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Development Planning Advice Service: Annual Report to Welsh Ministers 2018-2019

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Natural Resources Wales		
Development Planning Advice Service Annual Report to Welsh Ministers: Specialist Consultee Performance Assessment		
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Executive Summary

Our Vision: Proud to be leading the way to a better future for Wales by managing the environment and natural resources sustainably

The land use planning system is a strategic delivery mechanism for achieving Natural Resources Wales (NRW) vision, objectives and priorities for managing the environment and natural resources sustainably.

NRW is a specialist consultee in the development management process. This means that applicants, and authorities determining planning applications, should consult us on proposed schemes, which meet one or more of the criterion where we are identified as a specialist consultee. When consulted we are required to provide a substantive response within prescribed timescales.

As a specialist consultee, we are also required to provide an Annual Report to Welsh Ministers, which sets out our performance in providing a substantive response within statutory or agreed timescales. This Annual Report represents our third report to Welsh Ministers and it sets out our performance for the reporting period 1st April 2018 to 31st March 2019.

For this reporting period, we received 7323 planning consultations and submitted a total of 7434 substantive responses, and 98% of these were submitted within prescribed deadlines.

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Section 1.0 Introduction

1.1 Our Development Planning Advice Service

The land use planning system is a strategic delivery mechanism for achieving NRW's vision, objectives and priorities for managing the environment and natural resources sustainably.

We are a statutory or specialist consultee within the planning system, both during the development plan making process, and during the planning application process. Our main role is to provide advice on how planning policies and development proposals should protect and enhance the environment and allow for our natural resources to be sustainably maintained, enhanced and used.

As a specialist consultee, we are required to submit an Annual Report to Welsh Ministers by 1 July each year. This Annual Report provides information about our performance in providing a substantive response to all planning application consultations within statutory and prescribed timescales and for the reporting period 1st April 2018 to 31st March 2019.

Our Reporting requirements are set out in:

- The Town and Country Planning (Development Management Procedure) (Wales) Order 2012¹; and,
- The Town and Country Planning Developments of National Significance (Procedure) (Wales) Order 2016²

We are required to report on the following measures for statutory pre-application consultations and local planning authority application consultations;

- (a) The number of occasions on which we were consulted;
- (b) The number of occasions on which a substantive response was provided;
- (c) When the substantive response was provided;
- (d) The number of occasions on which we gave a substantive response outside of the prescribed period or as otherwise agreed. And,
- (e) A summary of the reasons for not responding within a prescribed time period.

Our annual assessment of our performance against the indicators identified above can be found in Section 3.

We are also consulted for our advice on planning applications for schemes, which do not meet the criteria for which we are a specialist consultee under the above Development Management Orders. For example, we are consulted on schemes, which may impact on designated landscapes or statutorily protected species.

This is reflected in our Development Management Consultation Topic List³, which sets out when we want to be consulted by planning authorities and applicants.

¹SI No. 801 W10. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended in 2015 and 2016)

²SI No.55 W.25. The Town and Country Planning Developments of National Significance (Procedure) (Wales) Order 2016

³[Natural Resources Wales and Planning Consultations \(March 2015\) \(Development Management Prioritisation Checklist\)](#)

Section 2.0 Key Issues in the Reporting Year 2017/18

2.1 Key issues

2.1.1 Discretionary Advice Service

We are fully aware of the benefits of early engagement with developers so that environmental considerations are identified and addressed at the earliest opportunity thereby helping to avoid costly delays to decisions and ensure better environmental outcomes. In addition to our statutory requirements, we are continuing to provide a [Discretionary Planning Advice Service](#) for selected specialist advice areas, and we are exploring the potential to extend this service to other specialist areas of advice where NRW has expertise as part of our charging scheme review.

2.2 Customer Surveys

We have listened to our customers about how our service can be improved and reflect on the findings of our latest survey in Section 4.0. We also report on the progress made with several workstreams as part of the Joint Improvement Project. Making improvements to our service will be a continual process and we will provide updates in future Annual Reports.

2.3 Reporting considerations

The information to be included in an Annual Report is set out in the relevant Development Management Order. However, we are also consulted for our advice on matters not listed in the Development Management Orders. We do not record these separately. This Annual Report therefore provides data on all development management consultations received, regardless of whether they meet the criteria for where we are a 'specialist consultee'.

To understand the reasons for when our substantive responses have been submitted outside of deadline we report on the main reason for a delayed response.

Section 3.0 Our Assessment of Performance

3.1 Context

In this Section we assess our performance against those indicators identified in the Development Management Orders as explained earlier in Section 1.0.

3.1.1 Overview of performance

Our overall performance for this Reporting year 1st April 2018 – 31st March 2019 has been captured in Figure 1.

During the reporting period, we have received a total of 7323 development management consultations. Of those, 389 were statutory pre-application consultations, and 6934 consultations were received from determining authorities before the grant of permission.

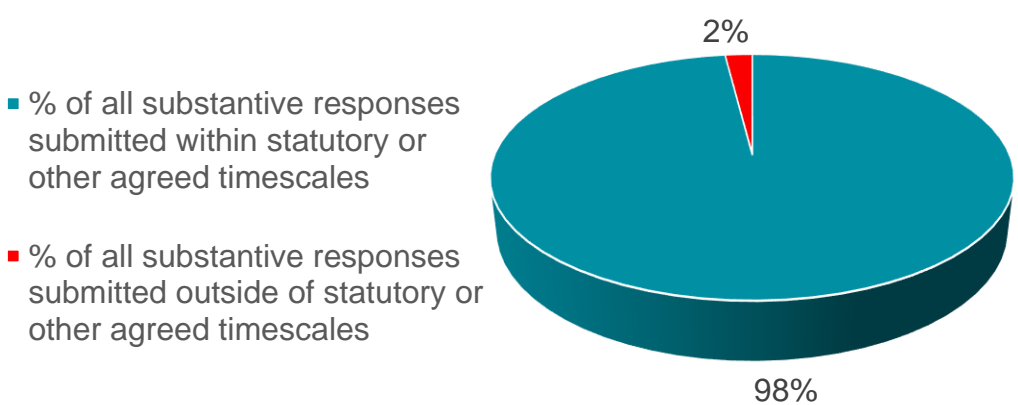
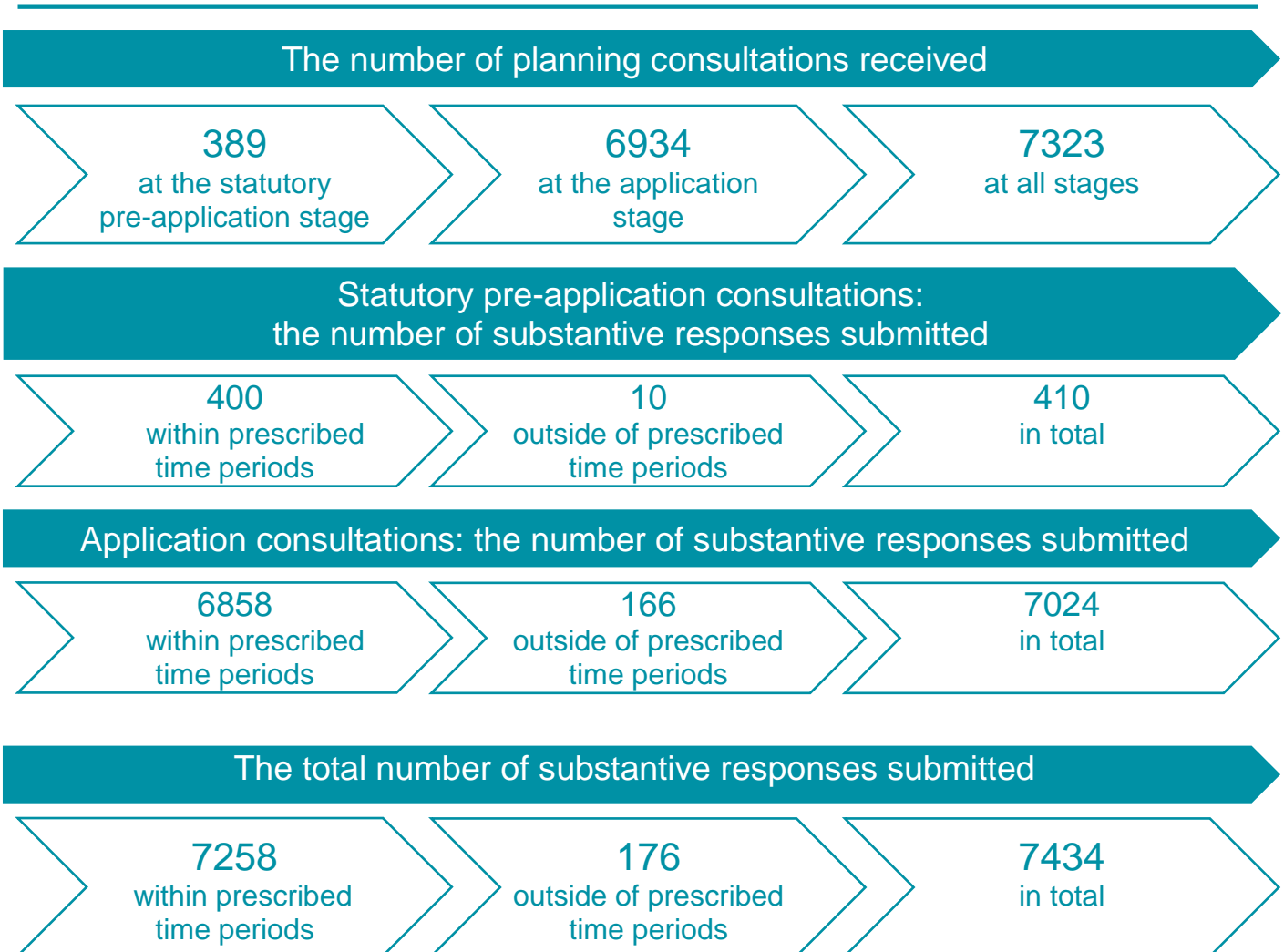
We responded to a total of 7434 consultations. We submitted 7258 substantive responses within statutory or other agreed deadline. 176 consultation responses were submitted outside of statutory or other agreed deadlines. Therefore, 98% of our consultation responses were submitted within statutory or other agreed deadlines.

In comparison to our performance for 2017/18, the number of planning consultations that we received has increased by 12% or 767 consultations overall. We have identified a 9% (32) increase in statutory pre-application consultations received and a 12% (735) increase in consultations from planning authorities.

Overall there has been a 10% (659) increase in number of substantive responses submitted by us compared to the previous year. We have seen an increase in the number of substantive responses submitted at the statutory pre-application stage by 11% (40) and a 10% (622) increase in the number of substantive responses submitted to planning authorities.

Please note that the difference between consultations received and substantive responses submitted partly reflects work in progress where prescribed deadlines fall within different reporting periods.

Figure 1 Performance of Natural Resources Wales Development Planning Advice Service (Developments of National Significance, Major and Minor development)



3.2 The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)

3.2.1 Performance overview (statutory pre-application and application consultations)

This Section sets out our performance in providing a substantive response within prescribed deadlines for all planning application consultations (other than those involving a Development of National Significance (DNS)).

The reasons for a substantive response being submitted outside of a statutory period have been grouped under four main categories and more explanation about these categories can be found in Table A1 in Annex 1.

A total of 7306 consultations were received and we submitted 7414 substantive responses. Of which 7238 (98%) substantive responses were responded within statutory or agreed time period. 176 consultation substantive responses were submitted outside of these deadlines.

3.3 Annual reporting requirements for statutory pre-application consultations

We have a duty to provide a substantive response to a statutory pre-application consultation for Major Development within 28 days or such other period as agreed with the applicant.

3.3.1 The total number of statutory pre-application consultations received

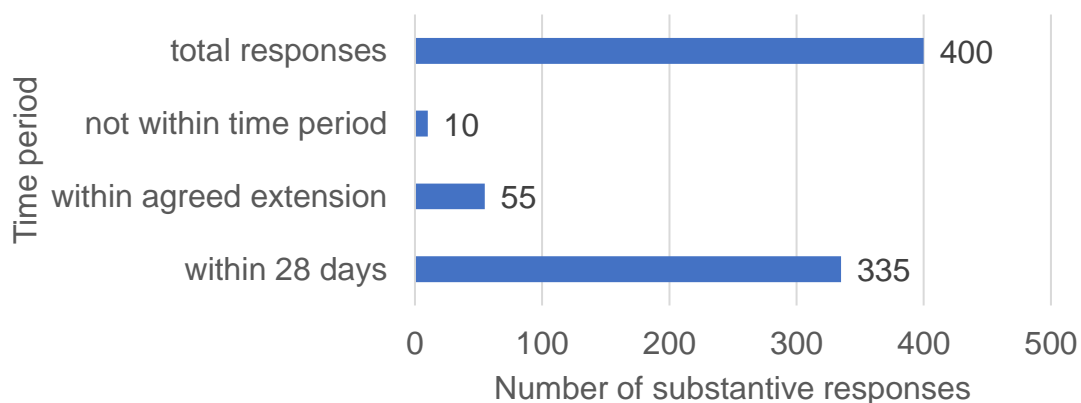
We received 380 statutory pre-application consultations during the reporting period.

3.3.2 The total number of substantive responses submitted to statutory pre-application consultations

We submitted a total of 390 substantive responses within a period of 28 days or such other period as agreed, which represents 98% of the total statutory pre-application responses sent.

3.3.3 Timescales for providing a substantive response to a statutory pre-application consultation

Figure 2 When the substantive response was submitted



The number of substantive responses within 28 days

We provided a substantive response to 335 statutory pre-application consultations (84%) within 28 days.

The number of substantive responses submitted within an agreed extended time period

We responded to 55 statutory pre-application consultations (14%) within an agreed extended time period.

3.3.4 The number of substantive responses submitted outside of the 28 days or other agreed time period

10 substantive responses to statutory pre-application consultations (3%) were submitted outside of 28 days or such other agreed period.

3.3.5 A summary of the reasons for submitting substantive responses outside of a prescribed or other agreed time period

As part of our analysis, we have reviewed 10 substantive responses submitted outside of prescribed deadlines and identified those reasons for not responding within deadline. A summary of those reasons recorded are reported in Table 1. More detail on the identified categories can be found in Table A1, Annex 1.

Table 1 Summary of reasons

Reason for responding outside of prescribed time periods	Number of late responses	Percentage of total late responses
Inadequate Information	0	0
Complex Development Proposal	5	50%
Business Changes and Resource Limitations	5	50%
Limitations of Information Technology	0	0
Total	10	100%

3.4 Annual reporting requirements for consultations from local planning authorities before the grant of planning permission

This Section sets out our performance in providing a substantive response to local planning authorities within prescribed deadlines for planning applications. We have a duty to provide a substantive response to a consultation from a local planning authority within 21 days or such other period as agreed in writing with the local planning authority.

3.4.1 The total number of consultations received

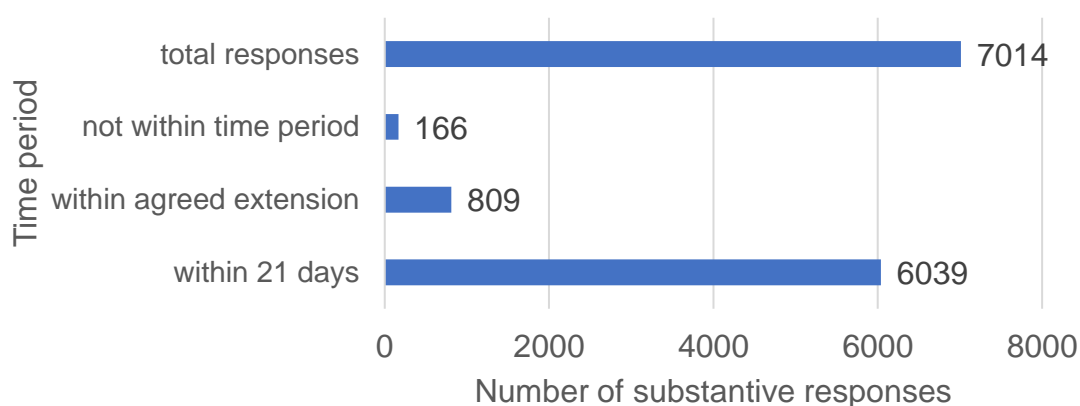
We have received a total of 6926 Development Management consultations from local planning authorities during the reporting period.

3.4.2 The total number of substantive responses submitted

We submitted a total of 6848 substantive responses within a statutory period of 21 days or such other period as agreed, which represents 98% of the total responses submitted by us.

3.4.3 When the substantive response was submitted to local planning authorities

Figure 3 When the substantive response was submitted



The number of substantive responses submitted within 21 days

We submitted 6039 substantive responses (86% of total responses) within a statutory period of 21 days.

The number of substantive responses submitted within an agreed extended time period

We responded to 809 consultations (12% of total responses) within an agreed extended time period.

3.4.4 The number of substantive responses submitted outside of the prescribed or other agreed time period.

166 substantive responses (2% of the total number of responses) were submitted outside of the statutory period or agreed extended time agreed.

3.4.5 A summary of the reasons for submitting substantive responses outside of a prescribed or other agreed time period

As part of our analysis, we have reviewed all substantive responses submitted outside of prescribed deadlines and identified those reasons for not responding within deadline. A summary of those reasons recorded are reported in Table 2. More detail on the identified categories can be found in Table A1, Annex 1.

Table 2 Summary of reasons

Reason for responding outside of prescribed time periods	Number of late responses	Percentage of total late responses
Inadequate Information	9	5%
Complex Development Proposal	12	7%
Business Changes and Resource Limitations	113	68%
Limitations of Information Technology	3	2%
No late reason recorded	29	18%
Total	166	100%

3.5 The Town and Country Planning Developments of National Significance (Procedure) (Wales) Order 2016

This section sets out our performance in providing a substantive response within prescribed deadlines for planning consultations involving Developments of National Significance (DNS).

3.5.1 Annual reporting requirements for statutory DNS pre-application consultations and consultations from Welsh Ministers before the grant of planning permission

We have a duty to provide a substantive response to a statutory DNS pre-application consultation within 42 days (beginning with the day on which the requisite notice is given) or such other period as agreed in writing with the consultor.

We also have a duty to provide a substantive response to a consultation from Welsh Ministers within 21 days or such other agreed period.

For this reporting year we have not recorded any secondary consent consultations because we have not received any formal applications.

3.5.2 The total number of consultations received

We received a total of 17 consultations involving DNS. 9 consultations at the statutory pre-application stage, and 8 consultations from Welsh Ministers.

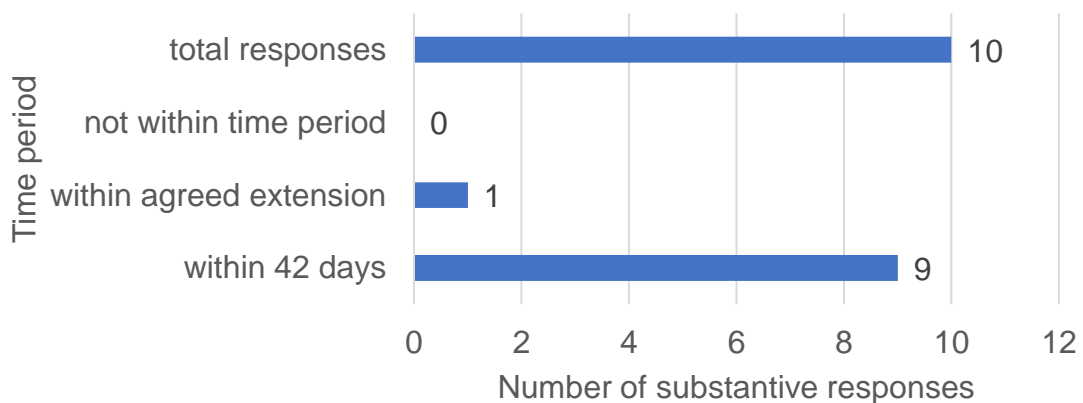
3.5.3 The total number of substantive responses submitted

During the reporting period, we submitted 10 substantive responses at the statutory pre-application consultation stage, and 10 substantive responses to Welsh Ministers.

3.5.4 When the substantive response was submitted to the consultor

Figure 4 When the substantive response was submitted

Statutory DNS pre-application consultation

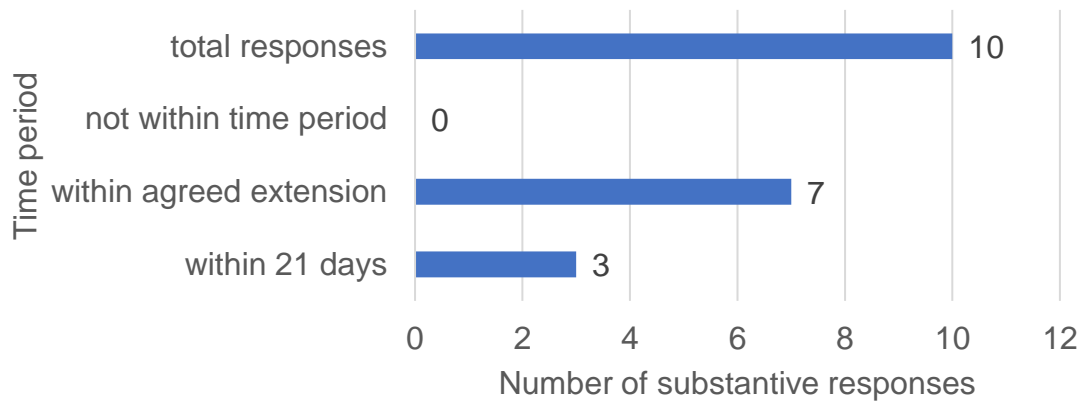


The number of substantive responses submitted to a statutory DNS pre-application consultation within a statutory period of 42 days or other agreed time period

We provided a substantive response to 9 (90%) statutory DNS pre-application consultations within the statutory period of 42 days and 1 (10%) substantive response within an agreed extended time period.

Figure 5 When the substantive response was submitted

Statutory DNS planning application consultations



The number of substantive responses submitted to Welsh Ministers within a statutory period of 21 days or other agreed time period

We provided a substantive response to 3 (30%) DNS application consultations within the statutory period of 21 days. We provided 7 (70%) substantive responses to Welsh Ministers within an agreed extended time period.

3.5.5 The number of substantive responses submitted outside the prescribed or other agreed time period. And, a summary of the reasons for submitting substantive responses outside of a time period

No substantive responses were submitted outside of prescribed deadlines.

Section 4.0 Reflection

Natural Resources Wales is committed to continually improve its development planning advice service (DPAS). We seek to ensure that our advice is evidence based, clear, unambiguous, and consistent to assist developers and determining authorities in making informed decisions. The views of our customers and partners are important to us as we work to improve our service.

4.1 Customer Survey

NRW regularly undertakes customer surveys for its planning service and the findings of the most recent surveys (2017-18) have been published on [NRW's website](#). Between December 2017 and June 2018, NRW carried out two surveys to establish how well its advice on planning consultations and strategic plans is received by planning authorities. A third survey, asking developers for their views, ran consecutively. Respondents were also given the opportunity to identify how our service could be improved.

While the number of responses to these surveys was low, the feedback we received from both planning authority staff and developers was generally positive. Our customers indicated that, in their view, our advice resulted in more sustainable planning outcomes. Overall, both audiences were satisfied with the service they received. Respondents identified opportunities for improvement, including a need to provide better responses with advice that is clear and consistent across NRW. As a result;

- We are making improvements through the Joint Improvement Project programme (please refer to section 4.3 and Table 3). The “NRW advice letters” workstream has enabled us to streamline our response letters to make use of a standardised structure, which clearly separates our views more relevant to a planning decision and other comments, which require an applicant to address. A developer will need to follow up on non-planning matters or matters regulated under other legislation, for example where there is a need to obtain an Environmental Permit or other appropriate authorisation from us.
- We will continue to identify the strength of our concern in representations. In doing so, we will identify those concerns, which are likely to be significant to overcome and require resolution before a planning application determination and those concerns, which are more straightforward to address and can be managed through a conditional consent. We intend to undertake a further review of our substantive response categories during 2019/20.
- We have developed model conditions, which will help us to ensure that the planning conditions we propose in our substantive responses are consistent, relevant and proportionate (please refer to guidance under section 4.2). And;
- We will continue to share our work with our customers including the Planning Officers Society Wales (POSW).

4.2 Preparation of guidance and training

In this reporting year, to help improve the consistency and clarity of our advice, we have developed the following new operational guidance notes for NRW staff:

- [A revised topic consultation topic list \(September 2018\)](#).
- Operational Guidance Note 107 (OGN 107), which will help ensure that the advice we provide on a development plan is consistent across Wales.
- OGN 117 provides guidance on model planning conditions across a selection of themes, which will help us in recommending conditions to planning authorities.
- OGN 88 provides guidance on how to consider designated landscape effects when responding to development management and planning consultations.

Training has been provided to NRW staff on the Habitats Regulations Assessment (HRA) process.

4.3 Joint Improvement Project Progress

The Joint Improvement Project being led by NRW and planning authorities in North Wales has identified areas for improved engagement between us. The project is overseen by ourselves and POSW with support from the Welsh Government. Our collaboration has delivered improvements for our shared customers and the progress being made for each workstream is identified in Table 3.

Table 3: Progress being made on workstream topics as part of the Joint Improvement Project.

Workstream Topic	Objective	Progress
Flood Risk	To pilot a consultation procedure to reduce the number of development management consultations by 20%. The aim is to reduce the amount of abortive works in the submission and review of flood consequences assessments where highly vulnerable development is in Zone C2 (areas of floodplain without significant flood defence structure).	Completed 2018-2019: Trials undertaken with Anglesey, Wrexham, Gwynedd, Snowdonia National Park and Flintshire authorities. Completed 2018: Mid-year review. In progress June 2019: Roll-out approach across NRW. As a planning authority Cardiff County Council have adopted a similar approach to reduce consultation with consultees including NRW.

Frontloading	Planning authorities to identify the reason for consulting NRW, which removes the duplication of effort during case logging and validation checks.	Completed 2018: Preparation of constraints tick sheet. Reflection: the submission of tick sheets to NRW is low, which may be the result of a non-mandatory approach.
	To enable our customers to access NRW's spatial data through our webpage and links that are relevant to our Development Planning Advice Service checklist.	Completed 2018
	To collate a list of guidance available for our customers. To identify any gaps in guidance, to check availability and accessibility through our website.	Completed 2018: A list of guidance available for our customers has been collated. In progress 2019/2020: In several instances there is a need to update the information on our website or guidance documents.
Habitat Regulations Assessment (HRA)	To clarify HRA roles and responsibilities between NRW and planning authorities.	Completed 2017-2018: Clarification on roles and responsibilities (set out in tabular form).
	To develop standard paragraphs to help structure NRW planning and HRA consultation responses.	Completed 2017-2018: Standard paragraphs prepared and implemented by DPAS team in North Wales. In progress 2019: Standard paragraphs to be adopted across all NRW DPAS teams.
	To improve advice on NRW's website to clarify how we can support decision-making throughout the HRA process.	In progress 2019: Publish clarification on our webpage following approval of DPAS Board.
Landscape	To provide landscape advice to planning authorities.	Completed 2018: Training with Snowdonia National Park Authority and Gwynedd, Anglesey and Ceredigion authorities. In progress 2019 Autumn: Training with Conwy, Denbighshire, Flintshire and Wrexham authorities.
	To provide training and support to planning authority officers on landscape.	

Local Ecological Advice	To clarify roles and responsibilities of local authority ecologists and NRW.	Completed 2018: Clarification on roles and responsibilities (set out in tabular form). In progress 2019: Publish clarification on our webpage following approval of DPAS Board.
	To clarify roles and responsibilities between local authorities and NRW with; i. Species and habitats as set out in Section 7 of the Environment (Wales) Act 2016; and ii. Ancient woodlands.	In progress 2019: Clarification on roles and responsibilities.
Model Conditions guide	To develop a suite of best practice model conditions for NRW DPAS and share this work with POSW and planning authorities in Wales.	Completed 2019: Guide prepared by ARUP. March 2019: OGN117 approved by DPAS Board. In progress 2019: OGN to be published on intranet for NRW staff. OGN to be implemented by our DPAS teams and to be shared with their local planning authorities.
NRW advice letters	To streamline NRW advice letters for development management purposes by making use of a standard letter structure when responding to development management consultations.	Completed 2018.
	To clearly distinguish between planning matters and non-planning matters in NRW representations.	Completed 2018.
Protected Species	To prepare a protected species survey summary and assessment form template to reduce the amount of duplication and conflicting advice between NRW and local authority ecological advisers.	Completed Summer 2018: A protected species survey summary and assessment template form is available on NRW's website.

	The submission of this form with a protected species survey report is being encouraged on a non-mandatory basis for development management purposes in North Wales.	
	To develop a matrix for use in identifying low and high-risk cases and the appropriate response to be applied.	In progress 2019/20
	Preparing guidance where gaps have been identified. Guidance to be published on our webpage.	In progress 2019/20

4.4 Welsh Government Consultation

We continue to advise the Welsh Government on their proposed changes to planning legislation and national planning policy and guidance. Most notably, we advised on proposed changes to Planning Policy Wales (edition 10), and on their emerging National Development Framework (NDF).

Additionally, we advised Welsh Government on its:

- [consolidation of the Town and Country Planning \(Use Classes\) Order 1987. \(UCO\) and Town and Country Planning \(General Permitted Development\) Order 1995 \(GPDO\).](#)
- [call for evidence on housing for delivery through the planning system.](#)
- on its proposed changes to the consenting of infrastructure regime and the proposed introduction of a new Welsh Infrastructure Consent.

Annex 1 Categories of reasons for responding outside of prescribed timescales

Table A1 Categories of reasons

Where a substantive response has been given outside of a statutory or agreed extended time period or where no response has been provided then our reasons for a case have been captured in those categories described in Table A1 below.

Category	Explanation
Inadequate Information	The consultor has provided inadequate information to support a consultation and to enable NRW to respond fully.
Complex Development Proposal	Detailed appraisal of a complex major development proposal where there are significant environmental risks to be addressed. NRW Development Planning Case Managers are supported by their specialist teams. This may involve discussion and/or site visit with the consultor (a local planning authority or an applicant). Information is required prior to our substantive response.
Business Changes and Resource Limitations	Consultations are managed using a risk-based approach, whereby workload is prioritised to ensure that NRW efforts are focused on those consultations likely to have the greatest adverse environmental concern or greatest gain. Consultations are not progressed within timescales where there are changes to NRW business including employees' absences, unavailability of specialist teams to provide expertise, given resource limitations and priorities.
Limitations of Information Technology	Information and communication technology (ICT) difficulties where software is inadequate or failing to operate efficiently, or the information received is incorrectly processed or recorded.

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