

Consultation Reference: WG26011

## **Consultation Response Form**

### **Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation**

We want your views on our proposals for amending secondary legislation in relation to the provisions on statutory consultees, when to submit a design and access statement, and the classification of houses in multiple occupation.

***Please submit your comments by 26 October 2015.***

If you have any queries on this consultation, please email: [planconsultations-b@wales.gsi.gov.uk](mailto:planconsultations-b@wales.gsi.gov.uk) or telephone Kristian Morgan on 029 2082 3360.

| <b>Data Protection</b>   |
|--|
| <p>Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.</p> <p>The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.</p> <p>Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.</p> |

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| <b>Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation</b> |   |                                     |
|--|---|-------------------------------------|
| <b>Date of consultation period: 3 August 2015 – 26 October 2015</b>                        |   |                                     |
| <b>Name</b>  | Rhian Jardine   |                                     |
| <b>Organisation</b>  | Cyfoeth Naturiol Cymru / Natural Resources Wales  |                                     |
| <b>Address</b>   | Ty Cambria<br>29 Newport Road<br>Cardiff  |                                     |
| <b>E-mail address</b>  | Rhian.Jardine@cyfoethnaturiolcymru.gov.uk   |                                     |
| <b>Type</b><br><i>(please select one from the following)</i>                               | Businesses/Planning Consultants   | <input type="checkbox"/>            |
|  | Local Planning Authority  | <input type="checkbox"/>            |
|  | Government Agency/Other Public Sector   | <input checked="" type="checkbox"/> |
|  | Professional Bodies/Interest Groups   | <input type="checkbox"/>            |
|  | Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations) | <input type="checkbox"/>            |
|  | Other (other groups not listed above) or individual   | <input type="checkbox"/>            |

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## 2.0 Statutory Consultees

|   |   |                          |                                     |                          |
|---|---|--------------------------|-------------------------------------|--------------------------|
| <b>Q1</b>   | <b>Do you agree with the proposal to amend paragraph (i)?</b> | Yes                      | Yes<br>(subject to further comment) | No                       |
|   |   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Comments:<br>We have no comment on the proposed change. |   |                          |                                     |                          |

|   |   |                          |                                     |                          |
|---|---|--------------------------|-------------------------------------|--------------------------|
| <b>Q2</b>   | <b>Do you agree with the proposal to amend paragraph (k)?</b> | Yes                      | Yes<br>(subject to further comment) | No                       |
|   |   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Comments:<br>We have no comment on the proposed change. |   |                          |                                     |                          |

|   |   |                          |                                     |                          |
|---|---|--------------------------|-------------------------------------|--------------------------|
| <b>Q3</b>   | <b>Do you agree with the proposal to amend paragraph (r)?</b> | Yes                      | Yes<br>(subject to further comment) | No                       |
|   |   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Comments:<br>We have no comment on the proposed change. |   |                          |                                     |                          |

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|-----------|--|-------------------------------------|-------------------------------------|--------------------------|
| <b>Q4</b> | <b>Do you agree with the proposed changes as set out in Table 4:</b><br><b>(a) To remove paragraph (n)?</b><br><b>(b) To remove paragraph (u)?</b><br><b>(c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?</b> | Yes                                 | Yes<br>(subject to further comment) | No                       |
|           |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

Comments:

a) As a statutory consultee in the Environmental Impact Assessment (EIA) process we are consulted on development proposals which are likely to have a significant effect on the environment.

Additionally, paragraph 4.69 of Technical Advice Note 21: Waste states that planning applications for waste management facilities should, where appropriate, be the subject of consultation with Natural Resources Wales.

Given these existing provisions and our role in issuing and controlling environmental permits, which enables us to provide advice on waste management proposals, we have no objection to the proposal to remove paragraph (n) from the Development Management Procedure Order.

b) Our role as a statutory consultee in the Environmental Impact Assessment (EIA) process ensures that we are consulted on development proposals which are likely to have a significant effect on the environment. We therefore have no objection to the proposal to remove paragraph (u) from the Development Management Procedure Order.

c) We consider that the provisions introduced under the proposed new paragraph (y) is consistent with existing requirements set out in paragraph 11.6 and 11.7 of Technical Advice Note (TAN) 15: Development and Flood Risk. We therefore have no objection to the proposal to add paragraph (y) to the Development Management Procedure Order.

|           |   |                          |                                     |                          |
|-----------|---|--------------------------|-------------------------------------|--------------------------|
| <b>Q5</b> | <b>Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?</b> | Yes                      | Yes<br>(subject to further comment) | No                       |
|           |   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

Comments:  
We have no comment on the proposed change.

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|-----------|---|--------------------------|-------------------------------------|-------------------------------------|
| <b>Q6</b> | <b>Are there any other thresholds that should be included in/or excluded from Schedule 4 of the Development Management Procedure Wales Order? If so, please identify these and explain why they should be included or excluded.</b> | Yes                      | Yes<br>(subject to further comment) | No                                  |
|           |   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Comments:  
**We have no further comments on proposed changes to Schedule 4 of the Development Procedure Order.**

### 3.0 Design and Access Statements

|           |  |                          |                                     |                                     |
|-----------|--|--------------------------|-------------------------------------|-------------------------------------|
| <b>Q7</b> | <b>Do you think that major development, as described under c, d and e of paragraph 3.19 (of the Consultation Document) and the Development Management Procedure Wales Order, is the right threshold for requiring a Design and Access Statement? If not, what would be an appropriate threshold?</b> | Yes                      | Yes<br>(subject to further comment) | No                                  |
|           |  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Comments:  
**We recognise that Design and Access Statements (DASs) can be onerous for certain development proposals which fall below the threshold of major development (as defined in the consultation document). However, such development proposals located within National Parks and Areas of Outstanding Natural Beauty (AONBs), can benefit from the DAS process.**

**Where a proposed development is not subject to an Environmental Impact Assessment, the DAS process offers a framework within which the layout and design of a proposal can be shown to have considered and positively respond to its setting within a valued landscape of a National Parks or AONB.**

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**We therefore recommend that the threshold for requiring a DAS should be different in nationally protected landscapes, and would welcome the opportunity to discuss appropriate thresholds which could apply within these locations.**

|  |   |                          |                                     |                          |
|--|---|--------------------------|-------------------------------------|--------------------------|
| <b>Q8</b>  | <b>Do you agree with our proposals to have different thresholds in Conservation Areas and World Heritage Sites? If not, what other sensitive areas, if any, should a smaller threshold apply?</b> | Yes                      | Yes<br>(subject to further comment) | No                       |
|  |   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <p>Comments:</p> <p><b>We have no comment on the proposed thresholds to be applied in Conservation Areas and World Heritage Sites.</b></p> <p><b>Please see our response to Question 7 on the benefits of applying different thresholds in National Parks and AONBs.</b></p> |   |                          |                                     |                          |

|  |  |                          |                                     |                          |
|--|--|--------------------------|-------------------------------------|--------------------------|
| <b>Q9</b>  | <b>Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?</b> | Yes                      | Yes<br>(subject to further comment) | No                       |
|  |  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <p>Comments:</p> <p><b>We do not have any comment on the thresholds which should apply in World Heritage Sites or in Conservation Areas.</b></p> |  |                          |                                     |                          |

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| <b>Q10</b> |  | Yes |  | No |
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|  |  |                          |                                     |                          |
|--|--|--------------------------|-------------------------------------|--------------------------|
|  | <b>Do you agree with the proposal to incorporate the requirement for a statement on design within a Heritage Impact Assessment when preparing an application for listed building, scheduled monument or conservation area consent?</b> |                          | Yes<br>(subject to further comment) |                          |
|  |  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <p>Comments:<br/>                 We have no comment on what should be included in a Heritage Impact Assessment for an application for listed building, scheduled monument or conservation area consent.</p> |  |                          |                                     |                          |

|   |   |
|---|---|
| <b>Q11</b>  | <b>What do you consider should be the circumstances in which a Heritage Impact Assessment would also need to be accompanied by a statement on access?</b> |
| <p>Comments:<br/>                 We have no comment on where an access statement should be provided.</p> |   |

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|--|---|--------------------------|-------------------------------------|-------------------------------------|
| <b>Q12</b>   | <b>Do you agree with our proposals to simplify the statutory content of Design and Access Statements?</b> | Yes                      | Yes<br>(subject to further comment) | No                                  |
|  |   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p>Comments:<br/>                 A Design and Access Statement (DAS) can show how good design principles have informed the layout and design of a proposed development. Section 4.11 of Planning Policy Wales (PPW) recognises that "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". It also states that "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."<br/><br/>                 Alongside, access, community safety, character, and movement; environmental sustainability is identified in this section of PPW as a key aspect of good design.</p> |   |                          |                                     |                                     |

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We recognise that the need for a DAS and its content should be proportionate and reflect the nature and scale of a proposed development. However, in light of the above, and the wider recognition (e.g. paragraph 4.12.3 of PPW) of the multiple social, economic, and environmental benefits that can be obtained from protecting/ enhancing/ creating green infrastructure, we are concerned with the proposal to remove the requirement to demonstrate in a DAS how design principles have been applied to environmental sustainability.

The Environmental Impact Assessment (EIA) process is a framework within which environmental considerations can inform the location, layout and design of a proposed development. We would not seek for such information to be duplicated in a DAS.

However, a number of development proposals will not be subject to EIA, and therefore retaining 'environmental sustainability' criteria within the requirements of a DAS affirms the need to consider and respond to environmental considerations in the delivery of sustainable development.

The Well Being of Future Generations(Wales)Act 2015 places a duty on public bodies to carry out sustainable development including improving all four aspects of our well-being(economic,social,environmental and cultural).Therefore, whilst we recognise the benefits of simplifying the DAS process, we do not agree with the proposal to remove 'environmental sustainability' from DAS criteria given the duty to take forward sustainable development.

**4.0 Houses in Multiple Occupation**

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|---|--|--------------------------|-------------------------------------|--------------------------|
| <b>Q13</b>  | <b>Do you agree that a new use class C4, whereby planning permission will be required for Houses in Multiple Occupation with fewer than seven residents, should be introduced?</b> | Yes                      | Yes<br>(subject to further comment) | No                       |
|   |  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Comments:<br>We have no comment on the proposed change. |  |                          |                                     |                          |

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|------------|-----|--|----|
| <b>Q14</b> | Yes |  | No |
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|--|---|--------------------------|-------------------------------------|--------------------------|
|  | <b>Do you agree with our proposal to align the definition of an Houses in Multiple Occupation for planning purposes with the housing definition set out in section 254 of the Housing Act 2004?</b> |                          | Yes<br>(subject to further comment) |                          |
|  |   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

Comments:  
**We have no comment on the definition that should be used for this matter.**

|            |   |                          |                                     |                          |
|------------|---|--------------------------|-------------------------------------|--------------------------|
| <b>Q15</b> | <b>Do you agree with our proposal to enable small Houses in Multiple Occupation (new use class C4) to revert to use as a dwellinghouse (Class C3) without requiring planning permission by amending the Town and Country Planning (General Permitted Development) Order 1995?</b> | Yes                      | Yes<br>(subject to further comment) | No                       |
|            |   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

Comments:  
**We have no comment on this proposed change to the Permitted Development Order.**

**Q16** **We have asked a number of specific questions. If you have any related queries or comments which we have not addressed, please use this space to report them.**

Comments:  
**We have no further comment.**

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I do not want my name/or address published with my response (please tick)

**How to Respond**

**Please submit your comments in any of the following ways:**

|  |
|--|
| <b>Email</b>   |
| Please complete the consultation form and send it to :<br><a href="mailto:planconsultations-b@wales.gsi.gov.uk">planconsultations-b@wales.gsi.gov.uk</a><br><br>[Please include <b>‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’</b> in the subject line] |
| <b>Post</b>  |
| Please complete the consultation form and send it to:<br><b>‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’<br/>Development Management Branch<br/>Planning Directorate<br/>Welsh Government<br/>Cathays Park<br/>Cardiff<br/>CF10 3 NQ</b>                  |
| <b>Additional information</b>  |
| If you have any queries on this consultation, please<br>Email: <a href="mailto:planconsultations-b@wales.gsi.gov.uk">planconsultations-b@wales.gsi.gov.uk</a> or<br><br>Telephone: Kristian Morgan on 029 2082 3360  |