

National Assembly for Wales
Environment and Sustainability Committee
PB 08
Planning (Wales) Bill
Response from Institution of Civil Engineers Wales Cymru

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Consultation on the General Principles of the Planning (Wales) Bill

This response is from **Keith Jones, Director**

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1. The Planning (Wales) Bill ('The Bill') contains a set of provisions intended to provide a modern legislative framework for the operation of the planning system to make it fit for purpose in the 21st century. Subject only to the following reservations it is accepted that it represents an improvement to the current planning legislation.
2. Whilst the proposal to establish a National Development Framework to replace the Wales Spatial Plan is sound, the continuing status of the current and proposed Local Development Plans, which may well not be in accord with this framework and which have differing periods of validity, has not been addressed.
3. The introduction of Strategic Development Plans, Strategic Planning Areas and associated Strategic Planning Panels with panel members in part nominated and thereby appointed by the Welsh Ministers is a backward step from normal democratic accountability.
4. Where a blight notice has been served in respect of land falling within paragraph 1C of Schedule 13, the Bill states that Welsh Ministers have power to acquire compulsorily any interest in the land in pursuance of the blight notice served by virtue of that paragraph. This is insufficient; the power should require acquisition of land affected in this way.

5. 'The requirement that the applicant must publicise the proposed application in such manner as the applicant reasonably considers likely to bring it to the attention of a majority of the persons who own or occupy premises in the vicinity of the land' is not sufficiently well defined to avoid subsequent dispute from any person not so consulted.
6. It is appropriate that applications for developments of national significance should be determined by the Welsh Ministers, but there is an anomaly in that the decision of the Welsh Ministers on a secondary such application is final. This appears to be an inconsistency, as both levels of decision should be capable of appeal.
7. There is also an option to refer applications to the Welsh Ministers for a decision on applications which are not of national significance. Again the decision of the Welsh Ministers on such applications is declared to be final. These decisions should also be capable of appeal.
8. There is no requirement within the Bill for Welsh Ministers to advertise when they will hold meetings to consider planning applications so that affected members of the public may also attend. The public should be able to witness these discussions and decisions on planning applications made by the Welsh Ministers and they should also be able to make representation. This is a significant omission from the Bill and one which represents a considerable democratic deficiency.
9. The opportunity to avoid duplication by retaining the power of the National Park Authorities to act as Local Planning Authorities has not been taken. This is a wasted opportunity to create uniformity across Wales and to avoid an anomaly.
10. The general impression to be gained from this Bill is one of increased centralism coupled with a reduction in power of local planning authorities. In the absence of the right of appeal to decisions made by the Welsh Ministers, they will be seen to be acting autocratically. The National Assembly for Wales is a democratically elected institution. It would be wrong for it to lose sight of its accountability to the public in this way.

Notes:

- The Institution of Civil Engineers (ICE) was founded in 1818 to ensure professionalism in civil engineering. It represents over 84,000 civil engineers in the UK and across the globe and has over 3500 members in Wales.
- ICE has long worked with the government of the day to help it to achieve its objectives, and has worked with industry to ensure that construction and civil engineering remain major contributors to the UK economy and UK exports.
- For further information visit: www.ice.org.uk and www.ice.org.uk/wales