

CONSULTATION FORM

Draft Planning Policy Wales: Edition 10

This consultation seeks your views on the Welsh Government's proposed revision to Planning Policy Wales in light of the Well-being of Future Generations (Wales) Act 2015.

Fundamentally, PPW has been restructured into policy themes around the well-being goals and policy updated where necessary to reflect new Welsh Government strategies and policies.

If you have any queries on this consultation, please email: planconsultations-c@gov.wales or telephone: 0300 025 5040, 0300 025 6802 or 0300 025 1128.

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Confidentiality

Responses to consultations may be made public on the internet or in a report.

If you do not want your name and address to be shown on any documents we produce please indicate here

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CONSULTATION FORM

Draft Planning Policy Wales: Edition 10

Date:		
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Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	X <input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>



BRECON AND RADNOR BRANCH

The Campaign for the Protection of Rural Wales (CPRW) established in 1928 is Wales' foremost countryside Charity. Through its work as an environmental watchdog it aims to secure the protection and improvement of the rural landscape, environment and the well being of those living in the rural areas of Wales

Our Branch is grateful for the opportunity to respond to this consultation which has been prepared by Committee members.

General remarks

PPW10 is described as a restructuring to more clearly evidence the legislative requirements of the Planning(Wales)Act, Environment (Wales) Act and the WBFGA and to embrace the concept of place-making. It is intended to provide an appropriate context within which development plans are prepared and decisions on development proposals are taken (Introduction to response form).

We warmly welcome the principle of sustainable development and the regard for the longer-term future running through this legislation and recognise that there are many good and innovative ideas incorporated into PPW10 **but** the key question is:

Will this restructuring help make better decisions in keeping with the legislation above which emphasises long-term outcomes, healthy rewarding lives and care for our fragile environment?

The introduction says “Legislation secures a **presumption in favour of sustainable development** in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.”

Our long experience of LPA planning decision-making is that it is constrained by a wish to avoid Planning Appeals or JR and a need to satisfy Welsh Government targets. LPAs have few resources for complex evidence-backed “balancing and integrating” of 7 different goals which may (as the WBFGA says) be in conflict with one another.

For example, we have had inappropriate housing approved in rural communities with no services whatsoever in order to “meet targets for housing” in spite of unacceptable private transport and health-service implications contrary to WBFGA goals.

LPAs are struggling with very limited resources. Powys has no Landscape Officer and one very overstretched Ecology Officer therefore it is inevitable that these matters will not always receive their rightful weight when there are conflicting shorter term economic interests and goals.

We believe that clear guidance from PPW10 is essential and that negotiating a “road-map” of so many different considerations is likely to defeat Planning Officers when faced with actual applications.

There are:

7 WBFGA goals

5 ways of working

5 key planning principles

3 pages of table of “people and places outcomes” later described as a “prism”

4 distinctive planning policy themes related to “sustainable places”

4 steps in achieving “sustainable places”

and a section in each of the 3 main chapters on how they all tie together.

There are also 4 aspirational “sunray” diagrams (p18 P39, P67, p113) which we consider more appropriate for a preliminary brain-storming session. These undermine the professionalism of the finished document. They would be better left out because each introduces another 40 or so components.

We wonder whether Planning Officers and Planning Inspectors have been sounded out on whether the presentation of this restructuring is too complex to aid better planning decisions for a more sustainable future in keeping with new legislation.

The user of PPW10 needs a clear structure with tiered headings in order to know where clear policies covering particular topics are. Compared with PPW9, it seems that changing the bathwater may have drowned some of the babies.

Much of PPW10 seems to be targeted at LDP drafting rather than at LPA decision-making.

We believe that the restructuring may cause confusion about what constitutes a “material planning consideration” and this, in turn, will lead to extra reliance on TANs for clear guidance over particular applications. This raises the problem that TANs are produced at intervals on selected topics so that they are patchy in coverage and become out-dated.

It has sometimes been difficult to group our comments under the Question headings supplied.

Q1	Do you agree planning policy topics be clustered around themes which show their relationships with each other and the 7 well-being goals? If not, please explain why.	X
	Agree	
	Neither Agree nor Disagree	
	Disagree	x
Further comments		
<p>The integration of the WBFGA goals with the 4 themes is cumbersome (see above). The most important thing for users of the PPW10 is to know where to look up the bit they need and the index is more helpful for this than the lists under the 4 themes at 2.17.</p> <p>The 4 themes do not cover the concerns of many rural residents since neither “Active and Social Places” nor “Productive and Enterprising Places” cover the impacts of rural development on rural residents, and “Distinctive and Natural Places” excludes the people.</p> <p>Section 4.92 says “<i>new agricultural developments are likely to be small and, with the exception of farm diversification and agricultural development to which separate criteria apply, should generally be located within or adjacent to defined settlement boundaries.....</i>”</p> <p>This indirect reference is the only reference to the intensive livestock farming developments which are having a negative impact on rural living, rural air quality, water quality,</p>		

biodiversity and small rural roads. The same is likely to apply to anaerobic digestion and biomass units. Although there are some separate criteria with respect to Statutory Designations, NRW guidance, Agriculture Statutory Instruments etc., very many impacts, including those on residents, landscape, local nature reserves and woodlands are the responsibility of LPAs who make the final decisions. These matters should not be left out of PPW10.

Much current “farm diversification” is on an industrial “factory” scale and has serious biodiversity impacts together with potential for pollution of air and water and impacts on neighbors’ living conditions. This topic, where the division of authority between NRW and LPAs is far from clear, requires new thinking within the planning system to meet the Welsh legislation designed around the principle of sustainability.

NRW responses to LPAs includes a reminder that the LPA is responsible for local and regional nature interests:

Natural Environment and Rural Communities (NERC) Act (2006)

Please note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority’s general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of “linear” and “stepping stone” habitats.

To comply with your authority’s duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority’s internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership’s web site has guidance for assessing proposals that have implications for section 42 habitats and species and species and this may be accessed using the following link: www.biodiversitywales.org.uk.

We are sorry to see that this opportunity is not taken within PPW10 and hope that the draft PPW10 can be amended accordingly.

Q2	Do you agree the introduction provides an adequate overview of the planning system in Wales and appropriate context? If not, please explain why.	X
	Agree	
	Neither Agree nor Disagree	X
	Disagree	
Further comments		
The material in the introduction is simple, clear and informative.		

It should include Environmental Impact Regulations.

Other relevant related or over-arching legislation and regulation could be described here. For example, it could include sources for the regulatory framework for farming and the Water Framework Directive.

It could be further improved by setting out the complementary roles, and the limits of these, of a number of statutory bodies including NRW and CADW as these are poorly understood.

For instance we have recently attended a planning meeting where the lack of any objection from CADW was cited as evidence that there would be no significant adverse impacts on LANDMAP outstanding historic landscape.

Q3	Do you agree with the Planning Principles? If not, please explain why.	X
	Agree	
	Neither Agree nor Disagree	x
	Disagree	

Further comments

These are useful. We especially welcome the emphasis on the **long term, prevention,** and the **precautionary principle.**

In spite of this, we are uncertain that the rather random dotting around of the “five ways of working” symbols in the remainder of the document is not just a distraction from the text because, surely, all five should be kept in mind throughout.

In places there is an apparent assumption that all development can be made acceptable but it can not.. As well as understanding how to improve development, planners and the public need assurance that if the evidence for costs against the WHFGA goals is too great, a series of minor tweaks or even larger revisions will not necessarily suffice for a development to be approved.

We therefore agree that it is important to clearly state legitimate grounds for refusal of applications.

The clarification at 2.23 of the use of “**must**” and “**should**” is key and we would like to see it highlighted so that it cannot be missed in interpretation of all the following PPW10 text.

Q4	Do you agree with the definition of what is a ‘Sustainable Place’? If not, please explain why.	X
	Agree	
	Neither Agree nor Disagree	
	Disagree	x
Further comments		
<p>PPW10 does not set out a proper definition of a Sustainable Place but describes this as attractive, sociable, positive, secure, welcoming, healthy and friendly and then adds another 40 descriptions in the sun diagram on p18.</p> <p>This unrealistic aspirational ideal is far from the discord, stress and degradation of the natural environment that many rural communities are currently experiencing as the result of adverse impacts of development in the countryside, and loss of key health, education and transport services.</p> <p>As explained in the response to Q1, key issues for long-term sustainability in rural areas have been omitted from PPW10.</p>		

Q5	Do you agree with high-level planning outcomes highlighted by People and Places: The National Placemaking Outcomes? If not, please explain why.	X
	Agree	
	Neither Agree nor Disagree	x
	Disagree	
Further comments		
<p>A list of positive goals is useful and we welcome the allocation of first place to ecosystems and biodiversity. We also welcome inclusion of clean air, soundscapes and water management.</p> <p>We are not clear whether these “outcomes” are simply integrated into the following policy sections or whether they are intended to have a direct function in planning decisions.</p>		

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Q25	Do you agree with the new requirements for local renewable energy planning as set out in the draft PPW? If not, please explain why.	X
	Agree	
	Neither Agree nor Disagree	
	Disagree	x

Further comments

The experiences with Aecom’s toolkit in the evolution of the Powys LDP were disastrous, expensive and very stressful for all concerned. It was particularly disturbing because Powys commissioned Aecom to apply their own toolkit in a Renewable Energy Assessment to be used as evidence for the LDP. There were gross errors of fact and methodology, hopelessly outdated evidence, tables full of mathematical errors and wrong units, and ignorance of some of the types of renewable energy concerned. Aecom’s REA had to be revised in response to the public submissions pointing out that no landscape assessment or viability study was incorporated into the identification of local search areas.

If use of any such toolkit is to be recommended in PPW10, it **must** come with a requirement that a prior landscape assessment be integrated into any spatial allocations.

Q26	Do you agree with the use of the energy hierarchy for planning as contained in the draft PPW? If not, please explain why.	X
	Agree	
	Neither Agree nor Disagree	x
	Disagree	

Further comments

Yes, if it reads from top to bottom in importance. However we would like to see a recognition that focus should be on the **net** carbon gains of renewable energy generation.

For instance, net gains of biomass must take into account the removal of land from food production, rate of regrowth of trees, carbon costs of transport, and soil erosion associated with biomass crops.

We would like to see a commitment to preserve valuable carbon stores locked in peat soils (and not restricted to those of over 1m thick as in the Powys REA)

In some cases there may be net losses.

PPW10 should state that cumulative impacts of renewable and low carbon energy includes access tracks as well as grid infrastructure.

4.139 should say “...areas and sites *or where they have a significant negative impact on these*”

Q28	Do you agree with the approach taken to promoting the circular economy and its relationship to traditional waste and minerals planning as contained in the draft PPW? If not, please explain why.	X
	Agree	
	Neither Agree nor Disagree	x
	Disagree	
Further comments		
<p>The new expansion of a great variety of biomass and AD development means that the distinction between <u>waste</u> and renewable or low-carbon <u>energy production</u> becomes blurred. We would like to see this reality reflected in discussion in PPW10 with cross-reference between the waste and RE sections.</p> <p>In the examination of the Powys LDP, the Aecom Renewable Energy Assessment was confused over this issue.</p>		

Q29	Do you agree with the issues and inter-linkages highlighted in the introduction to the Distinctive and Natural Places chapter? What other issues and linkages could be identified to support this theme?	X
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Agree	
Neither Agree nor Disagree	
Disagree	x
Further comments	
<p>NB we have further comments on this section under Q</p> <p>In this chapter particularly, 5.7 Resilient Wales is described in terms which are too general and weak. The clear relationship between habitats and biodiversity and future generations' reliance on healthy ecosystems should be set out.</p> <p>Habitat loss is progressive and underlies the disastrous decline in biodiversity.</p> <p>The section should include the for proactive measures (which are later mentioned at 5.46), insisting on the need for habitat creation sufficient to balance habitat loss. Habitat creation is extremely difficult in contemporary Wales as NRW well know from their own experiences and therefore it needs to be emphasised in the strongest terms.</p> <p>Protection of populations of pollinators should be included.</p> <p>Protection of upland peat reserves should be included.</p>	

Q30	Do you agree with the approach taken to landscape, biodiversity and green infrastructure? If not, please explain why.	X
	Agree	
	Neither Agree nor Disagree	X
	Disagree	
Further comments		
<p>See Q29,Q33& Q36 Principle problems are:</p> <p>This Chapter is not structured, worded and presented in such a way as to provide clear guidance to Development Management in writing LDPs and making decisions impacting on the natural environment.</p> <p>This Chapter fails to provide comprehensive policy in order to protect water quality and to recognise the risks associated with intensive agriculture.</p>		

Nevertheless many things in this section are welcome.

Landscapes

We would like to see the contribution of landscapes to the health and well-being of **residents** mentioned in 5.22. Residents in rural areas receive few services and public amenities. The natural value of their surroundings is the compensation for considerable hardship in other areas of life and prevents rural depopulation. Good landscapes and healthy ecosystems therefore support the social health of rural communities.

We regret that where LPAs have strongly resisted designating SLAs, as is the case in Powys, the landscape is subject to overall piecemeal degradation. The landscape section is better geared to achieving landscape protection via LDPs than giving a national steering for landscape-protection through subsequent planning decisions and therefore we would welcome addition 5.23 to emphasize that the points in 5.22, should underlie planning determinations.

We refer back to the Renewable Energy section and note that the 2016 Renewable Energy Assessment for Powys was able to allocate **almost all** of Powys cherished upland areas outside the Brecon Beacon National Park for local wind energy search areas (LSAs) and this was translated directly into the draft LDP. This was only possible because no landscape assessment of the LPA area had been made - and it still has not.

Although the REA was revised in response to public pressure the remaining Solar Local Search Areas are largely in inappropriate landscapes due to deficiencies in the Aecom selection process.

Biodiversity

With respect to biodiversity, as with landscapes, planning determinations tend to concentrate on Designated Sites and Protected Species, which are important but also a small proportion of the whole. The Environment Act is often ignored in decision making and we welcome the setting out of Ecosystem duties of LPAs.

The step-wise approach to maintaining and enhancing biodiversity in 5.58 should set out clear requirements that compensation should be evidence-based and the net gain should match the scale of loss through development.

We would like to see a requirement that all ecological considerations, including full improvement, mitigation and compensation measures are set out in planning applications and determinations rather than relegated to later reports required by planning conditions. We have seen vague promises weighing in favor of potentially damaging development at the assessment for decision stage but which come to nothing once permission is granted.

It is only in this way, that third parties can contribute their evidence and that maintenance and enhancement of biodiversity can be properly assessed in a transparent manner. TAN 5 4.3.2 supports this requirement and we would like to see a statement to this effect in PPW10.

We welcome the recognition that Welsh Ancient woodlands support valuable ecosystems

however we are puzzled by the recommendation to consult NRW about these. We believe this is a grey area in planning where responsibilities need to be more clearly defined. We believe that

Green Infrastructure

We welcome the emphasis on green infrastructure in populated areas. We believe it must go hand in hand with protection of habitats and biodiversity in less populated areas and both should be equally supported.

THERE IS NO QUESTION ON THE HISTORIC ENVIRONMENT

Q31	Do you agree with the approach taken to distinctive coastal? If not, please explain why.	X
	Agree	
	Neither Agree nor Disagree	
	Disagree	x
Further comments		
<p>There is no coastline within our Branch area.</p> <p>Ecosystem duties with respect to costal areas, including the shoreline and bird populations should be more clearly spelt out in relation to 5.75.</p> <p>The concept of “Blue Infrastructure” could complement “Green Infrastructure”</p>		

Q32	Do you agree with the approach taken to air quality and soundscape? If not, please explain why.	X
	Agree	x
	Neither Agree nor Disagree	
	Disagree	
Further comments		
<p>We warmly welcome the statements in 5.125, 5.126 , 5.131 and 5.135 and would appreciate</p>		

wording to ensure that the framework for addressing these should be applied in the countryside as well as populated areas.

Preservation of water quality should be considered under Location of Polluting Development.

But,

We refer back to our comments on the increase in intensive farming and AD & biomass units in the countryside.

Intensive livestock units are polluting developments and should be mentioned in this section. The pollution is from airborne ammonia emissions, and dust and from the manure accumulating on outdoor ranges and spread on adjoining land. It affects plant biodiversity, water quality in nearby watercourses and human health. It has impacts for residents.

We believe that the usual 10m required setback of ranges from rivers is insufficient and the precautionary principle should be exercised via a much greater setback combined with avoidance of sloping contours.

We believe that PPW10 should recommend a minimum setback of these units from residential housing because LPAs have no guidance in this respect. If necessary, this could be in proportion to the volume of the unit or number of birds housed.

Tan 6 says:

6.6.3 To minimise the potential for future conflict between neighbouring land uses, planning authorities should exercise particular care when considering planning applications for houses or other new protected buildings within 400 metres of established livestock units. It is important also for planning authorities to keep incompatible development away from other polluting or potentially polluting uses.

However, permissions have been given for intensive poultry development sheds just 70 m from existing housing where residents will have long-term exposure to ammonia emissions and odours from the shed and also from adjacent manure spreading and densely populated outdoor range (2,500 chickens/Ha).

We strongly support the formation of more dark sky areas.

5.136 is self-contradictory.

This is a critical issue for industrialization of the countryside.

Decision makers are likely to quote the first sentence and decide that quiet rural areas with few residents are better for polluting development – while the second sentence rightly implies quiet rural areas should be avoided because pollution induces a more significant change.

Q33	Do you agree with the approach taken to water services as contained in the draft PPW? If not, please explain why.	X
	Agree	

Neither Agree nor Disagree	
Disagree	x

Further comments

The material on water quality and fresh-water ecosystems should have been introduced under Biodiversity and under Location of Polluting Development.

We are disappointed in the scant reference to the **Water Framework Directive** and the fact that water pollution from agriculture is not directly addressed at all in 5.167. At the **Wales Water Conference** (17/5/2018), just prior to writing this response, industry bodies and NGOs (RSPB & Woodland Trust) were all very concerned with diffuse and spot agricultural pollution, and saw it as perhaps the biggest single issue standing in way of improvement of water quality. Reduction of pollution at source rather than more treatment facilities was regarded as the only answer. The Chair, Professor Steve Ormerod said that freshwater ecosystems are degrading faster than any other ecosystems.

We appreciate that regulatory regimes other than the Planning System are involved but, in the last analysis, intensive agriculture developments carry pollution risks and require planning permission.

If PPW10 is to meet the requirements of the Environment and WBFAGAs it cannot not ignore the wide consensus among experts.

Q36	Are there any existing policy statements in PPW Edition 9 which you think have not been included in the draft of PPW Edition 10 and you consider should be retained? If so, please specify.	X
	Agree	X
	Neither Agree nor Disagree	
	Disagree	

Further comments

We agree that there are.

We are extremely concerned that draft PPW10 will not provide essential guidance for development management and the determination of applications.

This is now an essential function of PPW since LDPs have been written to avoid duplication of DM guidance within PPW.

By way of example we have looked at the respective content of PPW9 and draft PPW10 relating to the natural environment, a very key concern to CPRW and residents of rural

Wales.

PPW 9 Chapter 5 'Conserving and improving natural heritage and the coast' sets out its content and purpose clearly in the title, and follows a logical and clear structure. Within this chapter there is clear exposition of the objectives, and LPA's responsibilities with regard to both its Local Development Plan and Development Management function, and references to the relevant underlying legislation. Guidance is very clearly distinguished between that relevant to the formation of LDPs and guidance for development management.

By contrast, discussion of the natural environment is only one of the (many) themes of PPW10 Chapter 5. This is a portmanteau chapter which ranges confusingly to and fro round landscape, biodiversity and ecological networks, green infrastructure, historic environment, air and noise pollution, water quality and flood risk, without clear sequence or structure. References to the natural environment have, in places, to be sifted out from general discussion of 'distinctive and natural places', or found under different headings in various places within this chapter, and objectives and responsibilities are unclear.

While the LPA's Section 6 duty is spelled out within this chapter, this is followed by woolly and inadequate guidance for achieving the objectives of the Environment Act. This guidance is hedged about with phrases such as 'wherever possible', 'where appropriate', 'in some circumstances', which provide a clear get out for planners seeking to approve a potentially environmentally damaging development.

Reference is made to 'Green Infrastructure Assessments' to inform DM decision-making and these are explained on p129 – BUT preparation of these assessments is a recommendation only, and the assessments themselves will only be available at some later date (if ever).

The steps in 5.58 will lead to the almost inevitable acceptance of any degree of ecological damage subject only to nominal offsite compensation being offered, and will not satisfy the requirements of the Section 6 duty on LPAs or lead to the essential reversal of biodiversity declines. Some specific and important guidance e.g. discussion of Environmental Impact Assessments in relation to the natural environment (5.5.9 PPW9), is entirely omitted. Underlying legislation, TANs etc. are not referenced.

The intention of Draft PPW10 to reflect the need to protect the natural environment for the future is welcome and laudable. Nevertheless, for the reasons above, we fear that overall it may turn out to be a retrograde step, which fails to live up to the aspirations of Wales's new legislation and will not contribute to ambitions for resilient ecosystems or the sustainable management of natural resources.

Similar concerns apply to the protection of others of Wales's precious and irreplaceable assets such as landscape and the historic environment.

How to respond

Please submit your comments by 18 May 2018, in any of the following ways:

Email	Post
<p>Please complete the consultation form and send it to: planconsultations-c@gov.wales</p> <p>[Please include 'Draft Planning Policy Wales: Edition 10' in the subject line]</p>	<p>Please complete the consultation form and send it to:</p> <p>Planning Policy Wales Consultation Planning Policy Branch Planning Directorate Welsh Government Cathays Park Cardiff CF10 3NQ</p>

Additional information

If you have any queries about this consultation, please:

Email: planconsultations-c@gov.wales

Telephone: 0300 025 5040, 0300 025 6802 or 0300 025 1128