



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 Development Plans
 - 2.1 A plan-led system
 - 2.2 Collaborative working, engagement and consultation
 - 2.3 The Local Development Plan and the Community Strategy
 - 2.4 Sustainability Appraisal, Strategic Environmental Assessment and Appropriate Assessment in plan preparation
 - 2.5 Phasing of development
 - 2.6 What happens when a development plan has not yet been adopted or approved
 - 2.7 What happens when development plan policies are outdated or superseded?
 - 2.8 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 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 reduce and manage waste
- 12.6 Development plans and waste planning
- 12.7 Development management and waste planning
- 12.8 Sustainable energy
- 12.9 Development plans and sustainable energy
- 12.10 Development management and sustainable 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

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 A definition of sustainable development in Wales

Figure 4.2 Legislative requirements for sustainable development in the planning system

Figure 4.3 Definition of Previously Developed Land

Figure 4.4 Objectives of Good Design

Figure 4.5 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 Wales' sustainable renewable energy potential to 2020/2025

Figure 12.2 Current consent bodies for electricity installations

Figure 12.3 Renewable energy scales for planning purposes

Figure 12.4 Infrastructure and Services

Figure 13.1 Environmental Risks and Management



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 (5-13) 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 - 13 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

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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 the Annex). 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 appeals¹.

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 and in *Local Development Plans Wales, 2005, Planning your community: A guide to Local Development Plans, 2006 and the Local Development Plan Manual, 2006*.

1.1.6 Because of the differences between mineral working and other forms of development the Welsh Government's land use planning policies for minerals development are contained in a separate document *Minerals Planning Policy Wales*². This sets out policy in relation to short and long term future use and the safeguarding of mineral deposits³.

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.wales.gov.uk.

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.wales.gov.uk.



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 2.1.3 and 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 Wales⁴.

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 functions⁵. 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 process⁶. 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.

Subordinate legislation

1.4.2 The main instruments of subordinate legislation are:

- the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) (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**. Sections 77 and 79 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 a scheme setting out how they propose in the exercise of their functions to promote sustainable development. Both of 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 International⁷, EU⁸ 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 CO₂ emissions by at least 34 per cent by 2020 - against a 1990 baseline⁹. 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**¹⁰ 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 system¹¹.

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 2006¹²;
- the **6th Environment Action Programme 2002-2012**¹³;
- The **European Spatial Development Perspective (ESDP)**¹⁴ and current EU territorial cohesion agenda¹⁵; and
- **EU funding** regimes.

1.4.7 The Territorial Agenda for the enlarged EU builds on the ESDP and identifies current 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 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. All European funding programmes for 2007-2013 are framed around these major strategic themes.



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 of Structural Funds for the period 2007-2013¹⁶. The programmes established to deliver this objective are the cross-border, transnational and interregional co-operation strands of INTERREG IV; the URBACT II exchange of experience programme for urban areas; and ESPON II, which supports joint research relevant for the spatial planning evidence base. All of these programmes are open to applicants from Wales.

1.4.10 Mainstream EU structural and environmental funds for the period 2000-2006 supported significant social and economic progress in Wales. For 2007-2013 funding is available from the Convergence 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 Competitiveness and Employment programme. 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.

1.4.11 The Rural Development Plan for Wales 2007-13 sets out Welsh Ministers' priorities for sustainable rural development and the types of support that will be available from EU funds and other sources.

References

¹ [*Planning and Compulsory Purchase Act 2004*](#), Section 62

² [*Minerals Planning Policy Wales*](#), National Assembly for Wales, 2000

³ A series of Minerals Technical Advice Notes (Wales) supports 'Minerals Planning Policy Wales'.

⁴ [*Programme for Government, Welsh Government, 2011*](#)

⁵ [*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)

⁶ [*Practice Guide: Realising the potential of pre-application discussions*](#), Welsh Government, 2012

⁷ [*Kyoto Protocol to the United Nations Framework Convention on Climate Change \(1997\)*](#)

⁸ [*The European Union 'Climate and Energy' \(the 20-20-20 targets\) package \(2008\)*](#)

⁹ [*The UK Low Carbon Transition Plan*](#), Department for Energy and Climate Change, 2009

¹⁰ [*The Human Rights Act 1998*](#)

- ¹¹ [Diversity and Equality in Planning : A Good Practice Guide](#), ODPM 2005
- ¹² [The EU Sustainable Development Strategy](#) Council of the European Union 10633/1/06 REV 1
Brussels European Council 16/16 June 2006 - Presidency Conclusions
- ¹³ [Environment 2010: Our Future, Our Choice - 6th Environmental Action Programme](#),
European Commission, 2001
- ¹⁴ [The European Spatial Development Perspective - Towards Balanced and Sustainable Development of the Territory of the European Union](#), European Commission, 1999
- ¹⁵ [Territorial Agenda for the European Union: Towards a more Competitive and Sustainable Europe of Diverse Regions](#) Informal Ministerial Meeting on Urban Development and Territorial Cohesion,
Leipzig, 24/25 May 2007 and associated Territorial Agenda Action Programme
- ¹⁶ Details are available on the [Wales European Funding Office website](#)



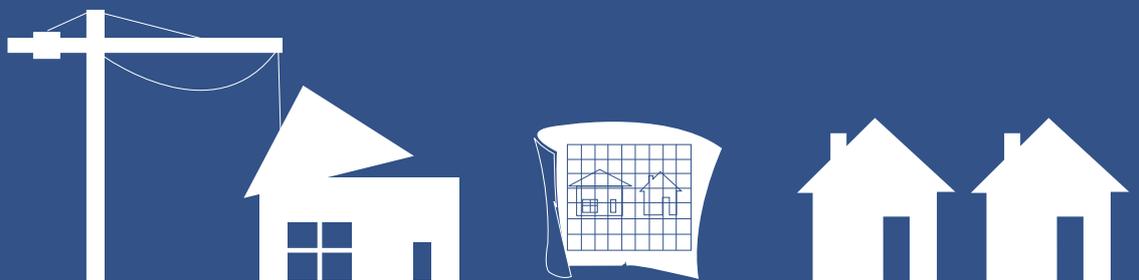


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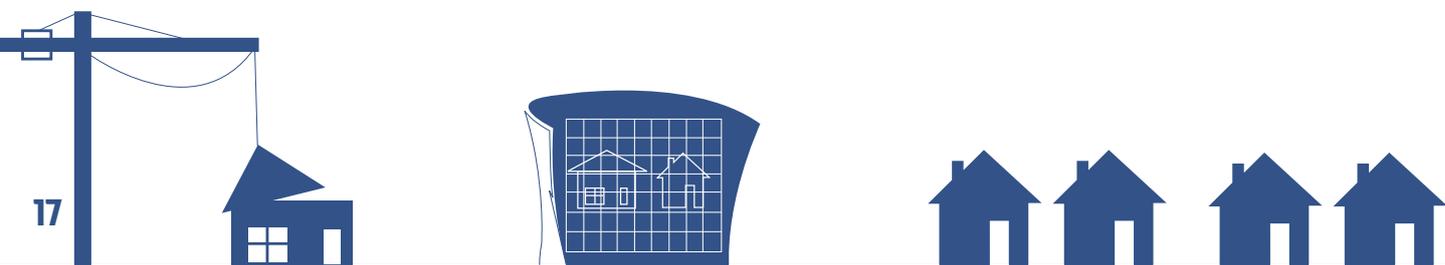


Chapter 2 Development Plans

Credits

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2.1 A plan-led system¹

2.1.1 In Wales, every local planning authority must prepare a local development plan (LDP) for its area². The LDP will be the statutory development plan for the local planning authority area (i.e. of the county or county borough council and national park authority). On adoption it will supersede the existing development plan which will be either the adopted unitary development plan, structure or local plan(s)³.

2.1.2 LDPs should provide a firm basis for rational and consistent decisions on planning applications and appeals. They are fundamental to planning for sustainable development (see Chapter 4). 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. Conversely, applications that are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify the grant of planning permission (see sections 2.7 and 4.2).

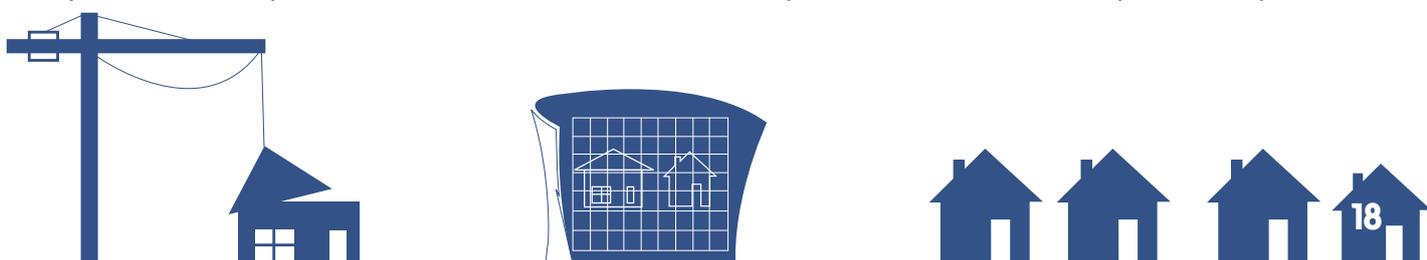
2.1.3 LDPs should be clear and concise, setting out a vision-based strategy for the plan area that has regard to the Wales Spatial Plan. Local policies likely to provide the basis for determining planning decisions, or for determining conditions to be attached to planning permissions, should be set out in the LDP. Policies on non-land use matters should not be included.

2.1.4 It is for each local planning authority to determine the content of the LDP for its area, in accordance with the legislation and having regard to national policy and to local circumstances. However, national planning policies in Planning Policy Wales and Minerals Planning Policy Wales should not be repeated. Instead the LDP should explain how they apply to the local area. (see section 2.8)

2.1.5 Local planning authorities must ensure that they have sufficient information on which to base sound LDP strategies and policies and development management decisions.

2.1.6 LDP strategies and policies must be kept up to date so as to support the objectives of the plan-led system to provide certainty, rational and consistent decisions and a reduction in the number of misconceived planning applications and appeals. Local planning authorities are required to make an annual monitoring report on their LDP. The annual monitoring report will identify any policy that is not being implemented, together with the steps the authority intends to take to secure implementation. Annual monitoring and regular review are mandatory⁴.

2.1.7 LDPs should give developers and the public certainty about the type of development that will be permitted at a given location. If the strategy, policies or proposals contained in the emerging LDP appear to conflict with national policy and appear 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 pre-deposit and deposit stages. The examination into the LDP will consider the soundness of the plan and as part of this process the appointed Inspector will consider the representations of the Welsh Government. As a final resort, the Welsh Government will consider intervening in the plan process by means of its powers to direct modifications to the plan or to call in all, or part, of a plan



for its own determination. Such intervention will generally only be considered where an LDP:

- raises issues of national importance, or
- has implications beyond the area of the plan-making authority (except to the area of joint plans where a joint LDP is being prepared by two or more local planning authorities).

2.2 Collaborative working, engagement and consultation

2.2.1 Issues of a strategic nature which affect more than one local planning authority will require consultation and collaboration between all authorities likely to be affected. The Wales Spatial Plan process sets objectives for collaboration in the Wales Spatial Plan areas. Cross boundary work should be integrated into LDPs where relevant. Collaborative reports of a strategic nature will be important inputs to the LDP evidence base, preparation and examination. Local planning authorities may wish to approve collaborative reports as statements of the strategy informing their LDPs. The conclusions of the reports may also be material considerations for development management purposes.

2.2.2 The LDP Delivery Agreement incorporates both the local planning authority's project plan for the preparation, adoption and review of the LDP (the timetable), and its policy for involving the community in plan preparation (the Community Involvement Scheme)⁵. Local planning authorities should provide for the involvement of the general public, community councils, voluntary bodies, the business community and all other relevant stakeholders in the preparation of LDPs, in dealing with both cross-boundary and local issues. Effective work in this respect should help a local planning authority to secure a degree of consensus over the future development and use of land in its area at an early stage in plan preparation.

2.2.3 There are both statutory and recommended requirements for consultation during LDP preparation. The statutory requirements for LDP preparation are established in the 2004 Act and in the LDP Regulations and set out in detail in *LDP Wales*. They are also indicated where appropriate in the following chapters in relation to specific land-use matters. Linking the aspirations and actions of the Welsh Government, local planning authorities, businesses, the public and voluntary sectors and the community is essential for the delivery of sustainable development in Wales.

2.3 The LDP and the Community Strategy

2.3.1 Section 39 of the Local Government (Wales) Measure 2009 requires every county and county borough council in Wales to prepare a **community strategy**.⁶ The community strategy is a single document that is intended to provide a long-term strategy (i.e. for the next 10 to 15 years) for the whole of the local area. Community strategies should provide the overarching strategic framework for all the other plans and strategies for the local authority, including the LDP.⁷

2.3.2 Community strategies and LDPs need to be complementary. LDPs should express, in appropriate land use planning terms, those elements of the community strategy that relate to the development and use of land, provided that the elements of the community strategy are in conformity with national and international policy and obligations. When preparing revised community



strategies a local authority will need to take account of the policies and proposals in any adopted development plan⁸. Once a community strategy is published the development plan will provide the means to take forward those elements of the strategy that concern land use or physical development.

2.3.3 Authorities should consider the relationship of their LDP to **other local adopted strategies** including economic development and regeneration strategies, Agenda 21 or environmental strategies, Local Biodiversity Action Plans, Local Housing Strategies and Regional Transport Plans.

24 Sustainability Appraisal, Strategic Environmental Assessment and Appropriate Assessment in plan preparation

2.4.1 Sustainable development is our shared responsibility. As elected bodies, local authorities are responsible for setting the framework for the development of sustainable communities in their areas and integrating services and infrastructure requirements at a local level (see Chapter 4).

2.4.2 Section 39 of the 2004 Act requires authorities to prepare LDPs with the objective of contributing to the achievement of sustainable development. Section 62(6) of the 2004 Act requires an authority to carry out an appraisal of the sustainability of the LDP and to prepare a report of the findings as an integral part of the process of plan preparation. Sustainability appraisal may be defined as: *'a systematic and iterative process undertaken during the preparation (and review) 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 and identifies opportunities for improving plan performance in relation to these.'*

2.4.3 The purpose of sustainability appraisal is to assess the economic, environmental and social effects of the strategy and policies in an LDP from the outset of the process. This will ensure that decisions are made that accord with sustainable development principles (see section 4.2).

2.4.4 An appraisal needs to expose the full range of economic, social and environmental considerations.

- With regard to economic considerations, LDPs will only be effective if they are realistic and practical and 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 should include an indication, in broad terms, of the assumptions made about the resources likely to be available for effecting the policies and proposals formulated.
- 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, on women and men, on children and families, or on groups such as elderly and disabled people, single parent families, ethnic minorities, disadvantaged and deprived people. 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 alternatives proposed, need to be considered as early in the plan preparation process as possible.

2.4.5 The requirements for Strategic Environmental Assessment (SEA) must be taken into account. Authorities must comply with the European Union *Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment*, (commonly known as the SEA Directive). The SEA Directive requires formal environmental assessment during production of certain plans and programmes which are likely to have significant effects on the environment. 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. *LDP Wales* specifies that all LDP references to sustainability appraisal in that document must be taken to include the requirements of the SEA Regulations. **Authorities must comply with the SEA Regulations as well as the LDP Regulations under Part 6 of the 2004 Act when preparing LDPs.** The LDP sustainability appraisal does not remove the requirement for a formal Environmental Impact Assessment for individual development proposals where such an appraisal is required by legislation¹⁰.

2.4.6 Habitats Regulation Appraisal (HRA) must be undertaken when preparing LDPs to ensure compliance with the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). Part IVA of the Habitats Regulations requires local planning authorities to consider the impact of their draft LDPs on European Sites¹¹ to ensure that the requirements of Article 6 of the Habitats Directive (92/43/EEC) 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 appropriate assessment. All Ramsar sites and potential Special Protection Areas (pSPAs) must be considered as European sites for the purposes of the Habitats Regulations.

2.4.7 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 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). 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 candidate Special Area of Conservation (cSAC).



2.4.8 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.

2.5 Phasing of development

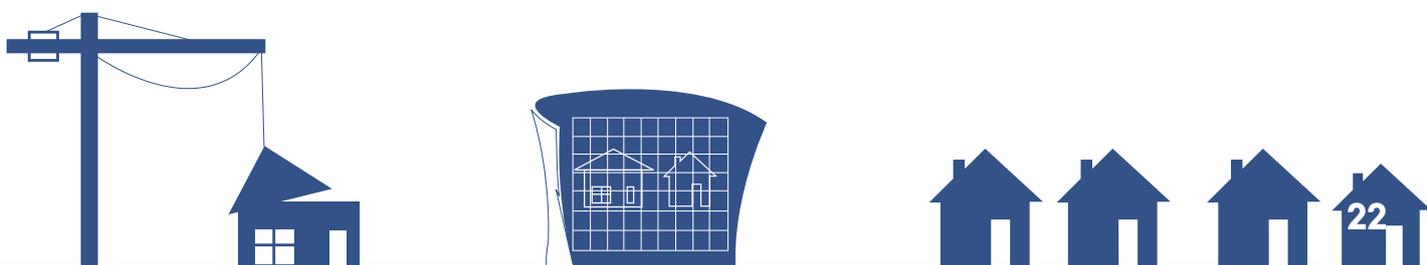
2.5.1 In the light of local circumstances it is for individual authorities to consider the need for phasing of development over the period of the LDP. Phasing may be justified by considerations relating to physical or social infrastructure, or to the adequacy of other services, which may indicate that a particular site cannot be released for development until a particular stage in the plan period. Evidence that market demand would exhaust total planned provision in the early years of the LDP may also indicate a need for some overall phasing of development, though this generally will be justifiable only in areas which are under severe development pressure. 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.

2.5.2 Proposals for phasing 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.

2.6 What happens when a development plan has not yet been adopted or approved

2.6.1 Planning applications must be considered in the light of the strategy and policies in the adopted development plan.

2.6.2 In development management decisions the weight to be attached to an emerging draft LDP 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 publishes 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 4.2).



2.6.3 Questions of **prematurity** may arise where an LDP is in preparation but the plan has not yet been adopted. In these circumstances refusing planning permission on grounds of prematurity may be justifiable in respect of development proposals which are individually so substantial, or whose cumulative effect would be 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. Refusal will therefore not usually be justified except in cases where a development proposal goes to the heart of a plan. This requires careful judgement. A refusal might be justifiable where a proposal would have a significant impact on an important settlement, or on a substantial area, with an identifiable character, but is rarely justifiable if a development proposal is likely to impact upon only a small area.

2.6.4 The stage which a plan has reached will also be an important factor in judging whether a refusal on prematurity grounds is justifiable. 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.

2.6.5 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.

2.6.6 Where planning permission is refused on grounds of prematurity, 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.

2.7 What happens when development plan policies are outdated or superseded?

2.7.1 Where development plan **policies** are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as *national planning policy*, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (see 1.1.4 and section 4.2).

2.7.2 It is for the decision-maker, in the first instance, to determine through review of the development plan (see 2.1.6) whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development (see section 4.2).



2.8 National Policy Statements

2.8.1 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 policy¹²; or
- constitute national development management policy and do not need to be repeated as local policy in LDPs.

2.8.2 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.

2.8.3 It is not necessarily the case that there will need to be a dedicated policy for each subject itemised. For example, many 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.

2.8.4 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 2.7 and 4.2).

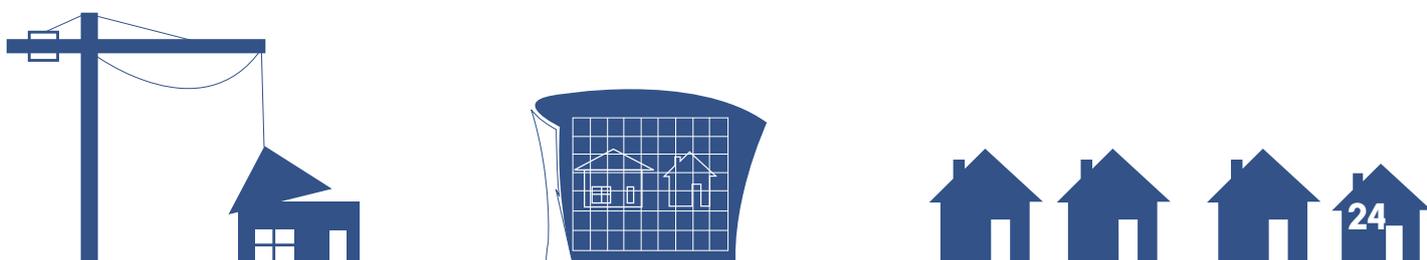
Figure 2.1 Development Plans

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
2.4.4	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
2.6.2	Weight to be given to emerging development plans
2.6.3 - 2.6.6	Prematurity

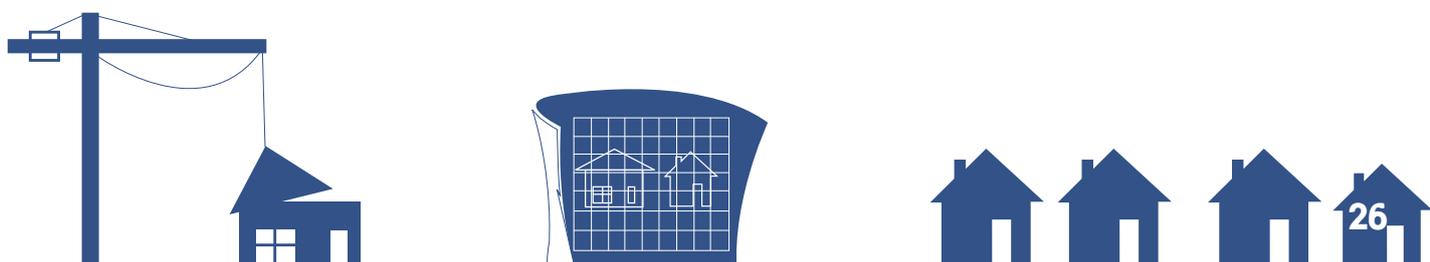
Topics relevant to the local area may simply be mentioned with a cross-reference to PPW.

References

- ¹ The new LDP system established in Part 6 of the [Planning and Compulsory Purchase Act 2004](#) 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](#) ('the LDP Regulations'). [Local Development Plans Wales: Policy on Preparation of LDPs](#), Welsh Assembly Government, 2005 (LDPWales) provides broad policy on the new system, including an overview of plan form and content. [The Local Development Plan Manual](#), Welsh Assembly Government, 2006, supporting LDP Wales, provides technical guidance on the process of plan preparation.
- ² Section 62 [Planning and Compulsory Purchase Act 2004](#)
- ³ The terms 'adopted' and 'approved' are those set out in the relevant legislation. A plan is the development plan only in so far as it is adopted by resolution of the local planning authority or is approved by the Welsh Ministers.
- ⁴ Sections 69 and 76 of the [Planning and Compulsory Purchase Act 2004](#)
- ⁵ See [LDP Wales](#), paragraphs 4.5 to 4.7
- ⁶ The Welsh Government has published statutory guidance on this: [Shared Purpose – Shared Delivery](#), Welsh Government, 2012
- ⁷ In national parks the National Park Management Plan will reflect the relevant community strategy (or strategies) for the National Park area, and should inform the LDP.



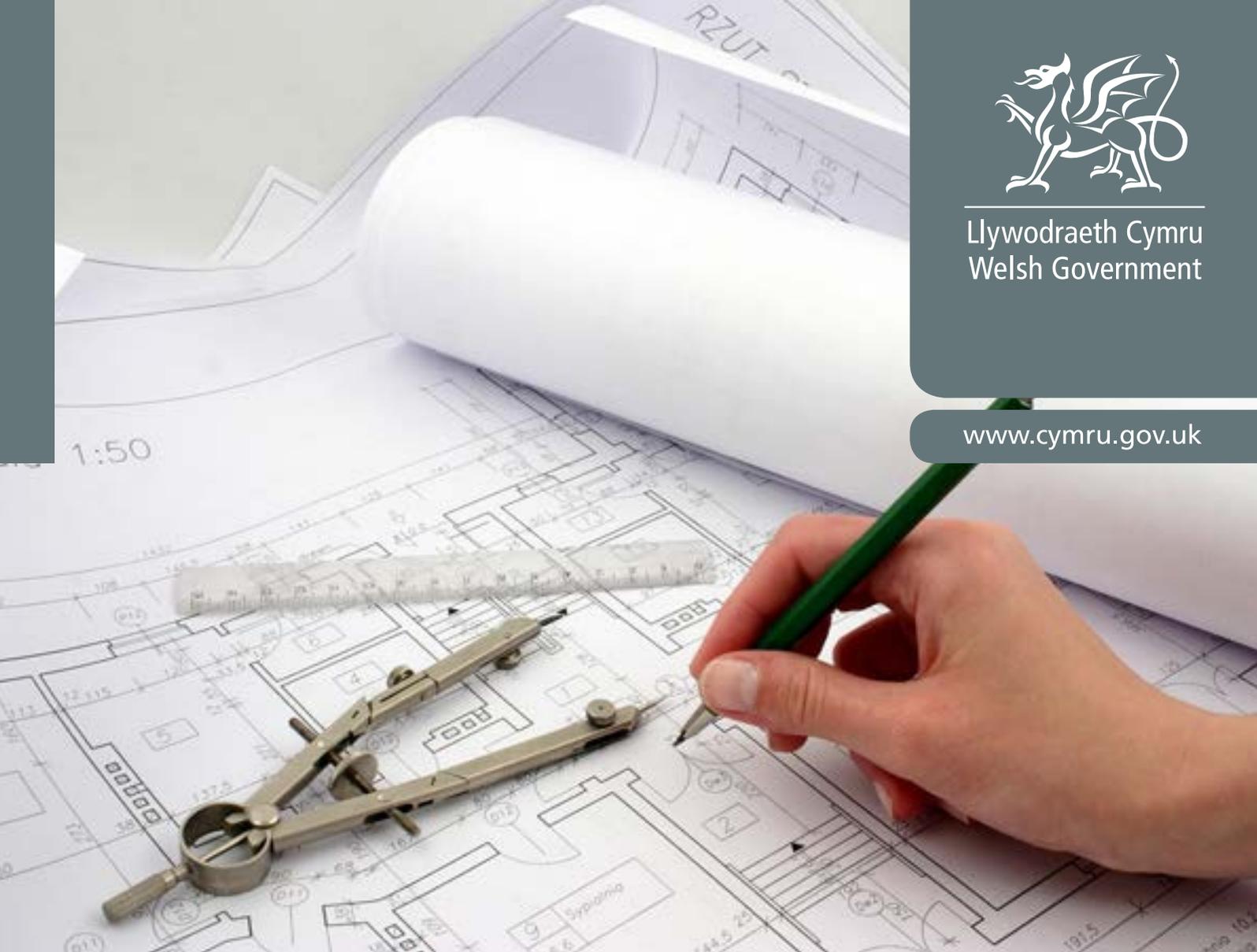
- ⁸ [*Community Strategies and Planning*](#), Welsh Assembly Government, 2010 (statutory guidance on community planning under Part 2 of the Local Government (Wales) Measure 2009)
- ⁹ Definition from '[*LDP Wales*](#)', Para 3.2. The [*LDP Manual*](#) provides guidance on SA/SEA tasks for each step of plan preparation.
- ¹⁰ [*Town and Country Planning \(Environmental Impact Assessment\) \(England and Wales\) Regulations 1999 \(SI 1999/293\) as amended*](#)
- ¹¹ See [*Technical Advice Note 5, Nature Conservation and Planning*](#), Welsh Assembly Government, 2009
- ¹² '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.



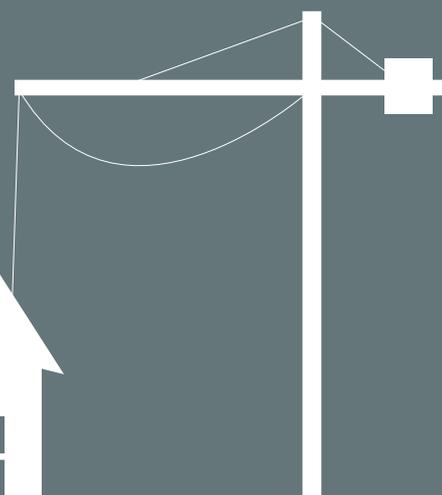


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Planning Policy Wales



Chapter 3 Making and Enforcing Planning Decisions

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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 authority¹, 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 otherwise². Material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government and the UK Government. All applications should be considered in relation to up to date policies (see 2.7 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 applicant³. 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 interest⁴. Officers are expected to observe their authority's employees' code of conduct and relevant professional codes in performing their duties^{5 6 7}.

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 Directive⁸.



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^{9 10}

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 2.4.6 – 2.4.7 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 EIA¹¹. 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 direction¹².

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')¹³. 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 the Environment Agency¹⁴. 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^{15 16 17 18 19 20 21}

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 2010²² 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 condition²³ to ensure adequate accessibility for all.

3.4.5 Historic buildings can present particular accessibility difficulties²⁴. 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^{25 26}

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 highway²⁷. 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 1996²⁸. 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 system²⁹.

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 Levy³⁰

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 2010³¹ 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 permission³²; 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 should refer to the Welsh Ministers, in accordance with the provisions of the Notification Direction (Welsh Government Circular 07/12)³³, applications which they do not propose to refuse for 5 categories of 'notification 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.

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



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.

References

- ¹ *Town and Country Planning (General Permitted Development) Order 1995* (SI 1995/418), Schedule 2 and the *Town and Country Planning (Use Classes) Order 1987* (SI 1987/764)
- ² *Town and Country Planning Act 1990*, Section 54A and *Planning and Compulsory Purchase Act 2004*, Section 38(6)
- ³ Welsh Office Circular 35/95 'The Use of Conditions in Planning Permissions'
- ⁴ Part 111 of the *Local Government Act 2000* - Model Code of Conduct for Members and Revised General Principles of Conduct
- ⁵ *CL-05-03 Code of Conduct for Planning Committee Members*, Welsh Assembly Government 2003
- ⁶ *CL-06-03 Conduct for Planning Committee Members: Further Advice*, Welsh Assembly Government 2003
- ⁷ *CL-06-06 The operation of the Conduct of Members (Model Code of Conduct) (Wales) Order 2001 with relation to land use planning*, Welsh Assembly Government 2006
- ⁸ *The Conservation of Habitats and Species Regulations 2010* (SI No. 2010/490)
- ⁹ Welsh Office Circular 11/99, 'Environmental Impact Assessment'
- ¹⁰ *'Environmental Impact Assessment: A Guide to procedures'*, DETR, Thomas Telford Publishing, 2000
- ¹¹ *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293)* as amended
- ¹² Guidance on *'Environmental Impact Assessment Screening'*, European Commission, 2001
- ¹³ Guidance on *'Environmental Impact Assessment Scoping'*, European Commission, 2001
- ¹⁴ A new single body for Wales will combine the existing functions of the Countryside Council for Wales and the Welsh devolved functions of the Environment Agency and the Forestry Commission. The body was legally established on 9 July 2012 to enable it to undertake preparatory work to ensure it will be able to carry out the functions that will be transferred to it when it becomes fully operational on 1 April 2013. The body has the working title of the Natural Resources Body for Wales.



- ¹⁵ *Planning (Listed Buildings and Conservation Areas) Act 1990*
- ¹⁶ *Chronically Sick and Disabled Persons Act 1970*
- ¹⁷ Welsh Office Circular 61/96, 'Planning and the Historic Environment: Historic Buildings and Conservation Areas'
- ¹⁸ *Building Regulations 2010, Approved document M, Access to and use of buildings: 2004 edition*
- ¹⁹ British Standards Institute BS 8300:2009, '*Design of buildings and their approaches to meet the needs of disabled people - Code of practice*'
- ²⁰ '*Building and Buildings England and Wales: The Building Regulations 2010*' (2010/2214)
- ²¹ *Technical Advice Note 12, Design*, Welsh Assembly Government, 2009
- ²² *Equality Act 2010*
- ²³ Welsh Office Circular 35/95, 'The Use of Conditions in Planning Permissions'
- ²⁴ '*Overcoming the Barriers: Providing Physical Access to Historic Buildings*', Cadw, 2002
- ²⁵ *Town and Country Planning Act 1990* (as amended), Sections 220-225
- ²⁶ *Town and Country Planning (Control of Advertisements) Regulations 1992 (SI 1992/666)* as amended
- ²⁷ *Highways Act 1980, Section 132*
- ²⁸ Welsh Office Circular 3/96, 'Traffic Signs to Tourist Attractions and Facilities in Wales'
- ²⁹ Welsh Office Circular 35/95, 'The Use of Conditions in Planning Permissions'
- ³⁰ Welsh Office Circular 13/97, 'Planning Obligations'
- ³¹ *The Community Infrastructure Regulations 2010 (SI 2010/948)*
- ³² *Town and Country Planning Act 1990*, Sections 97,98,99, 102 and 103, and Sections 100 and 104
- ³³ *Welsh Government Circular 07/12, The Town and Country Planning (Notification) (Wales) Direction 2012.*





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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.”¹

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. This duty, under the Government of Wales Act 2006 (Section 79) requires Welsh Ministers to make a scheme setting out how they propose, in the exercise of their functions, to promote sustainable development. Our latest scheme was published in 2009². The Welsh Government is committed to bringing forward legislation to strengthen our duty and commit government, at local and national level, to sustainable development³. Where necessary, PPW will be reviewed and amended accordingly.

4.1.3 Our scheme confirms that sustainable development will be the central organising principle of the Welsh Government. The Welsh Ministers are promoting sustainable development:

- by placing sustainability at the heart of their decision-making processes;
- by working with others, such as local government, businesses, Welsh Government Sponsored Bodies (WGSBs), Executive Agencies and the voluntary sector;
- by encouraging and enabling others to embrace sustainable development as their central organising principle;
- by monitoring our progress towards sustainability;
- through specific policy actions; and
- through their strategic policies (such as *Planning Policy Wales*).

Definition of Sustainable Development

4.1.4 In our scheme for sustainable development we provide a clear definition of sustainable development in Wales.

Figure 4.1 A definition of sustainable development in Wales⁴

In Wales, this means enhancing the economic, social and environmental well-being of people and communities, achieving a better quality of life for our own generations in ways which:

- promote social justice and equality of opportunity; and
- enhance the natural and cultural environment and respect its limits - using only our fair share of the earth's resources and sustaining our cultural legacy.

Sustainable development is the process by which we reach the goal of sustainability.



4.1.5 The main outcomes that we want to deliver are set out in our scheme and reflect our vision of sustainable development as a process of development that leads over time to a Wales that is economically, socially and environmentally sustainable (the process that leads to Wales becoming a sustainable nation); these are:

Sustainable resource use

Within a lifetime of a generation we want to see Wales using only its fair share of the earth's resources.

Sustaining the environment

Wales has healthy, functioning ecosystems that are biologically diverse and productive and managed sustainably.

A sustainable economy

A resilient and sustainable economy for Wales that is able to develop whilst reducing its use of natural resources and reducing its contribution to climate change.

A sustainable society

Safe, sustainable, attractive communities in which people live and work, have access to services, and enjoy good health and can play their full roles as citizens.

The well-being of Wales

A fair, just and bilingual Wales, in which citizens of all ages and background are empowered to determine their own lives, shape their communities and achieve their full potential.

4.1.6 Our approach is consistent with, and builds on, the shared UK principles⁵ 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 sustainable development in Wales. It provides the legislative and policy framework (see Figure 4.2) 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 helps to deliver our integrated sustainable development outcomes.

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 4.2) and national policy (PPW). Local planning authorities should therefore exercise their planning functions with the objective of contributing to the achievement of sustainable development.

Figure 4.2 Legislative requirements for sustainable development in the planning system

Plan-making

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. They are also subject to Sustainability Appraisal, Strategic Environmental Assessment and Appropriate Assessment (see Chapter 2).

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* (see 2.6) or
- relevant development plan *policies* are considered outdated or superseded (see 2.7) or
- where there are no relevant *policies* (see 2.7)



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 balance and integrate these objectives to maximise sustainable development outcomes (see Figure 4.1).

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 sustainable development. 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 Wales⁶.

4.3 Principles

4.3.1 The following principles underpin our approach to planning policy for sustainable development and reflect those principles that 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.

4.4 Objectives

4.4.1 The following sustainability objectives for the planning system derive from these principles and reflect our vision for sustainable development and the outcomes we seek to deliver across Wales.⁷ 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 Planning policies, decisions and proposals should:

- 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).
- Locate developments so as to minimise the demand for travel, especially by private car (Section 4.7 and Chapter 8).
- 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)
- 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).
- 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).



- 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).
- Help to ensure the conservation of the historic environment and cultural heritage, acknowledging and fostering local diversity (4.11.10 and Chapter 6).
- 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).
- 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).
- 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).
- 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).
- Promote quality, lasting, environmentally-sound and flexible employment opportunities (Chapter 7).
- 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).
- Respect and encourage diversity in the local economy (Section 4.6 and Chapter 7).
- Promote a low carbon economy and social enterprises (Section 7.4).
- Contribute to the protection and, where possible, the improvement of people's health and well-being as a core component of sustainable development 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).



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 planning⁸. 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 Wales⁹ 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 Review¹⁰ 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]¹¹.

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 Assessment¹²) 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 life¹³.

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 health¹⁴, 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 cycling¹⁵. 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)¹⁶.

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 wedges¹⁷

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 4.3) 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 4.3 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)¹⁸ is the best and most versatile, and should be conserved as a finite resource for the future^{19 20}. 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 44 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^{21 22} 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 design²³.

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'²⁴ 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 measures²⁵.

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 (see 2.3.2 and 2.9.4) while continuing to promote a range of low and zero carbon (LZC) technologies as a means to achieve this²⁶.

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-off²⁷, and are designed to prevent overheating and to avoid the need for artificial cooling of buildings.

4.12.4 To move towards more sustainable and zero carbon buildings in Wales, the Welsh Government expects that the following standards will be met²⁸:

- Applications for 5 or more dwellings received on or after **1st September 2009** to meet Code for Sustainable Homes Level 3 and obtain 6 credits under issue *Ene1- Dwelling Emission Rate*²⁹;
- Applications for 1 or more dwellings received on or after **1st September 2010** to meet Code for Sustainable Homes Level 3 and obtain 6 credits under issue *Ene1- Dwelling Emission Rate*³⁰;
- Dwellings registered under the Code for Sustainable Homes (Version 3) will be expected to meet Code for Sustainable Homes Level 3 and obtain 1 credit under issue *Ene1- Dwelling Emission Rate*;
- Applications received on or after *1st September 2009* for non residential development which will either have a floorspace of 1,000 m² or more, or will be carried out on a site having an area of one hectare or more³¹, to meet the Building Research Establishment Environmental Assessment Method (BREEAM) 'Very Good' standard and achieve the mandatory credits for 'Excellent' under issue *Ene1 - Reduction of CO₂ Emissions*^{32 33}.

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 (see 4.12.4) 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.

4.12.6 Applications that reflect the key principles of climate responsive developments and meet or exceed the standards set out in paragraph 4.12.4 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. 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 needs and interests of the Welsh language and in so doing can contribute to its well-being.

4.13.2 All local planning authorities should consider whether they have communities where the use of the Welsh language is part of the social fabric, and where this is so it is appropriate that this be taken into account in the formulation of land use policies. 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.

4.13.3 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. 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 should not seek to 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.



Figure 4.5 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, 4.12.6	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
4.12.4, 4.12.6	Climate responsive development and sustainable building standards

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

References

- ¹ [*One future - different paths: The UK's shared framework for sustainable development*](#), HM Government, Scottish Executive, Welsh Assembly Government, Northern Ireland office, 2005
- ² [*One Wales: One Planet: The Sustainable Development Scheme of the Welsh Assembly Government*](#), 2009
- ³ [*Programme for Government*](#), Welsh Government, 2011. The 'Environment and Sustainability' chapter includes a key action to: "Legislate to make sustainable development the central organising principle of the Welsh Government and public bodies in Wales."
- ⁴ [*One Wales: One Planet: The Sustainable Development Scheme of the Welsh Assembly Government*](#), 2009
- ⁵ [*One future - different paths: The UK's shared framework for sustainable development*](#), HM Government, Scottish Executive, Welsh Assembly Government, Northern Ireland office, 2005
- ⁶ [*Sustainable Development Indicators for Wales*](#)
- ⁷ [*Programme for Government*](#), Welsh Government, 2011
- ⁸ [*Programme for Government*](#), Welsh Government, 2011
- ⁹ [*Climate Change Strategy for Wales*](#), Welsh Assembly Government, 2010
- ¹⁰ [*The Stern Review on the Economics of Climate Change*](#), HM Treasury, 2006



- ¹¹ [United Kingdom Climate Impacts Programme](#)
- ¹² [The UK Climate Change Risk Assessment](#), Defra
- ¹³ ['Manual for Streets'](#), Department for Transport/Communities and Local Government/Welsh Assembly Government 2007 and ['Manual for Streets 2'](#), The Chartered Institute of Highways & Transportation 2010
- ¹⁴ [Designed for Life - A world class Health Service for Wales](#), Welsh Assembly Government, 2005
- ¹⁵ [The application of accessibility methodologies to land use planning](#), National Assembly for Wales 2001
- ¹⁶ [Transport Development Areas - a guide to good practice](#), RICS 2002
- ¹⁷ 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'.
- ¹⁸ [Agricultural Land Classification of England and Wales: revised guidelines and criteria for grading the quality of agricultural land](#), MAFF 1988 (currently published on Defra website)
- ¹⁹ [Agricultural Land Classification of England and Wales](#) (MAFF, 1988 - currently published on Defra website)
- ²⁰ [Technical Advice Note 6, Planning for Sustainable Rural Communities](#), Welsh Assembly Government 2010
- ²¹ [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 \(SI 2012/793\)](#)
- ²² [Technical Advice Note 12, Design](#), Welsh Assembly Government, 2009
- ²³ Welsh Office Circular 16/94, 'Planning out crime'.
- ²⁴ The definition of a 'living' design and access statement can be found in Appendix 1 of [Technical Advice Note 12, Design](#), Welsh Assembly Government 2009
- ²⁵ [Technical Advice Note 12, Design](#), Welsh Assembly Government 2009
- ²⁶ [Policy Statement - Welsh Assembly Government announces target for first changes to Welsh Building Regulations](#), Welsh Assembly Government, 2010.



- ²⁷ [Technical Advice Note 15, Development and Flood Risk](#), Welsh Assembly Government 2004
- ²⁸ [Technical Advice Note 22, Planning for Sustainable Buildings](#), Welsh Assembly Government 2010
- ²⁹ [Code for Sustainable Homes - Technical Guide](#), Communities and Local Government, 2009 & 2010
- ³⁰ [Code for Sustainable Homes - Technical Guide](#), Communities and Local Government, 2009 & 2010
- ³¹ This corresponds to parts (d) and (e) of the current definition of 'major development' at Article 2, paragraph 1, of the [Town and Country Planning \(Development Management Procedure\) \(Wales\) Order 2012 \(SI 801/110\)](#): development involving either "the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or development carried out on a site having an area of 1 hectare or more." Floor space means "the total floor space in a building or buildings"
- ³² Or an equivalent quality assured scheme.
- ³³ BREEAM Assessor Manual - see [BREEAM](#) website





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Planning Policy Wales



Chapter 5 Conserving and Improving Natural Heritage and the Coast

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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 inspiration¹. 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 coast². 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, the Countryside Council for Wales (CCW) and the voluntary sector. CCW 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^{3 4 5 6}

5.2.1 The United Kingdom has ratified the Biodiversity Convention⁷, 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 Act⁸ 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 unavoidable⁹. 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 woodlands¹⁰

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.

Commons¹¹

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 recognised¹² 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**^{13 14} 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 qualities¹⁵. 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 purposes¹⁶. National Park Authorities also have a duty to seek to foster the economic and social well-being of their local communities¹⁷.

5.3.5 The primary objective for designating AONBs is the conservation and enhancement of their natural beauty¹⁸. 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 purposes¹⁹.

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^{20 21 22 23 24 25} 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 CCW's LANDMAP information system²⁶ 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 2.4).

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 2000²⁷ network²⁸. 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 CCW and Environment Agency²⁹ 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 CCW 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 national³⁰ 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 interest³¹. 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 CCW, and must take its advice into account in deciding whether to grant planning permission and in attaching planning conditions³².

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 CCW if uncertain about the significance of a project's likely effect on the environment.

5.5.10 The Welsh Ministers, on the advice of CCW, 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 Convention³³.

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^{34 35 36}. 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 CCW 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 species³⁷ 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 derogation³⁸ 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'³⁹. Derogations are granted by a licence issued by the Welsh Government⁴⁰. 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 woods⁴¹

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 CCW, authorities should consult with CCW and, if relevant, the Forestry Commission, 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)^{42 43}. 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 Government published its ICZM strategy in March 2007⁴⁴.

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 manner⁴⁵.

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 coast⁴⁶. 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 back⁴⁷. Shoreline management plans will establish long-term local policy frameworks for the management of coastal risk⁴⁸. 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.

References

¹ *'Countryside for All Guide: Standards and guidelines - a good practice guide to disabled peoples' access to the countryside'*, Fieldfare Trust, 1997

² 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.

³ *'Conserving Biodiversity - the UK Approach' (2007)*

- ⁴ *'Biodiversity: The UK Steering Group Report'*, HMSO, 1995.
- ⁵ *'Government Response to the UK Steering Group Report on Biodiversity'*, Cm 3260, HMSO, 1996.
- ⁶ *'Sustaining the variety of life: five years of the UK Biodiversity Action Plan'*, DETR, 2001.
- ⁷ *United Nations Convention on Biological Diversity*, 1992
- ⁸ *The Natural Environment and Rural Communities Act 2006*, S40(1)
- ⁹ *Planning for Biodiversity Good Practice Guide*, David Tyldesley and RTPI, 1999
- ¹⁰ *'Woodlands for Wales - The Welsh Government's Strategy for Woodlands and Trees'*, Welsh Government, 2009
- ¹¹ *Commons Act 2006*;
- The Commons Act 2006 (Commencement No 1, Transitional Provisions and Savings) (Wales) Order 2007* - SI 2007 No. 2386 (W.197) (C.88)
- The Commons (Registration of Town or Village Greens) (Interim Arrangements) (Wales) Regulations 2007* - SI 2007 No.2396 (W.198)
- The Works on Common Land, etc. (Procedure) (Wales) Regulations 2012* - SI 2012 No. 737 (W.97)
- The Deregistration and Exchange of Common Land and Greens (Procedure) (Wales) Regulations 2012* - SI 2012 No. 738 (W.98)
- The Commons Act 2006 (Commencement No. 2, Transitional Provisions and Savings) (Wales) Order 2012* - SI 2012 no. 739 (W.99)
- The Commons (Deregistration and Exchange Orders) (Interim Arrangements) (Wales) Regulations 2012* - SI 2012 No. 740 (W.100)
- ¹² In line with the provisions of the European Landscape Convention
- ¹³ 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
- ¹⁴ National Parks: see Part II of the *National Parks and Access to the Countryside Act 1949* and Part III of the *Environment Act 1995*
- ¹⁵ *Environment Act 1995* S.61

- ¹⁶ Environment Act 1995, S62
- ¹⁷ Environment Act 1995, S.62.
- ¹⁸ National Parks and Access to the Countryside Act 1949, S.5
- ¹⁹ Countryside and Rights of Way Act, 2000, S.85
- ²⁰ Wildlife and Countryside Act, 1981
- ²¹ Technical Advice Note 5, 'Nature Conservation and Planning', Welsh Government , 2009
- ²² EC Directive 1992/43/EEC on Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive), as amended
- ²³ EC Directive 2009/147/EEC on the Conservation of Wild Birds (codified Birds Directive)
- ²⁴ Convention on Wetlands of International Importance especially as Waterfowl Habitat, (Ramsar Convention 1971 as amended)
- ²⁵ Conservation (Natural Habitats, &c) Regulations 1994 (SI 1994/2716) (as amended)
- ²⁶ 'The LANDMAP Information System - LANDMAP methodology', Countryside Council for Wales 2001
- ²⁷ Natura 2000 is a coherent European ecological network of sites designated for nature conservation. The network comprises Special Areas of Conservation (SACs) hosting the habitat types listed in Annex I and habitats of the species listed in Annex II of the Habitats Directive and the Special Protection Areas (SPAs) classified under the Birds Directive.
- ²⁸ Habitats Directive, Article 10
- ²⁹ A new single body for Wales will combine the existing functions of the Countryside Council for Wales and the Welsh devolved functions of the Environment Agency and the Forestry Commission. The body was legally established on 9 July 2012 to enable it to undertake preparatory work to ensure it will be able to carry out the functions that will be transferred to it when it becomes fully operational on 1 April 2013. The body has the working title of the Natural Resources Body for Wales.
- ³⁰ 'National' in this context means UK.
- ³¹ Wildlife and Countryside Act, 1981 as amended by Sch. 9 of the Countryside and Rights of Way Act, 2000

- ³² [The Town and Country Planning \(General Development Procedure\) Order 1995](#) (SI 1995/419 as amended), Article 10
- ³³ The Joint Nature Conservation Committee (JNCC) website provides details of [SAC](#) and [SPA](#) lists and a list of [Ramsar](#) sites.
- ³⁴ [Conservation \(Natural Habitats, &c\) Regulations 1994](#) (SI 1994/2716) (as amended)
- ³⁵ [Wildlife and Countryside Act, 1981](#)
- ³⁶ [Protection of Badgers Act, 1992](#)
- ³⁷ Species listed in Habitat Regulations (SI 1994/2716), Schedules 2 and 4
- ³⁸ A derogation is an authorised departure from the system of protection.
- ³⁹ [Conservation \(Natural Habitats, &c\) Regulations 1994](#) (SI 1994/2716) (as amended), Reg. 44
- ⁴⁰ Section 6.3 of [Technical Advice Note 5, 'Nature Conservation and Planning'](#), Welsh Government, 2009
- ⁴¹ [Technical Advice Note 10, 'Tree Preservation Orders'](#), National Assembly for Wales, 1997
- ⁴² Communication from the Commission to the Council and the European Parliament, ['Integrated Coastal Zone Management: A Strategy for Europe'](#) (COM/2000/547)
- ⁴³ [Recommendation of the European Parliament and of the Council Recommendation of the 30th May 2002 concerning the implementation of Integrated Coastal Zone Management in Europe 2002/413/EC](#)
- ⁴⁴ ['Making the most of Wales' coast - The Integrated Coastal Zone Management Strategy for Wales'](#) Welsh Government 2007
- ⁴⁵ Provisions of the [Marine and Coastal Access Act 2009](#) will have implications for local planning authorities in coastal areas of Wales.
- ⁴⁶ [Technical Advice Note \(Wales\) 14, 'Coastal Planning'](#), National Assembly for Wales, 1998
- ⁴⁷ 'Strategy for Flood and Coastal Defence in England and Wales', MAFF / Welsh Office, 1993 - this guidance will be refreshed under the new approaches to flood and coastal risk management programme outlined in the [Cabinet Written Statement of 17 September 2007 'Flood Risk Management in Wales'](#).
- ⁴⁸ Defra published revised guidance on the preparation of [Shoreline Management Plans](#) in 2007



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Chapter 6 Conserving the Historic Environment

Credits

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6.1 Objectives

6.1.1 It is important that the historic environment^{1 2 3 4} - encompassing archaeology and ancient monuments⁵, listed buildings⁶, 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 Ministers⁷.



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^{8 9 10} 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'¹¹. Authorities should advise Cadw when conservation areas are designated¹².

6.3.2 Local planning authorities are required to formulate and publish proposals for the preservation or enhancement of conservation areas¹³. 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 functions¹⁴.

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'¹⁵ 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 taken¹⁶. 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 party¹⁷.

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 works¹⁸. 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^{19 20}. Once a building is listed (or is the subject of a building preservation notice) consent is required²¹ 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 consent²². 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 undertaker²³.

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^{24 25} 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 **demolition²⁶ of unlisted buildings within conservation areas²⁷**. 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 Orders²⁸.

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 gardens²⁹

6.5.24 **World Heritage Sites**³⁰ 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 Register³¹. 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.



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

- ¹ [*Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012*](#), SI No. 2012/793
- ² Welsh Office Circular 61/96, [*'Planning and the Historic Environment: Historic Buildings and Conservation Areas'*](#)
- ³ Welsh Office Circular 1/98, [*'Planning and the Historic Environment: Directions by the Secretary of State for Wales'*](#)
- ⁴ [*Technical Advice Note 12, 'Design'*](#), Welsh Assembly Government, 2009
- ⁵ [*Ancient Monuments and Archaeological Areas Act 1979*](#)
- ⁶ [*Planning \(Listed Buildings and Conservation Areas\) Act 1990*](#)
- ⁷ [*Planning \(Listed Buildings and Conservation Areas\) \(Wales\) Regulations 2012*](#), SI No. 2012/793
- ⁸ [*Planning \(Listed Buildings and Conservation Areas\) Act 1990*](#), Section 70(5)
- ⁹ Welsh Office Circular 61/96, [*'Planning and the Historic Environment: Historic Buildings and Conservation Areas'*](#)
- ¹⁰ Welsh Office Circular 29/95, [*'General Development Order Consolidation 1995'*](#)
- ¹¹ [*Planning \(Listed Buildings and Conservation Areas\) Act 1990*](#), Section 69
- ¹² [*Planning \(Listed Buildings and Conservation Areas\) Act 1990*](#), Section 70(5)
- ¹³ [*Planning \(Listed Buildings and Conservation Areas\) Act 1990*](#), Section 71
- ¹⁴ [*Landscape Character Assessment*](#) has important application in the implementation of the European Landscape Convention in the UK
- ¹⁵ [*'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



- ¹⁶ Welsh Office Circular 61/96, ['Planning and the Historic Environment: Historic Buildings and Conservation Areas'](#)
- ¹⁷ Welsh Office Circular 60/96, ['Planning and the Historic Environment: Archaeology'](#)
- ¹⁸ [Ancient Monuments \(Class Consents\) Order 1994 \(SI 1994/1381\)](#)
- ¹⁹ Welsh Office Circular 1/98, ['Planning and the Historic Environment: Directions by the Secretary of State for Wales'](#)
- ²⁰ [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#), Section 13
- ²¹ [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#), Section 7
- ²² Welsh Office Circular 61/96, ['Planning and the Historic Environment: Historic Buildings and Conservation Areas'](#)
- ²³ [Town and Country Planning \(General Permitted Development\) Order 1995 \(SI 1995/418\)](#), Article 4
- ²⁴ Welsh Office Circular 61/96, ['Planning and the Historic Environment: Historic Buildings and Conservation Areas'](#)
- ²⁵ [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- ²⁶ [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#), Section 74
- ²⁷ [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#), Section 75
- ²⁸ Welsh Office Circular 64/78, ['Trees and Forestry'](#)
- ²⁹ The provisions of the [European Landscape Convention](#) are relevant in considering the impacts of development on world heritage sites and historic landscapes
- ³⁰ Welsh Office Circular 61/96, ['Planning and the Historic Environment: Historic Buildings and Conservation Areas'](#)
- ³¹ [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



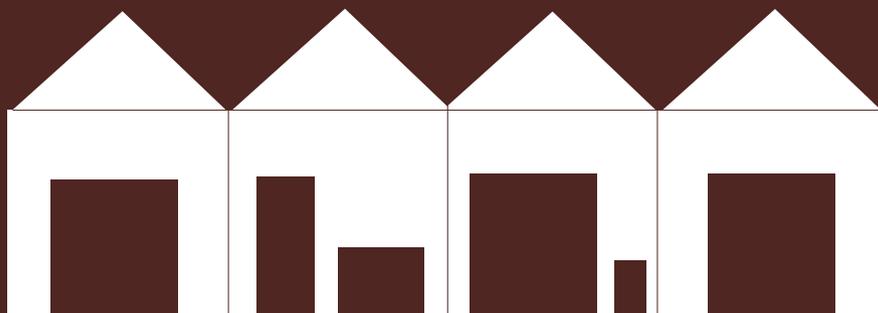


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Planning Policy Wales



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.

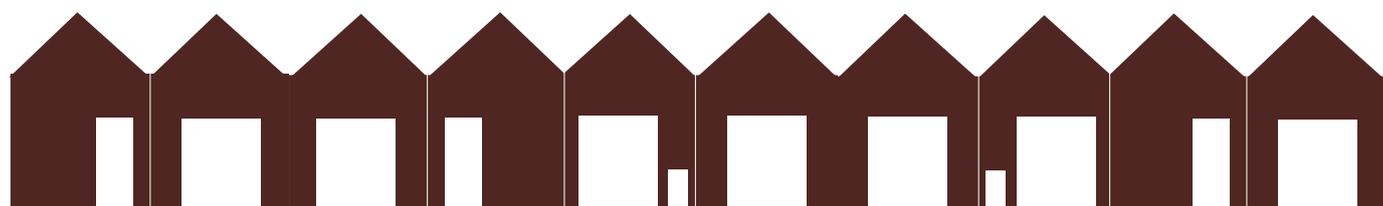
7.1.2 It is essential that the planning system considers, and makes provision for, the needs of the entire economy and not just those uses defined under parts B1-B8 of the Town and Country Planning Use Classes Order. Particular policies on other economic sectors are also found elsewhere in *Planning 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.



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. Further guidance on the preparation and use of Employment Land Reviews will be provided by a new Technical Advice Note (forthcoming), *Planning for Economic Development*, which will explain how to gather the necessary evidence for development plan preparation. 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.

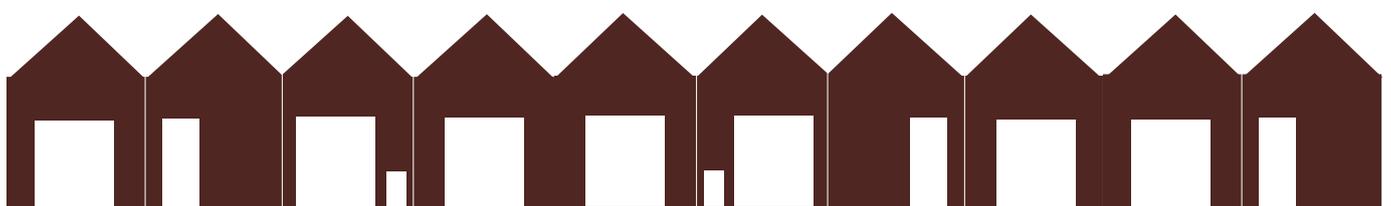
7.2.2 Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions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

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**¹ and **Local Development Orders**² 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 effects³. 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 Wales⁴.

7.3.2 While some employment can be created in rural locations by the re-use of existing buildings, 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, 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.

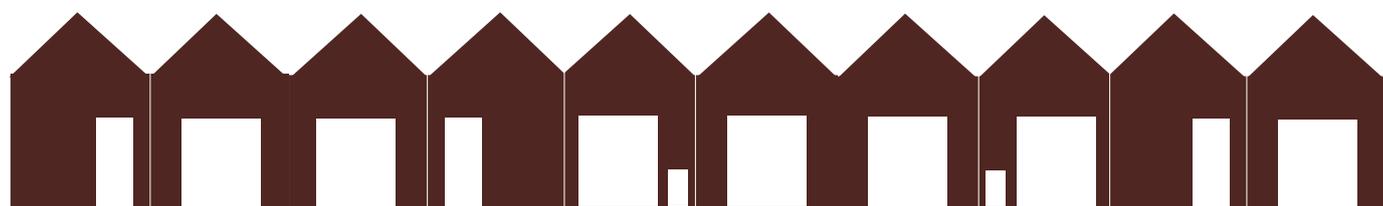
7.3.3 Local planning authorities should adopt a positive approach to development associated with farm diversification in rural areas, irrespective of whether farms are served by public transport. While initial consideration should be given to adapting existing farm buildings, the provision of a sensitively 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.

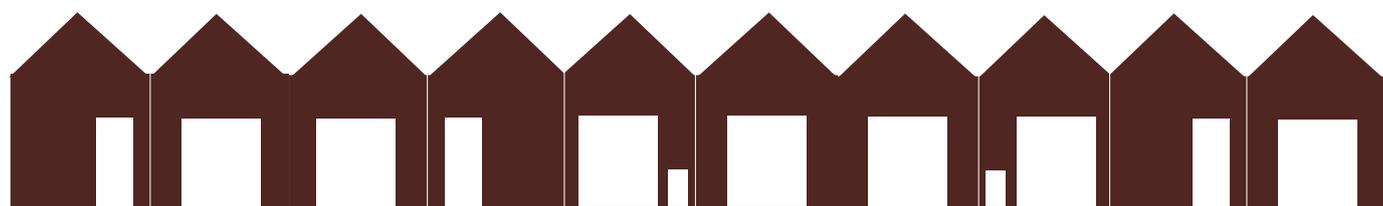
7.6.5 Local planning authorities should adopt a constructive approach towards **agricultural development proposals**, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In addition they should adopt a positive approach to the conversion of rural buildings for business re-use⁵.

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

- ¹ Technical Advice Note 3, *Simplified Planning Zones*, Welsh Assembly Government, 1996
- ² Welsh Government Circular 03/2012 - *Guidance on using a Local Development Order*, April 2012 and *The Town and Country Planning (Development Management Procedure) (Wales) Order 2012*, SI 2012/801(W.110)
- ³ Technical Advice Note 6, *Planning for Sustainable Rural Communities*, Welsh Assembly Government, 2010
- ⁴ Technical Advice Note 6, *Planning for Sustainable Rural Communities*, Welsh Assembly Government, 2010
- ⁵ Technical Advice Note 6, *Planning for Sustainable Rural Communities*, Welsh Assembly Government, 2010





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Planning Policy Wales



Chapter 8 Transport

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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 travel¹. 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 improving regional and national transport, and improving accessibility². 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).

8.1.3 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.

8.1.4 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.

8.1.5 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 Maps³. 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 measures⁴. 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.

8.1.6 Local authorities should ensure that when planning transport centred projects their approach is compatible with the Welsh Transport Appraisal Guidance (WelTAG)⁵. They should ensure that the full range of possible solutions, including solutions other than road enhancement, is considered.

8.1.7 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 levels⁶. 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.

8.1.8 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 met⁷. 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^{8 9}. 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 walking and cycling

8.2.1 Walking should be promoted for shorter trips. The impact of policies and development on pedestrians should be considered. Planning authorities should promote specific measures to assist pedestrians including the provision of safe, convenient and well-signed routes.

8.2.2 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. The 'Walking and Cycling Action Plan for Wales 2009-13' adopts a target to triple both the percentage of children cycling to school and the percentage of adults whose main mode of travel to work is cycling¹⁰. Local authorities should 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 improvements¹¹.

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 network¹². 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 authorities¹³. 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 purposes¹⁴.

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.^{15 16} 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 walking and cycling;
- 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 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 generated¹⁷ (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 ² gross floor area
Non-food retail	> 1,000m ² gross floor area
Cinemas and conference facilities	> 1,000m ² gross floor area
Leisure facilities	> 1,000m ² gross floor area
Business	> 2,500m ² gross floor area
Industry	> 5,000m ² gross floor area
Distribution and warehousing	> 10,000m ² gross floor area
Hospitals	> 2,500m ² gross floor area
Higher and further education	> 2,500m ² gross floor area
Schools	All new schools
Stadia	> 1,500 seats
Housing	> 100 dwellings
Hotels	> 1,000m ² 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 Plans¹⁸.



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 road¹⁹.

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
8.1.2, 8.1.5	Regional Transport Plan proposals
8.2.2	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
8.1.5	Regional Transport Plan proposals
8.2.1, 8.6.2	Measures to assist pedestrians
8.2.2, 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



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
8.2.1	Promoting walking
8.2.2	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

- ¹ [One Wales: Connecting the Nation - The Transport Strategy, Welsh Assembly Government 2008](#)
- ² [One Wales: A progressive agenda for the Government of Wales, Welsh Assembly Government 2007](#)
- ³ 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](#) (as amended by the [Environmental Noise \(Wales\) \(Amendment\) Regulations 2009 \(SI2009/47\)](#)). See also [Welsh Statutory Instrument 2007 No. 3519 \(W.311\) The Environmental Noise \(identification of Noise Sources\) \(Wales\) Regulations 2007](#)
- ⁴ [Guidance on Regional Transport Plans in Wales, Welsh Assembly Government 2007](#)
- ⁵ [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.
- ⁶ [Road Traffic Reduction Act, 1997](#)
- ⁷ [Environment Act 1995, Section IV, Air Quality](#)
- ⁸ ['The Air Quality Strategy for England, Scotland, Wales and Northern Ireland'](#) HMSO 2007
- ⁹ [Air Quality \(Wales\) Regulations 2000 \(SI 2000/1940\)](#), HMSO 2000 (Wales), as amended
- ¹⁰ [A Walking and Cycling Action Plan for Wales 2009-13](#), Welsh Assembly Government 2008
- ¹¹ [Technical Advice Note \(Wales\) 18, 'Transport'](#), Welsh Assembly Government 2007
- ¹² [The Trunk Road Forward Programme](#), Welsh Assembly Government 2002 and 2004 update
- ¹³ [One Wales: Connecting the Nation - The Wales Freight Strategy](#), Welsh Assembly Government 2008
- ¹⁴ [Technical Advice Note \(Wales\) 14, 'Coastal Planning'](#), Welsh Office 1998



¹⁵ [Technical Advice Note \(Wales\) 11, 'Noise'](#), Welsh Office 1997

¹⁶ [Welsh Statutory Instrument 2006 No. 2629 \(W.225\) The Environmental Noise \(Wales\) Regulations 2006](#). See also [Welsh Statutory Instrument 2007 No. 3519 \(W.311\) The Environmental Noise \(identification of Noise Sources\) \(Wales\) Regulations 2007](#)

¹⁷ Including noise, as required by Environmental Noise Regulations

¹⁸ [Technical Advice Note 18, Transport](#), Welsh Assembly Government 2007

¹⁹ ['Manual for Streets'](#), Department for Transport / Communities and Local Government / Welsh Assembly Government 2007 and ['Manual for Streets 2'](#), The Chartered Institute of Highways & Transportation 2010





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Chapter 9 Housing

Credits

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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 Strategy¹, 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 4.3) is used in preference to greenfield sites;
- new housing and residential environments are well designed^{2 3}, meeting national standards for the sustainability of new homes⁴ 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 by using nationally prescribed sustainable building standards (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^{5 6}; and
- 'barrier free' housing developments, for example built to Lifetime Homes standards⁷.



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)**⁸. 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 provision⁹

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*¹⁰;
- *Statutory Code of Practice on Racial Equality in Housing - Wales*¹¹;
- the Welsh Government's latest household projections;
- local housing strategies;
- community strategies;
- local housing requirements (needs and demands)¹²;
- 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, including sustainable building standards (see 4.12), 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 The latest Welsh Government local authority level Household Projections for Wales should form the starting point for **assessing housing requirements**. Household projections provide estimates of the future numbers of households and are based on population projections and



assumptions about household composition and characteristics. Local planning authorities should consider the appropriateness of the projections for their area, based upon all sources of local evidence, including the need for affordable housing identified by their Local Housing Market Assessment. Where housing market areas cross local authority boundaries, authorities may wish to consult with neighbouring authorities in addressing their housing requirements. Where local planning authorities seek to deviate from the Welsh Government projections, they must justify their own preferred policy-based projections by explaining the rationale behind them in terms of the issues listed at paragraph 9.2.1 above. In estimating housing requirements local planning authorities should integrate the provisions of their local housing strategies with the relevant provisions of their development plans. Effective monitoring of these issues is essential in order to ensure that there is an adequate and continuing supply of land and buildings for housing and to enable their managed release.

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 Study¹³. 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 constrained¹⁴.

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 policy¹⁵.

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 risk¹⁶, 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**¹⁷ 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 developments¹⁸.

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 sought¹⁹. 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**²⁰. 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**²¹. It is therefore important that local planning authorities have policies for the provision of



Gypsy sites in their development plans²². 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 Scheme²³.

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 dwellings²⁴ 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 6²⁵ 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**.²⁶

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.

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

- ¹ [*Improving Lives and Communities - Homes in Wales*](#), Welsh Assembly Government, 2010
- ² [*Better Places to Live by Design: A Companion Guide to PPG3*](#), DTLR, 2001
- ³ [*Technical Advice Note 12, Design*](#), Welsh Assembly Government 2009
- ⁴ [*The Code for Sustainable Homes*](#), Communities and Local Government, 2010
- ⁵ [*Technical Advice Note 8, Planning for Renewable Energy*](#), Welsh Assembly Government, 2005
- ⁶ [*Technical Advice Note 12, Design*](#), Welsh Assembly Government 2009
- ⁷ 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.
- ⁸ [*Local Housing Market Assessment Guide*](#), Welsh Assembly Government, 2006
[*Getting Started with your Local Housing Market Assessment - A Step-by-step Guide*](#), Welsh Government, 2012
- ⁹ [*Local Development Plans Manual*](#), Welsh Assembly Government 2006
- ¹⁰ [*People, Places, Futures - The Wales Spatial Plan*](#), Welsh Assembly Government 2004 and 2008 update
- ¹¹ [*Statutory Code of Practice on Racial Equality in Housing - Wales*](#), Commission for Racial Equality, 2006
- ¹² [*Local Housing Market Assessment Guide*](#), Welsh Assembly Government 2006
- ¹³ [*Technical Advice Note 1, Joint Housing Land Availability Studies*](#), Welsh Assembly Government 2006
- ¹⁴ See [*speech by Jane Davidson AM, Minister for Environment, Sustainability and Housing at the WLGA 'Planning: Delivering Affordable Housing' seminar, October 2007*](#)
- ¹⁵ [*A Guide to the Examination of Local Development Plans*](#), Planning Inspectorate Wales 2006
- ¹⁶ [*Technical Advice Note 15, Development and Flood Risk*](#), Welsh Assembly Government 2004



¹⁷ [Technical Advice Note 2, Planning and Affordable Housing](#), Welsh Assembly Government 2006

¹⁸ [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. [The Affordable Housing Delivery Statements Guidance \(Welsh Assembly Government, February 2009\)](#) also addresses the supply of affordable housing and aims to fill local authorities' policy gaps until LDP adoption.

¹⁹ 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

²⁰ These terms are defined in Technical Advice Note 2, paragraphs 10.3 -10.10

²¹ [Housing Act 2004](#), sections 225 and 226

²² [Welsh Assembly Government Circular 30/2007, Planning for Gypsy and Traveller Caravan Sites](#)

²³ Appendix F of the Local Housing Market Assessment Guide provides advice about how such assessments should be undertaken.

²⁴ [Practice Guidance - Rural Enterprise Dwellings, Technical Advice Note 6, Planning for Sustainable Rural Communities](#), Welsh Government 2011

²⁵ [Technical Advice Note 6, Planning for Sustainable Rural Communities](#), Welsh Assembly Government 2010

²⁶ [Technical Advice Note 6, Planning for Sustainable Rural Communities](#), Welsh Assembly Government 2010

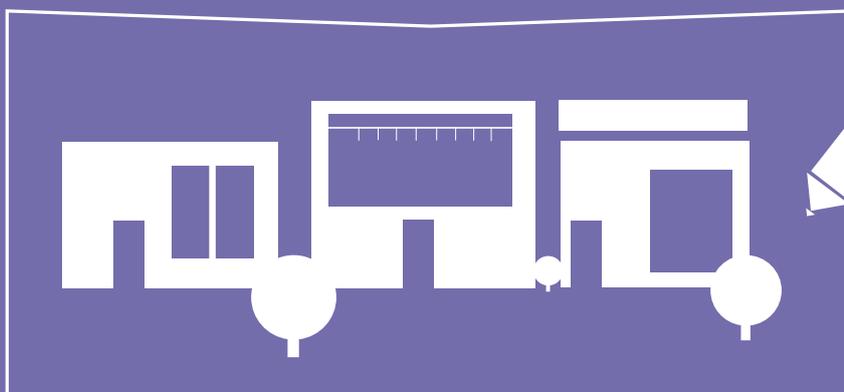




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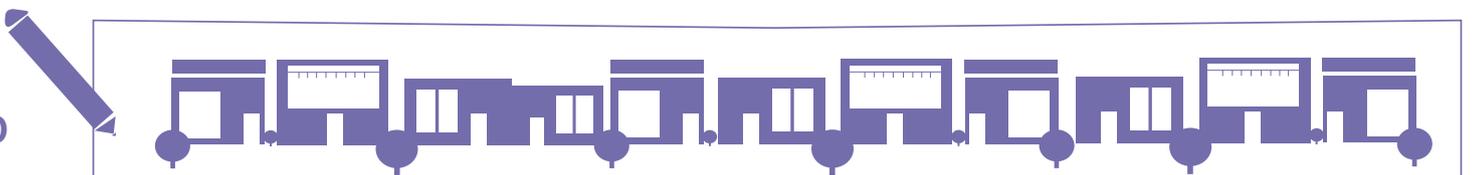
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Planning Policy Wales



Chapter 10 Planning for Retail and Town Centres

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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.

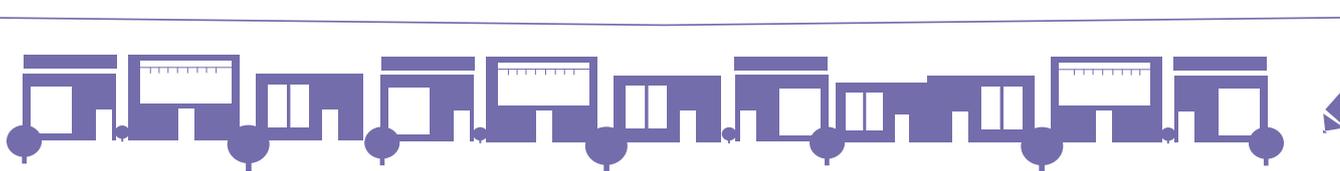
10.1.2 Wherever possible this provision should be located in proximity to other commercial businesses, facilities for leisure, community facilities and employment. Town, district, local and village centres are the best locations for such provision at an appropriate scale. Such co-location of retail and 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.

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 centres¹.

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 management².

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	Paragraph
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

¹ [Technical Advice Note 12, Design](#), Welsh Assembly Government 2009

² [Technical Advice Note \(Wales\) 4, Retailing and Town Centres](#), Welsh Office 1996

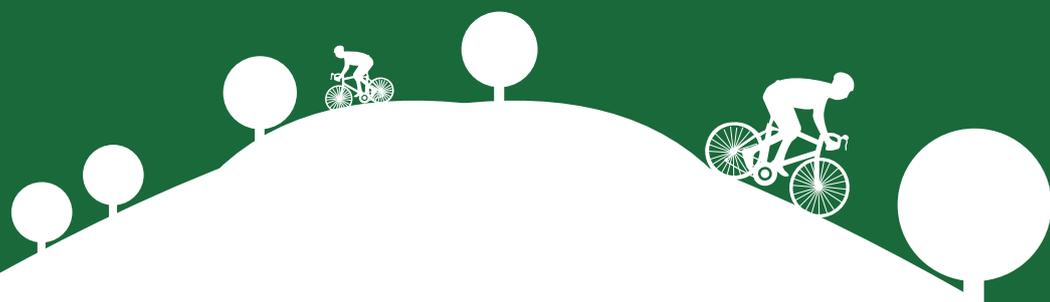




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Chapter 11 Tourism, Sport and Recreation

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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 objectives for tourism are :

- to encourage sustainable tourism in Wales, promoting local prosperity and supporting community well-being and involvement, while protecting and giving value to natural heritage and culture^{1 2}; and
- to manage the tourism sector in ways which minimise environmental impact.

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 communities³. 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 Wales⁴.



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 areas⁵), 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 transport⁶. 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^{7 8}. (And see 8.1.4, 8.2.2 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

- ¹ *'Achieving Our Potential 2006-13: Tourism Strategy for Wales Midterm Review'* and *'Sustainable Tourism: A Framework for Wales'*, Welsh Assembly Government 2007
- ² *Technical Advice Note (Wales) 13, Tourism*, Welsh Office 1997; and see *'Good Practice Guide on Planning for Tourism'*, DCLG, 2006
- ³ *'Climbing Higher: The Welsh Assembly Government Strategy for Sport and Physical Activity'*, Welsh Assembly Government, 2005
- ⁴ *'Sustainable Tourism: A Framework for Wales'*, Welsh Assembly Government 2007
- ⁵ *Coastal Tourism Strategy*, Welsh Assembly Government 2008
- ⁶ *Technical Advice Note 16, Sport, Recreation and Open Space*, Welsh Assembly Government 2009



⁷ *The Countryside and Rights of Way Act 2000*

⁸ *'Waterways for Wales: The Way Forward'*, British Waterways, 2004





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Planning Policy Wales



Chapter 12 Infrastructure and Services

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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 available¹;
- 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 reduce, re-use, 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 the Environment Agency² 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 available³, taking into account the effects that a changing climate may have over the lifetime of development.



12.2.2 The EU Water Framework Directive⁴ 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 efficiency⁵ 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 planning⁶ (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 feasible⁷. 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 appropriate⁸ (see 13.3 to 13.4).



12.5 Planning to reduce and manage waste

12.5.1 Local planning authorities are obliged by the EC Framework Directive on waste⁹ to make provision for establishing an integrated and adequate network of waste disposal installations. They are also required, in conjunction with the Environment Agency¹⁰ which issues waste management licences and pollution control permits (see Chapter 13), to ensure that waste is recovered or disposed of without harming the environment, without endangering human health, without risk to water, air, soil, plants or animals, without causing a nuisance through noise or odours, and without adversely affecting the countryside or places of special interest, including areas of acknowledged importance in relation to the natural and cultural heritage.

12.5.2 The Welsh Government's general policy towards waste management is based on a hierarchy of reduction, re-use and material recovery (including recycling and composting), energy recovery with effective use of waste heat, and safe disposal. A sustainable approach to waste management will require greater emphasis on reduction, re-use and recovery and less reliance on disposal without recovery, and the consideration of the Best Practicable Environmental Option (BPEO) which is one of the key mechanisms used to guide waste management options. BPEO is site specific and subject to local circumstances. The technique can be supplemented by assessment of the most sustainable waste management option (SWMO), which incorporates social and economic impacts¹¹.

12.5.3 Waste should be managed (or disposed of) as close to the point of its generation as possible, in line with the proximity principle. This is to ensure, as far as is practicable, that waste is not exported to other regions. It also recognises that transportation of wastes can have significant environmental impacts. The waste hierarchy, the proximity principle and regional self-sufficiency should all be taken into account during the determination of the BPEO for the network of waste management installations that provides the best solution to meet environmental, social and economic needs.

12.5.4 In Wales, the aim should be to provide sufficient facilities to treat, manage, or dispose of all the waste produced. Each local authority should consider what facilities are required to manage all waste streams generated within its area, although it may be necessary for some facilities (such as facilities for managing special or clinical waste) to be shared. Local authorities should co-operate through joint working arrangements¹² to produce regional waste plans in order to provide Wales with an integrated and adequate framework or network of facilities that is actually achieved, thus meeting the requirements of the EC Directive. Local authorities should encourage any necessary movement of waste by rail and water rather than by road wherever economically feasible and have regard to the proximity principle.



12.5.5 The Environment Agency¹³ has a statutory role in relation to the management and regulation of waste and the collection of waste production and management data. The Agency also has a statutory role in development planning for waste management through consultation on individual plans and as a consultee on certain planning applications. The Environment Agency will contribute to the development and implementation of the joint working arrangements.

12.6 Development plans and waste planning

12.6.1 Local planning authorities must have regard to the national waste strategy¹⁴ in formulating their development plans. They must ensure that policies in development plans facilitate the delivery of the waste management objectives in the Waste Strategy for Wales and meet the obligations required by European legislation¹⁵.

12.6.2 Development plan policies should demonstrate how the objectives in the national waste strategy have been taken into account. Development plans should identify sites for waste facilities or areas where such facilities may be suitable. Development plans should show the regard that the authority has had to any regional waste plan¹⁶ and any waste management and recycling plans relevant to its area. Policies proposing any major new development should incorporate adequate and effective waste management facilities.

12.7 Development Management and waste planning

12.7.1 Decisions on planning applications should have regard to the waste management objectives in the national waste strategy. The environmental impact of proposals for waste management facilities must be adequately assessed, supported by independent surveys where appropriate, to determine whether a planning application is acceptable and, if the adverse impacts on amenity cannot be mitigated, planning permission should be refused. Adequate facilities for the collection, composting and recycling of waste materials should be incorporated into the design of any major development (see 4.11).

12.7.2 Local planning authorities and the Environment Agency¹⁷ are expected to work closely together to ensure that conditions attached to planning consents, those attached to waste management licences and those attached to consents from other pollution control regimes are complementary and do not duplicate one another.

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 2020¹⁸. The UK Renewable Energy Strategy (2009) and the UK National Renewable Energy Action Plan (2010) sets the path for the delivery of these targets, promoting renewable energy to reduce global warming and to secure



future energy supplies¹⁹. 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). The Welsh Government's Energy Policy Statement (2010)²⁰ identifies the sustainable renewable energy potential for a variety of different technologies as well as establishing our commitment to energy efficiency. It explains our aim by 2050, at the latest, to be in a position where almost all of our local energy needs can be met by low carbon electricity production. Our approach is to reduce energy consumption and improve energy efficiency first and maximise renewable and low carbon energy generation at every scale across Wales. This is part of a concerted effort to tackle climate change in Wales (see 4.5)²¹.

12.8.2 The Welsh Government's Energy Policy Statement identifies Wales' sustainable renewable energy potential to 2020/2025 which is shown in figure 12.1. Planning policy at all levels should facilitate delivery of both the Welsh Government's overall Energy Policy Statement, and UK and European targets on renewable energy. The Renewable Energy Directive²² 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 Energy²³, TAN22²⁴ and Planning for Renewable Energy - A Toolkit for Planners²⁵. The Welsh Government will however consider the preparation of further targeted guidance where appropriate.

Figure 12.1 Wales' sustainable renewable energy potential to 2020/2025:

Technology	Capacity either operational or consented (GW)	Total capacity (GW)	Load factor (%)	Annual output (TWhr)	Deliverable in main by	kWh/d/p in Wales
Onshore wind	0.7	2	30	5	2015/17	4.5
Offshore wind	0.9	6	40	21 (of which 20% is shared with England)	2015/16	15.5
Biomass (electricity)	0.5	1	75	7	2020	3 imports and 3 indigenous
Tidal range	0	8.5	25	18 (of which 50% is shared with England)	2022	8
Tidal stream/wave	0	4	25	9	2025	8

Technology	Capacity either operational or consented (GW)	Total capacity (GW)	Load factor (%)	Annual output (TWhr)	Deliverable in main by	kWh/d/p in Wales
Local electricity generation (mainly PV/wind/hydro)	Data currently not available	1	10	1	2020	1
Electricity subtotals in Wales	2GW	22.5GW	-	48		43

Source: *A Low Carbon Revolution - The Welsh Assembly Government Energy Policy Statement, Welsh Assembly Government (March 2010)*

12.8.3 The delivery mechanisms for most of these 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 12.2 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, whilst avoiding, and where possible minimising environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production. 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 development²⁶.

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 production²⁷.

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 Regulations²⁸.

12.8.12 The potential for renewable and low carbon energy in Wales as established in the Energy Policy Statement (see Figure 12.1) demonstrates that strategic scale wind energy continues to offer the greatest potential (for activities within the control of the planning system in Wales). 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 (see Figure 12.1); 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 renewable energy aspirations 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)²⁹.

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 considerations³⁰. For planning purposes the following scales are considered:

Figure 12.3 - 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 Tariffs³¹ 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 projects³² 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 Most forms of domestic small scale (micro generation) equipment, currently benefit from permitted development rights and usually, do not require planning permission, subject to specific criteria^{33 34}.

12.8.21 The Welsh Government's Energy Policy Statement identifies Wales' greatest potential for renewable energy to come from offshore development. Offshore renewable energy developments over 1MW require consent from the Marine Management Organisation (MMO)³⁵. 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 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 possible³⁶.

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 national³⁷, 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 13/97³⁸.



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 Telecommunications³⁹

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 rights⁴⁰, which may be subject to the local planning authority's prior approval of details of siting and appearance⁴¹. 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)⁴² 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 124 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 sites for waste facilities
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 estates⁴³.

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
12.6.2	Waste management
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	Waste management
12.7.1	Waste facilities and major developments
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

- ¹ *'Water for People and the Environment - Water Resources Strategy for Wales'*, Environment Agency Wales, 2009
- ² A new single body for Wales will combine the existing functions of the Countryside Council for Wales and the Welsh devolved functions of the Environment Agency and the Forestry Commission. The body was legally established on 9 July 2012 to enable it to undertake preparatory work to ensure it will be able to carry out the functions that will be transferred to it when it becomes fully operational on 1 April 2013. The body has the working title of the Natural Resources Body for Wales.
- ³ *'Water for People and the Environment - Water Resources Strategy for Wales'*, Environment Agency Wales, 2009
- ⁴ 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)
- ⁵ *Technical Advice Note 12, 'Design'*, Welsh Assembly Government 2009
- ⁶ *Protocol on Design, Construction and Adoption of Sewers in England and Wales*, Defra, DfT, Welsh Assembly Government et al, April 2002 (corrected version published in September 2007)
- ⁷ Welsh Office Circular 10/99, 'Planning requirements in respect of the use of non-mains sewerage, incorporating septic tanks in new development'



- ⁸ [Technical Advice Note 15, 'Development and Flood Risk'](#), 2004 provides further advice on sustainable drainage systems
- ⁹ [EC Framework Directive for Waste 2006/12/EC](#) (codified version of Directive 75/442/EEC, as amended by EC Directives [91/156/EEC](#) and [91/692/EEC](#))
- ¹⁰ See ² above
- ¹¹ [Technical Advice Note 21, 'Waste'](#), National Assembly for Wales 2001 and [Regional Waste Plans](#)
- ¹² [Technical Advice Note \(Wales\) 21, 'Waste'](#), National Assembly for Wales, 2001
- ¹³ See ² above
- ¹⁴ ['Wise about Waste - The National Waste Strategy for Wales'](#), Welsh Assembly Government, 2002. ['Waste Strategy 2009-2050 - Towards Zero Waste'](#) and associated Sector Plans
- ¹⁵ [EC Landfill Directive, Directive 1999/31/EC](#) and [EC Framework Directive for Waste, 2006/12 /EC](#) (codified version of Directive 75/442/EEC as amended by EC Directives [91/156/EEC](#) and [91/692/EEC](#))
- ¹⁶ [Technical Advice Note 21, 'Waste'](#), National Assembly for Wales, 2001 and Policy Clarification Letter CL-01-12 - Publication of Collections, Infrastructure and Markets Sector Plan, Welsh Government, 2012
- ¹⁷ See ² above
- ¹⁸ [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
- ¹⁹ ['The UK Renewable Energy Strategy'](#), Department for Energy and Climate Change , 2009
- ²⁰ ['A Low Carbon Revolution - The Welsh Assembly Government Energy Policy Statement'](#), The Welsh Assembly Government, 2010
- ²¹ ['Climate Change Strategy for Wales'](#), Welsh Assembly Government 2010
- ²² 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



- 23 ['Technical Advice Note 8 - Planning For Renewable Energy'](#), Welsh Assembly Government 2005
- 24 ['Technical Advice Note 22 - Planning for Sustainable Buildings'](#), Welsh Assembly Government 2010
- 25 ['Practice Guidance: Planning for Renewable and Low Carbon Energy - A Toolkit for Planners'](#), Welsh Assembly Government 2010
- 26 ['Capturing the Potential: A Green Jobs Strategy for Wales'](#), Welsh Assembly Government, 2009
- 27 [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 sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC
- 28 ['Policy Statement - Welsh Assembly Government announces target for first changes to Welsh Building Regulations'](#), Welsh Assembly Government, 2010
- 29 ['Technical Advice Note 5 - Nature Conservation and Planning'](#), Welsh Assembly Government, 2009
- 30 Advice is provided in ['Technical Advice Note 8 - Planning for Renewable Energy'](#), Welsh Assembly Government 2005, supplemented by the ['Practice Guidance - Planning Implications of Renewable and Low Carbon Energy Development'](#), Welsh Assembly Government 2010
- 31 [Feed-in Tariff](#) (Clean Energy Cashback Scheme)
- 32 [Ynni'r Fro](#) (Community Scale Renewable Energy Generation)
- 33 [The Town and Country Planning \(General Permitted Development\) \(Amendment\) \(Wales\) Order 2012, SI 2012/1346](#)
- 34 [Domestic micro-generation permitted development: A guide for householders](#), Welsh Assembly Government, 2009
- 35 [The Marine and Coastal Access Act 2009](#)
- 36 ['Practice Guidance: Planning for Renewable and Low Carbon Energy - A Toolkit for Planners'](#), Welsh Assembly Government, 2010
- 37 ['A Low Carbon Revolution - The Welsh Assembly Government Energy Policy Statement'](#), Welsh Assembly Government, 2010



³⁸ [Welsh Office Circular 13/97; Planning Obligations](#)

³⁹ [Technical Advice Note 19, 'Telecommunications'](#), Welsh Assembly Government 2002

⁴⁰ ['A Householder's Planning Guide to the Installation of Antennas, including Satellite Dishes'](#), Welsh Assembly Government, 2008

⁴¹ [Code of Best Practice on Mobile Phone Network Development](#), Welsh Assembly Government 2003

⁴² [The Stewart Report](#) can be found on the IEGMP website

⁴³ [Policy Clarification Letter CL-04-04 - Unitary Development Plans: Waste Policies Hazardous Waste Planning Applications](#), Welsh Assembly Government 2004





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Chapter 13 Minimising and Managing Environmental Risks and Pollution

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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, the Environment Agency¹ 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 The Environment Agency² 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 location³.

13.3 Development plans and flood risk

13.3.1 In preparing their development plans, local planning authorities should consult with adjacent authorities and the Environment Agency⁴ 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 plans⁵.

13.3.3 The Environment Agency⁶ 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 recommended⁷. Further useful information is available in Catchment Flood Management Plans⁸ and River Basin Management Plans⁹.

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 the Environment Agency¹⁰, 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^{11 12}. 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 the Environment Agency's 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 the Environment Agency¹³, and these should be reported to the Environment Agency 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 the Environment Agency¹⁴ will not automatically provide or extend a flood warning service. The Environment Agency 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 land¹⁵

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 1990¹⁶. 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 Government¹⁷. 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 contamination¹⁸.

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 Areas¹⁹ and, in the case of water, to environmental objectives developed as part of the implementation of the European Union's Water Framework Directive²⁰. 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'.^{21 22}

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 framework²³.

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 Regulations²⁴, 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 uses²⁵; 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 lighting²⁶

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 developer²⁷ (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	Environment Agency 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

¹ A new single body for Wales will combine the existing functions of the Countryside Council for Wales and the Welsh devolved functions of the Environment Agency and the Forestry Commission. The body was legally established on 9 July 2012 to enable it to undertake preparatory work to ensure it will be able to carry out the functions that will be transferred to it when it becomes fully operational on 1 April 2013. The body has the working title of the Natural Resources Body for Wales

² See ¹ above

- ³ [*Technical Advice Note 15, 'Development and Flood Risk' \(2004\)*](#) provides further advice. Further information will be forthcoming in relation to the [*Flood and Water Management Act 2010*](#) and the [*EC Directive 2007/60/EC*](#) on the assessment and management of flood risks and transposing regulations, the [*Flood Risk Regulations 2009 \(SI 2009/3042\)*](#)
- ⁴ See ¹ above
- ⁵ [*Technical Advice Note \(Wales\) 15, 'Development and Flood Risk'*](#), Welsh Assembly Government 2004
- ⁶ See ¹ above
- ⁷ The Environment Agency's document 'Policy and Practice for the Protection of Flood Plains' aims to assist local planning authorities in their management of development (available in hard copy only from the Environment Agency). The Agency's Flood Map, which sets out information on flooding from rivers and the sea across England and Wales, is the basis for the Development Advice Maps in TAN 15, 'Development and Flood Risk'
- ⁸ [*Catchment Flood Management Plans for Wales*](#) can be found on the Environment Agency website
- ⁹ [*River Basin Management Plans*](#) can be found on the Environment Agency website
- ¹⁰ See ¹ above
- ¹¹ [*Technical Advice Note 15, 'Development and Flood Risk' \(2004\)*](#) provides further advice on sustainable drainage systems. Further good practice sources can be found at: sudswales.com
- ¹² [*Flood and Water Management Act 2010*](#) and [*EC Directive 2007/60/EC*](#) on the assessment and management of flood risks and transposing regulations, the [*Flood Risk Regulations 2009 \(SI 2009/3042\)*](#)
- ¹³ See ¹ above
- ¹⁴ See ¹ above
- ¹⁵ [*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)
- ¹⁶ [*Welsh Statutory instrument 2006 No. 2989 \(W.278\) The Contaminated Land \(Wales\) Regulations 2006*](#) 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

- ¹⁷ *Contaminated Land Statutory Guidance - 2012*, Welsh Government, 2012
- ¹⁸ Welsh Office Circular 22/87, 'Development of Contaminated Land'
- ¹⁹ Implementing the EC Air Quality Framework Directive (1996/62/EC)
- ²⁰ 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)*
- ²¹ *The Air Quality (Wales) Regulations 2000 (SI 2000/1940)*, as amended
- ²² *The Air Quality Strategy for England, Scotland, Wales and Northern Ireland*, HMSO, 2007
- ²³ 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)*
- ²⁴ *The Environmental Noise (Wales) Regulations 2006* (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))* and *Explanatory Memorandum, implementing Directive 2002/49/EC on the Assessment and Management of Environmental Noise*
- ²⁵ *The Clean Neighbourhoods and Environment Act 2005* (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*) provides for the control of nuisance from artificial light. See also <http://www.britastro.org/dark-skies/cleanact.html>
- ²⁶ Further guidance on noise and lighting can be found in *Technical Advice Note 12, 'Design'*, Welsh Assembly Government 2009
- ²⁷ *Technical Advice Note (Wales) 11, 'Noise'*, Welsh Office 1997



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Planning Policy Wales



Annexes

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Annex 1 Planning Policy Wales, Technical Advice Notes (TANs)

- TAN 1 Joint Housing Land Availability Studies (2006)
- 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) (This TAN is published electronically only)
- 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 (2009)
- 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 The Welsh Language - Unitary Development Plans and Planning Control (2000)
- TAN 21 Waste (2001)
- TAN 22 Planning for Sustainable Buildings (2010)

Available at: <http://wales.gov.uk/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
2.4.4	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



PPW Ref	Policy Issue
7.6.4	New locations for hazardous development and special industrial uses
8.1.2, 8.1.5	Regional Transport Plan proposals
8.2.2	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
12.1.8, 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



PPW Ref	Policy Issue
12.6.2	Identification of sites for waste facilities
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

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, 4.12.6	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)



PPW Ref	Policy Issue
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
8.1.5	Regional Transport Plan proposals
8.2.1, 8.6.2	Measures to assist pedestrians
8.2.2, 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
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



PPW Ref	Policy Issue
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
12.6.2	Waste management
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)
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



National development management policies

PPW Ref	Policy Issue
2.1.2	Status of the development plan in determining planning applications
2.6.2	Weight to be given to emerging development plans
2.6.3 - 6	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
4.12.4, 4.12.6	Climate responsive development and sustainable building standards
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



PPW Ref	Policy Issue
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
8.2.1	Promoting walking
8.2.2	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



PPW Ref	Policy Issue
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



PPW Ref	Policy Issue
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 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	Waste management
12.7.1	Waste facilities and major developments
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	Environment Agency 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

PPW Ref	Policy Issue
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

