever possible the mineral should be supplied direct without using public roads. Authorities must ensure that there are clear environmental benefits from meeting supply from a proposed borrow pit as opposed to supply from secondary or recycled aggregates, or from established mineral working sites or areas identified in the development plan. Borrow pits must be restored to the high standard expected of other forms of mineral development. The potential cumulative impact of a number of closely sited borrow pits must be carefully considered and it is likely that the impact will not be acceptable in particularly sensitive locations. Early consultation should take place with mineral planning authorities so that all options for supply can be considered without causing delay to the construction project.

## Figure 14.1 Minerals

### Guide to the application of national planning policy statements in LDPs

#### Locational considerations

The national policy statements which should inform the broad strategy for mineral working and related development and the locational policies arising from it can be found in the following paragraphs:

Paragraph	Policy Issue
14.7.1	Setting out a broad strategy for minerals working, relating to identifiable areas of land
14.7.3	Safeguarding areas to be shown on proposals maps
14.7.5-7 14.7.10	Maintaining an adequate landbank for the plan period; and identifying areas for future working
14.7.11	Identifying where it would not be acceptable to work coal resources
14.7.13	Indication of areas where it is likely to be acceptable to locate oil and gas operations
14.7.14	Identification of inactive sites
14.7.16	Identification of buffer zones around permitted and proposed mineral workings

#### Topic-based policies

The national planning policy statements on minerals development which should be included or considered for inclusion in topic-based policies in the LDP can be found in the following paragraphs:

Paragraph	Policy Issue
14.7.2	Where suitable sites for recycling facilities cannot be identified clear criteria should be set out
14.7.5-7	Maintaining an adequate landbank for the plan period
14.7.11	Criteria for where it would not be acceptable to work coal resources
14.7.13	Criteria relating to the acceptability of areas for oil and gas operations
14.7.14	Strategy for dealing with inactive sites
14.7.17	Criteria for controlling mineral operations

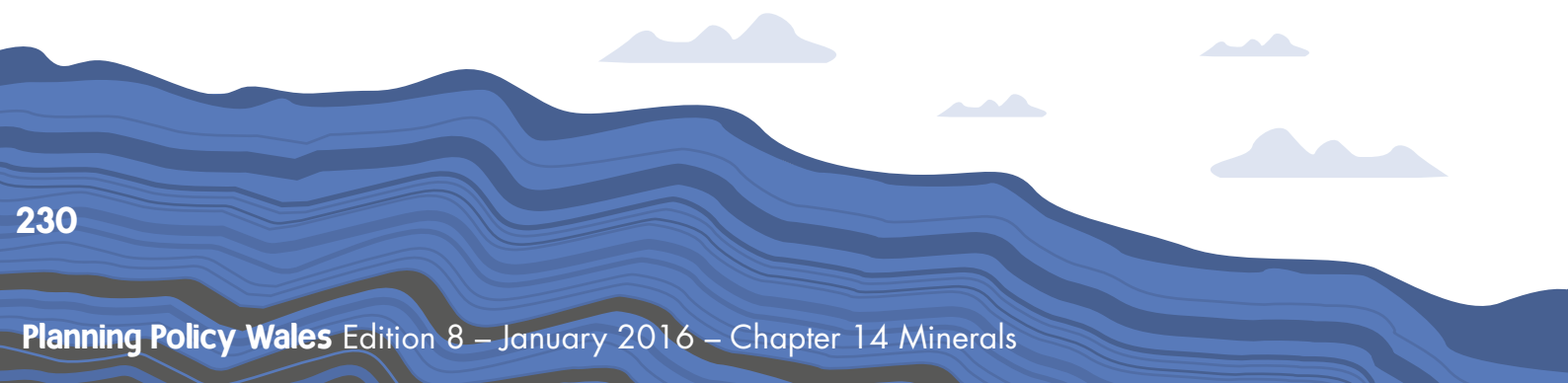
## National development management policies

The following paragraphs contain statements of national development management policy which should not need to be repeated as local policy in LDPs:

Paragraph	Policy Issue
14.1.2-3	Societal needs for a wide range of minerals and the protection of existing amenity and the environment
14.2.1	Safeguarding mineral resources
14.2.2-3	Ensuring supply – meeting local, regional and UK needs for primary won minerals and taking into account marine sources as well as secondary and recycled materials
14.3.2-6	Protecting areas of importance to the natural and built heritage from inappropriate minerals development
14.4.1	Buffer Zones around permitted and proposed mineral workings
14.4.2	Extensions to mineral workings
14.4.3-4	Preference for freight to be carried by rail or waterway rather than road; where this cannot be achieved capacity of the road network to deal safely with movement of minerals
14.4.5-8	Environmental management approaches and site monitoring
14.5.1-6	Achieving a high standard of restoration and aftercare, including financial security
14.6.1-2	Encouraging efficient use of minerals, by promoting appropriate use of high quality materials, preventing waste and maximising potential for re-use and recycling
14.8.1	Duplication or conflict with other consents
14.8.3-5	Policies for individual minerals – Coal
14.8.6-7	Policies for individual minerals – Onshore oil and gas
14.8.9	Policies for individual minerals – Non-energy minerals reserving high grade material for its most appropriate use
14.8.10	Policies for individual minerals – Aggregates
14.8.11	Policies for individual minerals – Dimension stone
14.8.12-13	Policies for individual minerals – Slate
14.8.14-16	Policies for individual minerals – Brick Clay/Fireclay
14.8.19	Policies for individual minerals – Silica Sand/Rock/Chert
14.8.20	Policies for individual minerals – Peat
14.8.21	Policies for individual minerals – Tufa
14.8.22	Policies for individual minerals – Metalliferous minerals
14.8.23	Borrow Pits

## References

- <sup>1</sup> Section 336, Town and Country Planning Act 1990
- <sup>2</sup> The term “Mineral Planning Authority” is that given to any of the authorities with responsibility for planning control over mineral working and relates to each county or county borough council and each national park authority in Wales
- <sup>3</sup> Minerals Planning Guidance (MPG) 14 (1995), *Environment Act 1995: Review of Mineral Planning Permissions* – the long term nature of most minerals developments means authorities have a duty to undertake periodic reviews of planning permissions to ensure that they are kept up to date. The policy in PPW should be taken into account in any review of conditions
- <sup>4</sup> Letter to ‘Chief Planning Officers’, 14/11/12: Publication of Aggregates Safeguarding Maps [www.gov.wales/topics/planning/policy/dear-cpo-letters/aggregatessafeguardingmap/?lang=en](http://www.gov.wales/topics/planning/policy/dear-cpo-letters/aggregatessafeguardingmap/?lang=en); BGS Mapping – [www.bgs.ac.uk/mineralsuk/planning/resource.html](http://www.bgs.ac.uk/mineralsuk/planning/resource.html)
- <sup>5</sup> The two Regional Aggregates Working Parties for North and South Wales, together with their eight counterparts in England, monitor the supply and demand for aggregates. Further technical advice is given in the guidance note for Aggregates
- <sup>6</sup> Guide Groundwater Protection Zones in England and Wales (NRA)
- <sup>7</sup> Environmental Geology in Land Use Planning (DETR – Symonds Travers Morgan), 1998
- <sup>8</sup> Environmental Effects of Surface Mineral Workings (DoE – Roy Waller Associates), 1992
- <sup>9</sup> The BSI Environmental Management Systems Handbook – a guide to the BS EN ISO 14000 series (British Standards Institution). See [www.bsigroup.com/](http://www.bsigroup.com/) for further details.
- <sup>10</sup> Planning for Coal: A Code of Practice, County Planning Officers Society and the Confederation of UK Coal Producers [www.coalpro.co.uk/downloads.shtml](http://www.coalpro.co.uk/downloads.shtml)
- <sup>11</sup> Good Practice Guide for Minerals Planning Conditions, Planning Officer’s Society for Wales, Minerals and Waste Topic Group, 2012 [www.carmarthenshire.gov.wales/home/residents/planning/minerals/](http://www.carmarthenshire.gov.wales/home/residents/planning/minerals/)
- <sup>12</sup> Guidance on the Best Practice for Chargeable Site Monitoring, Planning Officers Society 2012 [www.planningofficers.org.uk/](http://www.planningofficers.org.uk/)
- <sup>13</sup> Restoration & Revegetation of Colliery Spoil Tips & Lagoons (DoE – Richards Morehead and Laing), 1996
- <sup>14</sup> Reclamation of Damaged Land for Nature Conservation (DoE – Land Use Consultants & Wardell Armstrong), 1996
- <sup>15</sup> Landform Replication as a Technique for Reclamation of Limestone Quarries (DoE – Limestone Research Group), 1992
- <sup>16</sup> Effectiveness of Restoration Conditions for Mineral Workings and the need for Bonds (DoE – Arup Economics), 1993



- <sup>17</sup> Occurrence and Utilisation of Mineral and Construction Wastes (DoE – Arup Economics), 1991; Slate Waste Tips and Workings in Britain (DoE – Richards, Moorehead and Laing), HMSO, 1995
- <sup>18</sup> Use of Waste and Recycled Materials as Aggregates (DoE – Building Research Establishment), 1995
- <sup>19</sup> Aggregates in Construction – Current Practice, Scope for Substitution and Intensity of Use (DoE – Ecotec Research), 1995; Managing Demolition and Construction Waste (DoE – Howard Humphreys), 1994
- <sup>20</sup> High Specification Aggregates for Road Surfacing Materials (DoE – Travers Morgan), 1993
- <sup>21</sup> The Petroleum Act 1998
- <sup>22</sup> Environmental Effects of Surface Mineral Workings (DoE - Roy Waller Associates), 1992
- <sup>23</sup> The Control of Noise at Surface Mineral Workings (DoE-WS Atkins), 1990
- <sup>24</sup> Environmental Effects of Dust from Surface Mineral Workings (DETR – Arup Environmental & Ove Arup), 1995
- <sup>25</sup> Environmental Effects of Production Blasting from Surface Mineral Workings (DETR – Vibrock Ltd), 1998
- <sup>26</sup> Reducing the Effects of Surface Mineral Workings on the Water Environment (DETR – Symonds), 1998
- <sup>27</sup> Conclusions of the Review of Energy Sources for Power Generation and Government response to fourth and fifth Reports of Trade and Industry Committee (Department of Trade and Industry), 1998
- <sup>28</sup> Opencast coal working is used here in its generic sense to cover all surface coal working
- <sup>29</sup> The Coal Industry Act 1994
- <sup>30</sup> Improving the Information Base on Secondary Minerals/C&D Waste for Use as Aggregates in Wales, Aggregates Levy Sustainability Fund for Wales (Arup), 2004
- <sup>31</sup> Slate Waste Tips and Workings in Britain (DoE – Richards, Moorehead and Laing), 1995
- <sup>32</sup> North Wales Slate Tips – A Sustainable Source of Secondary Aggregates (National Assembly for Wales), June 2001
- <sup>33</sup> Appraisal of high-purity limestones in England and Wales – A Study of resources, needs, uses and demands (DoE), 1991
- <sup>34</sup> UK Minerals Yearbook (British Geological Survey)
- <sup>35</sup> Report of the Working Group on Peat Extraction and related matters, Department of the Environment, 1994
- <sup>36</sup> Exploration of Metalliferous and Related Minerals in Britain: A Guide (British Geological Survey), 1990





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# Planning Policy Wales



Annexes





## Annex 1 Planning Policy Wales, Technical Advice Notes (TANs)

TAN 1	Joint Housing Land Availability Studies (2015)
TAN 2	Planning and Affordable Housing (2006)
TAN 3	Simplified Planning Zones (1996)
TAN 4	Retailing and Town Centres (1996)
TAN 5	Nature Conservation and Planning (2009)
TAN 6	Planning for Sustainable Rural Communities (2010)
TAN 7	Outdoor Advertisement Control (1996)
TAN 8	Renewable Energy (2005)
TAN 9	Enforcement of Planning Control (1997)
TAN 10	Tree Preservation Orders (1997)
TAN 11	Noise (1997)
TAN 12	Design (2014)
TAN 13	Tourism (1997)
TAN 14	Coastal Planning (1998)
TAN 15	Development and Flood Risk (2004)
TAN 16	Sport, Recreation and Open Space (2009)
TAN 18	Transport (2007)
TAN 19	Telecommunications (2002)
TAN 20	Planning and the Welsh Language (2013)
TAN 21	Waste (2014)
TAN 23	Economic Development (2014)

All available at: [www.gov.wales/topics/planning/policy/tans/?lang=en](http://www.gov.wales/topics/planning/policy/tans/?lang=en)



## Annex 2 Guide to the application of national planning policy statements in LDPs: Policy Schedules

These schedules are an amalgamation of all the policies tabled at the end of each of Chapters 2-13.

### Considerations to inform locational policies in LDPs

PPW Ref	Policy Issue
2.37	Provision for land for schools, further and higher education, places of worship, recreation and other community facilities
4.8.7, 4.8.8	Green Belt boundaries
4.8.9	Settlements within Green Belts where infilling permitted
4.8.9	Settlements excluded from Green Belts
4.8.11, 4.8.12	Boundaries of green wedges
5.2.8	Biodiversity and climate change – safeguarded areas and buffer zones (where these are mapped)
5.2.11, 5.5.16, 5.5.17	Common land, town and village greens and allotments
5.3.1, 5.3.10	Conservation and enhancement of statutorily designated nature and landscape areas
5.3.10	Potential SPAs and SACs
5.3.11, 5.4.4, 5.4.5	Conservation and enhancement of locally-designated nature and landscape areas (where these are mapped)
5.3.12	Environmentally Sensitive Areas
5.4.5	Areas of open space of conservation value (where these are mapped)
5.6.3, 5.7.3, 5.7.4	Coastal areas
7.1.3, 7.6.3	Align jobs and services with housing
7.1.3, 7.5.1	Delivering regeneration
7.1.4, 7.1.5	Employment sites
7.2.4	Mixed-use development
7.3.1, 7.3.2, 7.5.1	Employment sites in rural areas
7.4.1, 7.4.2	Low carbon, innovation and technology clusters
7.5.1	Industry detrimental to amenity
7.5.1	Concentrating developments that attract large numbers of people in town centres



<b>PPW Ref</b>	<b>Policy Issue</b>
7.6.4	New locations for hazardous development and special industrial uses
8.1.3, 8.1.6	Regional Transport Plan proposals
8.2.3	Completing the National Cycle Network
8.3.2, 8.5.2, 8.5.4, 8.6.2	Safeguarding and provision of public transport interchanges and other transport infrastructure
8.3.3	Park-and-Ride schemes
8.5.1, 8.6.2	Proposals for additions or improvements to the road network
8.5.2	Prevention of blight
8.5.2, 8.6.2	Proposals relating to non-road transport infrastructure
9.1.2	Housing in locations accessible to public transport, walking and cycling
9.2.3-9.2.5, 9.2.24	Settlement strategy and housing requirements
9.2.7	New settlements
9.2.8-9.2.9	Housing allocation search sequence
9.2.11	Housing on vacant urban land
9.2.21	Gypsy sites
9.2.22	Housing choice in rural areas, infilling
10.1.2	Locating retail and other services in existing centres
10.2.1	Centre hierarchy and roles
10.2.4	Diversity of uses and mixed use developments in centres
10.2.6	Traffic management in centres
10.2.7, 10.2.13	Primary and secondary frontages
10.2.9-12	Identifying new sites
11.1.10	Availability of recreational land and water resources
11.2.1	Sustainable tourism proposals
11.2.3	Protection of open space
11.2.5	Sympathetic use of greenways
12.6.2	Identification of suitable locations or sites for waste facilities
12.6.3	Waste management and site allocations



PPW Ref	Policy Issue
12.8.12-14	Large scale (over 25MW) wind energy developments through Strategic Search Areas (SSAs)
12.9.4	Local refinement of Strategic Search Areas (SSAs)
12.8.18 & 12.9.8	Opportunities to co-locate major developments to optimise renewable energy
12.9.2	Guide appropriate renewable and low carbon energy developments
12.12.1	Major telecommunications development (if identifiable in LDP)
13.3.1	Government resources aimed only at protecting 'existing' developments
13.3.2	Unobstructed floodplains
13.3.2	Highly vulnerable development and emergency services
13.6.2	General location of known areas of contamination
13.6.3	Rehabilitation of polluted or derelict sites
13.8.3	General location of known areas of unstable ground
13.11.1	Location of development to protect quality of air and water
13.11.2	Avoiding potential conflict between incompatible land uses
13.14.1	Locating noise sensitive development away from existing sources of significant noise
13.14.1	Locating potentially noisy developments away from areas where noise is an important consideration
14.7.1	Setting out a broad strategy for minerals working, relating to identifiable areas of land
14.7.3	Safeguarding areas to be shown on proposals maps
14.7.5-7 and 14.7.10	Maintaining an adequate landbank for the plan period; and identifying areas for future working
14.7.11	Identifying where it would not be acceptable to work coal resources
14.7.13	Indication of areas where it is likely to be acceptable to locate oil and gas operations
14.7.14	Identification of inactive sites
14.7.16	Identification of buffer zones around permitted and proposed mineral workings



## Topic-based policies to be considered for inclusion in LDPs

PPW Ref	Policy Issue
4.11.10	Promoting traditional and local distinctiveness
4.11.2-4.11.16	Design considerations
4.12.5-4.12.7	Opportunities for higher sustainable building standards on strategic sites
5.2.9, 5.4.5	Protection of trees and woodlands
5.4.3	Landscape features of major importance for wild flora and fauna
5.4.4, 5.4.5	Conservation and enhancement of locally-designated nature and landscape areas (where these are not mapped)
5.4.5	Conservation and enhancement of all statutorily designated nature and landscape areas and sites
5.4.5	Conservation of landscape, amenity and biodiversity outside designated areas
5.4.5	Areas of open space of conservation value (where these are not mapped)
5.7.5	Coastal protection and defence
6.4.1, 6.4.4	Historic environment
6.4.1	Historic areas and regeneration where proposals being brought forward
6.4.2	Sites of archaeological interest
6.4.5	Listed buildings
7.1.3	Economic development proposals utilising under-used, vacant and previously developed land
7.2.3	Simplified Planning Zones, Local Development Orders
7.2.4	Mixed use development including flexible workplace/dwellings
7.3.1	Micro businesses and home-working in rural areas
7.3.2, 7.6.5	Re-use of buildings in rural areas
7.3.3	Farm diversification
7.4.1	Low carbon economy
7.4.2	Innovation and technology clusters
7.4.3	Consideration of social impacts
7.5.1	Working with neighbouring authorities
7.5.1	Criteria for assessment of economic development proposals, including in remote rural areas and smaller settlements
7.5.1	Location of establishments where hazardous substances are used or stored
8.1.6	Regional Transport Plan proposals
8.2.2, 8.6.2	Measures to assist pedestrians
8.2.3, 8.6.2	Measures to assist cyclists
8.3.4	Public transport improvements which would allow development to proceed
8.4.2, 8.4.3, 8.4.5	Parking standards



PPW Ref	Policy Issue
8.5.2	Transport interchanges and other infrastructure (not roads) (if not included as site-specific proposals)
8.5.4, 8.6.2	Safeguarding disused railway infrastructure
8.5.2, 8.5.6, 8.6.2	Promotion of ports and safeguarding of waterway infrastructure
8.6.2	Accessibility of new development by non-car modes
8.6.2	Location of major generators of travel demand
9.1.2	Sustainable residential environments
9.1.2, 9.2.16-19, 9.2.23	Affordable housing, including exception sites
9.2.2	Monitoring the take up of housing land
9.2.5	Settlement strategy identification criteria
9.2.7, 9.2.15	Developer contributions and housing
9.2.10	Circumstances where previously developed land is unsuitable for housing
9.2.11	Open space provision and housing
9.2.12	Design and density of housing
9.2.13	Housing on unallocated sites
9.2.22	Housing in the countryside
10.2.1	Policies to achieve vital, attractive and viable centres
10.2.1	Measures to reinvigorate particular centres
10.2.6	Accessibility of centres and traffic management
10.2.8	Management of centres
10.2.12	Criteria-based policy for determining subsequent proposals on unallocated sites
11.2.1	Sustainable provision of tourism
11.2.1	Rural diversification
11.2.2	Standards of provision
11.2.3	Tourism development and provision of open spaces
11.2.4	Safe cycle routes
11.2.6	Multi-purpose and adjacent tourism and recreation uses
12.2.1	Promoting efficiency and demand management of water resources
12.6.1-2	Facilitating the implementation of national policy on waste
12.8.15	Scales of renewable energy
12.8.18	Facilitating local authority-wide scale renewable and low carbon energy developments
12.9.4	Energy efficiency and conservation
12.9.9	Criteria for sub-local authority scale renewable and low carbon energy development
12.12.1-2	Telecommunications development
13.6.1	Nature, scale and extent of contaminated land and risk to human health
13.6.3	Rehabilitation of polluted or derelict sites (see also section 4.9 on previously developed land)



PPW Ref	Policy Issue
13.8.2	Nature, scale and implications of land instability
13.11.1-2	Strategic policies for potentially polluting developments
13.11.2	Avoiding potential conflict between incompatible land uses
13.14.1	Noise sensitive development
13.14.1	Potentially noisy development
13.14.2	Lighting and light pollution
14.7.2	Where suitable sites for recycling facilities cannot be identified clear criteria should be set out
14.7.5-7	Maintaining an adequate landbank for the plan period
14.7.11	Criteria for where it would not be acceptable to work coal resources
14.7.13	Criteria relating to the acceptability of areas for oil and gas operations
14.7.14	Strategy for dealing with inactive sites
14.7.17	Criteria for controlling mineral operations





## National development management policies

PPW Ref	Policy Issue
2.1.2	Status of the development plan in determining planning applications
2.8.1, 2.8.4	Weight to be given to emerging development plans
2.8.2-3	Prematurity
3.4.2-4	Access for all
3.4.5	Access to historic buildings
3.5	Control of outdoor advertisements
3.6	Planning conditions
3.7	Planning obligations and the Community Infrastructure Levy
3.8	Enforcing planning decisions
3.9	Completion notices
3.10	Revoking, modifying or discontinuing a planning permission
3.11, 3.12	Welsh Ministers' decisions on planning applications and appeals
4.6.4	Conservation and enhancement of the countryside
4.7.8	Infilling or minor extensions to rural settlements
4.7.8	New building in the open countryside
4.8.5, 4.8.12, 4.8.14-18	Development management in Green Belts and green wedges
4.9.1	Preference for use of previously developed land
4.10.1	Conserving the best and most versatile agricultural land
4.11.2, 4.11.5, 4.11.7, 4.11.8, 4.11.10, 4.11.15	Sustainability through good design, including the efficient use of resources and land, mixed-use development, environmental quality, visual appearance and landscape
4.11.6	Tackling causes and impacts of climate change through design
4.11.9	Material planning considerations and rejection of poor designs
4.11.10	Scale, siting and appropriate building materials in areas recognised for their landscape, townscape or historic value
4.11.11	Accessibility for all
4.11.12	Designing out crime
4.11.13	Early consultation on design matters
4.12.6	Climate responsive development
5.2.9	Protection of trees and woodlands
5.2.11, 5.5.16	Common Land
5.3.4, 5.3.5, 5.3.6, 5.3.7, 5.5.5, 5.5.6, 5.5.7	Areas with statutory landscape designation (National Parks and AONBs)
5.3.9, 5.5.9	Areas and sites with statutory nature conservation designation (SSSIs, Ramsar sites, SPAs, SACs)
5.5.2, 5.5.5, 5.5.9	Minimising adverse environmental impacts



<b>PPW Ref</b>	<b>Policy Issue</b>
5.5.3	Use of planning conditions and obligations
5.5.8, 5.5.9	Development affecting SSSIs
5.5.11, 5.5.12	Protected species
5.5.17	Town and village greens
5.5.18	Allotments
5.7.2, 5.8.1, 5.8.2, 5.8.3	Coastal development
5.8.4	Coastal defence works
6.4.3	Financing archaeological works
6.4.6	Conservation Areas and assessments
6.5.1	Ancient monuments and archaeological remains
6.5.3	Archaeological investigation before development commences
6.5.8	Preservation of listed buildings and optimum viable use
6.5.9	Proposals affecting a listed building or its setting
6.5.12	Consent to demolish a listed building exceptional/use of conditions
6.5.17	Conservation Area consent: need to preserve or enhance character
6.5.18	Conservation Area consent considerations
6.5.19	Advertisements in Conservation Areas
6.5.20	Trees in Conservation Areas
6.5.24	World Heritage sites
6.5.25	Effect on historic landscape, park or garden and settings as a material consideration
7.1.3, 7.1.5	Sustainable economic development
7.1.3, 7.2.1	European, national and local economic and development policies
7.3.2	Employment developments within or adjoining rural settlements
7.5.1	Protecting classes B1-B8 from inappropriate development
7.6.1	Development considerations for economic development
7.6.5	Agricultural development proposals
8.2.2	Promoting walking
8.2.3	Encouraging cycling
8.3.1	Promoting public transport
8.4.1	Traffic management (urban and rural)
8.4.5	Car parks to meet strategic aims
8.5.3, 8.5.4	Shift of freight to non-road modes; promotion of modal transfer
8.5.3	Distribution centre location
8.5.5	Airport development
8.5.7	Transport infrastructure impacts



<b>PPW Ref</b>	<b>Policy Issue</b>
8.7.1	Transport considerations in development management
8.7.2	Transport Assessments and Travel Plans
8.7.3	Access to developments
8.7.4	Motorway and other road junctions
9.2.13	Tandem development
9.2.22, 9.3.6	Housing in open countryside
9.3.1	Integration of new housing with existing settlement pattern
9.3.2-9.3.4	Infill development
9.3.2	Expansion of small towns and villages
9.3.2	Housing in the vicinity of industrial uses
9.3.5	Affordable housing as a material consideration
9.3.6-9.3.10	Rural enterprise dwellings
9.3.11-9.3.12	One planet development
10.1.2	Locating retail and other services in existing centres
10.2.2	New regional shopping centres
10.2.4	Mixed use development
10.3.1, 10.3.16	Uses best located in centres – key factors
10.3.2	Uses best located in centres – need
10.3.6	Major new retail proposals – incremental and cumulative effects
10.3.7	Retention of food shopping and essential services etc in centres
10.3.8	Out-of-centre food supermarkets
10.3.9	Change of use to/from local shops and village shops, and to/from public houses
10.3.10	Shops ancillary to other uses, e.g. farm shops
10.3.11	Change in nature of edge-of-centre and out-of-centre retail developments
10.3.12	Bulky goods
10.3.13	Factory outlets
10.3.14	Warehouse clubs
10.3.15	Amusement centres
10.3.16	Inappropriate retail allocations
10.3.17	Retention of allocated retail sites
10.3.18	Retail development on land designated for other uses
11.1.7	Sympathetic rural tourism
11.1.8	Maintenance and accessibility of areas and facilities
11.1.8	Provision of green routes and rights of way
11.1.9	Provision on previously-developed land; re-use of buildings
11.1.11	Protection of open spaces
11.1.12	Protection of playing fields



<b>PPW Ref</b>	<b>Policy Issue</b>
11.1.13	Protection of Rights of Way
11.3.1-11.3.3	Recreational and tourism development management considerations
12.1.7	Capacity of existing infrastructure
12.3.1, 12.4.1, 12.4.2, 12.4.3	Water supply and sewerage
12.5.1, 12.5.3, 12.5.4, 12.7.1-2	General principles on suitability of, and location and siting of, waste facilities
12.5.2, 12.5.5-6, 12.7.2	Waste assessment/national waste policy, waste monitoring
12.5.4	Waste hierarchy, nearest appropriate installation and self sufficiency
12.7.4	Relationship between planning and environmental permitting
12.8.2	Welsh Government sustainable renewable energy potential
12.8.6-12.8.11	Support for all forms of renewable and low carbon energy development where impacts are avoided and where possible minimised
12.8.13-14	Strategic Search Areas
12.8.14	Facilitation of additional grid network infrastructure
12.8.14	Large scale renewable energy development in internationally or nationally designated areas
12.8.15	Scales of renewable and low carbon energy development
12.10.1	Development management for renewable and low carbon energy development
12.10.1	Environmental, social and economic benefits
12.10.1	Impact on the natural heritage, coast and the historic environment
12.10.1	Impacts of climate change
12.13.2, 12.13.3	Telecoms mast and site sharing, re-use of existing sites
12.13.2	Siting of telecoms equipment
12.13.5	Taking account of modern telecoms
12.13.6	Need for proposed telecoms system
12.13.11	Radio interference
13.2.1	Flood risk
13.2.4	Development proposals should seek to reduce flood risk
13.3.1	Hard engineered flood defences; sustainable approaches to flood risk management
13.3.2	Unobstructed floodplains
13.4.1	Justification of new development in areas of high flood hazard
13.4.2	Surface water run-off
13.4.4	Natural Resources Wales flood warning service
13.5.1	Guiding development to minimise risks from land instability and contamination
13.7.1-2, 13.9.1-2	Investigating and overcoming land contamination and instability
13.12.1	Impact of development on Air Quality Management Areas; minimising pollution of air and water
13.12.2	Satisfaction that any remaining pollution concerns are capable of being dealt with under other pollution regimes



<b>PPW Ref</b>	<b>Policy Issue</b>
13.12.3	Designing development to prevent adverse effect to the environment
13.13.1	Minimising emissions and levels of ambient noise
13.13.2	Balance provision of lighting with protection of amenity and environment
13.15.2	Noise generating development, statutorily designated areas and protected species
14.1.2-3	Societal needs for a wide range of minerals and the protection of existing amenity and the environment
14.2.1	Safeguarding mineral resources
14.2.2-3	Ensuring supply – meeting local, regional and UK needs for primary won minerals and taking into account marine sources as well as secondary and recycled materials
14.3.2-6	Protecting areas of importance to the natural and built heritage from inappropriate minerals development
14.4.1	Buffer Zones around permitted and proposed mineral workings
14.4.2	Extensions to mineral workings
14.4.3-4	Preference for freight to be carried by rail or waterway rather than road; where this cannot be achieved capacity of the road network to deal safely with movement of minerals
14.4.5-8	Environmental management approaches and site monitoring
14.5.1-6	Achieving a high standard of restoration and aftercare, including financial security
14.6.1-2	Encouraging efficient use of minerals, by promoting appropriate use of high quality materials, preventing waste and maximising potential for re-use and recycling
14.8.1	Duplication or conflict with other consents
14.8.3-5	Policies for individual minerals – Coal
14.8.6-7	Policies for individual minerals – Onshore oil and gas
14.8.9	Policies for individual minerals – Non-energy minerals reserving high grade material for its most appropriate use
14.8.10	Policies for individual minerals - Aggregates
14.8.11	Policies for individual minerals – Dimension stone
14.8.12-13	Policies for individual minerals – Slate
14.8.14-16	Policies for individual minerals – Brick Clay/Fireclay
14.8.17-18	Policies for individual minerals – Limestone for industrial uses
14.8.19	Policies for individual minerals – Silica Sand/Rock/Chert
14.8.20	Policies for individual minerals – Peat
14.8.21	Policies for individual minerals – Tufa
14.8.22	Policies for individual minerals – Metalliferous minerals
14.8.23	Borrow Pits

