

Appendix 1

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Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA-JJ-2099-20

Local Authority Leaders and Chief Executives
National Park Authority Chief Executives

7 July 2020

Dear Colleagues,

The Corona Virus pandemic is the biggest emergency humanity has faced in living memory and quite rightly the immediate role for government has been to protect the health and livelihoods of citizens. Over recent months we have achieved much by working together. Our success collaborating must be captured and built on as we move to recovery.

We already know the pandemic has impacted most on those in our communities who have least, exacerbating social, economic and environmental inequalities. Our approach going forward must focus on addressing those longstanding inequalities by taking a values based approach to recovery which promotes social, economic and environmental justice.

Some of the changes we have seen over recent months have been beneficial. The improvement of our natural environment, reduction in greenhouse gas emissions and improved air quality, greater reliance on active travel to access local services and the ability of people to recalibrate their work/life balance have been very positive. Just over a year ago, the Welsh Government and many local authorities declared a climate change emergency. This pandemic has demonstrated vividly that we are facing a climate and nature emergency with limited time to change our lifestyles to protect our environment and humanity from the consequences of climate change and habitat and species loss. Tackling homelessness, increasing social housing and providing fair work must also be prioritised with new vigour to address social and economic inequalities.

The planning system is central to shaping a better future for Wales and it is essential that all levels of government ensure that plans, policies and procedures improve the wellbeing of our people and the resilience of our environment. It is my strongly held view that we must not sacrifice the principles of sustainable development and place making in the pursuit of economic recovery at any cost. Up to date agile development plans are the cornerstone of our planning system. Our commitment to a plan led planning system has been reinforced and not reduced by the current crisis.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

National Development Framework

Work on the preparation of the National Development Framework (NDF) was paused when the Senedd went into emergency procedures. The First Minister's Continuity Plan has identified the NDF as a priority to be completed before the next Senedd election and will be submitted to the Senedd for scrutiny later this year with publication of the final framework early in 2021. The opportunities and challenges which the NDF was designed to address before the pandemic are equally as valid today. The urgency with which the opportunities and challenges need to be addressed is greater than ever in areas such as decarbonisation and tackling social and economic inequalities. The NDF submitted to the Senedd will include enhanced coverage on regional planning, including moving to a 4 region model advocated by many during the earlier consultation. The NDF regional policies will provide a robust framework for the preparation of Strategic Development Plans (SDPs).

Strategic Development Plans

The past few months have demonstrated the benefits of regional working on complex issues through structures such as the local resilience forums. The Local Government and Elections Bill is currently progressing through the Senedd with the view to it becoming law in early 2021. The Bill will provide a legal framework for regional collaboration through the creation of Corporate Joint Committees and require the preparation of SDPs.

SDPs will be necessary to implement the NDF and support recovery from the pandemic as many of the issues which need to be addressed most urgently transverse local authority boundaries. The pandemic has placed a severe strain on public finances following a decade of austerity and we may be facing a recession at least as deep as that of the early 1980s. This will put further strain on local planning authorities which have witnessed some of the deepest cuts of all public services in recent years. Local planning authorities are also likely to see lower fee income due to the reduction of construction activity. In this context, local authorities must think strategically about the best use of their resources and I strongly urge you to consider with new vigour opportunities to collaborate to prepare Strategic Development Plans and deliver planning services more generally.

Local Development Plans

Local planning authorities must reflect on the impact of the pandemic on their areas and consider the consequences for LDPs under review or being implemented. Long held views and policies on matters including transportation, economic development, housing, regeneration, the role of town centres and the importance of green infrastructure have all been brought into focus recently. We must think creatively and differently to promote a sustained recovery which has people and places at its heart.

LDPs are evidence based documents. As a result of the pandemic and resulting downturn in the economy much of the evidence on which LDPs are based is likely to be out of date. This is particularly the case for economic and social evidence covering areas such as the need for social and market housing, viability, economic forecasts and transport modelling. LDPs currently undergoing review, which have not yet been submitted to the Planning Inspectorate for examination, should undertake an assessment of the evidence base, strategy and policies in terms of sensitivity to the consequences of the pandemic. Robust conclusions should be reached on the need for new evidence and any consequential changes to strategy and policy before progressing plan preparation. The assessment should be submitted to the Welsh Government with requests to extend Delivery Agreements (DA). It is acknowledged that this will slightly delay plan preparation in the short term. It will however minimise delays at later stages of plan preparation and reduce the chances of a plan being found unsound at examination. Where a plan is part way through a public consultation (preferred strategy or deposit plan) the consultation should cease and start afresh once the assessment has been completed and new DA approved.

I am conscious that a number of LDPs reach their end date in 2021 and 2022 and of the implications of the end date legislation for a plan led system. Therefore, I will continue to explore opportunities to introduce legislation to ensure that LDPs that have passed their end date continue to enjoy the development plan status for decision making purposes. Reviewing the current evidence base and continuing plan preparation with an appropriate strategy and policies will enable most LDPs to progress to an advanced stage as soon as possible, allowing up-to-date evidence to support decision making.

Where consultations have ceased or a review of evidence, strategy and policy has delayed the production of LDPs meaning they cannot adhere to the previously agreed timetable a revised DA will be required. The Chief Planner has been authorised to agree revised DAs. This will ensure our agreement to requests for revised DAs can be provided as quickly as possible.

A key component of a DA is the Community Involvement Scheme (CIS), which sets out who, when and by what means communities and other stakeholders will be engaged in the plan preparation process. For those LDPs currently being prepared there will be an approved CIS setting out arrangements. LDPs must be prepared in accordance with both the DA and CIS. With many public buildings temporarily closed, stakeholders inability to attend consultation events and issues arising from social distancing, existing CISs cannot be complied with. For these reasons, the CIS will need to be adjusted in light of the latest Government advice and social distancing principles to enable plan preparation to progress.

Regulation 9(6) of The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 states that an LPA need not comply with a particular requirement of its CIS if it has reasonable grounds to believe it is not likely to prejudice any persons opportunity in the exercise of the LPAs functions under Part 6 of the PCPA 2004 if it does not comply with that requirement. The Covid-19 virus is considered to be a reasonable reason, provided alternative means of engagement are put in place and communicated to all concerned. Careful consideration must be given as to how engagement may need to be adjusted in the short term, when submitting a revised DA and CIS. Possible approaches include:

- Alternative consultation venues with increased capacity to accommodate social distancing regulations
- Prior arrangement for individual briefing sessions to reduce the number of stakeholders present at any given time
- A longer consultation period to ensure stakeholders have the ability to engage, both for specific types of events and beyond the statutory 6 week period
- An increased use of web based technological tools, such as electronic presentations on key issues, short video clips, information distributed via USB sticks etc.
- Considering how the re-opening of libraries and community centres provides sufficient distribution outlets, particularly in more rural communities. Where there are more restricted options, can alternative venues be sought and communicated effectively to local communities
- Providing information directly to individuals and other stakeholders via electronic means or where this is not possible due to lack of digital skills and equipment by providing hard copies.
- The use of participatory techniques such a citizens' assemblies.

The above examples are not exhaustive. They provide an indication of how different engagement principles and mechanisms can be adopted to allow plans to progress. Consultation on a revised CIS is not required, where it is temporarily amended in light of the exceptional circumstances. This autumn the Planning Inspectorate Wales and Welsh

Government will be jointly hosting seminars on plan making, consultations, evidence and examinations at which we can all share ideas as to how best to move forward.

To assist preparation of LDPs I will not require Annual Monitoring Reports (AMR) to be submitted this October. I strongly encourage LPAs to continue with data collection, as this will help shape and inform policy and plan development. If LPAs wish to publish an AMR, they can of course do so. I will expect the next formal AMR submission in October 2021.

Planning Policy Wales

Planning Policy Wales (PPW) was comprehensively redrafted at the end of 2018 centred on the principles of place making. It sets out what the Welsh Government expects from development plans and is an important consideration in the decision making process on planning applications. We have undertaken a signposting exercise which will exemplify those aspects of PPW which are particularly relevant to the post Covid 19 recovery and responding to the climate and nature emergencies. Where necessary new or amended policies will be proposed. I also aim launch the Placemaking Wales Charter as soon as possible. I am grateful to those organisations which have already signed the Charter and it is important that we do not lose the momentum behind this very important initiative which is intended to improve the quality of development in Wales and promote greater community involvement in the planning system.

Finally, I wish to put on record my thanks for the work undertaken by local planning authorities to maintain the planning system locally during these unprecedented times. In recognition of the vital role that planning will play in supporting our communities in the recovery from the pandemic the planned 20% increase in planning application fees will come into effect in the summer. It is essential that the fee increase is retained in planning department budgets and that there are no offsetting reductions in corporate funding.

Yours sincerely,



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