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Welsh Government

Consultation Document

Frontloading the development management system

Date of issue: **6 October 2014**
Action required: Responses by **16 January 2015**

Overview

This consultation seeks your views on the detailed operation of the pre-application processes introduced by sections 15 and 16 of the Planning (Wales) Bill. It also seeks the views of stakeholders on how powers provided in the Bill and the Planning and Compulsory Purchase Act 2004 can facilitate improved service delivery from statutory consultees.

How to respond

The closing date for responses is 16 January 2015. You can respond in any of the following ways:

Email:
Please complete the consultation form at Annex 2 and send it to:
planconsultations-c@wales.gsi.gov.uk

(Please include "Frontloading the development management system" in the subject line)

Post:
Please complete the consultation response form at Annex 2 and send it to:

Frontloading the development management system consultation
Development Management Branch
Planning Division
Welsh Government
Cathays Park
Cardiff CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Positive Planning – Proposals to reform the planning system in Wales
www.wales.gov.uk/consultations/planning/draft-planning-wales-bill/?status=closed&lang=en

Contact details

For further information please contact:

Email: planconsultations-c@wales.gsi.gov.uk
Telephone: Alan Groves on 029 2082 5362

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How the views and information you give us will be used

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.

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.

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.

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1. Frontloading the development management system

1.1 Positive Planning, the Welsh Government's consultation paper on reforming the planning system in Wales, outlined a number of proposals designed to promote "frontloading" in the Development Management system[1].

1.2 Frontloading aims to ensure that planning applications proceed smoothly and quickly once they are formally submitted to the determining authorities. The idea is that any significant planning issues are raised prior to the submission of a formal application. This provides applicants with the opportunity to consider these issues and, if necessary, amend their proposals before they are finalised and submitted as planning applications. Another key benefit of frontloading is that it provides the community with an early opportunity to engage with developers at an early stage in the development process.

1.3 The Planning (Wales) Bill (the Bill) introduces new pre-application processes that will be key to the delivery of effective frontloading. Provisions in the Bill will place a duty on applicants to carry out pre-application consultation with the community and specified consultees (specified consultees will effectively comprise statutory consultees[2]), and introduce a new statutory requirement for local planning authorities (LPAs) to provide pre-application services to applicants. The relevant provisions are sections 15 and 16 of the Bill.

Purpose of the consultation

1.4 This consultation sets out the detailed proposals that will be brought forward in subordinate legislation on receipt of the powers that are proposed in the Bill. It specifically seeks the views of stakeholders on the detailed operation of the pre-application processes introduced by sections 15 and 16 of the Bill. The following paragraphs provide a reminder of the policy intention behind these powers.

[1] http://wales.gov.uk/topics/planning/planningresearch/publishedresearch/towardsawelshplanningact/?lang=en

[2] See Schedule 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 for current list of statutory consultees http://www.legislation.gov.uk/wsi/2012/801/part/4/made

Requirement to carry out pre-application consultation (section 15 of the Bill)

- To ensure that developers provide the local community with the opportunity to comment on development proposals, and consult specified consultees, before planning applications are formally submitted to LPAs. This pre-application engagement aims to reduce the time taken to determine planning applications, improve the quality of planning applications, help to promote public confidence in the planning system, and encourage a collaborative approach to considering development proposals.

- To impose a duty on statutory consultees to ensure that they respond to pre-application consultation requests within specified timescales, provide substantive responses to pre-application consultation requests, and report their performance to the Welsh Ministers.

- To require developers to submit a “pre-application consultation report” with any subsequent planning application.

Requirement to provide pre-application services (section 16 of the Bill)

- This provision applies to LPAs and the Welsh Ministers (the Bill provides powers for the Welsh Ministers to determine planning applications for Developments of National Significance and Direct Planning Applications).

- The intention is to place a statutory duty on the Welsh Ministers and LPAs to provide a pre-application service when the service is requested by prospective applicants.

1.5 This consultation paper is only concerned with how this provision relates to LPAs. A separate consultation paper will discuss the role of the Welsh Ministers in the context of Developments of National Significance.

Other issues

1.6 In order for the frontloading approach to be effective, it relies on timely and comprehensive responses from consultees. Part 4 of the consultation paper provides further detail and seeks the views of stakeholders on how powers provided in the Bill and the Planning and Compulsory Purchase Act 2004 (PCPA) can facilitate improved service delivery from statutory consultees.

Design and Access Statements

1.7 Section 27 of the Bill removes, from primary legislation, the mandatory requirement for Design and Access Statements to be submitted with planning applications. We are consulting separately on potential measures to support our national planning policy to facilitate the delivery of good design and inclusive access through the planning system. This includes the role of pre-application discussions.

2. Requirement to carry out pre-application consultation

The type of development affected

2.1 We want the pre-application consultation process to be proportionate to the scale and complexity of development, and we do not want it to place an unnecessary burden on developers. Therefore the intention is that the procedure will only apply to major development proposals that would result in planning applications for full or outline permission. The procedure will apply to Developments of National Significance (DNS) and direct applications.

2.2 Major development is defined in article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPO)[3].

Question 1
Do you agree that all "major" development should be subject to pre-application consultation?

Publicising the development proposal

2.3 Section 15 of the Bill places a duty to "publicise the proposed application in such a manner as the applicant reasonably considers likely to bring it to the attention of a majority of the persons who own or occupy premises in the vicinity of the land". The intention is to ensure the immediate community are provided with an opportunity to comment on development proposals before they are formalised as planning applications.

2.4 As stated above, we do not want this process to overburden developers but we do want to secure effective publicity. Therefore we propose that the minimum publicity requirements will comprise the following:

- Site notice(s)
- Letters to neighbours, all local ward members, any town or parish councils

2.5 Welsh Office Circular 32/92, "Publicity for planning applications", provides guidance for LPAs on the interpretation of statutory publicity, including neighbour notification. We consider that the requirement to

[3] http://www.legislation.gov.uk/wsi/2012/801/article/2/made

notify neighbours by letter and to issue site notices will follow the advice in the Circular.

2.6 The site notice(s) and letters would need to contain the following information:

(i) A statement explaining the purpose of the notification, clarifying that it provides the opportunity for comment prior to the submission of a planning application in accordance with statutory requirements.

(ii) A description and address of the proposed development.

(iii) The address of a building in the locality where a hard copy of plans and any relevant supporting information will be made available for public viewing for the duration of the consultation. Details of opening times will need to be provided. Developers will also be encouraged to make the plans and supporting information available on the web.

(v) The timescales for response (this will be a minimum of 21 days)

(vi) A postal address and e-mail address for the submission of any comments.

(vii) A statement explaining that any comments submitted to the developer may be placed on the public file.

(viii) A statement to clarify that the LPA will publicise any resulting planning application, providing the public with an opportunity to comment directly to the LPA.

2.7 The level of detail required for both the publicity and consultation requirements in terms of plans and supporting information will be the same as would be required for any subsequent planning application, as set out on the relevant 1APP application form. The intention is that sufficient information is provided to enable informed representations and feedback to the developer.

Question 2
Do you agree that the issue of neighbour letters and site notices should follow the guidance in Circular 32/92? If not, how should the notification process operate?

Question 3
Do you agree that 21 days is an appropriate timescale to allow responses to pre-application consultation?

Question 4
Would LPA offices be an appropriate location for viewing a hard copy of the plans and supporting information? If not, where should hard copies of plans and supporting information be made available for public viewing?

Consultation with "specified persons" (statutory consultees)

2.8 For the purposes of section 15 of the Bill, "specified persons" will comprise a list of statutory consultees similar to those set out in schedule 4 of the DMPO. The list of consultees in schedule 4 is subject to review.

2.9 As is the case for consultations before the grant of planning permission under schedule 4, developers will only be required to consult statutory consultees when developments of a specified scale and description are proposed.

2.10 The developer will be expected to provide the following to the consultee:

- A letter (hard copy or sent by e-mail) confirming the purpose of the consultation.
- The description and address of the proposed development.
- A copy of the relevant plans and supporting technical information.
- Confirmation of the timescales for response (21 days).
- A postal address and e-mail address for replies and queries.

Question 5
Do you agree that 21 days is an appropriate timescale for consultees to respond?

Question 6
Should provision be made for a time extension when this is agreed in writing between the developer and consultee?

Duties placed on statutory consultees

2.11 A duty will be placed on "specified persons" (statutory consultees), when consulted under the pre-application consultation process, to provide a "substantive response" to the developer within the specified timescale, likely to be 21 days.

2.12 "Specified persons" will also be required to report to the Welsh Ministers on their performance in providing timely "substantive" responses to developers.

2.13 The duty to provide timely "substantive responses" is similar to that placed on statutory consultees by section 35 of the Bill, which inserts a new section 100A into the Town and Country Planning Act 1990. Part 4 of this paper provides more detail of the new duties placed on statutory consultees.

Duty on the developer to provide a pre-application consultation report (PAC)

2.14 The pre-application consultation report is the means of formally reporting the process and outcome of pre-application consultation. The developer will need to submit the report to the determining body with the resulting planning application.

2.15 The pre-application consultation report will need to contain the following:

(i) A photocopy of the site notice, publicity letter and letters to local members, town councils, parish councils, and statutory consultees.

(ii) A list of addresses of those persons notified of the proposal.

(iii) Details of any additional non-statutory notification.

(iv) A summary of the material planning issues raised by respondents through the publicity process and an indication of whether the scheme has been amended to take account of these issues.
In terms of summarising material planning issues, the developer will not be required to address each individual comment made by respondents. Instead, a summary of the main material planning considerations will be provided.

(v) Copies of responses from specified consultees. The developer must indicate in the report how the comments of consultees, if any, have been taken into account. If the developer chooses not to amend the scheme in light of comments from consultees, the report must explain why.

Question 7
Are there any other issues that should be included in the pre-application consultation report? If so, please identify these issues and explain why they should be included in the PAC.

Validation of pre-application consultation report

2.16 The Bill requires all planning applications that are subject to the pre-application consultation procedure to be accompanied by a PAC. LPAs will be unable to validate an application where PAC requirements apply but compliance with these requirements has not been demonstrated.

3. Requirement to provide pre-application services

What type of development proposal would be subject to the statutory pre-application service?

3.1 We consider that the statutory pre-application service would apply to development proposals that would need an application for planning permission in order to be implemented.

3.2 In terms of householder development this means that general permitted development (PDR) queries will not be dealt with through the new statutory process. Instead, it is expected that LPAs will continue to provide advice on PDR enquiries as part of their planning service.

3.3 The type of householder proposals that will be dealt with through the statutory pre-application service are those where the applicant considers that planning permission is required but would like advice on issues such as design or amenity.

The pre-application enquiry form

3.4 All requests using the statutory pre-application service must be submitted on a pre-application enquiry form which, as a minimum, will need to secure the following information:

(i) Contact details of developer/agent (name, address, tel. no. e-mail address).

(ii) Description of development, to include volume of floorspace, number of units being created.

(iii) Site address.

(iv) Location plan (on OS base).

(v) Plans, additional supporting information and reports that will assist the LPA to provide a helpful, focussed response. (Developers will obviously benefit from providing the LPA with as much information as possible in order to facilitate an informed response). Enquiries relating to householder development will need to be supported by elevation drawings.

3.5 Only enquiries that are submitted on the pre-enquiry form will be able to access the statutory pre-application service.

3.6 LPAs may wish to add fields on their pre-application enquiry form to secure additional information but only (i) to (v) must be complied with by the prospective applicant.

Question 8
Do you agree that the information specified in paragraph 3.4 will be sufficient to allow the LPA to respond?

Maintaining records of the pre-application service

3.7 In order to facilitate consistent pre-application advice, we will require LPAs to maintain a record of all pre-application enquiries, responses, and meeting notes. The record should be linked to the relevant parcel of land or property (the site address) in order to provide a spatial record that will inform subsequent planning history searches. The records will not need to be published but may be subject to requests under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

Question 9
Do you agree that LPAs should maintain spatial records of pre-application enquiries?

Publicising the pre-application service

3.8 LPAs will be required to publish the details of their statutory pre-application service on their web pages. The pre-application enquiry form will also need to be accessible from LPA websites. Hard copies should be made available when requested.

The LPA response

3.9 The LPA will be required to provide an initial written response and an offer of an hour long meeting to discuss the written response and any other issues. Within 7 days of the meeting, the LPA will provide a written note of the meeting to the developer.

Content of written response

3.10 When the LPA receives an enquiry, submitted on a completed pre-application enquiry form, we consider that the following details, as a minimum, will need to be provided in a written response:

i. The planning history of the development site.

ii. The relevant development plan policies against which the development would be assessed.

iii. Any relevant supplementary planning guidance.

iv. Any other material planning considerations.

v. Whether the Council is likely to seek any contributions under S106 of the Planning Act – the scope of these contributions and the anticipated amount of any financial contributions.

vi. The information that will be required to enable validation of any subsequent application.

vii. An informal, without prejudice written summary of the views of the Case Officer that will address the merits of the proposal in the context of i, ii, iii & iv and v.

Question 10

Should the written response from the LPA contain any other information?

Timescale for response

3.11 We consider that 21 days from receipt of a valid pre-application enquiry will provide an adequate period for the LPA to respond.

Question 11
Do you agree that 21 days provides the LPA with sufficient time to provide a written response that meets the requirements set out in paragraph 3.10?

Meeting

3.12 On receipt of a valid application, the LPA will send an acknowledgement to the prospective applicant, and will provide 2 meeting dates. The meeting dates will be within 28 days but after 21 days of the date of receipt of a valid pre-application enquiry, this ensures that the prospective applicant is in receipt of the written response from the LPA before meeting.

3.13 The prospective applicant will need to respond to the LPA within 7 days of receipt of the acknowledgement letter to either:

(i) state that a meeting will not be required;
(ii) accept one of the meeting dates; or
(iii) explain that neither date is acceptable and request the offer of an alternative date.

If (iii) applies, the LPA will need to contact the prospective applicant to arrange an alternative meeting date.

Question 12
Do you agree that the timescales and process for the pre-application meeting is appropriate?

Additional pre-application requests

3.14 Any requests for further meetings or written advice from the LPA would be outside the scope of the statutory service. But we will encourage LPAs to respond positively to such requests. We consider that any additional pre-application requests should not attract a charge. However we note that, as discretionary services, they may be subject to a charge under Section 93 of the Local Government Act 2003. If LPAs decide to charge for additional meetings or advice, all charges must accord with the provisions in Section 93.

Role of local members

3.15 The Welsh Government has produced a guidance note to encourage pre-application discussions[4], it provides advice on the involvement of local members at pre-application stage. Additionally, the Welsh Government will be part of a steering group, to include the Welsh Local Government Association and the Planning Officers Society Wales, which will establish a protocol for involvement of local members in the development management process. It is expected that the protocol will address the role of local members in pre-application discussions for major development proposals.

Fees for the statutory pre-application service

3.16 We consider that LPAs should be able to recover the cost of providing the pre-application service. But we recognise that it is important to ensure that charges do not discourage prospective applicants from engaging with LPAs at the pre-application stage.

3.17 We will set standard national fees for the statutory pre-application service. We recognise that a number of LPAs already charge for pre-application advice, using powers under Section 93 of the Local Government Act 2003.

3.18 As any charges under Section 93 must be on a cost recovery basis, it seems reasonable to base any standard national fee for the statutory pre-application service on existing discretionary charges.

[4] http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/preappguide/?lang=en

3.19 We are seeking views on whether proposals for householder development that are submitted to the pre-application service should be exempt from any fee.

3.20 We have investigated whether fees could be based on a percentage of the equivalent planning application fee. The problem with this approach is that, for certain developments, it can result in pre-application fees that are excessively low or high. But we welcome ideas on how fees for the statutory pre-application service should be calculated.

Question 13
Do you agree that the fee for the statutory pre-application service should be based on existing discretionary charges? If not, how should fees for the statutory pre-application service be calculated?

Question 14
Should householder development proposals that are submitted to the statutory pre-application service be exempt from a fee?

4. Statutory consultees

4.1 The IAG report[5] found significant concern that statutory consultees delay decision making on planning applications by providing late responses to consultation requests, disproportionate responses and unclear recommendations. To address these concerns, IAG report recommends that, “The Planning Bill places a duty on such statutory consultees to contribute positively to the efficient and effective functioning of the planning system”.

4.2 Sections 15 and 35 of the Bill respond to this recommendation. As discussed in paragraph 2.11 we intend to use the powers in section 15 (Requirement to carry out pre-application consultation) to place a duty on “specified persons” (statutory consultees) to provide timely, substantive responses to developers. These “specified persons” will also be required to report to the Welsh Ministers on their performance in providing such responses.

4.3 Section 35 makes provision for consultation relating to applications for the approval of reserved matters, the discharge of planning conditions, and applications made under section 96A (4) of the Planning Act (non-material changes to planning permission). It provides that when a statutory consultee is consulted on such applications they must provide a substantive response. The response must be provided within a prescribed period or as agreed in writing between the LPA and consultee. Section 35 provides powers to set out, in a development order, the requirements of a “substantive” response, and to require statutory consultees to report to the Welsh Ministers on their compliance in providing a “substantive response” within a specified timescale. It also provides that a development order can set out the information that LPAs need to provide statutory consultees to allow them to carry out their duties.

4.4 In addition to the commencement of sections 15 and 35 of the Bill, we also intend to commence section 54 of the PCPA. Section 54 is another legislative provision that places duties on statutory consultees in recognition of their key role in the planning system. It introduces a requirement on statutory consultees to provide a substantive response within a prescribed period to consultation requests that relate to development proposals for the grant of any permission, approval or consent under the planning Acts. Section 54 also gives the Welsh Ministers the power to require reports on the performance of consultees in meeting their response deadlines.

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[5] http://wales.gov.uk/topics/planning/planningresearch/publishedresearch/towardsawelshplanningact/?lang=en

4.5 Section 54 is already in force in England. Our intention is to commence section 54 of the PCPA by June 2015.

"Substantive response"

4.6 We need to establish a definition of "substantive response" for the purpose of commencing section 54 of the PCPA in Wales.

4.7 Article 20 of the DMPO (England) states that a substantive response is one which -

(a) states that the consultee has no comment to make;
(b) states that, on the basis of the information available, the consultee is content with the development proposed;
(c) refers the consultor to current standing advice by the consultee on the subject of the consultation; or
(d) provides advice to the consultor.

4.8 But, informed by the IAG report, which highlights the significant influence that statutory consultees have in the development management system, and the need to ensure that consultees adopt a positive role in helping to find solutions to enable developments to proceed, we consider that this definition of a "substantive response" is too general. In particular, we consider that the provision of standing advice does not necessarily provide developers, LPAs, or other stakeholders with sufficient site specific information to provide certainty that the consultee has given the development due consideration. There remains a risk that outstanding technical issues could prevent development proceeding.

4.9 Instead we are considering the following definition of "substantive response" as one which:

(i) states that the consultee has no comment to make, with reasons why this is the case;

(ii) states that, on the basis of the information available, the consultee is content with the development proposed;

(iii) provides advice to the consultor, the advice to include –

(a) in cases where the proposal raises significant concerns that would result in an objection being raised by the consultee, the reason for the objection; or
(b) how the developer can address specific concerns or issues in order to enable the proposal to proceed.

Commencement of section 15 and 35 of the Planning (Wales) Bill and "substantive response"

4.10 Once section 54 of the PCPA is commenced, consultees will have a statutory duty to provide timely, substantive responses to consultation

requests. The subsequent commencement of sections 15 and 35 of the Bill will introduce similar requirements at pre-application and post-submission stages.

4.11 So following commencement of section 54 of the PCPA and the subsequent commencement of sections 15 and 35 of the Planning (Wales) Bill, statutory consultees will be responsible for providing a substantive response at :

1. Pre-application stage (section 15 of the Bill),
2. Planning application stage (section 54 of the PCPA), and
3. Post-determination stage (i.e. approval of discharge of conditions, approval of reserve matters, and non-material changes to planning permissions – section 35 of the Bill.)

4.12 At planning application stage, as proposed in Positive Planning, we will restrict the responses of statutory consultees when they have already provided comments in carrying out their duties under the stage 1, the pre-application stage (section 15 of the Bill).

4.13 The result is that at planning application stage, there will be 2 different categories of "substantive response", depending on whether the scheme has been subject to the statutory pre-application consultation process.

4.14 The intention is that once section 54 of the PCPA, and sections 15 and 35 of the Planning (Wales) Bill are commenced, the following definitions of "substantive response" will be adopted in a development order.

<u>1. Pre-application stage</u>

4.15 A "substantive response" will either :

(i) confirm that the consultee has no comment to make, with reasons why this is the case;
(ii) state that, on the basis of the information available, the consultee is content with the development proposed; or

(iii) provide advice to the consultor, the advice to include –

(a) in cases where the proposal raises significant concerns that would result in an objection being raised by the consultee, the reason for the objection; or
(b) how the developer can address any concerns or issues in order to enable the proposal to proceed.

<u>2. Planning application stage</u>

<u>2(a) In cases where a planning application **is not** subject to statutory pre-application consultation</u>

4.16 A substantive response would be :

(i) the consultee has no comment to make, with reasons why this is the case;

(ii) on the basis of the information available, the consultee is content with the development proposed;

(iii) provides advice to the consultor, the advice to include –

(a) in cases where the proposal raises significant concerns that would result in an objection being raised by the consultee, the reason for the objection; or
(b) how the developer can address any concerns or issues in order to enable the proposal to proceed.

2(b) In cases where a planning application **is** subject to statutory pre-application consultation

4.17 A substantive response would be :

(i) the consultee confirms that they are satisfied with the development proposed;

(ii) that the objection remains (the consultee must provide a reason(s) for the objection) ;

(iii) that the concerns raised at pre-application stage remain, the consultee must then identify how these concerns can be addressed by the developer;

(iv) the consultee identifies new issues with the proposal, explains what these new issues are, states why they were not raised at pre-application stage, and addresses the following:

> (a) does the new issue(s) raise significant concerns that would result in an objection being raised by the consultee (the consultee must state the reason for the objection); or
> (b) how the developer can address any concerns or issues in order to enable the proposal to proceed

3. Post – determination stage

4.18 A substantive response would be:

(i) the consultee has no comment to make, with reasons why this is the case;
(ii) on the basis of the information available, the consultee is content with the proposal; or
(iii) the consultee explains why the information provided cannot be approved.

Question 15
Do you agree with our definitions of “substantive response”?

Timescales for response

4.19 Article 14 of the DMPO provides that, when LPAs are required to consult statutory consultees they must provide at least 14 days for a response. But in practice LPAs provide statutory consultees with 21 days to respond, this timescale is the same as the notification periods detailed in articles 21 1(a) and (b) of the DMPO.

4.20 To reflect current practice and as sections 15 and 35 of the Planning Bill, and section 54 of the PCPA will place a new legal duty on statutory consultees to provide a substantive response to consultation requests, it is considered reasonable to provide 21 days for statutory consultees to respond to the following :

(i) consultation requests from applicants in respect of statutory pre-application consultation (section 15 of the Planning (Wales) Bill);
(ii) consultation requests from LPAs and other determining bodies when determining planning applications (section 54 of the PCPA);
(iii) consultation requests from LPAs and other determining bodies in relation to approval of discharge of conditions, approval of reserve matters, and non-material changes to planning permissions.

Question 16
Do you agree that 21 days is a reasonable timescale for statutory consultees to provide a “substantive response” to consultation requests?

Performance reports

4.21 Using the powers under sections 15 and 35 of the Bill, and section 54 of the PCPA, we will require statutory consultees to submit a report to the Welsh Ministers on their compliance with their legal duties at each stage of the planning application process: pre-application, planning application and post-determination stages.

4.22 The intention is that:

- The reporting period will cover 12 months, starting on 1 April.
- The report will need to contain, for the reporting period, the number of occasions when a substantive response was requested, the number of substantive responses provided and the time taken to provide the substantive response.
- The report will need to be submitted to the Welsh Ministers by May 1 of each year for the preceding reporting period.

Question 17
Do you have any comments on the content of the performance report