

Number: **WG26011**



Llywodraeth Cymru
Welsh Government

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Consultation responses

Further Secondary Legislation for Development Management

Date of issue: **January 2016**

Introduction

A consultation exercise on further amendments to the development management system took place, over a 12 week period, between the 3 August and 26 October 2015.

The issues covered by this consultation were:

- Statutory Consultees;
- Design and Access Statements; and
- Houses in Multiple Occupation.

Responses

Details of the consultation have been published and can be found here:

<http://gov.wales/consultations/planning/further-secondary-legislation-for-development-management/?lang=en>

A total of 71 responses were received. Respondents were asked to complete a separate response form; however some responses were received within an email and hard copy letters. Each response was assigned a specific reference number.

Index of Responses

The list below indicates the categories to which respondents assigned themselves when completing the consultation form. For data protection purposes the name and address details for those respondents who did not wish to be identified have been removed from the published consultation responses.

Businesses / Planning Consultants

- 03 – Renewable Developments Wales Ltd
- 04 – National Grid
- 48 – Persimmon Homes West Wales
- 50 – Redrow Homes South Wales

Local Planning Authority

- 11 – Neath Port Talbot County Borough Council
- 14 - Merthyr Tydfil County Borough Council
- 17 – Vale of Glamorgan Council
- 18 – Caerphilly County Borough Council
- 19 – City and County of Swansea
- 22 – Denbighshire County Council
- 25 – Newport City Council
- 32 – Welsh National Parks
- 35 – Rhondda Cynon Taf County Borough Council
- 36 – City of Cardiff Council
- 40 – Bridgend County Borough Council
- 41 – Gwynedd Council
- 43 – Flintshire County Council
- 47 – Monmouthshire County Council
- 58 – Conwy County Borough Council

Government Agency / Other Public Sector

- 09 – Mick Antoniw AM (Pontypridd)
- 23 – Health & Safety Executive
- 26 – ONR
- 52 – Natural Resources Wales
- 54 – The Theatres Trust
- 60 – The Coal Authority
- 65 – Design Commission for Wales

Professional Bodies / Interest Groups

- 24 – Design out Crime Group Wales
- 29 – Clwydian Range and Dee Valley Joint Committee
- 30 – South Wales Police Force
- 31 – Council of British Archaeology
- 38 – Law Society
- 39 – Royal Town Planning Institute Cymru

- 46 – Planning Officers Society Wales
- 51 – Guide Dogs Cymru
- 53 – Welsh Historic Gardens Trust
- 55 – Chartered Institute for Archaeologists
- 57 – Home Builders Federation
- 59 – CLA
- 62 – Residential Landlords Association Cymru
- 63 – Royal Society of Architects in Wales
- 64 – Institute of Historic Building Conservation
- 71 – Anon

Voluntary Sector

- 05 – Treforest Residents Association
- 06 – Neath Port Talbot Council for Voluntary Service
- 08 – Abergavenny and District Civic Society
- 13 – Anon
- 27 – Age Cymru
- 28 – Brecknock Access Group
- 33 – Disability Advice Project
- 44 – Glamorgan-Gwent Archaeological Trust Ltd
- 49 – Community Housing Cymru Group
- 69 – Disability Wales
- 70 – Anon

Other or Individual

- 01 – Arfon Hughes
- 02 – Angela Thompson
- 07 – Alun Kendall
- 10 – Anon
- 12 – Anon
- 15 – Nortridge Perrott
- 16 – Anon
- 20 – Anon
- 21 – Anon
- 34 – Anon
- 37 – Glyn Davies
- 42 – Severn Trent Water
- 45 – Anon
- 56 – Welsh Water
- 61 – Canal & River Trust in Wales
- 66 – Anon
- 67 – Anon
- 68 – Sandy Reid Johns

From: [Angela Thompson](#)
To: [planconsultations-b](#)
Subject: WA Consultation on Design and Access statements
Date: 14 August 2015 19:21:58

Hello WA

I should like to respond to the above consultation.

If these changes go ahead there will no longer be Design & Access Statements except for large developments. These Statements are an important and invaluable tool for Access Groups to monitor and influence the planning process to bring about inclusive design over time.

Therefore I am not in favour of them.

Sincerely
Angela Thompson

Angela and Anthony Thompson

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>
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Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Anne Dugdale	
Organisation	Renewable Developments Wales Ltd	
Address	Unit 10, Capel Hendre Industrial Estate Ammanford Carmarthenshire SA18 3SJ	
E-mail address	anne@rdwales.co.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

Q4	Do you agree with the proposed changes as set out in Table 4: (a) To remove paragraph (n)? (b) To remove paragraph (u)? (c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Agree with (c) but not (a) and (b). NRW is an appropriate and relevant consultee for both waste and fish farming proposals, despite an overlap with other legislation.				

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Under sub-paragraph (e), this should only apply where more than 1ha of the development is above ground. This would exclude for example pipeline developments.</p>				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Agree, subject to proposed simplification of DAS.</p>				

Consultation Reference: WG26011

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Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: 				

Q11	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?
Comments: A statement on access should only be required where the proposed development affects public or private access.	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: This is welcomed.				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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:	

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:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ' Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation ' in the subject line]
Post

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

Consultation Reference: WG26011

Please complete the consultation form and send it to:

‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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.

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Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Stefan Preuss	
Organisation	National Grid	
Address	National Grid House, Warwick Technology Park, Gallows Hill, Warwick, CV34 6DA	
E-mail address	stefan.preuss@nationalgrid.com	
Type (please select one from the following)	Businesses/Planning Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

National Grid agrees that the requirement to prepare a Design and Access Statement is not appropriate for every type of application and that there are shortfalls in terms of what applicants are expected to include in such Statements. For example, applicants are regularly required to cover access issues as a matter of course for types of development that will not actually be open to the general public (e.g. buildings hosting energy infrastructure). Such requirements seem inappropriate and a waste of resources.

For major development, there is benefit in a clear understanding of how the design and access principles should be documented. Consistency is important for major schemes which may cross local authority boundaries - a requirement for a Design and Access Statement is one way to achieve this.

National Grid considers that, in addition to major development, the same requirements should therefore apply to Development of National Significance.

In all cases where a DAS is mandatory, there needs to be a clear recognition that the contents and level of detail of such Statements need to be proportionate and take account of the type and nature of an application. This should also be made clear in the national development management policy on design which was proposed in the previous consultation on Design in the Planning Process.

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

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Mandatory DAS should not be required in any areas other than Conservation Areas and World Heritage Sites.

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments: A statement on access should only be required where access is a material issue and this may not appropriate for every type of application. For example, applicants should not be required to cover access issues for types of development that will not actually be open to the general public (e.g. buildings	

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hosting energy infrastructure).

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>National Grid agrees that there are currently shortfalls in terms of what applicants are expected to include in DAS. For example, applicants are regularly required to cover access issues as a matter of course for types of development that will not actually be open to the general public (e.g. buildings hosting energy infrastructure). Such requirements seem inappropriate and a waste of resources.</p> <p>In all cases where a DAS is mandatory, there needs to be a clear recognition that the contents and level of detail of such Statements need to be proportionate and take account of the type and nature of an application. This should also be made clear in the national development management policy on design which was proposed in the previous consultation on Design in the Planning Process.</p>				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>No comment.</p>				

Q14	Do you agree with our proposal to align the	Yes		No
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Consultation Reference: WG26011

	definition of an Houses in Multiple Occupation for planning purposes with the housing definition set out in section 254 of the Housing Act 2004?		Yes (subject to further comment)	
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		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

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: N/A	

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

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I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Clive Windsor	
Organisation	Treforest Residents Association	
Address	14 Oxford Street, Treforest, Pontypridd CF37 1RU	
E-mail address	c.windsor3@ntlworld.com	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
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2.0 Statutory Consultees

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Comments:				

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Comments:				

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Comments:				

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		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

This is essential and the lack of this legislation has caused great hardship and the destruction of the character and amenity and social structure of communities. It has lead to huge financial and social losses. In Treforest alone allmost 1000 family homes and affordable housing has been lost. The cost of replacing this well in excess of £50m. This is against a background of a huge shortage in affordable housing. A shelter Cymru Report stated that 30% is unfit and 44% is substandard. We see this every day. Poor housing costs the NHS £67m a year and this rises to £167m when reduced life chances and children`s poor education is included. There are huge social and financial cost with care in the community, when there are`nt any neighbours and families living in an area to provide this care This legislation is much needed to address these issues.

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG26011

Comments:

This is essential to help return HMOs back to family and affordable housing

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:

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:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include '**Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation**' in the subject line]

Post

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

Consultation Reference: WG26011

Please complete the consultation form and send it to:

‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

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Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360



Consultation on Proposed amendments to
secondary legislation covering;
Statutory Consultees/Design and Access
Statements/Houses in Multiple Occupation
A Response from Neath Port Talbot CVS

September 2015

Neath Port Talbot CVS
Tŷ Margaret Thorne
17-19 Alfred Street
Neath
SA11 1EF

A response to proposed changes to secondary legislation covering Design and Access Statements

Neath Port Talbot Council for Voluntary Service (CVS)

Neath Port Talbot CVS is the County Voluntary Council and a charitable company set up to promote, support and develop the Third Sector in Neath Port Talbot. It has over 500 member organisations and is in touch with over 1,000 Third Sector organisations operating in Neath Port Talbot.

The organisation has strong partnership links locally and regionally and works in a number of strategic areas such as Disability, Health, and Regeneration.

As part of this work, Neath Port Talbot CVS facilitates the Regional Health, Social Care & Wellbeing Network and the Neath Port Talbot Health, Social Care & Wellbeing Forum as well as the Neath Port Talbot Mental Health Forum. Neath Port Talbot CVS also promotes a range of health messages to its staff and to the wider community through its networks, newsletters, website and social media.

Introduction

Neath Port Talbot CVS welcomes the opportunity to respond to this consultation. We have confined our response to the issue of proposed changes in the requirements for Design and Access Statements which is the area with which we are most closely engaged.

Neath Port Talbot CVS has made this consultation document available on its website and through its general information services.

Response

We are concerned that a Design and Access Statement would retain a mandatory requirement only for certain categories of buildings and for projects above a certain size threshold.

We also have concerns about the proposal that the requirement for specific aspects to be included within the DAC (e.g access issues) be withdrawn.

We recognise the argument that there will still be a legal requirement to determine planning applications in accordance with the Development Plan. There is also legal force in the Equalities Act. However we feel that any reduction in regulations supporting access arrangements for disabled people risks reversing the progress made in ensuring equality of access for people with disabilities.

We are also concerned about the proposal to remove the requirement to provide details concerning maintenance in respect of access features. This will again reduce the opportunity to keep access issues to the fore when considering DAS requirements.

To answer specific questions:

Q11 – What do you consider should be the circumstances in which an HIA would also need to be accompanied by a statement on access?

We feel that this should be undertaken in all circumstances.

Q12 – Do you agree with our proposals to simplify the statutory content of Design and Access Statements?

We have concerns on the accounts listed above. Although we are pleased to note that the DAS will still have to explain 'how issues relating to access to the development have been dealt with' we feel that this is still a watering down of the requirements within the DAS which protect the need to ensure access for disabled people.

From: [Alun Kendall](#)
To: [planconsultations-b](#)
Subject: Consultation document
Date: 03 October 2015 13:44:19

I have resided in a community with HMO properties for 37 years, and during that time have seen a thriving community completely changed to an area with a predominantly ethnic mix. Foreign students commence University in Treforest, and somehow remain after they should have graduated. At one point, I had Immigration knocking my door at 6.30am to enquire regarding the occupants of next door, who had suddenly ceased to reside there a few days before. There are a considerable number of properties which were originally purchased for student use and now appear to be available year round for private rental, or are for sale for some time, or remain empty. The community we moved into, no longer exists because of the previous lack of control, and it would have been better for the University to have purchased all of the properties in the area for student accommodation. We have experienced constant instances of all-night parties and previously the police had to be called to intervene, this is no longer available to the few residents here, as the Local Authority are responsible, and I ask the question how can this work when they only work office hours?

I fully endorse the need for more control, however, in my area I do not understand how this is going to benefit bringing back a community which no longer exists.

Mr Alun Kendall.

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>
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Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Dick Cole	
Organisation	Abergavenny and District Civic Society	
Address	Merles Gwehelog Usk NP15 1RE	
E-mail address	dandlcole@aol.com	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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 checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
While we are pleased that some mandatory DASs are to be retained, we believe that the quality of many developments below these thresholds would benefit from their preparation. If these arbitrary thresholds are considered necessary for clarity (and we would prefer them to be halved) LPAs should be reminded of their discretion to require reasonable additional design and access information on other applications.

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
National Parks, AONBs, and, as indicated in 3.29, Historic Parks and Gardens should be added.

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG26011

Comments:

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q11	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?
-----	--

Comments:
Wherever the means of public access may be affected.

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
We see no value, and a significant risk, in removing these statutory content requirements, other than matters now covered by other regulations such as the energy efficiency of buildings. Reliance on guidance in TAN12, allowing applicants flexibility in deciding what is relevant, is unlikely to be as successful as a statutory checklist. DASs can already deal with irrelevant requirements in a

Consultation Reference: WG26011

sentence.

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG26011

Comments:

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:

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:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include **‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’** in the subject line]

Post

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

Consultation Reference: WG26011

Please complete the consultation form and send it to:

‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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:

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<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Mick Antoniwi Please note that this submission is in respect of HMO legislation only (page 7 & 8)	
Organisation	Assembly Member for Pontypridd	
Address	10 Market Street Pontypridd CF37 2ST	
E-mail address	mick.antoniw@assembly.wales	
Type (please select one from the following)	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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments:	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

I strongly support this change and have raised this issue with the Minister on a number of occasions commencing with my letter of 25th September 2013. The proliferation of HMOs is undermining the sense of community identity and ownership in Treforest. It is vital that residents and their local elected representatives have a means of influencing the development of their community, including balancing the need for student accommodation with the residents' desire to maintain the character of their community and to live without unreasonable levels of noise, parking, refuse and crime related problems.

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

I understand that no definition of a HMO for planning purposes currently exists and so, agree that introducing a common definition is sensible.

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Consultation Reference: WG26011

I support the proposal, but would ask for confirmation that if the property was to revert to a HMO again at a future time that the requirement given in Q13 would apply.

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:

The strength of feeling in communities such as Treforest on this issue should not be under-estimated. The largely unregulated proliferation of HMOs has generated a stream of social problems and resulted in a general sense that the community 'no longer belongs to its residents.' It also means that outside of term time the community has - as residents put it - 'the look and feel of a ghost-town.' The proposals will do much to ensure that residents are treated fairly and have confidence that the development of their community is something that they have a stake in. I fully support the Welsh Government's proposals.

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:

Email

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

Consultation Reference: WG26011

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[Please include **‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’** in the subject line]

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Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

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Telephone: Kristian Morgan on 029 2082 3360

Consultation Reference: WG26011

Consultation Response Form

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Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name		
Organisation		
Address		
E-mail address		
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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 checked="" type="checkbox"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments:	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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:	

I do not want my name/or address published with my response (please tick) <input checked="" type="checkbox"/>

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’ in the subject line]
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Please complete the consultation form and send it to: ‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’ Development Management Branch Planning Directorate Welsh Government Cathays Park Cardiff CF10 3 NQ
Additional information
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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.

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Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Nicola Pearce	
Organisation	Neath Port Talbot County Borough Council	
Address	The Quays, Brunel Way, Baglan Energy Park Neath, SA11 2GG	
E-mail address	n.pearce@npt.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The new thresholds seems to include a larger number of application types, than was previously the case. The use of the word 'development' to replace the words 'building and pipeline' has the potential to include developments which may not necessarily be impacted by or impact upon the interests of the Coal Authority. For example the change of use of buildings, shopfronts, etc are all considered to be development but are unlikely to be of interest to the Coal Authority. The amendment therefore has the potential to overload the Coal Authority and slow down the processing of applications.</p>				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The greater prescription is welcomed, but in order that the criterion based approach under (ii) (a) - (e) is workable at a local level, it is assumed (requested) that appropriate GIS information/ layers will be provided by Cadw to facilitate a consistent approach</p>				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes, but do we need to specify whether or not the theatre is still operational i.e. are old theatres that have been vacant for many many years included within the criteria, or only those which are still operational?</p>				

Consultation Reference: WG26011

Given that the concerns relate to the potential impact of residential development on the operation of a theatre, however, it is considered that there may be more merit in such matters being referred to elsewhere in Guidance for LPAs to follow as a matter of course, as opposed to requiring formal consultation on all such proposals (with its additional resource implications for all parties) when the issue raised in response is likely to be the same, thus requiring LPAs to make a balanced judgement in each case.

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

Q5	Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: I cannot understand how a renewable energy scheme (Paragraph Z (iv)) will impact upon the interests of sewerage undertakers.				

Consultation Reference: WG26011

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: I cannot understand how a renewable energy scheme (Paragraph Z (iv)) will impact upon the interests of sewerage undertakers.				

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes, it is an appropriate threshold.				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG26011

Comments:
Yes, it is an appropriate threshold.

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
Yes, it is an appropriate threshold.

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
Yes, although I would have thought that design would already have been considered to be an integral part of a HIA.

Q11	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?
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Comments:
I don't consider that access should be included within a HIA, unless of course the development includes the provision of a new access which may itself impact upon the heritage of the surrounding area.

Consultation Reference: WG26011

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Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Whilst there is definitely a need to simplify DAS, the removal of statutory definitions will introduce inconsistencies between LPA's and may result in arguments in terms of the acceptability of submissions between applicants and LPA's.

It is also considered that the requirement to analyse the proposal against local Policy (currently defined under 'context') should be retained, since this allows an author to demonstrate that they have considered the impacts of their proposal in a local site and policy context.

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Yes, I agree but how do you distinguish between Class C3(C) & Class C4?

Q14	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	Yes	Yes (subject to further	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG26011

	the Housing Act 2004?		comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>It is considered to be sensible to tie the definition with the Housing Act to ensure consistency between different legislation.</p>				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

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.
<p>Comments:</p>	

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

Consultation Reference: WG26011

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

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[Please include **‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’** in the subject line]

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Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

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Telephone: Kristian Morgan on 029 2082 3360

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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.

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Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name		
Organisation		
Address		
E-mail address		
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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 checked="" type="checkbox"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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Comments:				

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Comments:	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
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Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Consideration should be given to availability of car-parking spaces adjacent to the property. A HMO with six residents could have as many as six cars, but most terraced houses only have space outside for one car.</p>				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Consideration to the level of work to convert the house should be considered in each instance.</p>				

Consultation Reference: WG26011

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:

I personally feel that landlords and/or rental agents of HMOs should be expected to display their contact details, or these should be obtainable from some common source (website?) in order to know of a point of contact to communicate on and resolve arising problems. Whether these be the result of noisy or otherwise problematic tenants, who often cannot or choose not to resolve such issues amongst themselves, or problems that come about as a result of a property being vacant (water leaks, continuously sounding alarms, etc), it is obvious useful for those living in neighbouring proerties to have some means of resolving such issues.

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

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[Please include '**Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation**' in the subject line]

Post

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

Consultation Reference: WG26011

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Development Management Branch
Planning Directorate
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CF10 3 NQ

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Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	[REDACTED]	
Organisation	[REDACTED]	
Address	NB our comments relate to Section 3 only	
E-mail address	[REDACTED]	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
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Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Consultation Reference: WG26011

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments: Change of Use, and development in line with the thresholds proposed for D&AS in Conservation Areas as set out in para 3.24 of your Consultation Document.	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: We agree with the simplification proposed provided that the effectiveness of these changes is reviewed within 5 years.				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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:

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:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include **‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’** in the subject line]

Post

Please complete the consultation form and send it to:

**‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

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

Consultation Reference: WG26011

Telephone: Kristian Morgan on 029 2082 3360

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	JUDITH JONES	
Organisation	MERTHYR TYDFIL COUNTY BOROUGH COUNCIL	
Address	UNIT 5, TRIANGLE BUSINESS PARK, PENTREBACH, MERTHYR TYDFIL, CF48 4TQ	
E-mail address	judith.jones@merthyr.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: (i) and (ii) should be removed as they are too prescriptive / specific.				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: (ii) should be removed as it is unnecessary.				

Consultation Reference: WG26011

Q4	Do you agree with the proposed changes as set out in Table 4: (a) To remove paragraph (n)? (b) To remove paragraph (u)? (c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Further clarification is required to be able to answer. What is meant by "notification"?				

Q5	Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: (Z) (iii) is too broad and unspecific. A development could be contrary to the DP but have nothing to do with water / sewerage undertaker?				

Q6	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.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Proximity to the national grid.				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>LPA's should have the flexibility to be able to request a DAS for smaller developments where considered necessary.</p>				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>All physical development in CA's should require a DAS.</p>				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Consultation Reference: WG26011

--

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments: Change of use.	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: N/A				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: N/A				

Consultation Reference: WG26011

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:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

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

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

Consultation Reference: WG26011

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

Consultation Reference: WG26011

Consultation Response Form

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

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Please submit your comments by 26 October 2015.

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planconsultations-b@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Nortridge Perrott	
Organisation	38 degrees/A4D	
Address	22 Malvern Tce Brynmill Swansea SA2 0BE	
E-mail address	norperrott@hotmail.com	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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 checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input checked="" type="checkbox"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: no comment				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: no comment				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: no comment				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: no comment				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Subject to confirmed community asset and activity who may propose a higher threshol--dependent on INDEPENDENT advice-				

Consultation Reference: WG26011

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments: Yes in terms of Disability access and the sounding of Disability Rights organisations-	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The order should truly harmonize HA and Planning Law definitions and apply to THREE or more occupants and trigger the requirement for CONSENT under the new regulations--NOT a NEW C4 but a C% as proposed in petition before assembly--text follows-</p>				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The Harmonization should follow faithfully the HA definition and be used for BOTH purposes-</p>				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>THE "flipping" of HMO should be tied to a use classes order that requires NEW CONSENT to "flip" between different USE classes ,as is the case for Commercial premises--see text of petition</p>				

Consultation Reference: WG26011

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:

TEXT of petition--

Bring forward a new use classes order -A C5 ORDER- to specifically capture HMO's-Houses in Multiple Occupation in Wales who meet the definition of a HMO specified in Part 7 Housing Act 2004 in conjunction with Schedule 14 Housing Act 2004.

We also call for a density threshold to be enacted by means of allowing Planning Authorities to remove permitted development rights in Areas of Wales operating an Additional Licensing scheme-or on a City Wide basis whichever is most appropriate such that a "material change of use " between Use Classes in Wales-would require a Planning consent for Change of Use .

We believe that Welsh Government should actively incentivise HMO landlords who are considering "flipping" their property under both Housing /Planning Act HMO provisions along the lines of a Welsh Houses to Homes scheme such that HMO landlords be allowed to bid for SME grant help to revert the HMO property back to sole domestic use-

Additional information:

This campaign will run through to the 2016 Assembly election and requires Welsh Government to use its enhanced legislative powers to Harmonise the legal definitions under Housing/Planning Law and further enact the ability for Local Planning Authorities to use specific HMO DENSITY criteria applied to a community or City Region to limit HMO proliferation where adverse impacts and consequence are identified or anticipated.

The petition asks for an incentive within Wales to encourage HMO Landlords to revert the properties back to sole domestic use and thus improve the stock of available Affordable Housing.

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

Consultation Reference: WG26011

--

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

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Additional information
If you have any queries on this consultation, please Email: planconsultations-b@wales.gsi.gov.uk or Telephone: Kristian Morgan on 029 2082 3360

From: [REDACTED]
To: [planconsultations-b](#)
Subject: hmo development
Date: 12 October 2015 13:17:07

Sent from Windows Mail

I hope as a resident of treforest, local government has a greater say in allowing more houses with hmo licenses. I have seen our village been ruined by more and more of this type of property.families have been driven out because of this. someone needs to take a close look at this problem.

CHAIRMANS URGENT ITEM**THE VALE OF GLAMORGAN COUNCIL****PLANNING COMMITTEE : 1 OCTOBER 2015****REPORT OF THE HEAD OF REGENERATION AND PLANNING****8. GENERAL PLANNING MATTERS****WELSH GOVERNMENT CONSULTATION****1. PROPOSED AMENDMENTS TO SECONDARY LEGISLATION FOR DEVELOPMENT MANAGEMENT COVERING STATUTORY CONSULTEES, DESIGN AND ACCESS STATEMENTS and HOUSES IN MULTIPLE OCCUPATION.****Purpose of the Report**

1. To update Members on the Welsh Government (WG) consultation and to recommend an appropriate response to those consultations.

Background

2. As part of the implementation of the proposed changes to the Planning System in Wales, which will be introduced through The Planning (Wales) Act, a consultation paper has been released seeking the views of interested parties with regard to the above.
3. This consultation seeks the view of the Council on subordinate legislation needed to implement the sections of the Planning (Wales) Act 2015 relating to:
 - Statutory Consultees.
 - Design and Access Statements (DASs)
 - Houses in Multiple Occupation
4. This consultation paper is not seeking opinions in respect of the primary legislation included in the Bill as this has already been approved by the National Assembly for Wales, and is due to receive Royal Assent in July.
5. The consultation paper (Appendix A) includes a set of specific questions to which the Welsh Government is requesting views. The closing date for replies is 26 October 2015.

Relevant Issues and Options

6. The proposed response to the consultation paper does not raise any fundamental issues with the changes proposed. The proposed changes are largely considered to be reasonable, however, potential implications have been pointed out in certain cases.
7. In respect of statutory consultees, the changes relate to the provisions in respect of the Coal Authority, Cadw, The Theatre Trust, Natural Resources Wales and Water/Sewerage Undertakers. It is considered that the proposed changes would not have significant implications for the Council.
8. The proposed changes to Design and Access Statements (DASs) seek to rationalise the instances where they would be required. In the main, DASs would only be required for major developments and development in sensitive areas, e.g. conservation areas; and the content would be simplified. It is considered that this is more appropriate than the current system whereby the vast majority of non-householder applications require a DAS.
9. The proposed changes relating to Houses in multiple Occupation (HMOs) include the creation of a new Use Class (C4) which would mean that HMOs of up to 6 people would require planning permission (HMOs of 7 or more occupants would continue to require permission as a Sui Generis use). This change is proposed in response to research which has indicated issues resulting from high concentrations of HMOs. While there are not particularly high evidenced concentrations of HMOs within the Vale, it is considered that the impacts of an HMO can be greater than a single household unit and for this reason, it is considered appropriate for them to be brought within planning control. NB: Up to 6 people living as a single household would still not require planning permission.
10. The responses raised are addressed individually in the consultation response attached at Appendix B.

Resource Implications (Financial and Employment)

11. Responding to the consultation can be met from within the Directorate resources. The proposals themselves will have resource implications, by virtue of the additional planning applications which will not need to be submitted for HMOs.

Sustainability and Climate Change Implications

12. Land use planning has a significant impact on sustainability, ranging from influencing the need to travel, the location of new development, the sustainability credentials of new development as well as energy efficiency.
- Legal Implications (to Include Human Rights Implications)

13. Land use planning is a statutory process and the Act contains numerous references to elements of that process including planning appeals, development planning and the rights of individuals.

Crime and Disorder Implications

14. None specific to this report.

Equal Opportunities Implications (to include Welsh Language issues)

15. None specific to this report, although there are matters contained within the Bill to ensure that the planning service is delivered in a fair, consistent and equitable manner.

Corporate/Service Objectives

16. The efficient handling of planning matters impacts on the corporate objectives relating to regeneration, the environment and housing.

Policy Framework and Budget

17. This is a matter within the policy framework.

Consultation (including Ward Member Consultation)

18. There has been no specific Ward Member consultation as this matter is not Ward specific.

Relevant Scrutiny Committee

19. Economy and Environment.

RECOMMENDATIONS

(1) That the content of the report be noted and the response to the consultation be agreed and sent to WG.

(2) That the matter be referred to Cabinet for information and that should Cabinet have any additional issues it wishes to raise that these be forwarded on to WG.

Reasons for the Recommendations

(1) To allow the Council to respond to the consultation.

(2) To inform Cabinet of the views of the Committee when responding to the consultation and to allow any further comments of Cabinet to be forwarded to the WG.

Background Papers

Welsh Government consultation

Contact Officer

Marcus Goldsworthy, Head of Regeneration and Planning –
Tel. 01446 704630

Officers Consulted

None

Rob Thomas- Managing Director



Llywodraeth Cymru
Welsh Government

www.gov.wales

Welsh Government

Consultation Document

Proposed amendments to secondary legislation for development management covering:

- Statutory Consultees
- Design and Access Statements
- Houses in Multiple Occupation

Date of issue: 3 August 2015

Action required: Responses by 26 October 2015

Overview

This consultation seeks your views on the Welsh Government's proposals to amend the development management system in Wales in three areas.

Firstly, we propose to amend the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 to update the consultation thresholds for statutory consultees. We are also proposing new thresholds for water and sewerage undertakers who would become statutory consultees.

Secondly, we propose to amend the Order in relation to Design and Access Statements (DAS) to make them mandatory in only certain circumstances. We are also proposing to relax the specific content requirements of DAS when they are required.

Lastly, we propose to amend the Town and Country Planning (Use Classes) Order 1987 to create a new use class for small Houses in Multiple Occupation (HMOs) and related amendments to the Town and Country Planning (General Permitted Development) Order 1995. The aim of this proposal is to allow local authorities the opportunity to consider the impacts of small HMOs on the local area through the submission of a planning application.

How to respond

The closing date for replies is **26 October 2015**. You can reply in any of the following ways:

E-mail:

Please complete the consultation response form and send it to:

planconsultations-b@wales.gsi.gov.uk or
planconsultations-b@cymru.gsi.gov.uk
(if you are responding in Welsh)

Post:

Please complete the consultation response form at Annex 1 and send it to:

Consultation on proposed amendments to
secondary legislation covering:
Statutory Consultees / DAS / HMOs

Development Management Branch
Planning Directorate
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.

Development Management Procedure (Wales) Order 2012

www.legislation.gov.uk/wsi/2012/801/contents/made

Planning Policy Wales

www.gov.Wales/topics/planning/policy/ppw/?lang=en

Technical Advice Note 12: Design

www.gov.wales/topics/planning/policy/tans/tan12/?lang=en

Contact details

For further information please contact:

E-mail: planconsultations-b@wales.gsi.gov.uk

Statutory Consultees:

Kristian Morgan

Telephone: 029 2082 3360

Design and Access Statements:

Max Hampton

Telephone: 029 2082 6166

Houses in Multiple Occupation:

Paul Robinson

Telephone: 029 2082 3290

Data protection

How the views and information you give us will be used

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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.

Proposed amendments to secondary legislation for development management covering:

- **Statutory Consultees**
- **Design and Access Statements**
- **Houses in Multiple Occupation**

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1. Purpose of this Consultation

- 1.1 In December 2013 the Welsh Government published its proposals to modernise the planning system in Wales. The consultation paper 'Positive Planning' identified the need for culture change, a change in attitude away from regulating development towards encouraging and supporting development. A number of changes to the development management system were proposed to improve transparency, accessibility, timeliness and democratic accountability. Some changes were to be delivered through the Planning (Wales) Act 2015 while others could be taken forward using existing powers.
- 1.2 This is the second of two consultation papers seeking your views on proposed amendments to subordinate legislation related to the development management system. The first consultation paper issued on the 19 June 2015 covers subordinate legislation necessary to implement the Planning (Wales) Act 2015. This consultation paper seeks your views on proposed amendments to subordinate legislation intended to implement the Positive Planning proposals using powers available under the Town and Country Planning Act 1990. The issues covered in this paper are:
- Statutory Consultees
 - Design and Access Statements (DASs)
 - Houses in Multiple Occupation (HMOs)

Statutory Consultees:

Amendments to Schedule 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order (DMPWO)

- 1.3 Discussions with statutory consultees have suggested that consultation thresholds should be amended in respect of four bodies, so that the consultation requests they receive better reflect their available skills and expertise. We therefore propose amended consultation thresholds in Schedule 4 of the DMPWO.
- 1.4 Water and sewerage undertakers (WASU) operating in Wales are becoming new statutory consultees and so relevant consultation thresholds are proposed for inclusion in Schedule 4 of the DMPWO.

Design and Access Statements:

Amendments to Article 7 of the Town and Country Planning (Development Management Procedure) (Wales) Order (DMPWO)

- 1.5 We want to reduce the number of planning applications which require a Design and Access Statement (DAS) and to make DAS requirements less prescriptive, in order to help streamline the planning process.
- 1.6 We therefore propose to amend The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 to require DAS with planning applications for major development only. However

we also propose to apply a lower threshold in Conservation Areas and World Heritage Sites. To encourage a more proportionate approach to DAS, which is responsive to individual development proposals we are also proposing to remove the requirement to explicitly refer to five specific design principles in every DAS.

**Houses in Multiple Occupation:
Amendments to the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development Order) 1995**

- 1.7 We propose to amend The Town and Country Planning (Use Classes) Order 1987 by introducing a new use class C4 (houses in multiple occupation occupied by not more than six residents). This proposal would increase the number of new HMOs which require planning permission, allowing local planning authorities the opportunity to consider their impact.
- 1.8 We also propose to amend The Town and Country Planning (General Permitted Development) Order 1995 to give permitted development rights to changes of use from buildings used as small scale HMOs (proposed use class C4), to use as dwellinghouses (use class C3). This is to enable a small HMO to revert to use as a dwellinghouse without requiring planning permission.

2. Statutory Consultees – Amendments to Schedule 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

- 2.1 This section of the consultation seeks your views on proposed amendments to Schedule 4 of the DMPWO, in particular:
- Revised consultation thresholds
 - The inclusion of water and sewerage undertakers operating in Wales with appropriate consultation thresholds

The current position

- 2.2 Sections 71(2) and 74(1) of the Town and Country Planning Act 1990 provide the power for the Welsh Ministers via a development order to require local planning authorities to undertake consultation and to prescribe the consultation procedure. This procedure is set out in article 14 of the DMPWO. Article 14 requires that where development falls within a description listed in Schedule 4, the local planning authority must consult the bodies identified in relation to that description.
- 2.3 The purpose of the consultation process is to ensure local planning authorities obtain representations of key bodies on specialist technical issues, or in relation to particular assets, where an authority may have limited expertise or knowledge.
- 2.4 The statutory consultees are set out in Schedule 4 of the DMPWO:
- Local Planning Authorities
 - Community or Town Councils
 - The Health and Safety Executive
 - The Office for Nuclear Regulation
 - The Welsh Ministers
 - Railway Network Operators
 - The Local Highway Authorities
 - Road Concessionaires
 - The Coal Authority
 - The Natural Resources Body for Wales (now known to the wider public as Natural Resources Wales)
 - The Theatres Trust
 - The Sports Council for Wales (now known to the wider public as Sport Wales); and
 - The British Waterways Board (now known to the wider public as The Canal and Rivers Trust)

Why are we proposing change?

- 2.5 A review of statutory and non-statutory consultation processes was recommended by GVA Grimley's 'Study to Examine the Planning Application Process in Wales'. Further recommendations were made in respect of statutory consultees by the Independent Advisory Group's

June 2012 report, which recognised that unnecessary consultation was the cause of much delay and frustration in the planning system in Wales.

- 2.6 Consultation was undertaken in 2010 by the Welsh Government in respect of identifying appropriate consultees and further studies have added to the evidence on which these current proposals are based. The evidence base includes:
- responses to the consultation on a draft list of statutory and non-statutory consultees (August 2010)¹
 - the results of the research undertaken by GVA Grimley to examine the planning application processes (June 2010)², and,
 - the enquiry conducted by the National Assembly for Wales Environment and Sustainability Committee into energy policy and planning in Wales (June 2012)³
 - a report by the Independent Advisory Group (IAG Report – June 2012)⁴
 - a report by Arup on Managing Development in Wales (September 2012)⁵
 - a report by Hyder on the Evaluation of Consenting Performance of Renewable Energy Schemes in Wales (January 2013)⁶

What are the main changes we are proposing?

- 2.7 Our consideration of the above evidence has resulted in a suite of legislative reforms to refine the interaction of statutory consultees with the planning system in Wales. Sections 18 and 37 of the Planning (Wales) Act 2015 together with the commencement of section 54 of the Planning and Compulsory Purchase Act 2004, will deliver improvements to the statutory consultation process at pre-application, application, and post application stages. This legislation makes provision for the Welsh Ministers to:
- define a substantive response which statutory consultees must provide following a consultation request;
 - set the timescale within which a response should be made; and
 - provide for an annual report by statutory consultees on their performance in complying with the duties imposed on them.

¹ <http://gov.wales/topics/planning/policy/guidanceandleaflets/info/report/?lang=en>

² <http://gov.wales/topics/planning/planningresearch/planningapproach/papers/planningapproach/?lang=en>

³ <http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=2255>

⁴ <http://gov.wales/topics/planning/planningresearch/publishedresearch/towardsawelshplanningact/%3bjsessionid=E9C78C1A74EC07D8C1F1A74B4E2CF3FB?lang=en>

⁵ <http://gov.wales/topics/planning/planningresearch/publishedresearch/anewapproach/?lang=en>

⁶ <http://gov.wales/topics/planning/planningresearch/publishedresearch/evaluation-of-consenting-performance-of-renewable-energy-schemes/%3bjsessionid=6BB8B534F3106C9D38241A3DCB32E0F4?lang=en>

These details have been set out in the earlier consultations on “Frontloading the Development Management System”⁷, and “Secondary Legislation for Development Management”⁸.

- 2.8 Also, in light of the above evidence, the Minister for Natural Resources gave a commitment to the Senedd (at the plenary debate on the Planning (Wales) Bill held on 10th February 2015)⁹ to make water and sewerage undertakers (WASU) operating in Wales statutory consultees. To give effect to that commitment it is proposed to add them to Schedule 4 of the DMPWO with appropriate consultation thresholds.
- 2.9 Following on from the early consultation work in 2010, discussions with existing statutory consultees suggest that for four of the bodies amendment to the current consultation thresholds in Schedule 4 is appropriate.
- 2.10 The amendments to Schedule 4 are intended to either increase or decrease the number of applications referred to each consultee. In some instances the amendments to the DMPWO will result in fewer consultations with a statutory consultee and thus allow them to redirect resources to focus on high priority planning applications. The provision of standing advice for lower risk proposals will ensure that LPAs are still able to make informed decisions.
- 2.11 Alternatively, some bodies would have an amended consultation threshold to attain input on a greater range of applications. This may be due to a change in their role or remit, or the lack of clarity of the existing threshold definitions to inform LPAs on when to consult.

The Coal Authority

- 2.12 The Coal Authority is a non-departmental public body sponsored by the Department for Energy and Climate Change with a national remit covering England, Scotland and Wales. It has specific statutory responsibilities associated with the licensing of coal mining operations; handling subsidence claims; dealing with historic property and liability issues; and providing information on coal mining.
- 2.13 The Coal Authority is a statutory consultee following privatisation of the coal industry. The current requirement in Paragraph (i), which followed wording from a previous development order, is as follows:

‘Development which involves the provision of a building or pipe-line in an area of coal working notified by the Coal Authority to the local planning authority’

⁷ <http://gov.wales/consultations/planning/frontloading-the-development-management-system/?lang=en>

⁸ <http://gov.wales/consultations/planning/secondary-legislation-for-development-management/?lang=en>

⁹ <http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=11271>

- 2.14 The threshold sought to alert the then British Coal Board to development that may sterilise coal reserves in addition to the issues of subsidence from old workings. The risk of subsidence is now the focus of the Coal Authority's work within the development management system and so this consultation is proposing a revised threshold definition that will reduce unnecessary consultation. The amended definition is set out in Table 1 and reflects the Coal Authority's risk based approach to development management where only development in areas of high risk coal mining legacy require direct consultation. Low risk development is currently filtered out by LPAs through an exemptions list and standing advice and so this amendment brings the DMPWO in line with this approach.

Table 1: Proposed changes to the requirements for consulting The Coal Authority before the grant of planning permission, under Schedule 4 of the DMPWO		
Paragraph	Description of Development	Consultee
(i)	Development, other than householder development, within an area which has been notified for the purpose of this provision to the local planning authority by the Coal Authority because of the presence of land instability risks from coal mining <i>[A definition of 'householder development' will be inserted in the DMPWO]</i>	The Coal Authority

Q1	Do you agree with the proposal to amend paragraph (i)?
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The Welsh Ministers (Cadw)

- 2.15 Cadw is the Welsh Government's historic environment service that conserves and promotes access to the 129 monuments and sites in the care of the Welsh Government and carries out statutory duties in respect of the wider historic environment, most notably protection and designation functions, offering grants, providing general leadership for the historic environment sector and engaging stakeholders and communities.
- 2.16 The existing requirement for statutory consultation in Schedule 4 of the DMPWO is described in Paragraph (k) as follows:
- 'Development likely to affect the site of a scheduled monument'*
- 2.17 Based in part on the anticipated duties to be placed on Cadw emanating from the Historic Environment Bill (currently passing through the Assembly), and the need to provide clarity of the trigger for

consultation, we are consulting on amended thresholds that will reflect this additional remit responsibility. The amended description is set out in Table 2.

Table 2: Proposed changes to the requirements for consulting The Welsh Ministers (Cadw) before the grant of planning permission, under Schedule 4 of the DMPWO		
Paragraph	Description of Development	Consultee
(k)	<p>(i) Development which has a direct physical impact on a scheduled monument.</p> <p>(ii) Development likely to be visible from a scheduled monument and meets one of the following criteria:</p> <ul style="list-style-type: none"> a) it is within a distance of 0.5 kilometres from the perimeter of the scheduled monument; b) it is within a distance of 1 kilometre from the perimeter of the scheduled monument and is 15 metres or more high, or has an area of 0.2 hectares or more; c) it is within a distance of 2 kilometres from the perimeter of the scheduled monument and is 50 metres or more high, or has an area of 0.5 hectares or more; d) it is within a distance of 3 kilometres from the perimeter of the scheduled monument and is 75 metres or more high, or has an area of 1 hectare or more; or e) it is within a distance of 5 kilometres from the perimeter of the scheduled monument and is 100 metres or more high, or has an area of 1 hectare or more. <p>(iii) Development likely to affect the site of a registered historic park or garden classified as Grade I, II* and II, or its setting;</p> <p>(iv) Development within a registered historic landscape that requires an Environmental Impact Assessment; or</p> <p>(v) Development likely to have an impact on the outstanding universal value of a World Heritage Site.</p>	The Welsh Ministers

Q2 Do you agree with the proposal to amend paragraph (k)?

The Theatres Trust

- 2.18 The Theatres Trust is the national advisory body for theatres, operating in Wales, England and Scotland. They are a statutory consultee on theatre buildings in the planning system, providing advice on the sustainable development of all theatres, historic, contemporary and new, including theatres in current use or disused.
- 2.19 The Theatres Trust Act 1976 sets out the objective of the Trust to promote the protection of theatres for the benefit of the nation. Statutory consultation aids the Trust to fulfil its legal duty. The Welsh Government is concerned that local planning authorities are not informing the Trust of all applications that meet the existing requirement for statutory consultation. This is set out in Paragraph (r) of Schedule 4 to the DMPWO:

'Development involving any land on which there is a theatre'

- 2.20 While guidance will be amended to help address any confusion over the scope of the provision, we are consulting on an amended description to address concerns over the impact of residential development on land that immediately adjoins a theatre. In particular residential uses can often impact a theatre's operation and viability due to amenity and noise complaints, as the theatre can become perceived as a bad neighbour even though it was there first. The amended definition is set out in Table 3.

Table 3: Proposed changes to the requirements for consulting The Theatres Trust before the grant of planning permission, under Schedule 4 of the DMPWO

Paragraph	Description of Development	Consultee
(r)	Development involving - (i) any land on which there is a theatre; (ii) residential development (excluding householder development) within 50 metres of a theatre; if paragraph (i) does not apply; or (iii) a proposed theatre.	The Theatres Trust

Q3 Do you agree with the proposal to amend paragraph (r)?

Natural Resources Wales (The Natural Resources Body for Wales)

- 2.21 Natural Resources Wales (NRW) is the largest Welsh Government sponsored body. It was formed in April 2013, combining the functions of the Countryside Council for Wales, Forestry Commission Wales and the Environment Agency in Wales, as well as certain Welsh Government functions. NRW is currently consulted on a wide variety of planning applications, reflecting its strategic, operational and regulatory responsibilities for flood risk, water quality, water resources, waste management, contaminated land and controls on certain chemicals.
- 2.22 NRW is statutory consultee for proposed developments that are subject to Environmental Impact Assessment (EIA) and those developments currently defined under Schedule 4 of the DMPWO under paragraphs (j) (l) (m) (n) (o) (p) (q) (t) (u) and (x).
- 2.23 We are consulting on a new flood risk description to be added to Schedule 4 of the DMPWO. This builds upon NRW's current non-statutory role currently set out in Technical Advice Note (TAN) 15: Development and Flood Risk, advising on certain types of development that will be located in or near vulnerable flood zones. The proposed new definition is to be found under paragraph (y) in Table 4.
- 2.24 The definitions of 'emergency services development' and 'highly vulnerable development' that are used in TAN 15 will be included in the DMPWO.
- 2.25 We also propose removing the current requirement to consult NRW under paragraphs (n) and (u) so that NRW can focus their resources on more complex and environmentally high risk development types.
- 2.26 The removal of paragraph (n) is proposed as the types of waste development that are likely to have significant impacts on the environment are already identified in Schedules 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 ("the EIA Regulations 1999"). NRW will retain its role as a statutory consultee for developments that are subject to EIA. Accordingly, LPAs would continue to have regard to NRW's advice contained in the EIA Scoping Report and Environmental Statement.
- 2.27 The removal of paragraph (u) is proposed as the operation of fish farms is regulated by legislation outside of the planning system. Large scale intensive fish farms are also listed under Schedule 2 of the EIA Regulations 1999, on which NRW would continue to be consulted.

Table 4: Proposed changes to the requirements for consulting Natural Resources Wales before the grant of planning permission, under Schedule 4 of the DMPWO		
Paragraph	Description of Development	Consultee
(n)	Development involving the use of land for the deposit of refuse or waste	Remove
(u)	Development for the purposes of fish farming	Remove
(y)	<p>Development –</p> <p>(i) on land designated as Flood Zone C2; involving or including emergency services development or highly vulnerable development on land designated as Flood Zone C1; or</p> <p>(iii) on land that has been notified to the local planning authority by Natural Resources Wales for the purpose of this provision.</p> <p><i>[An interpretation of 'Flood Zone' will be inserted in the DMPWO referring to maps issued by, or on behalf of the Welsh Ministers]</i></p>	The Natural Resources Body for Wales

- Q4** Do you agree with the proposed changes as set out in Table 4:
- (a) To remove paragraph (n)?
 - (b) To remove paragraph (u)?
 - (c) To add paragraph (y) to NRW's statutory consultation requirements?

Water and Sewerage Undertakers

- 2.28 As a statutory consultee, WASU engagement in the planning process would ensure that new development can be suitably supplied and serviced with clean water and sewage treatment. It would also provide WASU with greater opportunity to mitigate any potential negative impact that new development is likely to have on the performance of critical infrastructure and the wider environment.
- 2.29 The consultation descriptions proposed in Table 5 for inclusion in Schedule 4 of the DMPWO point towards the wide-ranging impact the supply of water and sewerage infrastructure has on development, and reflects the discussions with the three main WASU operating in Wales (Dwr Cymru Welsh Water, Dee Valley Water and Severn Trent Water).

Table 5: Proposed requirements for consulting water and sewerage

undertakers before the grant of planning permission, under Schedule 4 of the DMPWO		
Paragraph	Description of development	Consultee
(z)	<p>Development -</p> <ul style="list-style-type: none"> (i) involving new residential development (including single units) (ii) which is major development not falling within section (i) (iii) which is not in accordance with the development plan (iv) involving the use of land for the provision of renewable energy 	The water and sewerage undertaker concerned
(p)	Development relating to the use of land as a cemetery	<p>The Natural Resources Body for Wales</p> <p>The water and sewerage undertaker concerned</p>

Q5 Do you agree with the proposed new consultation thresholds for WASU identified in Table 5 above?

Q6 Are there any other thresholds that should be included in/or excluded from Schedule 4 of the DMPWO? If so, please identify these and explain why they should be included or excluded.

2.30 An indicative Schedule 4 is provided in Annex 1. Please note that paragraph lettering is purely indicative and may be subject to alteration.

3. Design and Access Statements – Amendments to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO)

Background

- 3.1 The Welsh Government is committed to promoting good and inclusive design.
- 3.2 Planning Policy Wales (PPW)¹⁰ sets out our national planning policy in respect of promoting sustainability through good design and planning for sustainable buildings, and explains the role of local planning authorities in delivering good sustainable design. This is supported by Technical Advice Note (TAN) 12: Design¹¹ which provides advice for all those involved in the development process on how good sustainable design can be facilitated through the planning system.
- 3.3 Design and Access Statements (DAS) were introduced in 2009 as a communication tool to explain how both good and inclusive design principles have been considered and applied from the outset of the development process and how they will be achieved.
- 3.4 It was anticipated that the introduction of DAS would add value to the planning and design process and would enable various stakeholders (such as local authorities, applicants, local communities and access groups) to engage more effectively in the process, and improve awareness of the various issues that should be considered and facilitate better assessment of the quality of proposals.
- 3.5 However, the GVA *Report into the Planning Application Process in Wales* (June 2010)¹² highlighted key criticisms of DAS, such as perceptions regarding the process and additional costs, and recommended that the scope and content of DAS should be clarified in order to speed up and improve the validation of planning applications.
- 3.7 In response to the GVA report, the Welsh Government issued a policy clarification letter¹³ in August 2010 which explained that the amount of information submitted within a DAS should be proportional to the development proposal, site location and the issues raised and should not be a reason for additional delays when processing planning applications. However, despite this, evidence suggests that DAS are still causing significant delays when processing planning applications.

¹⁰ <http://gov.wales/topics/planning/policy/ppw/?lang=en>

¹¹ <http://gov.wales/topics/planning/policy/tans/tan12/?lang=en>

¹² <http://gov.wales/topics/planning/planningresearch/planningappprocess/papers/planningappstudy/?lang=en>

¹³ <http://gov.wales/topics/planning/policy/policyclarificationletters/2010/cl0310/?lang=en>

- 3.8 The research report by The Urbanists: *Review of Design and Access Statements in Wales*¹⁴ (2013) makes recommendations for refining and improving the DAS process. The report found that DAS can vary significantly in terms of their quality with the weight attributed to a DAS becoming more significant when justifying proposals for potentially complex sites, both in scale and issues, and those located in more sensitive locations. In other cases DAS were often poor quality, only meeting the minimum requirements of the planning authority. The report stated that the general perception of applicants is that the mandatory requirement for DAS has become a box ticking exercise used for validation purposes, having minimal impact on design quality and inclusive access.
- 3.9 Responses to our previous consultation on design echoed the findings of The Urbanists report in that there was general support across sectors for the retention of DAS within the planning system. However there were a significant number of respondents who stated that they should only be required for larger developments and those in sensitive areas. These views were also expressed by the Environment and Sustainability Committee of the National Assembly for Wales in their scrutiny of the Planning (Wales) Act¹⁵.

The current position

- 3.10 Section 62 (5) of the Town and Country Planning Act 1990 requires a development order to require applications for planning permission for development to be accompanied by:
- a) a statement about the design principles and concepts that have been applied to the development;
 - b) a statement about how issues relating to access to the development have been dealt with.
- 3.11 Article 7 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 sets out the requirements for DAS. Currently DAS are required for most planning applications. They are also required to explain:
- the design principles and concepts which have been applied in respect of:
 - environmental sustainability,
 - movement to, from and within the development,
 - character; and
 - community safety;
 - how access issues have been taken into account,
 - how any access issues have been addressed; and

¹⁴ <http://gov.wales/topics/planning/planningresearch/publishedresearch/review-of-design-and-access-statements-in-wales/?lang=en>

¹⁵ [http://www.assembly.wales/laid%20documents/cr-ld10090%20-environment%20and%20sustainability%20committee%20-%20planning%20\(wales\)%20bill%20-%20stage%201%20committee%20report/cr-ld10090-e.pdf](http://www.assembly.wales/laid%20documents/cr-ld10090%20-environment%20and%20sustainability%20committee%20-%20planning%20(wales)%20bill%20-%20stage%201%20committee%20report/cr-ld10090-e.pdf)

- how access features within the development are to be maintained.

Why are we proposing change?

- 3.12 The Urbanists report indicates a key positive value of DAS is their role as a communication tool for multiple audiences. These include design officers, police architectural liaison officers, development management officers, access groups, committee members and the public. The research found that DAS have raised the profile of design and inclusive access, and give consistency as to how issues are considered and presented in the planning process.
- 3.13 The nine recommendations of the report set out how legislation, guidance and procedures can be amended to improve the credibility and efficiency of the process. The primary recommendations relating to planning, which would require changes to subordinate legislation, are summarised as follows:
- Retain DAS as a communication tool, but only as a mandatory requirement for applications within certain categories (e.g. listed buildings/designations) and above certain dwelling/size thresholds (e.g. over 10 dwellings)
 - Exclude from the requirements the specific aspects of a development that must be considered (i.e. access, environmental sustainability, movement, community safety and character).

What are the main changes we are proposing?

- 3.14 We are proposing to simplify and streamline the current legal requirements for DAS by making amendments to The Town and Country Planning (Development Management Procedure) (Wales) Order in relation to the specified descriptions of applications for planning permission where DAS are required and in relation to their content.

Threshold

- 3.15 We want to reduce the number of applications where a DAS is required in line with Recommendation 1 of The Urbanists report. In doing so, we want to confine DAS to development where a more detailed explanation of the approach taken to design and access issues adds value.
- 3.16 Removing the requirements for a DAS in certain circumstances removes the statutory requirements on applicants without compromising our national planning policy on design. Our policies and guidance will continue to set the context for Local Development Plans (LDPs) and there is a legal requirement to determine planning applications in accordance with the Development Plan. In addition, applicants will still have the ability to outline their approach to design

and access with reference to national and local policies in non-statutory documentation provided as part of the application process.

- 3.17 Responses to our recent consultation on design in the planning process strongly supported the need for change in this area.

Major Development

- 3.18 We propose to amend the DMPWO to require DAS with planning applications for major development.

- 3.19 Major development is defined by DMPWO as:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where—
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.

- 3.20 Major developments have the greatest impact on both their immediate area and wider surroundings. Therefore a DAS provides an important way for developers to clearly communicate the design and access considerations to the local planning authority, the public and those making comments on planning applications to enable them to assess the application in an informed manner.

- 3.21 However, in recognising that major development forms an appropriate threshold, we propose to exclude mining / mineral operations and waste development from this in relation to DAS where the form of the development scheme will be largely dictated by their function. We also propose to exclude applications for permission to develop land without compliance with conditions previously attached, made under section 73 of the Town and Country Planning Act 1990 and for a material change in use of land or buildings. DAS would continue to be an unnecessary burden in these cases as the majority of these applications are relatively minor in nature and do not raise design issues which could not otherwise be dealt with during the Development Management process.

paragraph 3.19 and the DMPWO is the right threshold for requiring a Design and Access Statement? If not, what would be an appropriate threshold?

Historic Environment

- 3.22 Additionally, in areas of historic or cultural value, smaller proposals may also have a significantly greater impact on the character of the area of higher sensitivity in which they are situated. We therefore propose to apply a lower threshold where a DAS will be required in Conservation Areas and World Heritage Sites.
- 3.23 Applications for Listed Building Consent will continue to require a DAS under the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 until further consideration has been given to an alternative approach (please see the below section on Designated Historic Assets).
- 3.24 In Conservation Areas and World Heritage Sites, we are proposing that the threshold for DAS would be:
- (a) the provision of one or more dwellinghouses; or
 - (b) the provision of a building or buildings where the floor space created by the development is 100 square metres or more.
- 3.25 We believe that these thresholds are an appropriate balance for these sensitive areas.

Q8 Do you agree with our proposals to have different thresholds in Conservation Areas and World Heritage Sites? If not, to what other sensitive areas, if any, should a smaller threshold apply?

Q9 Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?

- 3.26 The Historic Environment (Wales) Bill is currently being considered by the National Assembly for Wales and includes improved measures for the sustainable management of designated and registered historic assets. Alongside the Bill, a pre-consultation draft of planning policy for the historic environment has been published on the Cadw website and a new Technical Advice Note will be produced. These set out proposals to introduce Heritage Impact Assessments (HIAs) to accompany applications for Listed Building Consent (LBC), Conservation Area Consent and Scheduled Monument Consent.

- 3.27 It is proposed that issues relating to design and access should be incorporated into a broader consideration of the impact of a proposal on heritage significance, a process referred to as a Heritage Impact Assessment (HIA). The intention of an HIA is to assess the impact of a proposal, including its design, on the heritage significance of a designated asset. It will be accompanied by best practice guidance to explain how this should be achieved.
- 3.28 It is proposed that an HIA will require a statement on access in certain circumstances and in proportion to the scale and nature of the proposal. For example, a proposal to replace historic windows in a listed building would normally require an HIA as part of the application for LBC but is unlikely to require a statement on access. However, the conversion of a listed historic chapel into a restaurant would almost certainly require a statement on access.
- 3.29 In the future it is likely that the Historic Environment (Wales) Bill will put Registered Historic Parks and Gardens onto a statutory footing. If this is the case then consideration will be given to extending the DAS requirements to include them. Additionally, consideration will be given in the future as to whether the proposed requirement for a DAS within a sensitive area should be replaced with the requirement for an HIA.

Q10 Do you agree with the proposal to incorporate the requirement for a statement on design within an HIA when preparing an application for listed building, scheduled monument or conservation area consent?

Q11 What do you consider should be the circumstances in which an HIA would also need to be accompanied by a statement on access?

Content

- 3.30 One reason cited for the inflexibility of the current DAS regulations is that their required content is prescribed in detail and is applicable to every Statement, regardless of the development involved. Recommendation 2 of The Urbanists report states that this should be removed. Therefore to encourage a more proportionate approach to DAS, which are responsive to the individual development proposals, we propose to make the following changes:
- remove the requirement to explain the specific design principles that have been applied to “environmental sustainability”, “movement to, from and within the development”, “character” and “community safety”;
 - remove the requirement to give details concerning maintenance in respect of access features; and

- reduce the number of statutory definitions (such as 'character' and 'context') in respect of DAS.

3.31 DAS would still have to explain the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt with. Applicants will also still have the ability to outline in their approach to design and access reference to the four aspects currently highlighted in legislation. It is also our intention to continue to structure our policy guidance in Technical Advice Note 12: Design (which will be factually updated as a result of any legislative changes) around these issues and encourage DAS to cover these aspects where they are relevant to the development. Our proposals will simply reduce the level of prescription at a national level, instead favouring a more proportionate approach on an individual scheme basis to reflect specific circumstances.

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?
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4. Houses in Multiple Occupation – Amendments to the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development Order) 1995

Background

- 4.1 The Welsh Government recognises that Houses in Multiple Occupation (HMOs) make an important contribution to the private rented sector by catering for the housing needs of specific groups of people. In particular, HMOs provide accommodation for individuals who cannot afford to purchase properties or rent larger accommodation. These types of property also often house the more vulnerable members of society and provide a valuable source of accommodation in University towns and cities.
- 4.2 However, high concentrations of HMOs can lead to substantial changes and problems in particular locations for the settled communities as the nature of a neighbourhood can change. Issues and problems relating to HMOs can manifest themselves in many different ways, such as increased waste and noise nuisance.
- 4.3 Concerns have been raised about the problems associated with concentrations of HMOs in parts of Wales and their affect on local communities. As a result there have been calls for a change to planning regulations to enable local authorities to more effectively manage the use of properties as HMOs.

The current position

- 4.4 Under the planning system the owner of land will, in many cases, require planning permission in order to carry out development. The definition of development (set out in section 55 of the Town and Country Planning Act 1990) includes making a material change of use. A number of categories of development are classified as 'permitted development' and can be carried out without planning consent.
- 4.5 The Town and Country Planning (Use Classes) Order 1987 puts uses of land and buildings into various categories known as 'use classes'. Use class C covers residential use. Section 52(2)(f) of the Town and Country Planning Act 1990 and Article 2 of the Use Classes Order provide that changes of use within a specific use class do not constitute development and so do not require planning permission. In addition, the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) permits certain specified changes of use between use classes.

4.6 In Wales use class C3 (dwellinghouse) is described as:

'Use as a dwellinghouse (whether or not as a sole or main residence) by:

- (a) a single person or by people to be regarded as forming a single household;*
- (b) not more than six residents living together as a single household (including a household where care is provided for residents).'*

4.7 HMOs are not described in the Use Classes Order as it applies in relation to Wales. As a general rule, planning permission will be needed before a dwellinghouse can undergo a material change of use to an HMO. However, this will depend upon the circumstances of each particular case and it is possible for a dwellinghouse which was occupied by a family to then be occupied by a group of up to six individuals living as a single household without the need for planning permission.

Why are we proposing change?

4.8 In response to the concerns raised by local communities about the problems caused by high concentrations of HMOs, the Welsh Government commissioned research to examine and quantify the nature of the problems and propose potential solutions. The results of this research were published in May 2015¹⁶. In addition to examining the extent of concentrations of HMOs in Wales and the issues associated with them, the research reviewed the existing legislation and made recommendations on potential changes.

4.9 The research found that the incidence of HMO concentrations across Wales is relatively limited. High concentrations were found in the four cities and towns with long-established universities (Cardiff, Swansea, Aberystwyth and Bangor). There are more limited concentrations in Rhondda Cynon Taf (around the Treforest campus of the University of South Wales) and in Wrexham where very localised concentrations are largely occupied by transient households rather than students.

4.10 The research identified a number of issues associated with the high concentrations of HMOs:

- Increases in anti-social behaviour, burglary and other crime;
- Reduction in the quality of the local environment due to increased litter, refuse, disrepair and prevalent lettings signs;
- Increased pressure on parking;
- Loss of community balance;

¹⁶ <http://gov.wales/topics/planning/planningresearch/publishedresearch/houses-in-multiple-occupation-final-report/?lang=en>

- Reduced opportunities for first-time buyers and other owner occupiers due to increased house prices and competition from landlords; and
 - Reduction in the provision of community facilities such as schools.
- 4.11 The research recommended changes to the Town and Country Planning (Use Classes) Order 1987 to enable local authorities to manage future growth of HMO concentrations. Any change to the Use Classes Order would not be retrospective and therefore the research recognised that it would not lead to any immediate change in communities affected by HMO concentrations. However, as indicated, it would mean that a local authority would have the opportunity to manage the future growth of HMOs, both in existing high concentration areas and to prevent high concentrations occurring in other areas, should it wish to do so.
- 4.12 The research also identified difficulties for local authority officers and property owners arising from the different definitions of an HMO for housing and planning purposes. This can result, for example, in a licence being required for a proposed HMO, but not planning consent.
- 4.13 The research report's recommendations covered many aspects of the control and management of HMOs, including planning, housing and waste management. The proposed changes to the planning system are therefore only part of the solution to the issues arising from high concentrations of HMOs. This consultation does not deal with the other recommendations in the research report that largely address issues related to the management of existing HMOs.
- 4.14 The research also identified examples of good practice from across the UK, both management schemes and applying existing legislation. Practice guidance is being prepared to collate and highlight these examples to assist local authorities, higher education institutions and others in managing HMOs.
- 4.15 Regarding the planning system, the main recommendations, which would require changes to secondary legislation, can be summarised as follows:
- Aligning the definition of an HMO for planning purposes with the housing definition set out in section 254 of the Housing Act 2004; and
 - Amending the Town and Country Planning (Use Classes) Order 1987 by introducing a new use class for HMOs to give local authorities in Wales the power to manage the development of HMOs with fewer than seven residents.

What are the main changes we are proposing?

- 4.16 We are proposing to amend the Town and Country Planning (Use Classes) Order 1987 by introducing a new use class C4 (houses in multiple occupation occupied by not more than six residents). This proposal would increase the number of new HMOs which require planning permission, allowing local planning authorities the opportunity to consider the impacts of proposed new HMOs. Local authorities will be able to adopt local policies to control the density and spread of this type of housing. Planning applications would then be assessed against these local policies allowing local authorities greater control over new HMOs. It will be for individual local planning authorities to consider the balance of costs and benefits in their particular area in deciding whether or not to have local policies.
- 4.17 The research into HMOs also considered the option of amending the Use Classes Order as proposed above, but with an Article 4 direction (under the GPDO) to bring the requirement for planning consent for change of use into effect. The option proposed in this consultation is considered preferable to the 'Article 4' route as it is clear and straightforward and would ensure uniformity of approach across Wales. In addition, once operative this option would have immediate effect and would also enable a planning fee to be charged, neither of which would be the case under the 'Article 4' option. The 'Article 4' option would take longer for local authorities to implement due to there being a statutory 12 months notice period prior to introduction and a requirement for a consultation process to avoid compensation being payable.

Q13	Do you agree that a new use class C4, whereby planning permission will be required for HMOs with fewer than seven residents, should be introduced?
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- 4.18 The position regarding HMOs with seven or more unrelated occupiers will remain unchanged, i.e. they will continue to be considered 'sui generis' (of its own class). This is because the introduction of a separate use class would give more latitude for intensification of use without needing to obtain planning permission; once planning permission had been granted, the number of persons living at the property could be increased without requiring further planning permission.
- 4.19 It is proposed that use class C would be amended as follows:

'Class C3 Dwellinghouses

*Use as a dwellinghouse (whether or not as a sole or main residence)
by:*

- (a) *a single person or by people to be regarded as forming a single household;*
- (b) *not more than six residents living together as a single household where care is provided for residents; or*
- (c) *not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).*

Class C4 Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a "house in multiple occupation".'

- 4.20 As part of the proposed amendment of the Use Classes Order we propose to align the definition of an HMO with the definition set out in section 254 of the Housing Act 2004. Therefore for the purposes of the proposed Class C4 a "house in multiple occupation" would have the same meaning as in section 254 of the Housing Act 2004¹⁷, but not including a converted block of flats to which section 257 of the Housing Act 2004 applies.

Q14 Do you agree with our proposal to align the definition of an HMO for planning purposes with the housing definition set out in section 254 of the Housing Act 2004?

- 4.21 We are also proposing to amend the Town and Country Planning (General Permitted Development) Order 1995 to give permitted development rights to changes of use from buildings used as small scale HMOs, proposed use class C4 (houses in multiple occupation occupied by not more than six residents) , to use as dwellinghouses, use class C3. This is to enable a small HMO to revert to use as a dwellinghouse without requiring planning permission.

Q15 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?

Q16 We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

¹⁷ <http://www.legislation.gov.uk/ukpga/2004/34/section/254>

Annex 1:
Indicative wording for proposed amendments relating to
Schedule 4 of the DMPWO

Text added to the schedule is marked bold.

Text to be deleted is marked strike-through

SCHEDULE 4

CONSULTATIONS BEFORE THE GRANT OF PERMISSION

Article 14 and 15

Table

Para	Description of Development	Consultee
(a)	Development likely to affect land in the area of another local planning authority	The local planning authority concerned
(b)	Development, in relation to which an application for planning permission has been made to the Welsh Ministers under section 293A of the 1990 Act (urgent Crown development: application), where that development is likely to affect land in the area of a community or town council	The community or town council
(c)	<p>Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances (otherwise than on a relevant nuclear site) and which involves the provision of -</p> <p>(i) residential accommodation;</p> <p>(ii) more than 250 square metres of retail floor space;</p> <p>(iii) more than 500 square metres of office floor space; or</p> <p>(iv) more than 750 square metres of floor space to be used for an industrial process,</p> <p>or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area</p>	The Health and Safety Executive
(ca)	Development within an area which has been notified to the local planning authority by the Office for Nuclear Regulation for the purpose of this provision because of	The Office for Nuclear Regulation

	<p>the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances on a relevant nuclear site and which involves the provision of-</p> <p>(i) residential accommodation;</p> <p>(ii) more than 250 square metres of retail floor space;</p> <p>(iii) more than 500 square metres of office floor space; or</p> <p>(iv) more than 750 square metres of floor space to be used for an industrial process,</p> <p>or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.</p>	
(d)	<p>Development likely to result in a material increase in the volume or a material change in the character of traffic-</p> <p>(i) entering or leaving a trunk road; or</p> <p>(ii) using a level crossing over a railway</p>	<p>The Welsh Ministers</p> <p>The operator of the network which includes or consists of the railway in question and the Welsh Ministers</p>
(e)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway	The local highway authority concerned
(f)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned
(g)	<p>Development involving-</p> <p>(i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or</p> <p>(ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force</p>	<p>The local highway authority concerned</p> <p>The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire</p>
(h)	Development which consists of or includes the laying out or construction of a new street	The local highway authority concerned

(i)	Development, other than householder development, within an area which has been notified for the purpose of this provision to the local planning authority by the Coal Authority because of the presence of land instability risks from coal mining	The Coal Authority
(j)	Development involving or including mining operations	The Natural Resources Body for Wales
(k)	<ul style="list-style-type: none"> i. Development which has a direct physical impact on a scheduled monument. ii. Development likely to be visible from a scheduled monument and meets one of the following criteria-- <ul style="list-style-type: none"> a) it is within a distance of 0.5 kilometres from the perimeter of the scheduled monument; b) it is within a distance of 1 kilometre from the perimeter of the scheduled monument and is 15 metres or more high, or has an area of 0.2 hectares or more; c) it is within a distance of 2 kilometres from the perimeter of the scheduled monument and is 50 metres or more high, or has an area of 0.5 hectares or more; d) it is within a distance of 3 kilometres from the perimeter of the scheduled monument and is 75 metres or more high, or has an area of 1 hectare or more; or e) it is within a distance of 5 kilometres from the perimeter of the scheduled monument and is 100 metres or more high, or has an area of 1 hectare or more. iii. Development likely to affect the site of a registered historic park or garden classified as Grade I, II* and II, or its setting; iv. Development within a registered historic landscape that requires an Environmental Impact Assessment; or v. Development likely to have an impact on the outstanding universal value of a World 	The Welsh Ministers

	Heritage Site.	
(l)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The Natural Resources Body for Wales
(m)	Development for the purpose of refining or storing mineral oils and their derivatives	The Natural Resources Body for Wales
(n)	Development involving the use of land for the deposit of refuse or waste	The Natural Resources Body for Wales
(o)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pump houses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling houses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	The Natural Resources Body for Wales
(p)	Development relating to the use of land as a cemetery	The Natural Resources Body for Wales Water and Sewerage Undertakers
(q)	Development – (i) in or likely to affect a site of special scientific interest; or (ii) within an area which has been notified to the local planning authority by the Natural Resource Body for Wales, and which is within two kilometres, of a site of special scientific interest, of which notification has been given, or has effect as if given, to the local planning authority by the Natural Resources Body for Wales, in accordance with section 28 of the Wildlife and Countryside Act 1981 (sites of special scientific interest)	The Natural Resources Body for Wales
(r)	Development involving – (i) any land on which there is a theatre; (ii) residential development (excluding householder development) within 50 metres of a theatre, if paragraph (i) does not apply; or (iii) a proposed theatre.	The Theatres Trust

(s)	<p>Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves—</p> <ul style="list-style-type: none"> (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or (ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more 	The Welsh Ministers
(t)	<p>Development within 250 metres of land which-</p> <ul style="list-style-type: none"> (i) is or has, at any time in the 30 years before the relevant application, been used for the deposit of refuse or waste; and (ii) has been notified to the local planning authority by the Natural Resources Body for Wales for the purposes of this provision 	The Natural Resources Body for Wales
(u)	Development for the purposes of fish farming	The Natural Resources Body for Wales
(v)	<p>Development which-</p> <ul style="list-style-type: none"> (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or (ii) is on land which has been: <ul style="list-style-type: none"> (aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or (iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface 	Sport Wales
(w)	<p>Development likely to affect-</p> <ul style="list-style-type: none"> (i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the Canal and River Trust; or (ii) any canal feeder channel, watercourse, let off or culvert, 	The Canal and River Trust

	which is within an area which has been notified for the purposes of this provision to the local planning authority by the Canal and River Trust	
(x)	<p>Development-</p> <ul style="list-style-type: none"> (i) involving the siting of new establishments; or (ii) consisting of modifications to existing establishments which could have significant repercussions on major accident hazards; or (iii) including transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequences of a major accident. 	<p>The Health and Safety Executive and the Natural Resources Body for Wales where it appears to the local planning authority that an area of particular natural sensitivity or interest may be affected; Natural Resources Wales</p>
(y)	<p>Development –</p> <ul style="list-style-type: none"> i. on land designated as Flood Zone C2; ii. Involving or including emergency services development or highly vulnerable development on land designated as Flood Zone C1; or iii. on land that has been notified to the local planning authority by Natural Resources Wales for the purpose of this provision. 	<p>The Natural Resources Body for Wales</p>
(z)	<p>Development -</p> <ul style="list-style-type: none"> (i) involving new residential development (including single units) (ii) which is major development not falling within section (i) (iii) which is not in accordance with the development plan (iv) involving the use of land for the provision of renewable energy 	<p>The water and sewerage undertaker concerned</p>

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

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

Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Marcus Goldsworthy	
Organisation	Vale of Glamorgan Council	
Address	Dock Office, Barry Docks, Barry, CF63 4RT	
E-mail address	MJGoldsworthy@valeofglamorgan.gov.uk	
Type <i>(please select one from the following)</i>	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The proposed changes should assist LPAs in determining when to consult, however, this may lead to more unnecessary consultations (or potentially harmful proposals missing consultation where the trigger isn't met)				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No comment				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Wouldn't an HIA fundamentally require a design statement in principle anyway?</p>				

Q11	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?
<p>Comments:</p> <p>Where the development has access implications (i.e. a new or altered access) or the introduction of new access (generally) for employees or members of the public.</p>	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes provided it is clear what is required in each case. i.e. proportionality is appropriate, however, guidance needs to be clear for LPAs to ensure consistency in quality</p>				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>While the Council accepts that this will be a useful tool in assessing the possible impact of HMOs on a local area, Welsh Government should note that this may have workload implications for the Council, increasing the number of planning applications which may be received in this regard.</p>				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Consultation Reference: WG26011

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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:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ' Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation ' in the subject line]
Post

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

Consultation Reference: WG26011

Please complete the consultation form and send it to:

‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

Consultation Reference: WG26011

Consultation Response Form

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

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<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>
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Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Tim Stephens	
Organisation	Caerphilly County Borough Council	
Address	Ty Pontllanfraith Pontllanfraith NP12 2YW	
E-mail address	stepht@caerphilly.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Consultation Reference: WG26011

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The corresponding legislation for planning applications needs to ensure that a related application for planning permission does not then require a DAS, otherwise there will be a duplication of work.</p>				

Q11	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?
<p>Comments:</p> <p>Where development is going to be occupied or visited by people, and the need to provide access for all had implications for the historic asset.</p>	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The burden of the DAS requirement will be significantly reduced by limiting the type of application that will have to be accompanied by them. However, some certainty is needed through legislation as to their content to prevent disagreement between applicants and LPAs, especially in view of the introduction of the right of appeal against the validation of a planning application.</p>				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Guidance is needed as to how to distinguish between groups of individuals who live together as a single household and those who don't. Also, the question of materiality has to be considered, e.g. would two people living together but not as a single household immediately fall into Class C4 rather than C3 despite the minimal impact on the character of the property or the locality? It has been held under the existing Class C3 that seven people living together as a single household would not necessarily represent a material change of use; would the same apply to seven people living together in an HMO, i.e. would that necessarily be a sui generis use in every case?</p>				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q15	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	Yes	Yes (subject to further comment)	No

Consultation Reference: WG26011

	Town and Country Planning (General Permitted Development) Order 1995?	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

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.
<p>Comments:</p> <p>No further comment</p>	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email
<p>Please complete the consultation form and send it to :</p> <p>planconsultations-b@wales.gsi.gov.uk</p> <p>[Please include ‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’ in the subject line]</p>
Post

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

Consultation Reference: WG26011

Please complete the consultation form and send it to:

‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Ryan Thomas	
Organisation	City and County of Swansea	
Address	Civic Centre, Oystermouth Road, Swansea, SA1 3SN	
E-mail address	ryan.thomas@swansea.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
The amendment of the definition to exclude householder development and clarification of consultation requirements with the Coal Authority is welcomed.

Clarification is required where part of the site is within a High Risk coal mining area and part is within a Low Risk coal mining area, particularly on smaller development plots - is consultation required if any part of the site is within the High Risk area or is there a % of the site required to be within the area to trigger consultation. We have had instances where part of the site has been within a High Risk area and Coal Authority have advised us that they shouldn't have been consulted.

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
Clarification of the triggers for consultation with CADW is welcomed.

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
Clarification of the triggers for consultation with the Theatres Trust is welcomed.

The definition of a theatre should be clarified/ included in the schedule if it is to

Consultation Reference: WG26011

include all theatres, historic, contemporary and new, including theatres in current use or disused.

Q4	Do you agree with the proposed changes as set out in Table 4: (a) To remove paragraph (n)? (b) To remove paragraph (u)? (c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Generally supportive of the revised consultation requirements for NRW including the removal of Paragraph (u) as the operation of fish farms is regulated by separate legislation and the addition of a new flood risk description at Paragraph (y), however, it is considered that NRW provide valuable input on all applications for the deposit of refuse or waste, even if under the EIA thresholds. Removal of paragraph (n) is not supported.				

Q5	Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Consultation with Water and Sewerage Undertakers on all residential development including single dwellings is considered too onerous particularly where there are no constraints locally. In addition it is not clear why water and sewerage undertakers need to be consulted on applications for the use of land for renewable energy schemes or for applications that are contrary to the development plan. Further clarity on the rationale behind this would have been				

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useful. The latter could encompass a whole range of applications that are contrary to the development plan that have little/ no discernible impact on water/ sewerage undertakers.

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The proposed threshold for Conservation Areas should also be applied to applications within AONBs as well as for applications within or affecting the setting of Historic Parks and Gardens. It is noted that paragraph 3.29 of the consultation document states that Historic Parks and Gardens will be considered in the future, however, it is considered that these should be included now given their special designation and historical value.</p>				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Agree subject to the requirement of a specific section setting out the design implications of the proposals rather than a number of separate and disjointed sentences related to design spread throughout the various parts of the HIA text.</p>				

Consultation Reference: WG26011

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Q11	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?
------------	---

Comments:

Any proposals for an existing or proposed use requiring access by the public. Any proposals for other uses involving a change to access arrangements which impact upon the character and appearance of the conservation area or the setting of a listed building or other historical designation (Historic Parks & Gardens etc.).

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

A lot of the issues raised regarding DAS documents related to to small scale schemes where the document was far too onerous a requirement. Removing the requirement for DAS for such applications will eliminate this issue to a substantial degree. However removing any specific requirements to control the content of DAS for the remaining 'major development' schemes could impact upon the quality of these documents which may then not follow a logical or rational approach to design and may not add any additional information to aid planning officers nor help to explain the scheme to the public. This will diminish the usefulness of DAS for these applicable schemes.

Furthermore removing some statutory content such as 'character' and 'context' also reduces the likelihood of a rational approach to design being undertaken which should be based initially on an analysis of the character and context of the locality. Such an analysis-design approach would not preclude more innovative or contemporary designs but would ensure that developers fully justify their proposals especially if these depart from the established character of the area. As such, a level of prescription in terms of the contents of DAS or an alternative requirement to provide a rational process of context analysis is required to ensure that the quality and usefulness of these documents is retained.

By advocating an approach based on an 'individual scheme basis to reflect specific circumstances' (as highlighted in paragraph 3.31 of the consultation document) with no prescription of content will likely lead to delays in the planning registration and determination processes as DAS contents are

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negotiated back and forth between LPA's and developers on an individual application basis. Such an approach will therefore not aid in streamlining the planning process.

It would also appear sensible to include the Pre-Application Consultation Report (as recommended in the Frontloading consultation document) within the Design and Access Statement (where they are required) if the former is to be required by statute.

This would ensure that the explanation/ evolution of the design process is closely linked to the consultation responses received at the pre-application stage and would prove useful for all users.

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				
The definition set out in S254 of the Housing Act is not particularly clear.				
It is imperative that the definition for planning purposes is clear to ensure the proposals operate effectively.				

Consultation Reference: WG26011

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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:

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:

Email

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

Consultation Reference: WG26011

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include **‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’** in the subject line]

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Please complete the consultation form and send it to:

**‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

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Email: planconsultations-b@wales.gsi.gov.uk or

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Consultation Reference: WG26011

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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.

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Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name		
Organisation		
Address		
E-mail address		
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>
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Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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Comments:				

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Consultation Reference: WG26011

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Comments:				

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Comments:				

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Comments:	

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Comments:				

Consultation Reference: WG26011

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		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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:

There is also a problem with house hopping where it is not always certain that the students occupying a house are actually on the lease. Sometimes there are extra students staying in a house as well. I found out about this when I complained to three students about noise and then found out later they should not have been living there anyway.

Also one landlord was unaware of a group of foreign students who were living in her house during the summer attending a short course.

In my street in Treforest there is continual noise from cars parking and leaving all evening and through the night. This has become much worse lately due to the increased number of students driving to the University. These are not people who live in the street but people who just park for work or to visit other people who live in other streets nearby and may leave these cars in the street for days causing parking problems for those who live in the street.

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

How to Respond

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Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include '**Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation**' in the subject line]

Post

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

Consultation Reference: WG26011

Please complete the consultation form and send it to:

‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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:

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Data Protection
<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	[REDACTED]	
Organisation	[REDACTED]	
Address	[REDACTED]	
E-mail address	[REDACTED]	
Type (please select one from the following)	Businesses/Planning Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It will depend how the development is applied by the developer; example multiple housing projects over a period can be a major development.				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The explanantion must be in its local context and provide evidence of understanding the significance of the asset.				

Q11	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?
Comments: Any major project.	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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:

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:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include **‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’** in the subject line]

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Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

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Email: planconsultations-b@wales.gsi.gov.uk or

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

Consultation Reference: WG26011

Telephone: Kristian Morgan on 029 2082 3360

From: [Karsten Brußk](#)
To: [planconsultations-b](#)
Cc: [Angela Loftus](#); [Paul Mead](#); [David Roberts](#)
Subject: DCC - Further secondary legislation for development management on Statutory consultees, Design and access statements, and Houses in multiple occupation
Date: 16 October 2015 15:04:36

Dear Sir / Madam

Thank you very much for consulting with Denbighshire County Council.

We welcome the proposed amendments to planning legislation, and do not wish to comment in detail.

Yours faithfully
Karsten Brußk

Karsten Brußk
Swyddog Cynllunio/ Planning Officer
Gwasanaethau Cynllunio a Gwarchod y Cyhoedd/ Planning & Public
Protection Services

Cyngor Sir Ddinbych/ Denbighshire County Council
Caledfryn, Ffordd Y Ffair/ Caledfryn, Smithfield Road
Dinbych/ Denbigh
Sir Ddinbych, LL16 3RJ/ Denbighshire, LL16 3RJ

Ffon/ Phone: 01824 706914
Ffacs/ Fax: 01824 706709

Ebost: karsten.brussk@sirddinbych.gov.uk/ Email:
karsten.brussk@denbighshire.gov.uk
Gwefan: www.sirddinbych.gov.uk/ Website: www.denbighshire.gov.uk

From: Diane.Savage@hse.gsi.gov.uk
To: [planconsultations-b](#)
Cc: [Morgan, Kristian \(NR - Planning Directorate\)](#); Gary.Lang@hse.gsi.gov.uk; Andrew.Cottam@hse.gsi.gov.uk; Dave.MHPD.Adams@hse.gsi.gov.uk
Subject: Welsh Government Consultation -WG26011 - Proposed amendments to secondary legislation for development management covering Statutory Consultees/DAS/HMOs
Date: 19 October 2015 13:15:10

Dear Planning Directorate (Welsh Government),

Consultation No WG26011 – Proposed amendments to secondary legislation for development management covering Statutory Consultees/DAS/HMOs

Thank you for the opportunity to comment on the Welsh Government Consultation on further secondary legislation for development management. Most of the questions concern matters which seem not to be relevant to HSE, or relate to issues that are not HSE's area of expertise; as such we do not have any comments on the specific consultation questions.

Regards

Diane

Diane Savage | Land Use Planning Policy | Major Hazards Policy Division | Hazardous Installations Directorate - Health & Safety Executive | 2.2 Redgrave Court, Merton Road, Bootle L20 7HS | | +44(0)151 951 4522 (VPN 523) | : Diane.Savage@hse.gsi.gov.uk
www.hse.gov.uk | <http://hse.gov.uk/landuseplanning>

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www.hse.gov.uk

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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.

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<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>

Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	PC 1409 Hazel Goss MBE	
Organisation	On Behalf of the Design out Crime Group Wales (DOCGW) which represents Designing out Crime Officers from the four Welsh Police Forces.	
Address	North Wales Police Wrexham Police Station Bodhyfryd Wrexham LL12 7BW	
E-mail address	hazel.goss@nthwales.pnn.police.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Police Forces in Wales do not wish to be statutory consultees but would wish to be placed on list of non-statutory consultees in respect of any new Welsh Planning Legislation to ensure that the legal responsibilities for police and local authorities to prevent crime under section 17 of the Crime and Disorder (C&D) Act 1988 are properly discharged.</p>				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>No comment.</p>				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>No comment.</p>				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

No comment.

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

1. The requirements under Article 7 of the Town & Country Planning (Development Management Procedure)(Wales) Order 2012 sets out the need to cover community safety issues. Therefore community safety issues should not be removed as a requirement in Design and Access Statements (DAS). Poor quality submissions should be declined.
2. Police Forces in Wales would ask that DAS be retained for all major developments and that community safety is retained as a key element of the DAS. Without this inclusion it is difficult for the police to effectively establish what the developer has considered in terms of the impact of any proposed development on crime & disorder and makes it difficult for both the police and local authority to discharge their legal obligations under section 17 C&D Act.
3. The community safety content in the DAS tends to over concentrate on surveillance which is mentioned in TAN 12. This shows that there is a lack of understanding on how the design process can make Wales a safer place and enhance the long term sustainability of developments.

Consultation Reference: WG26011

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment.				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment.				

Consultation Reference: WG26011

Q11	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?
<p>Comments:</p> <p>No Comment.</p>	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Many applicants already pay lip-service to the impact on community safety. This will be a green light to ignore it completely.</p> <p>Poor design has a major impact on creating environments that are crime and anti social generators for years after the development is built. Such developments often require significant ongoing revenue funding from both the police and local authorities to mitigate or rectify the problems.</p>				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>1. There is research available which suggests that the higher the proportion of</p>				

Consultation Reference: WG26011

transient population in an area, the higher the crime risk. The rationale for this is that transient populations, such as students, do not have the same ownership of an area as long term residents and therefore do not offer the same level of capable guardianship (informal policing). Therefore, any legislation that could help limit the number of Houses of Multiple Occupation (HMO's) in a given area would in our opinion reduce the potential for crime.

2. Siting of HMO's should be carefully considered.

3. All HMO developments should be encouraged to meet the Welsh Housing Quality Standard which includes Secured by Design (SBD) as this helps mitigate against the higher risks of crime etc. associated with people living in HMO's.

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

See response to question 13.

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

There is a need for regulation as some areas are reaching saturation point in terms of HMO's and any changes of use should be carefully considered. If this proposal is allowed there is a fear that accommodation, for example approved for students, could be offered to other categories of people such as people on bail, people released on licence from prison etc. Such persons could pose significant risks to a community. Without planning scrutiny there would be no thorough examination of all the risks which such changes in use could cause, and no mechanism to ensure proper control measures are in place to mitigate

Consultation Reference: WG26011

such risks.

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:

No.

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

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Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include '**Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation**' in the subject line]

Post

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

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Please complete the consultation form and send it to:

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Planning Directorate
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Additional information

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Email: planconsultations-b@wales.gsi.gov.uk or

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Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	JOANNE DAVIDSON	
Organisation	NEWPORT CITY COUNCIL	
Address	CIVIC CENTRE NEWPORT	
E-mail address	JOANNE.DAVIDSON@NEWPORT.GOV.UK	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>At present, as part of its validation process, the Authority will identify site constraints and action the relevant consultation process based upon application type and location. Thresholds (i), (iii), (iv) and (v) are clear and explicit in their requirements and are similar to current practice. Threshold (ii) now inserts an obligation upon the Authority to undertake a wider assessment of any application on or within the vicinity of a Scheduled Monument in order to ensure that the correct consultations are triggered at validation stage. The reference to “likely to be visible” is an arbitrary test and what the Authority may consider to be “likely visible” may well differ from the view of neighbours and the Welsh Ministers for example. In any event, at validation stage, the Authority cannot tell what is likely to be visible as it does not have access to the sort of topographical and geographical information to inform views from the SAM that would allow it to view comprehensive vantage points from each application site. Such a test is inappropriate and will likely lead to a precautionary approach of assuming it is visible when potentially it is not.</p> <p>Wind turbine submissions, for example, are most likely to exceed the 100m or 75m height limits.</p> <p>For such applications the Authority now has to determine upon receipt of the application whether or not the proposal is likely to be visible from a Scheduled Ancient Monument and whether there is such a monument within 5 or 3km of the application site. It also requires an assessment of site area against these tests. These thresholds will significantly add to the burden and complexity of the validation process and will, likely, result in additional consultations to Cadw. This may be intentional. Perhaps more worryingly from a LPA point of view, is</p>				

Consultation Reference: WG26011

that it potentially introduces delays to the determination of planning applications as it increases the likelihood of additional consultations being required following officer site visits and when the true visibility or otherwise of proposals from sensitive receptors can be confirmed. It is recommended that the current threshold serves its purpose and should remain, albeit with the potential for further triggers in relation to Registered Landscapes, etc. The proposed changes are inappropriate, create an unnecessary burden at validation stage, will add to the delays in the processing of applications and will result in an increase in consultations to Cadw in connection to SAMs.

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

It is unclear why threshold (ii) refers solely to residential development or why it is necessary at all. However, the effect of it is to increase the consultations to the Theatres Trust by applying a consultation zone around theatres and requiring consultation with the Trust on applications for new theatres. The latter is likely to be rare in practice and there is no objection to it. The first threshold is as per current practice. The second threshold though introduces an unjustified threshold. If it is intended to enable comment upon possible curtailment of use arising from the future expectations of householders having regard to noise for example, then this has not been expressed in the consultation. Furthermore, residential development will include all such proposals and is not limited to major applications. It may include changes of use to residential for example and, bearing in mind the proximity of current Newport Theatres to the city centre, may well trigger additional consultations to the Theatre on conversions to residential within the centre. At present, such conversions would trigger a common boundary neighbour consultation, not 50m, and therefore this change will have additional resource implications albeit that these are likely to be limited by reason of the small number of theatres currently in Newport.

Consultation Reference: WG26011

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

Comments:

The above trigger is considered essential. At present, NRW are advised on flood risk matters on a non-statutory basis. This non statutory consultation results in the most frequent consultation of NRW on planning applications in Newport as it has such significant areas at risk of flooding and within zones C1 and C2. In the absence of this trigger, NRW will not be bound by changes made separately regarding the timescales and format of consultation responses. At present, NRW responses on flood risk matters are crucial to the adequate assessment of development in flood risk areas and it is rather surprising that they have not been confirmed as a statutory consultee on such matters yet. This change has clearly been a long time coming. It is noted that their statutory consultation remit would only extend to highly vulnerable development in zone C1. This includes emergency services and residential for example but would not include industrial or commercial uses. Nevertheless, this change is welcomed.

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

Comments:

There is no objection to adding Welsh Water as a statutory consultee on these terms. It is unclear why they are a statutory consultee on the use of land for the provision of renewable energy though. This has not been justified. At present they are not consulted as standard on applications for wind turbines or solar farms but are consulted on all new residential development and major proposals.

Q6	Are there any other thresholds that should be included in/or excluded from Schedule 4	Yes	Yes	No
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Consultation Reference: WG26011

	of the Development Management Procedure Wales Order? If so, please identify these and explain why they should be included or excluded.		(subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The removal of the requirement for DAS on many smaller applications is welcomed and will reduce the administrative burden at application validation stage. Similarly, the removal of prescriptive requirements for DAS content is also welcomed in principle				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments: The only circumstances when a statement regarding access should be required are when there are proposals to alter existing access or when there is any change of use of all or part of a building.	

Consultation Reference: WG26011

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: HMOs are currently a sui generis use. They require planning permission if the unit is occupied by persons that do not form a single household under the planning definition of a single household or are not a family. There is no need for separate Use Class for HMOs and it only becomes necessary if the changes subject to qu14 below are enacted. Please refer to objection below.				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: At present there are more than 500 Additional and Mandatory licensed HMOs in Newport. The primary issues for planning associated with these are parking and the impact upon an area's character and amenity. Perceived risk of anti-social				

Consultation Reference: WG26011

behaviour is difficult to robustly defend in practice and in the absence of clear evidence from the Police, for example, that problems have arisen. Unlike the Licensing regime that can control aspects of anti-social behaviour, the planning regime operates to control land use planning and once planning permission has been given, problems associated with anti social behaviour must be tackled via the licensing regime or by the Police. Confusion can arise from the varying regulatory regimes and the differences in the definition of what is a HMO and what can and cannot be controlled or considered and by whom. The WG proposals to align the planning and housing regulatory functions intend to assist with this. However, it is difficult to see how they can ever truly align without resulting in unnecessary and inappropriate duplication of powers and whilst further controls may be seen as a good thing, it has the flip side of being a disincentive to compliance with the regulatory system or encouraging landlords to not offering shared accommodation at all for fear of falling foul of layers of apparent bureaucracy.

The key difference between the definition of HMOs as applied by housing and planning appears to be the single household test. It appears to be wrong for a planning function to be required to apply the same vigorous family and relationship tests as housing under its assessment of single household when planning must be considered with more spatial land use matters. Such intrusion into peoples lives as part of planning investigatory procedures would be intrusive and entirely inappropriate. It is commonly understood and accepted that personal matters should only be material in exceptional circumstances and certainly not as a standard test. For example, students living as a household would fall within Class C3 at present (and not require planning permission), C4 as proposed (and would require planning permission). However, the Housing Act works on the negative, i.e. it defines HMOs as living accommodation that “is occupied by persons who do not form part of a single household” and then goes on to define what a single household is under s258. It is far more onerous that the definition that can legitimately be applied by the planning regime and would exclude student accommodation for example and many other shared households where no family connection(s) exist. Aligning the planning and housing function like this will result in significant additional workload for the Authority’s small enforcement team and potentially would be unmanageable in practice. Whether a shared household is C3 or C4 in terms of lawful use can only apparently be determined by knowledge of personal relationships as described in the current s258 of the Housing Act and proposed to be duplicated in the Order’s definitions.

It is difficult to understand why it would be necessary too. A better approach may be to clarify the single household test rather than seek to duplicate housing definitions. Alternatively, a spatial consideration could be included to the licensing regime to enable housing to consider the number and location of other HMOs in the area and potential impact of this upon the community.

Whilst a desire for a unified approach is understood, the changes proposed will lead to more problems, and significant ones at that, and will not resolve inconsistency that is inevitable in the implementation of the separate functions. For example, a license could be issued (as it is now) without a planning permission. So, in cases where an Enforcement Notice is served for breaches of planning control (and where licenses have already been issued), Magistrates

Consultation Reference: WG26011

would be critical of the Council's apparent inconsistency and the effectiveness of the planning system is undermined as a result. This would not change. This has already happened when prosecuting breaches of condition in relation to premises licensing where the planning test of harm is more onerous than that utilised by licensing. The fact is that the two regulatory regimes will have differing priorities and statutory powers and consequently they will never achieve consistency. If they did the same thing there would be no need for both regimes after all. Furthermore, as mentioned previously, adding the need for planning permission to the need for a license and the associated costs and additional uncertainty arising from this added layer of control, will not encourage landlords into providing accommodation for shared households or, more likely, applying for planning permission at all. Worse still, they will not actively seek to comply with either regulatory regime thereby leading to fewer license applications and greater enforcement requirements for housing itself.

Further problems arise for potential landlords as transient occupiers may flip in and out of the definition of a single household and the need or otherwise for planning permission.

Planning should concern itself only with the land use planning implications of HMOs and should not, under any circumstances, seek to concern itself with personal relationships and intrusive and onerous enforcement investigations into people's family connections within the households. If the parties live as a household irrespective of blood and family connections, it is difficult to see how the planning implications of their occupation can be controlled in practice or any differences robustly justified and defended.

The definition of Class C4 appears to duplicate an error in the reproduction of the current Class C3 in the consultation. The present situation is not correctly referenced in the consultation under part (a) of Class C3 and is subsequently incorrectly duplicated into Class C4 at part (a).i.e.

Class C3 is currently:

Use as a dwellinghouse (whether or not as a sole or main residence)-

(a) by a single person or by people living as a family; or

(b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

Notably, part (a) does not read "by a single person or by people to be regarded as forming a single household". However, this is cited as the current text in the consultation and consequently when duplicated into the new C4 the effect of parts (a) and (c) appear to be the same.

Q15	Do you agree with our proposal to enable small Houses in Multiple Occupation (new	Yes	Yes	No
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Consultation Reference: WG26011

	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?		(subject to further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
If there is to be a Use Class C4 as the changes described come into effect having considered these objections, then a permitted change between C4 and C3 would have merit. However, this LPA objects most strongly to the fundamental changes proposed in relation to HMOs and the need for this provision in principle.

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.
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Comments:
The proposed secondary legislation raises issues with regards to staff and financial resources. Notably, the suggested changes to the HMO process via the alignment of HMO definitions with the Housing Act and the separation of HMOs into a new use class in the Order will result in significant additional workload for enforcement staff in the investigation of associated complaints and planning application staff in the consideration of HMO applications. The changes also have the potential to undermine licensing income as the additional need for planning permission will likely be a disincentive to landlords proactively complying with the system.

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Consultation Reference: WG26011

How to Respond

Please submit your comments in any of the following ways:

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

From: Simon.Thornhill@onr.gsi.gov.uk
To: [Morgan, Kristian \(NR - Planning Directorate\)](#)
Cc: [planconsultations-b](#)
Subject: RE: TRIM: Is-ddeddfwriaeth pellach ar gyfer rheoli datblygu / Further secondary legislation for development management
Date: 19 October 2015 17:13:31

Kristian,

HSE shared with me their response to this consultation which reminded me that I don't think I provided an ONR response. As you state during your discussions with us earlier this year ONR indicated that we are not seeking an amendment the Order and this remains the case. We therefore have no comments to the consultation.

I did have one question, on pages 25 & 26 of the consultation (Annex 1), the words "office for nuclear regulation" and "on a relevant nuclear site" are in bold, suggesting these are proposed amendments to the current Order. I am assuming this is just a formatting error since as far as I can tell they match the Order as in force.

Regards

Simon

From: Morgan, Kristian (NR - Planning Directorate) [mailto:Kristian.Morgan@Wales.GSI.Gov.UK]
Sent: 03 August 2015 15:58
To: Simon Thornhill
Subject: TRIM: Is-ddeddfwriaeth pellach ar gyfer rheoli datblygu / Further secondary legislation for development management

Good Afternoon Simon,

Please find attached below the web link for the Welsh Government consultation 'Further Secondary Legislation for Development Management' which runs from today for 12 weeks.

The consultation follows on from my discussions held with all statutory consultees earlier this year. At the time you indicated that ONR would not be seeking amendment to Schedule 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

I hope this email finds you well and if you have any further questions please feel free to contact me.

Best Wishes
Kristian

Kristian Morgan

Development Management Branch / Gangen Rheoli Datblygu
Planning Directorate / Y Gyfarwyddiaeth Gynllunio

Welsh Government / Llywodraeth Cymru
Cathays Park / Parc Cathays

Cardiff / Caerdydd
CF10 3NQ
Tel / Ffon: 02920 823360
E-mail / E-Bost: kristian.morgan9@wales.gsi.gov.uk

Annwyl Rhanddeiliad,

Heddiw rydym wedi rhyddhau ymgynghoriad ar gynigion am newidiadau pellach i is-ddeddfwriaeth rheoli datblygu ar Ymgynghoreion Statudol, Datganiadau Dylunio a Mynediad a Thai Amlfeddianaeth ac mae croeso i chi gynnig sylwadau. Y dyddiad cau ar gyfer ymateb yw **26 Hydref 2015**.

<http://gov.wales/consultations/planning/further-secondary-legislation-for-development-management/?skip=1&lang=cy>

Dear Stakeholder,

Today we have released a consultation on further proposed amendments to secondary legislation for development management covering Statutory Consultees, Design and Access Statements and Houses in Multiple Occupation and you are invited to comment. The closing date for responses is **26 October 2015**.

<http://gov.wales/consultations/planning/further-secondary-legislation-for-development-management/?lang=en>

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Consultation Response

Proposed amendments to secondary legislation for developing management covering: Design and Access Statements Welsh Government

October 2015

Introduction

Age Cymru is the leading national charity working to improve the lives of all older people in Wales. We believe older people should be able to lead healthy and fulfilled lives, have adequate income, access to high quality services and the opportunity to shape their own future. We seek to provide a strong voice for all older people in Wales and to raise awareness of the issues of importance to them.

We are pleased to respond to the Welsh Government's consultation document on 'Proposed amendments to secondary legislation for developing management' with reference to Design and Access Statements. We have commented on general principles on which we have a view but not the technical aspects of design and planning processes.

The features that make a place desirable to live in can change as people get older. It is essential that the built environment in communities is designed and adapted in an age friendly way so that it is sustainable and suitable for people of all ages.

An age friendly community is one that has the capacity to support older people to enjoy the best possible quality of life. It includes facilities, services and amenities that are accessible and that accommodate the needs of older people to help them enjoy health and wellbeing and to fully participate in society.

Being able to take part in community life, with good access to local services and facilities, is a lifeline for many older people. If an older person cannot get out and about locally they are at risk of poor health, less social contact with others and a reduced quality of life overall. There are already high levels of loneliness and social isolation amongst older people in Wales and an inaccessible built environment that deters people from taking part in community life can contribute to this.

Consultation question:

Q7: Do you think that major developments, 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?

No, the criteria set out under c, d and e of paragraph 3.19 would appear to be based on the size of the development. We suggest that the proposed use of the building or site, rather than its size, should determine whether a DAS is required. We believe that all public spaces and outdoor environments across Wales should be accessible for all older people, and that business premises are accessible to meet the diverse needs of their workforce and customers.

We would also stress the importance of meaningful engagement with the local community, including older people, to ensure that inclusive design is considered from the outset in planning processes.

It is vital that the built environment enables, rather than prevents, older people taking an active part in their communities. Many older people face considerable barriers to independent living on a daily basis and specific problems with access to services and facilities.

The design and accessibility of homes and other buildings can affect the ability of older people to live healthy and independent lives. Older people should be able to live in their home and communities without environmental barriers that prevent their participation. Housing and communities must be age friendly and the built environment should accommodate the needs of older people.

We hope these comments are useful and would be happy to provide further information if required.

From: nelson.sue@btinternet.com
To: [planconsultations-b](#)
Subject: Consultation response. Further secondary legislation for development management
Date: 20 October 2015 16:42:39

Writing on behalf of Brecknock Access Group

We wish to comment on the following

Design and Access Statements – Amendments to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO)

W disagree with the proposed changes limiting the planning applications where a DAS would be required. Para 3.15.

As stated in para 3.12 "The research found that DAS have raised the profile of design and inclusive access, and give consistency as to how issues are considered and presented in the planning process." This being the case, removing the need for DAS for all but major development applications, sends the message to developers that they need not think so carefully about inclusive access.

Also see para 1.5 "We want to reduce the number of planning applications which require a Design and Access Statement (DAS) and to make DAS requirements less prescriptive, in order to help streamline the planning process." This may streamline the planning process and make it easier for developers and planning officers but it will not improve access and inclusivity or make it easier for volunteers from access groups to comment on planning applications.

Limiting the need for access statements belies the assertion in para 3.1 that "the Welsh Government is committed to promoting good and inclusive design".

Sue Nelson
Secretary
Brecknock Access Group

WG-26011-029

Cyf | Ref:

Dyddiad | Date: 16 October 2015

Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

Dear Sir or Madam

**CONSULTATION ON PROPOSED AMENDMENTS TO SECONDARY PLANNING LEGISLATION
COVERING STATUTORY CONSUITEES, DAS AND HMO'S**

Thank you for consulting the AONB on this matter. The following observations are submitted on behalf of the Joint Committee following consultation with the Chair and AONB Partnership:

“The Joint Committee welcomes recognition by Welsh Government of the merits of Design and Access Statements, and supports the need to clarify the scope and content of DAS to streamline the process and make them more relevant.

The intention to retain DAS for major developments across Wales and for smaller developments in Conservation Areas and World Heritage Sites to reflect the fact that proposals in such areas ‘may have a significantly greater impact on the character of the area of higher sensitivity in which they are situated’ is also supported. However, the Joint Committee is disappointed that the greater sensitivity of Wales’ protected landscapes to development has not been recognised in the consultation document. The committee strongly believes in the need to encourage and specifically underline the need for high quality design in nationally protected landscapes, and considers the failure to give equivalent status to such areas in addition to Conservation Areas and WHS downgrades their importance and will undermine efforts to promote good design. The Joint Committee would therefore recommend that the lower development threshold for DAS should also be applied to AONB’s and National Parks (Q.8)

The proposed lower thresholds for DAS in sensitive areas set out in the document would appear to be a reasonable balance between the need to recognise the sensitivity of such areas and making DAS more relevant and responsive. (Q.9)

The intention to incorporate a statement on design into Heritage Impact Statements proposed in the Historic Environment (Wales) Bill for works to Listed Buildings and Scheduled Monument and Conservation Area Consents makes sense and will assist in reducing duplication when planning permission is also required. Extending these provisions to Registered Historic Parks and Gardens is also supported. (Q10)

The prescriptive nature of the regulations concerning the content of DAS has contributed to the ‘tick-box’ attitude to the process, and the committee supports the intention to simplify content and make it more relevant and meaningful by focussing on those design issues which are most relevant to the particular circumstances. (Q12.)

The Partnership would also wish to draw to the attention of Welsh Government the need to more actively promote the development of ‘brownfield’ land and the reuse of existing buildings.”

I would be grateful if you could take account of the Committee’s views when deciding the way forward.

Yours sincerely,

Tony Hughes

For the Clwydian Range and Dee Valley AONB Joint Committee



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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Michael Harvey	
Organisation	Designing out Crime Officer South Wales Police Force	
Address	Neath Police Station, Gnoll Park Road, Neath SA11 3BW.	
E-mail address	Michael.Harvey2@south-wales.pnn.police.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The Police would not wish to be statutory consultees but would wish to be placed on list of non-statutory consultees to ensure that Designing out Crime Officers are consulted on appropriate developments i.e. major developments (as outlined under Q7) to reduce the risk of such developments becoming crime and anti social behaviour generators .

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

No comment.

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

No comment.

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

No comment.

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

I do believe that major development as outlined 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 (DAS).

Currently community safety issues are addressed in DAS as they are a requirement under Article 7 of the Town & Country Planning (Development Management Procedure)(Wales) Order 2012. I believe that community safety issues should not be removed from DAS as a requirement as it is the delivery mechanism for the Welsh Government's advice on crime prevention to planners and developers which is contained in Technical Advice Note 12.

The removal of community safety from DAS would make it difficult for persons including Police Designing out Crime Officers to establish what has been considered in respect of crime and disorder.

Much progress has been made in raising the awareness and knowledge of people involved within the planning system of community safety issues and designing out crime. I fear that removing community safety from DAS is likely to undermine the progress already made.

Consultation Reference: WG26011

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Consultation Reference: WG26011

Q11	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?
<p>Comments:</p> <p>No comment.</p>	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>As stated I do not agree with Community Safety being removed as a requirement in a DAS.</p> <p>Academic studies have proven that poor design has had a major impact on creating developments, for example estates, schools etc., that are crime and anti social behaviour generators. Such poorly designed developments are often a drain on the resources of such organisations as the police and local authorities who have to mitigate or rectify the problems caused.</p> <p>Good design reduces significantly ongoing revenue costs for public services such as police, local authorities, education and health and also provides sustainable, safe communities where persons wish to live and work.</p>				

4.0 Houses in Multiple Occupation

Q13	Do you agree that a new use class C4,	Yes		No
------------	--	-----	--	----

Consultation Reference: WG26011

	whereby planning permission will be required for Houses in Multiple Occupation with fewer than seven residents, should be introduced?		Yes (subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>If Houses in Multiple Occupation (HMO's) do not require planning consent then control over this area of development could be lost.</p> <p>Having a transient population in an area often results in higher crime and anti social behaviour. Transient populations, such as students, do not have the same ownership of an area as long term residents and therefore they do not offer the same level of capable guardianship (informal policing). Any legislation that controls the number of Homes of Multiple Occupation (HMO's) in a given area is to be welcomed.</p> <p>In addition HMO developments should be encouraged to meet Secured by Design (SBD) standards.</p>				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>See response to question 13.</p>				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p>				

Consultation Reference: WG26011

I worry that if this proposal is successful and there is no regulation of this proposed change of use, such accomodation could be offered to elements of the community who could cause anxieties to people residing in an area.

In oder to maintain strong communtiy cohesion I believe scrutiny and control in this area is important, and any such changes of use should be carefully considered.

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:

No.

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:

Email

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

Consultation Reference: WG26011

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include **‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’** in the subject line]

Post

Please complete the consultation form and send it to:

**‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name		
Organisation	Council for British Archaeology	
Address	Beatrice de Cardi House, 66 Bootham, York, YO70 7BZ	
E-mail address	cadwraeth@archaeologyuk.org	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Should Battlefields and marine sites be included in this?				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The suggested thresholds suggest that potentially harmful development such as a small wind turbine would not require a DAS. The character and appearance of Conservation Areas, for example, are often local and low key, even minor inappropriate change or development has been demonstrated to have an adverse impact on their character or appearance (e.g.loss of traditional windows). The designation of a WHS does not come with additional restrictions on development. A DAS for all development in designated historic areas would allow the design principles and effects of development to be considered early in the design process.				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
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Consultation Reference: WG26011

		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The thresholds should be applied to individual sites as some areas / sites can sustain more change than others. These thresholds should be set out in WHS Management Plans or in Conservation Area Appraisals and decided on an individual basis, according to the nature of the site.</p>				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes, but also for development within a Conservation Area or within a WHS. In practice most development within a Conservation Area doesn't require an application for CAC.</p>				

Q11	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?
<p>Comments:</p> <p>When access to a site, building or part of a building is to be altered. When a previously private building will have public access, e.g. conversion to shop or restaurant.</p>	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further)	No
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Consultation Reference: WG26011

			comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
 Yes, but the reality is that many DAS statement received by local authorities do not achieve their desired purpose and especially in relation to development affecting the historic environment. Perhaps this might be assisted by simplifying the statutory content but providing greater detail on suggested content in guidance, that local authorities could then adopt.

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
 No comment

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
 No comment

Q15	Do you agree with our proposal to enable small Houses in Multiple Occupation (new	Yes	Yes	No
------------	--	-----	-----	----

Consultation Reference: WG26011

	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?		(subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

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:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

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Consultation Reference: WG26011

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Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

Cyfeirnod yr Ymgynghoriad: WG26011

Ffurflen Ymateb i'r Ymgynghoriad

Diwygiadau arfaethedig i is-ddeddfwriaeth sy'n cwmpasu: Ymgynghoreion Statudol / Datganiadau Dylunio a Mynediad / Tai Amlfeddiannaeth

Rydym am gael eich barn ar ein cynigion ar gyfer diwygio is-ddeddfwriaeth mewn perthynas â'r darpariaethau ar ymgynghoreion statudol, pryd i gyflwyno datganiad dylunio a mynediad, a dosbarthiad tai amlfeddiannaeth.

Byddwch cystal â chyflwyno eich sylwadau erbyn 26 Hydref 2015.

Os oes gennych unrhyw ymholiadau ynglŷn â'r ymgynghoriad hwn, e-bostiwch:
planconsultations-b@wales.gsi.gov.uk neu ffoniwch Kristian Morgan ar 029 2082 3360.

Diogelu Data
<p>Bydd unrhyw ymateb a anfonwch atom yn cael ei weld yn llawn gan staff Llywodraeth Cymru sy'n gweithio ar y materion y mae'r ymgynghoriad hwn yn ymdrin â nhw. Mae'n bosibl y bydd aelodau eraill o staff Llywodraeth Cymru yn gweld yr ymateb hefyd, er mwyn eu helpu i gynllunio ymgynghoriadau ar gyfer y dyfodol.</p> <p>Mae Llywodraeth Cymru yn bwriadu cyhoeddi crynodeb o'r ymatebion i'r ddogfen hon. Mae'n bosibl hefyd y byddwn yn cyhoeddi'r ymatebion yn llawn. Fel arfer, bydd enw a chyfeiriad (neu ran o gyfeiriad) yr unigolyn neu sefydliad a anfonodd yr ymateb yn cael eu cyhoeddi gyda'r ymateb. Mae hynny'n helpu i ddangos bod yr ymgynghoriad wedi'i gynnal yn briodol. Os nad ydych yn dymuno i'ch enw a'ch cyfeiriad gael eu cyhoeddi, rhwch wybod inni yn ysgrifenedig wrth anfon eich ymateb. Byddwn wedyn yn cuddio'ch manylion.</p> <p>Mae'n bosibl y bydd yr enwau a'r cyfeiriadau y byddwn wedi'u cuddio yn cael eu cyhoeddi'n ddiweddarach, er nad yw hynny'n debygol o ddigwydd yn aml iawn. Mae Deddf Rhyddid Gwybodaeth 2000 a Rheoliadau Gwybodaeth Amgylcheddol 2004 yn caniatáu i'r cyhoedd gael gweld gwybodaeth a gedwir gan lawer o gyrff cyhoeddus, gan gynnwys Llywodraeth Cymru. Mae hynny'n cynnwys gwybodaeth sydd heb ei chyhoeddi. Fodd bynnag, mae'r gyfraith hefyd yn caniatáu i ni gadw gwybodaeth yn ôl dan rai amgylchiadau. Os bydd unrhyw un yn gofyn am gael gweld gwybodaeth a gadwyd yn ôl gennym, bydd rhaid inni benderfynu a ydym am ei rhyddhau ai peidio. Os bydd rhywun wedi gofyn inni beidio â chyhoeddi ei enw a'i gyfeiriad, bydd hynny'n ffaith bwysig i ni ei chadw mewn cof. Fodd bynnag, fe allai fod rheswm pwysig dros orfod datgelu enw a chyfeiriad unigolyn, er ei fod wedi gofyn i ni beidio â'u cyhoeddi. Byddem yn cysylltu â'r unigolyn ac yn gofyn am ei farn cyn gwneud unrhyw benderfyniad terfynol i ddatgelu'r wybodaeth.</p>

Cyfeirnod yr Ymgynghoriad: WG26011

WG-26011-032

Ymgynghoriadau Statudol / Datganiadau Dylunio a Mynediad / Tai Amlfeddiannaeth		
Dyddiad y cyfnod ymgynghori: 3 Awst 2015 – 26 Hydref 2015		
Enw	Iwan Evans	
Sefydliad	Ar ran Parciau Cenedlaethol Cymru	
Cyfeiriad	Swyddfa'r Parc Cenedlaethol, Penrhyndeudraeth, Gwynedd. LL48 6lf	
Cyfeiriad e-bost	iwan.evans@eryri-npa.gov.uk	
Math (dewiswch un o'r canlynol)	Busnesau/Ymgynghorwyr Cynllunio	<input type="checkbox"/>
	Awdurdod Cynllunio Lleol	<input checked="" type="checkbox"/>
	Asiantaeth Llywodraeth/Sector Cyhoeddus Arall	<input type="checkbox"/>
	Corff Proffesiynol/Grŵp Buddiant	<input type="checkbox"/>
	Sector gwirfoddol (grwpiau cymunedol, gwirfoddolwyr, grwpiau hunangymorth, mentrau cydweithredol, mentrau cymdeithasol, crefyddol, a sefydliadau nid er elw)	<input type="checkbox"/>
	Arall (grwpiau eraill nad ydynt wedi eu rhestru uchod) neu unigolyn	<input type="checkbox"/>

Cyfeirnod yr Ymgynghoriad: WG26011

2.0 Ymgynghoreion Statudol

C1	A ydych yn cytuno â'r cynnig i ddiwygio paragraff (i)?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Sylwadau:</p> <p>Cyn belled a bod diffiniad o ddatblygiad preswyl ddim yn rhy gaeth ac yn rhoi datblygiadau newydd megis estyniadau mawr mewn perygl o gyn weithfeydd mwyngloddio.</p>				

C2	A ydych yn cytuno â'r cynnig i ddiwygio paragraff (k)?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Sylwadau:</p>				

C3	A ydych yn cytuno â'r cynnig i ddiwygio paragraff (r)?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Sylwadau:</p>				

Cyfeirnod yr Ymgynghoriad: WG26011

C4	A ydych yn cytuno â'r newidiadau arfaethedig fel y nodir yn Nhabl 4 i: (a) Cael gwared ar baragraff (n)? (b) Cael gwared ar baragraff (u)? (c) Ychwanegu paragraff (y) at ofynion ymgynghori statudol Cyfoeth Naturiol Cymru?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

C5	A ydych yn cytuno â'r trothwyon ymgynghori newydd arfaethedig ar gyfer Ymgymerywyr Dŵr a Charthffosiaeth a nodir yn Nhabl 5?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sylwadau: Mae yne botensial i Ymgymerywyr Dwr a Charthffosiaeth wrthwynebu fan ddatblygiadau preswyl newydd. Lle y ceir problemau posib dylem ei hannog i gynig ddatrusiad ac amserlen cwblhau er mwyn sicrhau na ddifrodid safleoedd datblygu am gyfnod hir.				

C6	A oes unrhyw drothwyon eraill y dylid eu cynnwys/eu heithrio o Atodlen 4 i Orchymyn Gweithdrefn Rheoli Datblygu Cymru? Os felly, nodwch y rhain ac esboniwch pam y dylid eu cynnwys neu eu heithrio.	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sylwadau:				

Cyfeirnod yr Ymgynghoriad: WG26011

3.0 Datganiadau Dylunio a Mynediad

C7	A ydych yn credu mai datblygiad mawr, fel y disgrifir o dan c, d ac e o baragraff 3.19 (o'r Ddogfen Ymgynghori) a Gorchymyn Gweithdrefn Rheoli Datblygu Cymru, yw'r trothwy cywir ar gyfer ei gwneud yn ofynnol cael Datganiad Dylunio a Mynediad? Os nad ydych, beth fyddai'n drothwy priodol?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

C8	A ydych yn cytuno â'n cynigion i gael trothwyon gwahanol mewn Ardaloedd Cadwraeth a Safleoedd Treftadaeth y Byd? Os nad ydych, ym mha ardaloedd sensitif eraill, os o gwbl, y dylai trothwy llai fod yn berthnasol?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

C9	A ydych yn cytuno â'n trothwy arfaethedig ar gyfer Datganiadau Dylunio a Mynediad yn yr ardaloedd sensitif hyn? Os nad ydych, beth fyddai'n drothwy priodol?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sylwadau: Mae'r trothwy wedi ei osod yn rhy uchel gan bod y rhanfwyaf o ddatblygiadau				

Cyfeirnod yr Ymgynghoriad: WG26011

mewn aradaloedd cadwraeth yn llai na 100m2 mewn arwynebedd. Dylid gofyn am DDM mewn aradaloedd cadwraeth a Safleoedd Treftadaeth y Byd lle gellir gweld datblygiad o fan cyhoeddus neu lle y ceir effaith materol. Yn ogystal dylid rhoi pwyslais ar haeddiant dylunio yn attrach na gofynion mynediad.

C10	A ydych yn cytuno â'r cynnig i ymgorffori'r gofyniad am ddatganiad ar ddylunio o fewn Asesiad o'r Effaith ar Dreftadaeth wrth baratoi cais am ganiatâd adeilad rhestredig, heneb gofrestredig neu ardal gadwraeth?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

C11	Yn eich barn chi, o dan ba amgylchiadau y byddai angen i Asesiad o'r Effaith ar Dreftadaeth gael ei ategu gan ddatganiad ar fynediad hefyd?
Sylwadau: Gyda datblygiadau mwy o bosib lle mae mynediad gan y cyhoedd yn rhan anodod o'r cynllun.	

C12	A ydych yn cytuno â'n cynigion i symleiddio cynnwys statudol Datganiadau Dylunio a Mynediad?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

Cyfeirnod yr Ymgynghoriad: WG26011

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4.0 Tai Amlfeddiannaeth

C13	A ydych yn cytuno y dylid cyflwyno dosbarth defnydd newydd C4, lle bydd caniatâd cynllunio yn ofynnol ar gyfer Tai Amlfeddiannaeth â llai na saith preswlydd?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

C14	A ydych yn cytuno â'n cynnig i sicrhau bod y diffiniad o Dai Amlfeddiannaeth at ddibenion cynllunio yn cyd-fynd â'r diffiniad tai a nodir yn adran 254 o Ddeddf Tai 2004?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

C15	A ydych yn cytuno â'n cynnig i alluogi dychwelyd Tai Amlfeddiannaeth bach (dosbarth defnydd newydd C4) i'w defnyddio fel tŷ annedd (Dosbarth C3) heb ei gwneud yn ofynnol cael caniatâd cynllunio drwy ddiwygio Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

Cyfeirnod yr Ymgynghoriad: WG26011

C16

Rydym wedi gofyn nifer o gwestiynau penodol. Os oes gennych unrhyw ymholiadau neu sylwadau cysylltiedig nad ydym wedi rhoi sylw iddynt, defnyddiwch y blwch isod i roi gwybod inni amdanynt.

Sylwadau:

Nid wyf am i fy enw/neu gyfeiriad gael eu cyhoeddi gyda fy ymateb (ticiwch) ☐

Sut i Ymateb

Cyflwynwch eich sylwadau drwy unrhyw un o'r ffyrdd canlynol:

E-bost

Cwblhewch y ffurflen ymgynghori a'i hanfon i:

planconsultations-b@wales.gsi.gov.uk

[Dylech gynnwys 'Diwygiadau arfaethedig i is-ddeddfwriaeth sy'n cwmpasu: Ymgynghoreion Statudol / Datganiadau Dylunio a Mynediad / Tai Amlfeddiannaeth' yn y llinell pwnc]

Post

Cyfeirnod yr Ymgynghoriad: WG26011

Cwblhewch y ffurflen ymgynghori a'i hanfon i:

‘Diwygiadau arfaethedig i is-ddeddfwriaeth sy'n cwmpasu: Ymgylgoreion Statudol / Datganiadau Dylunio a Mynediad / Tai Amlfeddiannaeth’

**Y Gangen Rheoli Datblygu
Y Gyfarwyddiaeth Gynllunio
Llywodraeth Cymru
Parc Cathays
Caerdydd
CF10 3NQ**

Gwybodaeth Ychwanegol

Os oes gennych unrhyw ymholiadau ynghylch yr hysbysiad hwn,

E-bostiwrch: planconsultations-b@wales.gsi.gov.uk neu

Ffoniwrch: Kristian Morgan ar 029 2082 3360

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.

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

Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Iwan Evans	
Organisation	On behalf of Welsh National Parks	
Address	National Park Office, Penrhyndeudraeth, Gwynedd LL48 6LF	
E-mail address	iwan.evans@eryri-npa.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Provided the definition of householder development is not too restrictive and puts new proposals such as large extensions at risk from previous mining operations.				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

Q5	Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: There is the potential for WASU to object to minor new residential development. Where there is a potential problem they should be encouraged to provide possible solutions and a timescale for their implementation so development sites are not blighted for long periods.				

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The threshold is set too highly as most of the development in conservation areas				

Consultation Reference: WG26011

will be minor in nature and less than 100m² in area. Within conservation areas and World Heritage Sites any development which is easily visible from a public space, or having a material impact, should be subject to a DAS and more emphasis placed on design merits rather than access requirements.

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: .				

Q11	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?
Comments: Possibly with larger developments where access by the public is an essential component of the proposal.	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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:

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:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include '**Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation**' in the subject line]

Post

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

Consultation Reference: WG26011

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‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

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Please submit your comments by 26 October 2015.

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Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Tony Crowhurst	
Organisation	Disability Advice Project	
Address	Unit 9A, Avondale Business Estate, Avondale Road, Cwmbran, Gwent, NP44 1UG	
E-mail address	tony_crowhurst@yahoo.co.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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 checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: 				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
The logic appears sound in defining a 'major' development. However, in this part of Wales there are a large number of small housing sites. The long-term effect of this proposal would therefore be to diminish the number of properties suitable for people with either sight or mobility impairments to live independently in. In our view the appropriate threshold would be single small properties.

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Consultation Reference: WG26011

--

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments: The key issue for us is the opening up of the 'Heritage Estate' to as many as possible. Organisations such as CADW and The National Trust should always be expected to produce a statement on access. This in turn should then feature on the web site of properties to enable disabled people to assess their ease of access prior to journeying to a site	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Our concern can best be illustrated by contrast with other statutory requirements at the Planning Stage. We see no reference to limiting reports relating to protected flora such as cowslips. We see no reference to limiting				

Consultation Reference: WG26011

reports relating to protected fauna such as great crested newts and bats. We see no reference to limiting reports relating to archaeological remains such as those containing Roman remains. Disabled people are neither plants nor animals nor dead. They are living human components of what should be a caring society who contribute greatly to local society and economy. Why then are we seeing a requirement to limit reports relating to making theirs a society which is as easy to use for them as it is for the rest of us. It would seem that a hurry to housing and economic pressures has caused the Welsh Government to discard its caring role. The lot of disabled people has begun to be put on the back burner not least of all by The Equalities Act. Here is yet another example. Walk around in their shoes and see what you think from another perspective.

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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:

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

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

Consultation Reference: WG26011

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Welsh Government
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Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	[REDACTED]	
Organisation	[REDACTED]	
Address	[REDACTED]	
E-mail address	[REDACTED]	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
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	Other (other groups not listed above) or individual	<input checked="" type="checkbox"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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Q4	Do you agree with the proposed changes as set out in Table 4: (a) To remove paragraph (n)? (b) To remove paragraph (u)? (c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?	Yes	Yes (subject to further comment)	No
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Q5	Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?	Yes	Yes (subject to further comment)	No
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Comments:				

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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Comments:				

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Comments:				

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Comments:				

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Q10	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?	Yes	Yes (subject to further comment)	No
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Comments:				

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Comments:	

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Comments:				

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Comments:				

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Comments:				

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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:

I agree with the conclusions that the research project identified.

- Increased anti-social behaviour, burglary and other crime;
- In Trefforest there has been a noticeable reduction in the quality of the local environment due to increased litter, refuse, fly tipping of household goods (bedding, furniture, building rubble), some houses being left in an external / rear garden state of disrepair and gross prevalence of lettings signs.

As most accommodation is advertised online and many letting agencies have offices in the locale, I cannot see the need for these signs that appear to me to be "authorised" street littering (a possible compromise may be a note in a window/ door parallel to and not perpendicular into the street).

They also mark out homes that have a transient occupancy and can attract unwelcome criminal attention as they will probably be empty / have reduced occupancy over academic holiday periods. I feel they should be severely restricted in use or banned.

- Trefforest has seen an increased pressure on parking. The Park and Ride facility is frequently filled (term time only), at certain times of the day the village is grid locked by traffic accessing the campus and residents have had to become aware of people not following / knowing traffic layouts correctly eg. incorrect use of one way streets (especially at the start of the academic year).
- Loss of community balance;
- This balance has been exacerbated by the reduced opportunities for first-time buyers and other owner occupiers due to increased house prices and competition from landlords
- Trefforest has already seen a reduction in the provision of community facilities such as schools.

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

Consultation Reference: WG26011

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<p>Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk</p> <p>[Please include ‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’ in the subject line]</p>
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<p>Please complete the consultation form and send it to:</p> <p>‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’ Development Management Branch Planning Directorate Welsh Government Cathays Park Cardiff CF10 3 NQ</p>
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Please submit your comments by 26 October 2015.

If you have any queries on this consultation, please email:

planconsultations-b@wales.gsi.gov.uk or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>
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<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>

Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Simon Gale	
Organisation	Rhondda Cynon Taf CBC	
Address	Sardis House Sardis Road Pontypridd Rhondda Cynon Taf CF37 1DU	
E-mail address	Simon.Gale@rctcbc.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The definition of householder (seemingly to be inserted in the DMPWO) needs to be clarified.				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As with Q.1 there is a need for clarification on the definition of householder development.				

Consultation Reference: WG26011

Q4	Do you agree with the proposed changes as set out in Table 4: (a) To remove paragraph (n)? (b) To remove paragraph (u)? (c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: a) no objections/comments b) no objections/comments c) The addition of para. (y) may lead to more consultations on planning applications being sent to NRW. It is important that they are resourced to be able to respond within the required deadlines.				

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It is considered that it would still be appropriate for LPAs to consult with Dwr Cymru Welsh Water at their discretion, as is currently the case, in respect of certain development that is outside of the threshold but having regard to its nature, scale and specific site circumstances would benefit from consultation.				

Consultation Reference: WG26011

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3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

--

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

--

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No

Consultation Reference: WG26011

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments: When it involves a change of use requiring planning permission that will increase public access to that of the existing or previous lawful use of the site.	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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:

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:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include '**Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation**' in the subject line]

Post

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

Consultation Reference: WG26011

Please complete the consultation form and send it to:

‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	James Clemence	
Organisation	City of Cardiff Council	
Address	Head of Plannning City Operations City of Cardiff Council Room 201D, County Hall Atlantic Wharf Cardiff CF10 4UW	
E-mail address	J.S.Clemence@cardiff.gov.uk (eparsons@cardiff.gov.uk on behalf of James Clemence).	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: None				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <p>(i) Agree. This should alert LPAs and Welsh Ministers to potentially harmful or unlawful (requiring Scheduled Monument Consent) development where developers are either negligent or ignorant of the presence of Scheduled Ancient Monuments.</p> <p>(ii) Whilst we agree with the need for greater clarity regarding the impact of proposals on the setting of monuments, the consultation thresholds make no reference to the context of a monument or indeed the context of the development proposal. Monuments are diverse, in Cardiff's case ranging from prehistoric archaeology to a submerged shipwreck to WWII gun emplacements. Many of the monument perimeter zones proposed would encompass significant urban areas, necessitating an assessment of visibility to be carried out for a very large number of planning applications based on various area or height thresholds; particularly in the city centre and for strategic sites identified in the emerging LDP. This would have a significant resource implication. It is considered that a more tailored approach should be taken, with agreement between Welsh Ministers and LPAs regarding particular consultation thresholds for each monument based on impact rather than arbitrary zones, heights and areas.</p>				

Consultation Reference: WG26011

(iii) Agree, although the 'essential setting' is only identified on the more recent register entries, while 'significant views' are noted on others. There is likely to be some uncertainty on the definition of development that might be considered to affect the setting of a registered historic park or garden. Some best practice guidance on this matter would be useful. Consultation responses from Welsh Ministers regarding development directly affecting the site (as occurs now with Grade II* and Grade I parks and gardens) or its setting should remain advisory as a material consideration.

(iv) Agree

(v) Agree

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: None				

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

Consultation Reference: WG26011

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Q5	Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Agree with the exception of (i) - involving new residential development (including single units). See below</p>				

Q6	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.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The threshold should be set at the “major development” definition. Development falling under this threshold is considered to be better regulated by other legislative provisions. Informative Recommendations relating to Welsh Water connections or sewer issues are applied to decision notices for minor development, but these are considered to be more appropriately enforced through Building Regulations or Welsh Water’s own development agreements rather than through statutory consultation.</p>				

3.0 Design and Access Statements

Q7	Do you think that major development, as	Yes		No
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Consultation Reference: WG26011

	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?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The threshold proposed and the exclusions are considered to be appropriate. Design and Access Statements are most applicable to over 10 units and to more than 1000 square metres of development, as in these cases there is a wide range of issues impacting on a neighbourhood or city scale that need further explanation.

For applications under the threshold, the design principles in TAN 12 need to be adequately demonstrated through plans, sections and further illustrative drawings if required. It should be made clear that a planning authority can still ask for additional information and drawings to be produced if it is considered that particular design issues need to be addressed.

TAN 12 needs to provide guidance on the minimum requirements for a DAS (such as movement and access for all modes of transport), in addition to additional information which may be especially relevant to the scheme (such as topography). If a design principle (such as movement) is not considered relevant, then the DAS should state why. This will ensure that there is still a framework to work within and key aspects are not overlooked. TAN 12 should also state key stages for the DAS, such as analysis and vision.

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

There should be different thresholds for Conservation Areas and World Heritage Sites. These sensitive areas need special consideration and explanation of additional specific design issues relating to historic character.

Consultation Reference: WG26011

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The threshold for sensitive areas (Conservation Areas and World Heritage Sites) should be one or more dwellings or the provision of 100 square metres of development.

Additional circumstances suggested for requiring a DAS: if a development affects the setting of a listed building, then a DAS should be required to explain how it will effect the setting of the listed building.

It may be worth considering whether there would be any other circumstances under which an extension or a new building within the curtilage of an existing property.

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

This would be the most logical place for the design statement, rather than a separate document, providing the requirements of TAN 12 are clearly evidenced.

Q11	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?
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Consultation Reference: WG26011

Comments:
Access should be referred to in a number of circumstances, whether access is being improved and the impact on the heritage asset, or whether improved access is considered unachievable and why.

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
Yes, the removal of the requirement to explain design principles and concepts in relation to specific headings: Environmental sustainability; Movement to, from and within the development; Character; and Community safety; is considered to be appropriate, providing that TAN 12 outlines sufficiently what is required from applicants. Part M should be expanded to give guidance on equality of access to all external areas and guidance on sensitive historic areas.
Yes, the removal to give details concerning maintenance in terms of access features is appropriate. I am not aware that this was being consistently addressed in applications and considered superfluous.
Yes, the reduction of statutory definitions (character and context) is appropriate, providing there is sufficient weight and guidance in TAN 12.

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
A new use class will provide a degree of greater control to manage HMOs.
Despite this greater control, a number of problems associated with HMOs will

Consultation Reference: WG26011

still need to be managed. The increased population density in a small area can impact negatively on residential amenity, community diversity, provision of services etc.

There are circumstances in which a high concentration of HMOs in a given area would have magnified consequences for the street and the neighbourhood. In Cardiff, an SPG is being prepared to help control this issue.

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
Yes, consistency between the Housing Act and Planning will aid clarity and application.

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
Conversion from small HMOs to dwelling houses is agreed to be acceptable. Attempting to control this change would bring few recognisable benefits and be difficult to enforce (despite local authorities having less power to control a loss of student housing).

Consultation Reference: WG26011

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: None	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

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

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

Consultation Reference: WG26011

Consultation Reference: WG26011

Consultation Response Form

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

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Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Glyn Davies	
Organisation		
Address	Bynheulog Brynhyfryd Place Trefforest RCT	
E-mail address	glyn_d@live.co.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>
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Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

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		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Consultation Reference: WG26011

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments:	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>the implications of 6 No individuals living in a property independant of each other irrespective of planning regs is without doubt a house in multiple occupation each could have their own car [not as likely in a family unit] with each individual being responsible [or otherwise] for their own refuse.</p>				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>this would be a good thing but grants or loans for family use would greatly inhance viability, especially as property prices would probably be inflated by "investment owners"</p>				

Consultation Reference: WG26011

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:

he Trefforest area which had at one time been a comfortable community with a good mix of residents which included students of the then polytechnic has been decimated by HIMO'S those of us who continue to live here and pay our council charges feel that we are in a slum area. Walking into town has become a depressing journey, with refuse, bins, and overgrown gardens impinging on the footpaths. Towards the Trefforest direction things are a little better and the councillor is responsive which is more than can be said for the Graig [town] side With the increase of student accomodation in Cardiff there are less students but potentially more longer term problems this previous community [now just an area] is close to the town and will be a blight on Pontypridd unless people with some degree of pride in their surroundings be they families or landlords alter their attitudes.

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:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include '**Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation**' in the subject line]

Post

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

Consultation Reference: WG26011

Please complete the consultation form and send it to:

‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ



WG-26011-038

21 October 2015

Dear Mr Morgan,

Consultation on proposed amendments to secondary legislation covering statutory consultees, design and access statements, and houses in multiple occupation

The Law Society of England and Wales ('the Society') is the independent professional body, established for solicitors in 1825, that works globally to support and represent its 160,000 members, promoting the highest professional standards and the rule of law.

The Society welcomes the opportunity to respond to the Welsh Government's consultation on proposed amendments to secondary legislation covering statutory consultees, design and access statements ('DAS') and houses in multiple occupation ('HMOs').

The Society's Planning and Environmental Law Committee ('the Committee') has considered the consultation proposals. The Committee comprises 21 practitioners specialising in planning and environmental law, drawn from a cross-section of the profession, public and private sectors and covering both England and Wales.

The Committee agrees with the proposals set out in the consultation paper. The proposed amendments to Schedule 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, which relate to statutory consultees, are sensible and in line with the recommendations 47 to 51 of the Independent Advisory Group, on which the Society was represented. These proposals also align with the Stage 1 report of the National Assembly's Environment and Sustainability Committee, which recommended that water and sewerage undertakers be made statutory consultees (recommendation 24).

The Committee also agrees with the proposal to require DAS for major development only, with a lower threshold in Conservation Areas and World Heritage Sites. These proposals would remove an unnecessary administrative burden and enable planning authorities to focus their resources more appropriately. As the consultation paper recognises, this proposal is also in line with recommendation 39 of the National Assembly's Environment and Sustainability Committee's Stage 1 report.

In relation to HMOs, the proposals are in line with the recommendations of the Opinion Research Services and Lavender & Wilson Housing Training & Consultancy research commissioned by the Welsh Government. That research recommended that the definitions of HMOs for housing and planning purposes should be aligned, and that local authorities should be given the power to manage the development of HMOs with fewer than seven residents. The proposals in the consultation paper will help to achieve these outcomes. The Committee therefore supports the proposals.

Representatives of the Committee would be happy to meet officials from the Welsh Government to discuss these proposals further if that would be helpful.

Yours sincerely,

Caroline Allen
Chair – Planning and Environmental Law Committee

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 or telephone Kristian Morgan on 029 2082 3360.

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Data Protection
<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Roisin Willmott	
Organisation	RTPI Cymru	
Address	RTPI Cymru PO Box 2465 Cardiff / Caerdydd CF23 0DS	
E-mail address	roisin.willmott@rtpi.org.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				
<p>Para 2.11 refers to a lack of clarity of some of the existing threshold definitions as a reason for the proposed changes. In this instance whilst the lack of clarity has been addressed for scheduled monuments by k ii) a to e, there still seems to be a lack of clarity over k iii) and v) as a result of the respective wording such as "Development likely to affect the siting of a..." and "development likely to have an impact on ...".</p>				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

RTPI Cymru supports the use of Design and Access Statements (DAS), however we do support their removal in relation to more basic applications in order to focus their use on more significant planning applications where they can add value. We did not support their complete removal from the system in our response to the Planning (Wales) Act 2015, and would continue to recommend they remain for at least major development applications and should be strongly encouraged and promoted as best practice for other applications (other than minor) insofar as it should, in some cases, enable an application to be determined quicker as all the necessary information would be provided. However, the non-submission of a DAS would not, in these cases, be a basis to delay validation.

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

This provision ensures added safeguards for such sensitive areas.

Consultation Reference: WG26011

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The thresholds for sensitive areas appear to be at a sensible level. We also note that not exceeding these thresholds does not prevent an applicant from submitting a statement should they consider it helpful.</p>				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>It would be sensible to have one document which is specific to such applications to allow proportionate coverage of key matters rather than the current situation of adding components to a DAS to cover these forms of applications.</p>				

Q11	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?
<p>Comments:</p> <p>We suggest the same approach that is used in the T&CP (General Development Procedure)(Amendment)(Wales) Order 2009. This relates to the need for an access statement where the design element of a DAS is currently not required for example, for changes of use of buildings or the creation of buildings with less than 100sq m of floorspace where the use of the site will necessitate access by an employee or involves the provision of services to the public or to a section of the public.</p>	

Consultation Reference: WG26011

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Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>While the removal of the legislative requirement for the content of DASs should assist in ensuring that the content of a DAS is proportionate, relevant, and meaningful in the decision-making process, we believe that a similar approach to that suggested above for Qu 11 is needed to cover the access element in buildings of less than 1000sq m etc.</p>				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG26011

Comments:

This should help to avoid confusion.

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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:

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:

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

Consultation Reference: WG26011

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

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 or telephone Kristian Morgan on 029 2082 3360.

.

Data Protection
<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Mr. Rhodri Davies	
Organisation	Bridgend County Borough Council	
Address	Regeneration & Development Communities Directorate Bridgend County Borough Council Civic Offices Angel Street Bridgend CF31 4WB	
E-mail address	rhodri.davies@bridgend.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>For ease of application, criteria (ii) should be consistent with the wording proposed for criteria (iii). i.e. “Development likely to affect the site of a scheduled monument or its setting” (in line with the assessment for impact on registered historic parks or gardens at (iii)).</p> <p>Otherwise, the LPA would have to make an assessment, at the initial validation and consultation stage, whether a development is likely to be visible from a SAM without the benefit of a site visit.</p> <p>Also, suggest amending (iv) to cover the potential visual impact of EIA development on the setting of a registered historic landscape as follows:</p> <p>“Development within, or adjacent to, a registered historic landscape that requires an Environmental Impact Assessment.”</p>				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
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Consultation Reference: WG26011

		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Criteria (ii) is too inflexible. This should be left to the Officer's discretion and any potential impact from noise emanating from an existing theatre will form part of the consideration of the residential scheme by the Council's Planning and Public Protection/Environmental Health Departments.</p>				

Q4	<p>Do you agree with the proposed changes as set out in Table 4:</p> <p>(a) To remove paragraph (n)?</p> <p>(b) To remove paragraph (u)?</p> <p>(c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?</p>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>For paragraph (n) it should be noted that LPAs will occasionally require advice on schemes for the deposit of refuse or waste that do not breach the EIA threshold in terms of scale depending on the nature of the site and development.</p>				

Q5	<p>Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?</p>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Criteria (iii) should include a specific reference to departures from the development plan that have the potential to impact on Water and Sewerage Undertakers not just any departure.</p>				

Consultation Reference: WG26011

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Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No

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

Consultation Reference: WG26011

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The floorspace threshold of 100 sq. m. or more should include reference to gross floorspace created.				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments: Conversions of Listed Buildings to a commercial use requiring access by an	

Consultation Reference: WG26011

employee or the provision of services to the general public.

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>“Context” and “Character” are important design factors to explain within the DAS. If they are not specifically prescribed then the development would be justified in isolation without considering the context and character of the surrounding area.</p>				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG26011

Comments:

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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.
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Comments:

In light of Regulation 9 and the potential risk of having to refund planning application fees (as well as the additional workload and duties to be placed on Cadw and NRW etc.) the WG should allow LPAs to assume that a statutory consultee does not have any comments to make on an application if no response is received within the 21 day consultation period.

With regard to new Use Class C4, is there scope for the Planning Division at WG to introduce National Policy to allow the change of use of a dwelling to an HMO as Local Development Plans will not be able to introduce a policy until the initial 4 year review (e.g. 2017/2018 in Bridgend CBC's case)?

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

Consultation Reference: WG26011

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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:

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

Cyfeirnod yr Ymgynghoriad: WG26011

Ffurflen Ymateb i'r Ymgynghoriad

Diwygiadau arfaethedig i is-ddeddfwriaeth sy'n cwmpasu: Ymgynghoreion Statudol / Datganiadau Dylunio a Mynediad / Tai Amlfeddiannaeth

Rydym am gael eich barn ar ein cynigion ar gyfer diwygio is-ddeddfwriaeth mewn perthynas â'r darpariaethau ar ymgynghoreion statudol, pryd i gyflwyno datganiad dylunio a mynediad, a dosbarthiad tai amlfeddiannaeth.

Byddwch cystal â chyflwyno eich sylwadau erbyn 26 Hydref 2015.

Os oes gennych unrhyw ymholiadau ynglŷn â'r ymgynghoriad hwn, e-bostiwch:
planconsultations-b@wales.gsi.gov.uk neu ffoniwch Kristian Morgan ar 029 2082 3360.

Diogelu Data
<p>Bydd unrhyw ymateb a anfonwch atom yn cael ei weld yn llawn gan staff Llywodraeth Cymru sy'n gweithio ar y materion y mae'r ymgynghoriad hwn yn ymdrin â nhw. Mae'n bosibl y bydd aelodau eraill o staff Llywodraeth Cymru yn gweld yr ymateb hefyd, er mwyn eu helpu i gynllunio ymgynghoriadau ar gyfer y dyfodol.</p> <p>Mae Llywodraeth Cymru yn bwriadu cyhoeddi crynodeb o'r ymatebion i'r ddogfen hon. Mae'n bosibl hefyd y byddwn yn cyhoeddi'r ymatebion yn llawn. Fel arfer, bydd enw a chyfeiriad (neu ran o gyfeiriad) yr unigolyn neu sefydliad a anfonodd yr ymateb yn cael eu cyhoeddi gyda'r ymateb. Mae hynny'n helpu i ddangos bod yr ymgynghoriad wedi'i gynnal yn briodol. Os nad ydych yn dymuno i'ch enw a'ch cyfeiriad gael eu cyhoeddi, rhwch wybod inni yn ysgrifenedig wrth anfon eich ymateb. Byddwn wedyn yn cuddio'ch manylion.</p> <p>Mae'n bosibl y bydd yr enwau a'r cyfeiriadau y byddwn wedi'u cuddio yn cael eu cyhoeddi'n ddiweddarach, er nad yw hynny'n debygol o ddigwydd yn aml iawn. Mae Deddf Rhyddid Gwybodaeth 2000 a Rheoliadau Gwybodaeth Amgylcheddol 2004 yn caniatáu i'r cyhoedd gael gweld gwybodaeth a gedwir gan lawer o gyrff cyhoeddus, gan gynnwys Llywodraeth Cymru. Mae hynny'n cynnwys gwybodaeth sydd heb ei chyhoeddi. Fodd bynnag, mae'r gyfraith hefyd yn caniatáu i ni gadw gwybodaeth yn ôl dan rai amgylchiadau. Os bydd unrhyw un yn gofyn am gael gweld gwybodaeth a gadwyd yn ôl gennym, bydd rhaid inni benderfynu a ydym am ei rhyddhau ai peidio. Os bydd rhywun wedi gofyn inni beidio â chyhoeddi ei enw a'i gyfeiriad, bydd hynny'n ffaith bwysig i ni ei chadw mewn cof. Fodd bynnag, fe allai fod rheswm pwysig dros orfod datgelu enw a chyfeiriad unigolyn, er ei fod wedi gofyn i ni beidio â'u cyhoeddi. Byddem yn cysylltu â'r unigolyn ac yn gofyn am ei farn cyn gwneud unrhyw benderfyniad terfynol i ddatgelu'r wybodaeth.</p>

Cyfeirnod yr Ymgynghoriad: WG26011

Ymgynghoriadau Statudol / Datganiadau Dylunio a Mynediad / Tai Amlfeddiannaeth		
Dyddiad y cyfnod ymgynghori: 3 Awst 2015 – 26 Hydref 2015		
Enw	Gareth Jones	
Sefydliad	Cyngor Gwynedd	
Cyfeiriad	Adran Rheoleiddio Gwasanaeth Cynllunio, Amgylchedd a Gwarchod y Cyhoedd Ffordd y Cob Pwllheli Gwynedd LL53 5AA	
Cyfeiriad e-bost	Cynllunio@gwynedd.gov.uk	
Math (dewiswch un o'r canlynol)	Busnesau/Ymgynghorwyr Cynllunio	<input type="checkbox"/>
	Awdurdod Cynllunio Lleol	<input checked="" type="checkbox"/>
	Asiantaeth Llywodraeth/Sector Cyhoeddus Arall	<input type="checkbox"/>
	Corff Proffesiynol/Grŵp Buddiant	<input type="checkbox"/>
	Sector gwirfoddol (grwpiau cymunedol, gwirfoddolwyr, grwpiau hunangymorth, mentrau cydweithredol, mentrau cymdeithasol, crefyddol, a sefydliadau nid er elw)	<input type="checkbox"/>
	Arall (grwpiau eraill nad ydynt wedi eu rhestru uchod) neu unigolyn	<input type="checkbox"/>

Cyfeirnod yr Ymgynghoriad: WG26011

2.0 Ymgynghoriadau Statudol

C1	A ydych yn cytuno â'r cynnig i ddiwygio paragraff (i)?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

C2	A ydych yn cytuno â'r cynnig i ddiwygio paragraff (k)?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sylwadau: ystyrir fod rhan (ii) yn or-fanwl/rhagnodol				

C3	A ydych yn cytuno â'r cynnig i ddiwygio paragraff (r)?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sylwadau: cwestiynnir pa mor berthnasol neu/ac o ba ddiddordeb yw rhan (ii) i'r ymgynghorydd yma				

Cyfeirnod yr Ymgynghoriad: WG26011

C4	A ydych yn cytuno â'r newidiadau arfaethedig fel y nodir yn Nhabl 4 i: (a) Cael gwared ar baragraff (n)? (b) Cael gwared ar baragraff (u)? (c) Ychwanegu paragraff (y) at ofynion ymgynghori statudol Cyfoeth Naturiol Cymru?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sylwadau:
O ystyried cylch gwaith CNC ystyrir fod derbyn eu sylwadau ar ddatblygiadau yng nghategoriau (n) a (u) yn allweddol.
Derbyn (y)(i) ond nid (y)(iii) - nid yw yr hyn sydd wedi ei nodi yn yr ymgynghoriad yn gwneud dim synnwyr o gwbl. Os mai'r bwriad yw i CNC allu hysbysu'r ACLL o unrhyw dir neu sefyllfa arall ble mae angen yngymghori gyda hwy gall hyn greu cymhlethdodau ac anghysondebau yn y ffordd maent yn gweithredu fel ymgynghorwyr statudol.

C5	A ydych yn cytuno â'r trothwyon ymgynghori newydd arfaethedig ar gyfer Ymgymmerwyr Dŵr a Charthffosiaeth a nodir yn Nhabl 5?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sylwadau:
(iv) yn aneglur pam fod y categori hwn yn cael ei nodi

C6	A oes unrhyw drothwyon eraill y dylid eu cynnwys/eu heithrio o Atodlen 4 i Orchymyn Gweithdrefn Rheoli Datblygu Cymru? Os felly, nodwch y rhain ac esboniwch pam y dylid eu cynnwys neu eu heithrio.	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sylwadau:

Cyfeirnod yr Ymgynghoriad: WG26011

3.0 Datganiadau Dylunio a Mynediad

C7	A ydych yn credu mai datblygiad mawr, fel y disgrifir o dan c, d ac e o baragraff 3.19 (o'r Ddogfen Ymgynghori) a Gorchymyn Gweithdrefn Rheoli Datblygu Cymru, yw'r trothwy cywir ar gyfer ei gwneud yn ofynnol cael Datganiad Dylunio a Mynediad? Os nad ydych, beth fyddai'n drothwy priodol?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sylwadau:

C8	A ydych yn cytuno â'n cynigion i gael trothwyon gwahanol mewn Ardaloedd Cadwraeth a Safleoedd Treftadaeth y Byd? Os nad ydych, ym mha ardaloedd sensitif eraill, os o gwbl, y dylai trothwy llai fod yn berthnasol?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sylwadau:

C9	A ydych yn cytuno â'n trothwy arfaethedig ar gyfer Datganiadau Dylunio a Mynediad yn yr ardaloedd sensitif hyn? Os nad ydych, beth fyddai'n drothwy priodol?	Ydw	Ydw (yn amodol ar sylwadau)	Nac ydw

Cyfeirnod yr Ymgynghoriad: WG26011

			pellach)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

C10	A ydych yn cytuno â'r cynnig i ymgorffori'r gofyniad am ddatganiad ar ddylunio o fewn Asesiad o'r Effaith ar Dreftadaeth wrth baratoi cais am ganiatâd adeilad rhestredig, heneb gofrestredig neu ardal gadwraeth?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				
Dylai'r AED fod yn gymesur â'r datblygiad o ran math, natur a maint				

C11	Yn eich barn chi, o dan ba amgylchiadau y byddai angen i Asesiad o'r Effaith ar Dreftadaeth gael ei ategu gan ddatganiad ar fynediad hefyd?
Sylwadau:	
Newid defnydd neu waith i adeilad sydd yn mynd i fod agored i'r cyhoedd	

C12	A ydych yn cytuno â'n cynigion i symleiddio cynnwys statudol Datganiadau Dylunio a Mynediad?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

Cyfeirnod yr Ymgynghoriad: WG26011

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4.0 Tai Amlfeddiannaeth

C13	A ydych yn cytuno y dylid cyflwyno dosbarth defnydd newydd C4, lle bydd caniatâd cynllunio yn ofynnol ar gyfer Tai Amlfeddiannaeth â llai na saith preswlydd?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sylwadau:
Cytuno, byddai hyn yn rhoi'r opsiwn i'r Cyngor reoli twf pellach mewn ardaloedd ble mae nifer uchel o dai amlfeddiannaeth, ac hefyd os y dymunai reoli twf tebyg mewn ardaloedd eraill o'r Sir.

C14	A ydych yn cytuno â'n cynnig i sicrhau bod y diffiniad o Dai Amlfeddiannaeth at ddibenion cynllunio yn cyd-fynd â'r diffiniad tai a nodir yn adran 254 o Ddeddf Tai 2004?	Ydw	Ydw (yn amodol ar sylwadau pellach)	Nac ydw
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sylwadau:
Credur y byddai hwn yn hwyluso cydweithio rhygadrannol o fewn y Cyngor ac yn hybu cyd-weithio pellach. Byddai hefyd yn llawer llai cymhleth i ddefnyddwyr y gwasanaeth.
Awgrymir hefyd cynnwys y diffiniad o beth sy'n cynnwys 'pobl nad ydynt yn ffurfio un cartref sengl' fel a geir yn rhan 258 o'r Ddeddf Tai 2004. Byddai hefyd yn fanteisiol cael rhestr o ddangosyddion er mwyn gallu cysoni sut i ganfod y newid o C3 i C4 yn ogystal a'i wneud yn haws.

C15	A ydych yn cytuno â'n cynnig i alluogi dychwelyd Tai Amlfeddiannaeth bach (dosbarth defnydd newydd C4) i'w defnyddio fel tŷ annedd (Dosbarth C3) heb	Ydw	Ydw (yn amodol ar sylwadau)	Nac ydw
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cyfeirnod yr Ymgynghoriad: WG26011

	ei gwneud yn ofynnol cael caniatâd cynllunio drwy ddiwygio Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995?		pellach)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sylwadau:				

C16	Rydym wedi gofyn nifer o gwestiynau penodol. Os oes gennych unrhyw ymholiadau neu sylwadau cysylltiedig nad ydym wedi rhoi sylw iddynt, defnyddiwch y blwch isod i roi gwybod inni amdanynt.
Sylwadau:	

Nid wyf am i fy enw/neu gyfeiriad gael eu cyhoeddi gyda fy ymateb (ticiwch) <input type="checkbox"/>
--

Sut i Ymateb

Cyflwynwch eich sylwadau drwy unrhyw un o'r ffyrdd canlynol:

E-bost
Cwblhewch y ffurflen ymgynghori a'i hanfon i: planconsultations-b@wales.gsi.gov.uk
[Dylech gynnwys 'Diwygiadau arfaethedig i is-ddeddfwriaeth sy'n cwmpasu: Ymgylgoreion Statudol / Datganiadau Dylunio a Mynediad / Tai Amlfeddiannaeth' yn y llinell pwnc]
Post

Cyfeirnod yr Ymgynghoriad: WG26011

Cwblhewch y ffurflen ymgynghori a'i hanfon i:

**‘Diwygiadau arfaethedig i is-ddeddfwriaeth sy'n cwmpasu: Ymgylgoreion
Statudol / Datganiadau Dylunio a Mynediad / Tai Amlfeddiannaeth’**

**Y Gangen Rheoli Datblygu
Y Gyfarwyddiaeth Gynllunio
Llywodraeth Cymru
Parc Cathays
Caerdydd
CF10 3NQ**

Gwybodaeth Ychwanegol

Os oes gennych unrhyw ymholiadau ynghylch yr hysbysiad hwn,

E-bostiwrch: planconsultations-b@wales.gsi.gov.uk neu

Ffoniwrch: Kristian Morgan ar 029 2082 3360

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Gareth Smith	
Organisation	Severn Trent Water	
Address	Severn Trent Centre PO Box 5309 Coventry CV3 9FH	
E-mail address	gareth.smith@severntrent.co.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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 checked="" type="checkbox"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

Q5	Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <p>We agree with most of the proposed thresholds and certainly welcome the opportunity to be consulted on applications that are of note in terms of impact to our infrastructure and how we best serve our customers. Our detailed comments are provided below.</p> <p>Development Involving new residential development - we request that the threshold here is raised to a minimum of 5 units.</p> <p>Development involving the use of land for the provision of renewable energy - we request that this threshold is amended to not require consultation when development is proposed 'on' buildings eg applications for solar arrays on buildings. We are keen to be consulted on applications that may require new connections to our infrastructure and also applications that may involve development proposed above any of our underground assets, particularly where the erection of such may risk damage to assets and/or restrictions on our access to such assets.</p> <p>We are supportive of the remaining thresholds as proposed.</p>				

Consultation Reference: WG26011

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments:	

Consultation Reference: WG26011

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	Do you agree with our proposal to enable small Houses in Multiple Occupation (new	Yes	Yes	No
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Consultation Reference: WG26011

	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?		(subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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How to Respond

Please submit your comments in any of the following ways:

Email

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

Consultation Reference: WG26011

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include **‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’** in the subject line]

Post

Please complete the consultation form and send it to:

**‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

Consultation Reference: WG26011

Consultation Response Form

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

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Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Glyn P. Jones	
Organisation	Flintshire County Council	
Address	County Hall, Mold, Flintshire	
E-mail address	glyn.p.jones@flintshire.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>As the consultation document states, this reflects current practice and is in line with one of the main aims of the amendments, to concentrate the specialist resources on those developments which are of most significance or which have most potential issues.</p>				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This again reflects current practice to some extent but setting the criteria will add more weight to an objection by CADW where this leads to refusal and is subsequently challenged on appeal.</p> <p>There is however the inevitable difficulty in that harmful impact can't be quantified, so the converse of the above point is that in those instances where CADW have been consulted other than as a statutory consultee under the new regime (e.g. on a 14m. high wind turbine which is 0.6 kilometers from a scheduled monument) and have objected, a subsequent refusal of planning permission may not be as robust.</p>				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Clearly this is not a commonplace consultation, currently only involving the</p>				

Consultation Reference: WG26011

redevelopment of theatres and allowing the Theatres Trust to intervene, presumably to put forward the cultural benefits of retaining the facility in the face of another use. The proposed amendment widens this protection to allow representations to be made if the Trust feel that an incompatible use would indirectly affect the existence of a theatre.

This consideration should be a part of the local planning authority's assessment in any case but it does beg the question as to whether it is right to continue to give theatres a special status at the expense of other cultural and entertainment establishments which some might claim make a similar contribution and are equally important to the local community?

Q4	Do you agree with the proposed changes as set out in Table 4: (a) To remove paragraph (n)? (b) To remove paragraph (u)? (c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This recognises the fact that much if not most of our engagement with NRW now involves the application of TAN 15 and their guidance on flood risk matters. As in the reponse to Q2 above this will add more weight to a refusal on flood risk grounds which follows an objection from NRW in their capacity as a statutory consultee.</p>				

Q5	Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?	Yes	Yes (subject to further comment)	No
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Consultation Reference: WG26011

		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>It is significant that the criteria includes "Development...not in accordance with the development plan", which suggests that development which is in accordance with the plan should not raise any significant issues.</p> <p>Our experience is of objections being raised by the relevant undertaker on the basis of lack of capacity, in respect of residential developments which have been part of the development plan for years. This is clearly frustrating to local planning authorities and developers alike and affording this additional status as statutory consultee should not be allowed to widen the gap in co-ordination between the planning process and the water industry's programme for system enhancements</p> <p>We, in common with other planning authorities, also have an issue with conflicting advice from NRW who require drainage schemes to be designed to a 100 year event capacity, in accordance with TAN 15; and Dwr Cymru who will not adopt a system which is designed to cater for more than a 30 years event. Elevating the latter to statutory consultee will add to the frustration of developers where this conflict occurs and leave LPA's in a predicament over a decision which inevitably must go against the advice of one statutory consultee or another</p>				

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Consideration should be given to the inclusion of the Local Health Board as a statutory consultee on major residential applications, say over 100 dwellings. Our experience is of pressures being placed on local GP practices and other Health services where they are already at capacity. On some larger schemes we have sought additional provision from the developer but recognising the Health Board, a key stakeholder, as a statutory consultee, would impose the need to take such issues into consideration in the determination of planning applications.</p> <p>It might also be time to review the status of the "local highway authority concerned", which dates from the time when County Councils were the highway authority.</p> <p>Apart from the National Parks planning and highway responsibilities lie within the same authority and in some cases within the same service area. This close</p>				

Consultation Reference: WG26011

working arrangement ensures that the highway input is an integral part of the planning process and preserving the statutory consultee status is slightly anomalous.

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

We welcome this change which acknowledges the fact that in some cases DAS has become little more than a checklist contributing nothing to the design process. Applying this procedure to the more significant development proposals will assist in concentrating resources. However, all thresholds are artificial to some extent and this should not prevent the local planning authority from scrutinising the design of sensitive developments which fall below the criteria and applying the principles set out in the amended DAS

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

It might be appropriate to include AONB within the tighter thresholds proposed for Conservation Areas (As this is included in Article 1(5) of the GPDO)

Consultation Reference: WG26011

It is also not clear why planning applications involving listed buildings should be excluded. Although in practice the planning application and the corresponding listed building application will be considered in parallel they are separate consents and the planning application should contain all appropriate information to allow it to be considered separately if circumstances dictate.

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes, but see comment in relation to Q8 above. Not all works to listed buildings will require planning permission and not all development involving listed buildings will require LBC (e.g. straightforward change of use).				

Q11	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?
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Consultation Reference: WG26011

<p>Comments:</p> <p>Where it is appropriate. It is difficult to set criteria for this but the example given might suggest, for example, where there is a change of use which requires planning permission.</p>	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This is welcomed and allows more flexibility to concentrate on those aspects which are relevant to a specific development proposal</p>				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This is welcomed and will assist in enforcement where such uses have been instigated and are deemed to be unacceptable in planning terms.</p> <p>Based on the research results the consultation document identifies the potential issues associated with a proliferation of HMO's (e.g. Increases in anti-social behaviour, burglary and other crime; Reduction in the quality of the local environment due to increased litter, refuse, disrepair and prevalent lettings signs)</p> <p>Although Flintshire does not at present have a concentration of HMO uses within any of its town centres we would question the robustness of managing the future</p>				

Consultation Reference: WG26011

growth of HMO's on the basis of the above, which are perceptions, rather than any evidence which could lead to the refusal of planning permission

Flintshire has experienced similar issues when a few years ago there was demand for flats which led to a number of applications for conversions (particularly of terraced properties and often within the same street). Our elected Members often expressed concerns that this changed the character of an area but the difficulty in basing a refusal on any tangible evidence meant that we were rarely succesful in defending this stance on appeal

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Inevitably, this still leaves some room for interpretation and challenge, but generally it will assist in pursuing enforcement action

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

This makes sense and will make it easier for the property to revert to what must be considered the appropriate use where a HMO is deemed to be unacceptable

Consultation Reference: WG26011

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:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

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

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

Consultation Reference: WG26011

Telephone: Kristian Morgan on 029 2082 3360

Proposed amendments to secondary legislation
covering Statutory Consultees / Design and Access Statements /
Houses in Multiple Occupation
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ



23rd October 2015

Dear Sirs,

Proposed Amendments to Secondary Legislation covering Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation

Thank you for inviting us to comment on this document. We reply by letter, the better to explain our position which does not map easily on the multiple choices provided on the second page of the response form kindly provided.

We are one of four Welsh Archaeological Trusts working closely with other national, regional and local bodies, to help protect, record and interpret all aspects of the historic environment, and make the results available to the public. Our object is to advance the education of the public in archaeology and our primary focus is within South Wales.

We maintain the regional Historic Environment Record, and are retained by Unitary Authorities and other organizations to provide strategic advice, and also case management support where development proposals, agri-environmental, forestry and woodland schemes impact on the historic environment. We also carry out a wide variety of archaeological projects for public and private sector bodies, including environmental impact assessment, field survey, excavation and heritage interpretation.

Our response should be considered in respect of our position as the archaeological advisor to twelve Local Planning Authorities. We are responding only to Questions 2, 8, 9, 10 and 11, as these are the only ones that fall within our remit.

Q2: Do you agree with the proposal to amend paragraph (k)?

Yes. We are pleased to see that the proposed secondary legislation provides clear rules as to what shall be deemed to constitute the setting of a Scheduled Ancient Monument, for the avoidance of misunderstanding. We also welcome the proposal that Cadw be a statutory consultee in the case of developments that could potentially affect Registered Parks and Gardens, Registered Historic Landscapes and World Heritage sites. This updates the legislation to include the classes of protected heritage asset that have been introduced since the initial legislation and puts them on the same footing as other designated assets.

Q8: Do you agree with our proposals to have different thresholds in Conservation Areas and World Heritage Sites? If not, to what other sensitive areas, if any, should a smaller threshold apply?

Yes. We agree with the conclusion in The Urbanists report that too often those compiling Design and Access Statements are merely going through the motions and not providing information of true value in assisting in the determination of planning applications. Properly thought out, however, such statements can be of importance in this process, and we agree that a more judicious selection of cases where they are required should help to improve the standard. Given the sensitive nature of Conservation Areas and World Heritage Sites, we agree that it is appropriate they should have lower thresholds.

Q9: Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?

We agree with the proposed thresholds.


Q10: Do you agree with the proposal to incorporate the requirement for a statement on design within an HIA when preparing an application for listed building, scheduled monument or conservation area consent?

Yes. The more focussed approach of the HIA is likely to be more appropriate, and that some of the wider considerations of a Design and Access Statement, such as considerations of local transport are unlikely to be relevant below the proposed thresholds. At the same time, it is of the utmost importance that any new elements should be designed in a way that is entirely sympathetic with the historic character of the listed building, scheduled ancient monument or conservation area. The incorporation of the requirement for a statement of design in the HIA is therefore of paramount importance.

Q11: What do you consider should be the circumstances in which an HIA would also need to be accompanied by a statement on access?

We consider that an HIA will need to be accompanied by a statement on access in circumstances where access is likely to have a material impact on the appearance of the heritage asset, or any underlying archaeology.

Yours sincerely,



Dr E M Evans
Head of Heritage Management and Outreach

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	[REDACTED]	
Organisation	[REDACTED]	
Address	[REDACTED]	
E-mail address	[REDACTED]	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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 checked="" type="checkbox"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments:	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Totally agree - it would lead to better control of the smaller terrace houses.				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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:

I believe that the problems that we have of ½ empty houses/empty houses could be avoided if these could be converted back to dwelling (family) houses. These houses deterate and attract vermin - also we have had homeless just taking them over.

One of the major problem with houses of seven and under is that you often get as many cars as occupants. The problems then arise with parking facilities often causing arguments among tenants.

Rubbish collects and when the houses are emptied, a large amount of bags and rubbish appears in the streets often furniture etc.

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:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include '**Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation**' in the subject line]

Post

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

Consultation Reference: WG26011

Please complete the consultation form and send it to:

‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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.

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<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Jonathan Cawley	
Organisation	Planning Officers Society Wales	
Address		
E-mail address	Jonathan.Cawley@eryri-npa.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: (ii) is considered too prescriptive and limiting and difficult to implement. The existing requirement works perfectly well and should remain unchanged.				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: (ii) is considered too restrictive and unnecessary. The noise impact of new sensitive development e.g. residential is adequately covered via consultation with Environmental Health and via Building Regulations to ensure that such development does not impinge on existing uses such as theatres. There is no evidence that the current arrangements do not work. It is unlikely that the Theatres Trust will be able to provide a meaningful response on the noise issues other than to refer the LPA to Environmental Health or Building Regs, which already occurs.				

Consultation Reference: WG26011

Q4	Do you agree with the proposed changes as set out in Table 4: (a) To remove paragraph (n)? (b) To remove paragraph (u)? (c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: (n): it is unclear why NRW is no longer consulted on refuse and waste proposals when there would normally be a clear interest in terms of pollution potential. (u): no objection to the proposed change. (y): no objection to the proposed change.				

Q5	Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Bullet point (iii) should be clarified to development not in accordance with the development plan which related to WASU. Clause (iv) should be re-worded to add a threshold as at present it would require WASU consultation on a single solar panel in a field. Alternatively this clause could be deleted on the basis that significant renewable energy development (ie of interest to WASU) would be major development.				

Q6	Are there any other thresholds that should be included in/or excluded from Schedule 4	Yes	Yes	No
-----------	--	-----	-----	----

Consultation Reference: WG26011

	of the Development Management Procedure Wales Order? If so, please identify these and explain why they should be included or excluded.		(subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Proximity to the national grid				

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: 				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The requirement for a HIA should be in proportion to the scale and nature of the proposal				

Q11	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?
Comments: Change of use where the proposed use is open to public access	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No

Consultation Reference: WG26011

			comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG26011

	Town and Country Planning (General Permitted Development) Order 1995?	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

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.
<p>Comments:</p>	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

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Email
<p>Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk</p> <p>[Please include ‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’ in the subject line]</p>
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Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation

Consultation Reference: WG26011

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Planning Directorate
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Cardiff
CF10 3 NQ

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Consultation Reference: WG26011

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<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>

Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Mark Hand	
Organisation	Monmouthshire County Council	
Address	County Hall The Rhadyr Usk NP15 1GA	
E-mail address	markhand@monmouthshire.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: (ii) is considered too prescriptive and overly complicated to implement. Checking likely visual impact within a 5km radius essentially involves the case officer walking a 15km circle just to check if Cadw should be consulted on a large scheme. This is unworkable. The existing requirement works perfectly well and should remain unchanged.				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: (ii) is considered too restrictive and unnecessary. The noise impact of new sensitive development e.g. residential is adequately covered via consultation with Environmental Health and via Building Regulations to ensure that such development does not impinge on existing uses such as theatres. There is no evidence that the current arrangements do not work. It is unlikely that the Theatres Trust will be able to provide a meaningful response on the noise issues other than to refer the LPA to Environmental Health or Building Regs, which already occurs.				

Consultation Reference: WG26011

Q4	Do you agree with the proposed changes as set out in Table 4: (a) To remove paragraph (n)? (b) To remove paragraph (u)? (c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: (n): it is unclear why NRW is no longer consulted on refuse and waste proposals when there would normally be a clear interest in terms of pollution potential. (u): no objection to the proposed change. (y): no objection to the proposed change.				

Q5	Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Bullet point (iii) should be clarified to development not in accordance with the development plan which related to WASU. Clause (iv) should be re-worded to add a threshold as at present it would require WASU consultation on a single solar panel in a field. Alternatively this clause could be deleted on the basis that significant renewable energy development (ie of interest to WASU) would be major development.				

Consultation Reference: WG26011

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The requirement for a HIA should be in proportion to the scale and nature of the proposal				

Q11	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?
Comments: Change of use where the proposed use is open to public access	

Consultation Reference: WG26011

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email

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

Consultation Reference: WG26011

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include **‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’** in the subject line]

Post

Please complete the consultation form and send it to:

**‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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 or telephone Kristian Morgan on 029 2082 3360.

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Data Protection
<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>

Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Sarah Edwards	
Organisation	Persimmon Homes West Wales	
Address	Dragon House, Parc y Ddraig, Penllergaer Business Park, Penllergaer, Swansea, SA4 9HJ	
E-mail address	sarah.edwards@persimmonhomes.com	
Type (please select one from the following)	Businesses/Planning Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The threshold of major equating to 10 no. dwellings is too low. It should be raised to 31+ in keeping with our response to the proposed pre-application fee thresholds of minor (1-15 dwellings), major (16-30 dwellings) and large major (31+ dwellings) in the 'Secondary legislation for New Development Management Procedures' Consultation Response Form.</p>				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Consultation Reference: WG26011

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Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments: When the proposed use/change will generate more development trips than the existing use.	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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:

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

Consultation Reference: WG26011

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:

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

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:

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Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Shea Jones	
Organisation	Community Housing Cymru Group	
Address	2 Ocean Way, Cardiff, CF24 5TG	
E-mail address	shea-jones@chcymru.org.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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 checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The requirement to consult the NRW on development within 250 metres of land which, over the previous 30 years has been used for the Deposit of Waste (t) is questioned.</p> <p>As Special Waste Regulations were introduced in 1974, over the past 41 years former landfill sites would have have been properly licensed and monitored in respect of hazardous substances. A threshold of 150 metres is therefore considered more reasonable.</p>				

Consultation Reference: WG26011

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3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Previous comments at the Primary Legislation consultation stage questioned whether the proposed definition of 10 dwellings as major development would be appropriate in the larger towns and cities. However the 10 dwelling threshold applies for other purposes eg. Joint Housing Land Availability Studies, and therefore is generally accepted.

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9	Do you agree with our proposed threshold for Design and Access Statements in these	Yes	Yes	No
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Consultation Reference: WG26011

	sensitive areas? If not, what would be an appropriate threshold?		(subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: CH Cymru accept that a statement on design may be appropriate as part of a HIA as recommended by the Heritage Professional involved. However a full blown Design and Access Statement with necessary input from other professionals should be separate but informed by the HIA.				

Q11	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?
Comments: In circumstances where specific alterations are required in order to improve access for the disabled whilst maintaining the integrity of a building. Where parking and circulation issues need to be addressed by appropriate measures which may affect a building's setting or curtilage structures, a separate Access Statement prepared by Transport planners with input from a Heritage Professional will be more appropriate. .	

Consultation Reference: WG26011

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Subject to clarification regarding the 'care' element which may apply to different degrees in supported housing schemes and where the distinction between C3 and C4 may be difficult to ascertain.				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

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

Consultation Reference: WG26011

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include **‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’** in the subject line]

Post

Please complete the consultation form and send it to:

**‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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.

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Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Emyr Davies	
Organisation	Redrow Homes South Wales	
Address	Redrow House Copse Walk Cardiff Gate Business Park Cardiff CF23 8RH	
E-mail address	emyr.davies@redrow.co.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Agree that change is required but have concern on what interpretation will be given to "likely to be visible" and how this corresponds with the distances stipulated in the proposed change. It is considered that in reality the LPAs will use GIS to buffer the distances and consult on that basis (i.e. to cover themselves) and it is unlikely that the "likely to be visible" interpretation will be taken into account (it is not practice to undertake an assessment of if it is "likely to be visible"). As such, Cadw are likely to get significantly more consultations than they probably require.</p> <p>It would be interesting to understand how LPAs interpret the current description in paragraph k and if there is merit following those LPA procedures already in place?</p> <p>As Cadw are a statutory consultee then it is understood that they will have to provide their substantive response within the specified timescales. With the current levels of consultation we have experience of Cadw being slow to respond and there is concern how these additional consultation requirements will impact on the speed and quality of responses from Cadw.</p>				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to	No
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Consultation Reference: WG26011

			further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Can it be clarified where the 50m is measured from? For example, is it from a theatre building itself, a building that may incorporate a theatre, a development site boundary that incorporates a theatre etc.</p>				

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

Q5	<p>Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?</p>	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Support the requirement for a 'substantive response' and within set timescales.</p>				

Consultation Reference: WG26011

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q11	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?
Comments: No comment	

Consultation Reference: WG26011

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Support that DASs should be more proportionate to the related development project but are concerned that removing statutory definitions will allow LPAs to request additional information and make the process more onerous.</p> <p>We are currently experiencing what we believe to be onerous design requirements on some smaller schemes where following a comprehensive design and access statement submission there are unreasonable requirements for further design stages prior to reserved matters submission (e.g. development frameworks, design briefs, design code). These are valuable documents to guide development proposals of a certain scale and we appreciate the need for these but they should not become the norm for smaller residential developments (acknowledging that site by site constraints can influence this).</p>				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>No comment</p>				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG26011

		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

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:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Consultation Reference: WG26011

How to Respond

Please submit your comments in any of the following ways:

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

> **Consultation** > Further secondary legislation for development management

Response from The Guide Dogs for the Blind Association (Guide Dogs Cymru)

Prepared By

Andrea Gordon
Engagement Manager
Guide Dogs Cymru

Tel 07974 205177

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Cardiff
CF3 5EA
Website: www.guidedogs.org.uk

Introduction

The Guide Dogs for the Blind Association (Guide Dogs) welcomes the opportunity to respond to this consultation, and authorise the publication of our response.

Guide Dogs' vision is for a society in which blind and partially sighted adults and children enjoy the same freedom of movement as everyone else. Our purpose is to deliver the Guide Dog service and other mobility services, as well as breaking down barriers, both physical and legal, to enable blind and partially sighted people to get around on their own terms.

In August 2015, we responded to the consultation on developments of national significance. As our concerns about the changes to requirements for Design and Access Statements, (DAS) are clearly explained there, we will not repeat them, but confine our comments to any new issues around DAS arising from this consultation.

We note in 3.221

- Remove the requirement to explain the specific design principles that have been applied to “environmental sustainability”, “movement to, from and within the development”, “character” and “community safety”;

- Remove the requirement to give details concerning maintenance in respect of access features; and
- Reduce the number of statutory definitions (such as 'character' and 'context') in respect of DAS.

The exact meaning of these proposals should be explained in this consultation particularly as they apply to community safety.
How, precisely, will their removal be seen to impact on the built environment?

We assume that revision of TAN twelve will make clear the ongoing requirement for inclusive design, and do more than "encourage" good practise. We would wish to see a much stronger statement here about how TAN twelve will ensure access is prioritised, and we are not at all convinced that Local Development Plans will take the access requirements of blind and partially sighted people into account.

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 or telephone Kristian Morgan on 029 2082 3360.

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Data Protection
<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>

Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Rhian Jardine	
Organisation	Cyfoeth Naturiol Cymru / Natural Resources Wales	
Address	Ty Cambria 29 Newport Road Cardiff	
E-mail address	Rhian.Jardine@cyfoethnaturiolcymru.gov.uk	
Type (please select one from the following)	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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

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

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

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

Consultation Reference: WG26011

Q4	Do you agree with the proposed changes as set out in Table 4: (a) To remove paragraph (n)? (b) To remove paragraph (u)? (c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?	Yes	Yes (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.

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

Comments:

We have no comment on the proposed change.

Consultation Reference: WG26011

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Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>We have no further comments on proposed changes to Schedule 4 of the Development Procedure Order.</p>				

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>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.</p> <p>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.</p>				

Consultation Reference: WG26011

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.

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: We have no comment on the proposed thresholds to be applied in Conservation Areas and World Heritage Sites.</p> <p>Please see our response to Question 7 on the benefits of applying different thresholds in National Parks and AONBs.</p>				

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

Q10		Yes		No
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Consultation Reference: WG26011

	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?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>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>				

Q11	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?
<p>Comments:</p> <p>We have no comment on where an access statement should be provided.</p>	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>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."</p> <p>Alongside, access, community safety, character, and movement; environmental sustainability is identified in this section of PPW as a key aspect of good design.</p>				

Consultation Reference: WG26011

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

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: We have no comment on the proposed change.				

Q14		Yes		No
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Consultation Reference: WG26011

	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?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We have no comment on the definition that should be used for this matter.</p>				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We have no comment on this proposed change to the Permitted Development Order.</p>				

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.
<p>Comments:</p> <p>We have no further comment.</p>	

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

Consultation Reference: WG26011

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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:

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

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Ros Laidlaw	
Organisation	Welsh Historic Gardens Trust - Ymddiriedolaeth Gerddi Hanesyddol Cymru	
Address	The Bothy, Aberglasney, Llangathen, SA32 8QH.	
E-mail address	admin@whgt.org.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The Welsh Historic Gardens Trust (WHGT) is strongly in agreement with the amendments to paragraph (k) to extend the existing requirement for statutory consultation to include the proposal that Cadw will become a statutory consultee in all planning applications where development is likely to affect the site of a registered historic park or garden classified as Grade I, II* and II, or its setting. We welcome and support the decision to include Grade II sites in the statutory consultation process.</p> <p>We, the Welsh Historic Gardens Trust, are very concerned that it is not clear in this legislation what role is played by 'a nominated amenity society' in statutory consultations affecting historic parks and gardens and their settings.</p> <p>We have noted a discrepancy between the Historic Environment (Wales) Bill and the proposed changes to secondary legislation in the Planning Bill.</p> <p>Paragraph 115 of the Explanatory Memorandum of the Historic Environment(Wales) Bill states:</p> <p>'The new statutory status of the register will not be accompanied by additional legal restrictions on historic parks and gardens or the introduction of a new consent regime. Rather, registered sites will continue to receive the current level of protection through the planning regime. However the intention is to amend regulations to direct LPAs to consult with cadw on all planning applications affecting Grade I and Grade II* sites and with a nominated amenity society on all applications affecting registered parks and gardens.'</p>				

Consultation Reference: WG26011

whereas in the proposals for amendments to secondary legislation Cadw is named as the only statutory consultee for planning applications affecting Grades I, II* and II Historic Parks and gardens and their settings (k)iii.

If a nominated amenity society is to be established, then 'a nominated amenity society' needs to be included as a statutory consultee in secondary legislation of the planning Bill, as well as Cadw, for planning applications concerning Grade I, II* and II historic parks and gardens and their settings.

We would therefore also like to see clarification within the legislation as how this statutory consultation will apply to 'a nominated amenity society' as stated in paragraph 115 of the Memorandum accompanying the draft Heritage Environment Bill.

We welcome the inclusion for consultation respecting development likely to be visible from a scheduled monument (k ii), some of which are located within historic parks and gardens. The consultation should now also encompass developments such as proposed wind turbines which also can adversely affect the site and setting of registered historic parks and gardens.

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q4	Do you agree with the proposed changes as set out in Table 4: (a) To remove paragraph (n)?	Yes	Yes (subject to	No
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Consultation Reference: WG26011

	(b) To remove paragraph (u)? (c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?		further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Design and Access Statements

Q7	Do you think that major development, as	Yes		No
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Consultation Reference: WG26011

	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?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We agree that smaller proposals can have a significantly greater impact on the character of areas of higher sensitivity. Although listed buildings will continue to require a DAS, the WHGT believes that development within the wider settings of these buildings should continue to require a DAS. The WHGT believes that development within Areas of Outstanding natural beauty should also require a DAS</p> <p>The WHGT believes that a similar threshold should apply to development within registered historic parks, gardens and designed landscapes and their settings. Considerations of DAS criteria such as design, character, context, new and changed access requirements and movement from and within such sensitive sites are important, as any development can have, often irreversable, adverse effects upon historic landscape features, such as specimen trees, historically important hard landscape features and garden buildings as well as less obvious features such as important vistas and viewpoints.</p>				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No

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		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We agree with threshold (a), but not with threshold (b). Any building, regardless of size has the potential to have an adverse impact upon culturally sensitive areas. It is particularly worrying that there is no height restriction included in the threshold.</p>				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The WHGT welcomes the proposals to introduce Heritage Impact Assessments (HIAs) to accompany applications for Listed building Consent, Conservation Area Consent and Scheduled Monument Consent and agrees that a statement on design should be a requirement.</p> <p>The WHGT proposes that the wording of paragraph 3.29 be changed in order to strengthen the protection of historic parks and gardens and designed landscapes and their settings and be amended to :</p> <p>Once the register of historic parks and gardens has been put on a statutory footing, Heritage Impact Assessment and DAS requirements should be extended to include registered Historic Parks and Gardens and their settings.</p>				

Q11	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?
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Comments:

The WHGT considers that an HIA should be accompanied by a statement on access for any development affecting a registered historic park, garden or designed landscape and their settings, or the setting of a Listed Building. Changes in access such as inclusion of new and re- routed paths and ramps can have an adverse impact upon historic hard and soft landscape features.

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The WHGT is concerned that a simplified DAS will lead to design issues especially pertinent to applications affecting historic parks and gardens and designed landscape and their settings being sidelined. Considerations of character, context, and movement to, from and within the development, for example, are particularly relevant to these planning applications. 'Having the ability' to outline their approach to design and access is not the same as being required to do so. Publication of a DAS advisory toolkit, including a checklist of issues to be covered for different heritage categories, would be helpful if the statutory content of DAS were to be simplified.

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The Welsh Historic Gardens Trust supports this amendment as changing a listed building or dwelling within a listed historic park and garden or its setting to

Consultation Reference: WG26011

multiple occupation can have an adverse impact on historic landscape features, for example, with requirements for increased parking and waste provision, changes in access and possible subdivision of the outside space.

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:	

Consultation Reference: WG26011

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:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include **‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’** in the subject line]

Post

Please complete the consultation form and send it to:

**‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Ross Anthony	
Organisation	The Theatres Trust	
Address	22 Charing Cross Road London WC2H 0QL	
E-mail address	planning@theatrestrust.org.uk	
Type (please select one from the following)	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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment.				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Agree. The proposed changes to Paragraph K do provide much need clarity as to the scope of consultation expected with Cadw.				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Agree. The Theatres Trust is The National Advisory Public Body for Theatres set up in 1976 to safeguard theatre use or the potential for such use, and to provide expert advice on theatre buildings including, new design, heritage, property and planning. The Act defines a theatre as any building used or built mainly for the public performance of plays. Unfortunately the existing requirement for consultation with the Trust in the DMPWO is often not followed, is unclear about its application to proposed theatres, and it does not cover potentially harmful development adjacent to a theatre that may impact the ongoing operation of the theatre. Residential uses in particular have the potential to conflict with theatres and				

Consultation Reference: WG26011

other cultural and performance venues. Both are noise sensitive uses and each need to be carefully designed to avoid these conflicts. Existing venues should not have unreasonable restrictions placed on them as a result of changes to the land uses around them, or because of the intensification of adjoining residential uses. Additional requirements for consultation for developments around theatres would be beneficial as they would provide the opportunity to ensure these potential conflicts are addressed at either the pre-application or planning application stage.

The Trust therefore welcomes the proposed changes to Paragraph (r) in Schedule 4 of the DMPWO, as it largely addresses each of these concerns, and will help highlight the importance of planning for, promoting, and safeguarding these important cultural facilities amongst local planning authorities, helping the Trust to planning and design advice, and to protect theatres for the benefit of the local communities they serve.

Should the general feedback to the proposed requirement for consultation for residential developments within 50m of a theatre, the Trust would also agree to wording along the lines of 'residential development on any property adjoining a theatre'.

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

Q5	Do you agree with the proposed new	Yes		No
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Consultation Reference: WG26011

	consultation thresholds for Water and Sewerage Undertakers identified in Table 5?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Agree, though developments below this threshold would benefit from justifying the design choice and, while no longer a requirement, it should be promoted as good practice in any updated guidance issued.				

Consultation Reference: WG26011

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Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Agree. These are more sensitive sites where the design of smaller developments can have large implications and a DAS would therefore still be appropriate.</p>				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Agree.</p>				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Agree.</p>				

Consultation Reference: WG26011

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Q11	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?
<p>Comments:</p> <p>Any development that alters the safety exit routes in a publically accessible building.</p>	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>No comment.</p>				

Consultation Reference: WG26011

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

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:	

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

Consultation Reference: WG26011

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:

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

Consultation on proposed amendments to secondary legislation covering:
Statutory Consultees / DAS / HMOs
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff CF10 3NQ

26 October 2015

Dear Sir / Madam,

**Consultation on proposed amendments to secondary legislation for
development management covering:**

- **Statutory Consultees**
- **Design and Access Statements**
- **Houses in Multiple Occupation¹**

Thank you for the opportunity to comment on this consultation paper.

The Chartered Institute for Archaeologists

The Chartered Institute for Archaeologists (CIfA) is the leading professional body representing archaeologists working in the UK and overseas. We promote high professional standards and strong ethics in archaeological practice, to maximise the benefits that archaeologists bring to society, and provide a self-regulatory quality assurance framework for the sector and those it serves.

CIfA has over 3,350 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development,

teaching and liaison with the community, industry and the commercial and financial sectors.

ClfA's Wales / Cymru Group has over 300 members practising in the public, private and voluntary sector in Wales.

Proposed amendments to secondary legislation for development management covering:

- **Statutory Consultees**
- **Design and Access Statements**
- **Houses in Multiple Occupation**

General

ClfA supports Welsh Government in its aim to produce a streamlined and fit-for-purpose planning system for Wales. In responding to development management proposals relating to statutory consultees and Design and Access Statements (DASs) the Institute is concerned to see that the impact of development upon the historic environment is appropriately addressed in the consideration of all planning and related applications.

Specific Questions

Question 1: Do you agree with the proposal to amend paragraph (i)?

1.1 No comment.

Question 2: Do you agree with the proposal to amend paragraph (k)?

2.1 Yes, subject to the caveat in paragraph 2.2 below.

2.2 ClfA welcomes the clarification of the trigger for consultation and the implicit recognition of the need to consider impacts upon the setting, as well as the fabric, of historic assets. However, the introduction of specific criteria in paragraph (k)(ii) might in some cases exclude development which affects the setting of a scheduled monument.

Question 3: Do you agree with the proposal to amend paragraph (r)?

3.1 No comment.

Question 4: Do you agree with the proposed changes as set out in Table 4:

(a) To remove paragraph (n)?

(b) To remove paragraph (u)?

(c) To add paragraph (y) to NRW's statutory consultation requirements?

4.1 No comment.

Question 5: Do you agree with the proposed new consultation thresholds for WASU identified in Table 5 above?

5.1 No comment.

Question 6: Are there any other thresholds that should be included in/or excluded from Schedule 4 of the DMPWO? If so, please identify these and explain why they should be included or excluded.

6.1 No comment.

Question 7: Do you think that major development as described under c, d and e of 16 paragraph 3.19 and the DMPWO is the right threshold for requiring a Design and Access Statement? If not, what would be an appropriate threshold?

7.1 Yes, subject to the caveats below about the effectiveness of DASs in relation to the historic environment.

7.2 The overriding concern of ClfA in relation to DASs and other information requirements in the planning regime is to ensure that the impact of development on the historic environment, generally, and historic assets, specifically, is in all cases appropriately addressed before permission (or a related consent) is granted.

7.3 Although DASs currently require consideration, for instance, of environmental sustainability and character, we are concerned that DASs do not in practice adequately address the impact of development on

historic assets. Even in relation to applications for listed building consent, where architectural and historic importance are specifically required to be addressed, archaeological importance may be overlooked.

7.4 Heritage Impact Assessments (HIAs) might be one answer to this concern, provided that they encompass appropriate consideration of the impact of development upon archaeological interests. These should be linked, for example, expressly to archaeological desk-based assessments for which there are defined standards and clear guidance (see http://www.archaeologists.net/sites/default/files/CIfAS&GDBA_2.pdf).

7.5 However, HIAs, as currently envisaged, would not necessarily encompass effects on undesignated historic assets. It is appreciated that information requirements (and particularly those required by statute) have to be proportionate, but the Institute remains concerned to see that there is clear provision (whether in statute or in policy) to ensure that all material impacts upon the historic environment are addressed in the consideration of applications for planning permission and related consents.

Question 8: Do you agree with our proposals to have different thresholds in Conservation Areas and World Heritage Sites? If not, to what other sensitive areas, if any, should a smaller threshold apply?

8.1 Yes, but see the concerns about DASs in respect of listed building consent applications at paragraph 7.3 above.

Question 9: Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?

9.1 No comment.

Question 10: Do you agree with the proposal to incorporate the requirement for a statement on design within an HIA when preparing an application for listed building, scheduled monument or conservation area consent?

10.1 Yes. See the comments on HIAs at paragraphs 7.4 and 7.5 above.

Question 11: What do you consider should be the circumstances in which an HIA would also need to be accompanied by a statement on access?

11.1 Proposals which will involve altering the access to the site or are likely to involve or generate increased or materially different use of any existing access.

Question 12: Do you agree with our proposals to simplify the statutory content of Design and Access Statements?

12.1 Yes, save that ClfA would like to see specific provision made for DASs to address the impact of development upon historic assets (including, where appropriate, reference to archaeological desk-based assessment in accordance with ClfA Standards and guidance (see http://www.archaeologists.net/sites/default/files/ClfAS&GDBA_2.pdf).

Question 13: Do you agree that a new use class C4, whereby planning permission will be required for HMOs with fewer than seven residents, should be introduced?

13.1 No comment.

Question 14: Do you agree with our proposal to align the definition of an HMO for planning purposes with the housing definition set out in section 254 of the Housing Act 2004?

14.1 No comment.

Question 15: 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?

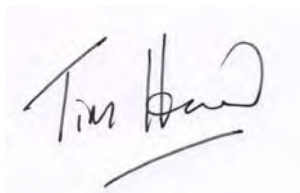
15.1 No comment.

Question 16: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

16.1 No comment.

If there is anything further that I can do to assist please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Tim Howard', with a long horizontal stroke underneath.

Tim Howard LLB, Dip Prof Arch
Senior Policy Advisor

¹ <http://gov.wales/docs/desh/consultation/150803-further-secondary-legislation-for-development-management-en.pdf>

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Owain George	
Organisation	Dwr Cymru Welsh Water	
Address	Linea Fortran Road St Mellons - CF3 0LT	
E-mail address	Owain.George@dwrcymru.com	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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 checked="" type="checkbox"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comments to add				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comments to add				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comments to add				

Consultation Reference: WG26011

Q4	Do you agree with the proposed changes as set out in Table 4: (a) To remove paragraph (n)? (b) To remove paragraph (u)? (c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Generally we are content with this. We hope that NRW and the LPA will liaise with us if any of our assets are identified as being within the relevant flood zone.</p> <p>In regard to (a), given the potential polluting impact of even comparatively small waste sites, we are surprised that NRW will no longer be consulted on waste sites falling outside the EIA regime. However, if NRW is content with this change, we would defer to its view.</p>				

Q5	Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Dwr Cymru very much welcomes the Welsh Government's proposal to confer Statutory Consultee status on water and sewerage undertakers. We are pleased to confirm that proactive discussions have taken place with other WASU and Welsh Government on the proposed consultation thresholds. We are supportive of the proposals as set out in the Consultation document.</p> <p>For any other planning applications that would fall outside of these thresholds we will review Local Authority Weekly Lists and provide formal consultation responses where necessary and appropriate. Further, we will seek to work collaboratively with Local Planning Authorities on developments outside of the agreed thresholds where development may impact on our assets and infrastructure.</p>				

Consultation Reference: WG26011

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No further comments to add				

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comments to add				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comments to add				

Consultation Reference: WG26011

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Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comments to add				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comments to add				

Q11	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?			
Comments: No further comments to add				

Q12	Do you agree with our proposals to	Yes		No
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Consultation Reference: WG26011

	simplify the statutory content of Design and Access Statements?		Yes (subject to further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comments to add				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	Do you agree with our proposal to enable small Houses in Multiple Occupation (new use class C4) to revert to use as a	Yes	Yes (subject to	No
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Consultation Reference: WG26011

	dwellinghouse (Class C3) without requiring planning permission by amending the Town and Country Planning (General Permitted Development) Order 1995?		further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email
<p>Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk</p> <p>[Please include ‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’ in the subject line]</p>
Post

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

Consultation Reference: WG26011

Please complete the consultation form and send it to:

‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Mark Harris	
Organisation	Home Builders Federation	
Address	Po Box 201 Barry CF639FA	
E-mail address	mark.harris@hbf.co.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The HBF are concerned that planning legislation is being used to try and control an issue which is dealt with by other legislation. The scenario referred to in paragraph 2.20 of the consultation document is one which is created by complaints to Environmental Health and can be dealt with by their own legislation.

Consultation Reference: WG26011

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

Q5	Do you agree with the proposed new consultation thresholds for Water and Sewerage Undertakers identified in Table 5?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The HBF confirm this is a critical change which has been requested for some time.				

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The HBF contend that the current threshold for major housing developments of 10 units or above is too low and should be amended/increased to 30 units or 2ha. This would help to reduce the regulatory burden on smaller developers and should help to increase the number of small builders operating in Wales, something which should be encouraged at a time when we need so many houses				

Consultation Reference: WG26011

to be built to help solve the housing crisis.

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

See answer above to question 6.

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
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Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation

Consultation Reference: WG26011

			comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments:	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes we support this suggested change but clear guidance will be required as there is potential for it to initially cause confusion and result in a LPA's not being				

Consultation Reference: WG26011

consistent in what they ask for.

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG26011

	Permitted Development) Order 1995?			
Comments:				

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:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

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Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’ in the subject line]
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Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

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Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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.

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<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>
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Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Paula Jones	
Organisation	Conwy County Borough Council	
Address	Civic Offices COLWYN BAY LL29 8AR	
E-mail address	paula.jones@conwy.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: These changes are welcomed and provide greater clarity for LPAs and CADW				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The Theatres Trust may need to look at resources and training of their case workers to deal with planning and conservation issues.				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Although DAS submitted on smaller schemes is generally of little value they can in some instances provide further information and/or show compliance with Planning Policy. If the applicant/agent does not provide supporting information from the outset there is a risk that the process could be delayed whilst this additional information is awaited.

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

There should also be a design statement for all development in the 'Historic Environment' used properly, they are a great tool to understand the development of a proposal.

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
-----------	--	-----	-------------------------------------	----

Consultation Reference: WG26011

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: A similar approach could be extended to a majority of development within Conservation Areas and WHS				

Q11	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?
Comments: Where the development proposal also requires assessment of "access" such as change of use applications, new development proposals etc	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: This is a welcomed move				

Consultation Reference: WG26011

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4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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:

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

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Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include '**Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation**' in the subject line]

Post

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

Consultation Reference: WG26011

Please complete the consultation form and send it to:

‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
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Cardiff
CF10 3 NQ

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Telephone: Kristian Morgan on 029 2082 3360

Consultation Reference: WG26011

Consultation Response Form

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Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Karen Anthony/Jonathan Thompson	
Organisation	CLA Cymru	
Address	CLA Cymru, Presteigne, Powys LD8 2UF	
E-mail address	karen.anthony@cla.org.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Any change should only be contemplated if the need for change can be justified by evidence or science, otherwise it is open to challenge.</p> <p>We agree with the general principle, but have grave reservations on the detail. In k(i), scheduled monuments already enjoy the protection of the Scheduled Monuments Act which places a statutory duty on applicants; we therefore question the requirement for further reinforcing existing measures.</p> <p>In (k)(iii), Cadw would have to be consulted on all developments which could be argued to have any impact whatsoever on a registered park, or on its (potentially significantly wider) setting. Prior to the new proposals of the Historic Environment (Wales) Bill, the registration of historic parks and gardens was a voluntary act and, in the absence of a statutory definition of historic park and garden, the criteria used for site inclusion have lacked consistency. It would be prudent in our opinion to return to first principles and reassess the voluntary entries so that any statutory list is of sufficient quality. Any exercise should include an evaluation of the significance of such sites together with a robust appeals procedure to satisfy the principles of natural justice. That said, as these proposals stand, it would be better at least to change this to "substantive" or "significant" impact, so that minimal impacts would not give rise to a consultation requirement. The same applies to (v), which could be seen as requiring Cadw to be consulted on virtually any physical change within a WHS. If the legislation used this wording, the routine application of the precautionary principle approach ("refer this to Cadw just in case - better safe than sorry") could well generate large numbers of consultations for developments with minimal impacts. In contrast, the EIA test in (iv) sets a logical threshold.</p>				

Consultation Reference: WG26011

In k(ii) we oppose the prescriptive nature of the guidance and endorse the application of principle. The concept of 'visible from' is vital, because otherwise Cadw would need to be consulted on every development of more than 1 hectare within 5 miles of a scheduled monument (etc). But again it would be better to say something like "significant visible impact from".

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The Theatres Trust is not a democratically elected body and whilst their opinions should be valued they should not have undue influence.				

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

Q5	Do you agree with the proposed new consultation thresholds for Water and	Yes	Yes	No
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Consultation Reference: WG26011

	Sewerage Undertakers identified in Table 5?		(subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				
<p>We agree with the proposals.</p> <p>Historic buildings already have additional constraints. Design & Access Statements for non-major developments are usually tick-box exercises that provide little information of value. For these reasons we believe that historic</p>				

Consultation Reference: WG26011

buildings should be exempt, as we see little point in requiring them, and therefore good reason not to do so.

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

We agree with the spirit of the proposal, but disagree with the detail. As above, (and as the consultation document says), Design & Access Statements provide little information of value for non-major developments, there is little benefit from requiring them, and therefore good reason not to do so.

However, Conservation Areas and World Heritage Sites have been designated/inscribed for their heritage significance. We do see real value in asking applicants to analyse heritage significance and impacts, in a proportionate way, but Design & Access Statements will not achieve that (we do not think the problem is a failure of guidance, but of the name, because 'Design & Access Statements' would always encourage applicants to focus on design and access (though probably simply in a tick-box way), and not on heritage).

We therefore think that the Design & Access Statement requirement should be removed for all non-major development in Conservation Areas and World Heritage Sites, but should be replaced by a requirement for proportionate Heritage Impact Assessments (see Q9 and Q10 below).

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

We do, of course, agree with the concept of a threshold.

As above, we do not think Design & Access Statements should be required for non-major developments in these areas. We think the Design & Access Statement

Consultation Reference: WG26011

requirement should be removed and that proportionate HIAs should be used instead.

The requirement for HIAs could be limited to cases where LBC, CAC, or SMC are required (see below), or the threshold suggested in the consultation could be applied, but either could be argued to be inadequate in heritage protection terms. On the other hand, requiring HIAs in all cases now requiring Design & Access Statements could be argued to be disproportionate, especially given that some planning applications in CAs and World Heritage Sites will have no significant heritage impacts at all. An answer might be to limit the HIA requirement to cases where the proposals involve significant impacts on heritage assets. In any event it is vital that the legislation and guidance stress and enforce proportionality (see Q10 (b) below), so that applicants are not called upon to provide (and pay for) long reports analysing minor heritage impacts.

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Yes we agree, but subject to the two vital conditions (a) and (b) set out below.

We support the introduction of proportionate HIAs, because analysing heritage significance and impacts is likely to help applicants to devise and deliver the best proposals in the most cost-effective way, and because local authorities cannot process applications effectively in the absence of this information and they are not and will not be resourced to collect and analyse it themselves.

Very importantly, however, our support is subject to two key conditions:

(a) It is essential that (as proposed) the Design & Access Statement requirement is simultaneously scrapped. D&AS are very unpopular among applicants, and continuing the requirement for D&ASs on top of new HIAs would certainly not help to achieve the stated aim of streamlining the planning process.

(b) It is essential that (as proposed) there is a very clear requirement for proportionality, and that this is mandatory. There is a fundamental problem in the planning system of under-resourced local authorities asking for layer after

Consultation Reference: WG26011

layer of additional information, either because staff lack the skills needed to take a decision, or in the hope - often realised in practice - that the applicant will give up as costs accelerate, and abandon the proposals (which is harmful because usually they are important to the usefulness and viability and thus the long-term survival of heritage buildings). There may also be a problem of consultants persuading applicants that they need disproportionately detailed reports (for which they may charge disproportionate fees). Disproportionately long reports are also difficult for local authorities to process. It is therefore not enough to say that "the information needs to be proportionate": a proportionality requirement will not be effective unless what that means is spelt out in detail. Firstly, the legislation and the guidance must say explicitly that the information required in the HIA should be sufficient, but no more than is sufficient, for the local authority to be able to assess the significance of the heritage affected and the impacts of the proposals on that significance. Secondly, the HIA guidance needs to go on to say explicitly something like "In most cases, where the heritage is of relatively low significance and/or the impacts of the proposals on significance are low, the HIA should be brief, from a couple of paragraphs in simpler cases up to a few pages in more complex cases. In cases where significance and/or complexity and/or impacts are high, more detailed treatment is likely to be needed. In the unusual cases in which the proposals involve major and potentially damaging changes to complex designated heritage of high significance, the HIA may need to be dozens of pages long and accompanied by other reports. In any event, any HIA of more than two to three pages should be preceded by a clear stand-alone summary of significance and impacts, ie of its key points and its conclusions, referenced to the rest of the document".

Q11

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?

Comments:

The answer to this should be 'In the same circumstances in which a non-heritage building would have a requirement for a statement on access'. We support in principle the proportionate provision of better access to buildings of all kinds, but access and heritage are separate issues. We would not argue that heritage should have a lesser access requirement than non-heritage buildings, and equally there is no inherent logic in applying a greater requirement.

A HIA should therefore not have to include access information unless it would be required for a non-heritage building.

(For completeness we add three riders to this. Firstly, it is of great importance that the pointless D&AS is not retained in heritage cases simply to provide information on access, which in most cases it fails to achieve in practice anyway.

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Secondly, it is sometimes argued that there is a case for changing policy on access requirements, but if so that would obviously be outside the scope of this consultation. Thirdly, in practice there is also, of course, a need for proportionality and the balancing of material considerations, so there will be instances in which the public interest in providing better access is outweighed by the public benefit in protecting heritage significance, though very often it is possible to achieve both).

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: We agree.				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: In our experience these issues are local problems usually confined to those areas with university establishments. That being the case, local authorities should have the freedom to apply local solutions to local problems - one size does not fit all and such solutions rarely meet the needs.				

Q14	Do you agree with our proposal to align the definition of an Houses in Multiple	Yes	Yes	No
------------	--	-----	-----	----

Consultation Reference: WG26011

	Occupation for planning purposes with the housing definition set out in section 254 of the Housing Act 2004?		(subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:	

Consultation Reference: WG26011

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:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include **‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’** in the subject line]

Post

Please complete the consultation form and send it to:

**‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Miss Rachael A. Bust - Chief Planner	
Organisation	The Coal Authority	
Address	200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire, NG18 4RG	
E-mail address	planningconsultation@coal.gov.uk	
Type (please select one from the following)	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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Regarding statutory consultees in Wales, we have proactively discussed the matter about consultation thresholds and criteria with the Welsh Government.

As part of our discussions with Welsh Government it was agreed that the wording of Schedule 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 should be amended to better reflect our risk based approach and should be clear about the actual exemption for householder development.

The current proposals now reflect the position informally agreed between The Coal Authority and Welsh Government for consultation purposes. The proposed amended wording under Schedule 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 better reflects the risk based approach operated by The Coal Authority and is therefore fully supported.

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

No Comment

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG26011

Comments:
No Comment

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

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

Q6	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	Yes	Yes (subject to further	No

Consultation Reference: WG26011

	identify these and explain why they should be included or excluded.		comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

Consultation Reference: WG26011

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: We have no particular view on this matter and consider that others would be better placed to respond to this issue.				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

Q11	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?
Comments: No Comment	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG26011

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No Comment				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG26011

Comments: No Comment				

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 additional comments to make	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ' Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation ' in the subject line]
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CF10 3 NQ

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Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Helen Edwards	
Organisation	Glandŵr Cymru - the Canal & River Trust in Wales	
Address	The Kiln Mather Road Newark Nottinghamshire NG24 1FB	
E-mail address	helen.edwards@canalrivertrust.org.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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 checked="" type="checkbox"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
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Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

Q4	Do you agree with the proposed changes as set out in Table 4: (a) To remove paragraph (n)? (b) To remove paragraph (u)? (c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?	Yes	Yes (subject to further comment)	No
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Comments:				

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		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments:	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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.
<p>Comments:</p> <p>Thank you for the consultation. We would comment that in paragraph 2.4 the British Waterways Board is now the Canal & River Trust in Wales and England, and is known as Glandŵr Cymru - the Canal & River Trust in Wales.</p> <p>In relation to the table in annex 1, it is necessary and appropriate to refer to the Trust as the Canal & River Trust. However, please can the Trust's name be written with an ampersand rather than an 'and', so that it is Canal & River Trust - thank you.</p>	

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

How to Respond

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Email
<p>Please complete the consultation form and send it to :</p> <p>planconsultations-b@wales.gsi.gov.uk</p> <p>[Please include 'Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation' in the subject line]</p>
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Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation

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Development Management Branch
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Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

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Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

RLA Response to Consultation on Proposed Amendments to Secondary Legislation for Development Management (Homes in Multiple Occupation Q13-16)

The Residential Landlords Association (RLA) is the premier national landlords association operating in England and Wales. We represent over 20,000 members. Our members own or control over 250,000 units of accommodation. Primarily our members are landlords in their own right but a number are managing and letting agents, some of whom are also landlords. Our members operate in all sub-sectors of the Private Rented Sector (PRS). Properties are rented out to families, working people, young professionals, the elderly, students and benefit claimants.

Question 13

The Residential Landlords Association (RLA) is opposed to any policy which would see the introduction of a C4 classification or any further planning regulations for HMOs with fewer than seven residents. There is an assumption by the Welsh Government, following on from the Lavender & Wilson' report (Houses in Multiple Occupation: Review & Evidence Gathering: Report of findings)', that concentrations of HMO's themselves create problems, including anti-social behaviour, for local communities. There is simply no evidence to demonstrate any causal link. As we mentioned, it is regressive for the Welsh Government to follow the rationale by Wilson, which acts on the premise that tenants should be prevented from being a part of a community, rather than being given the opportunity to become integrated with it. As suggested in p.3 of our response, it is important to take on board the ideas raised in Chapter 5 of Wilson's report, particularly those that focus on the ways in which local authorities and universities can work with local partners.

In our response to Wilson's report we went into detail about how the Welsh Government and local authorities should instead focus on funding and facilitating community led projects, which may not only help solve issues related to anti-social behaviour. We disputed the underlying assumption that a higher density of HMOs has increased the financial burden on local authorities. For instance, if there are more HMOs (or larger properties) in a given area, which all require larger types of rubbish bins that are different from those required for smaller properties, then surely it is more efficient that these are in a small number of locations rather than spread across a much wider geographical area.

An uninformed response to the above could be that the Welsh Government should abolish the need for modified services such as different collection services for HMOs by reducing the number of them across the board, or even preventing them from being converted and rented altogether. However, the response to this is that HMOs provide a cost effective way of providing affordable housing. We question how the local authority would be able to assist the PRS in meeting local demand without HMOs. We are particularly concerned about how cities such as Cardiff will be able to cope with increased numbers wanting to relocate. Statistics published by the Welsh Government indicate that in the last financial year

there were on only 7,000 new ‘starts’, whilst approximately 12,000 are required each year over the next 25 years in order to solve our housing crisis. However, at the same time, HMOs aren’t an option of last resort, many tenants choose to live in an HMO as it suits their lifestyle and circumstances, *e.g.* those who relocate for a new job but don’t have friends or family in the area. It is vital to ensure that private tenants have as many choices available to them as possible.

It is suggested that this approach is better than using ‘Article 4’ directions because additional planning fees can be charged. The RLA believes that it isn’t morally right to expect landlords in Wales to pay further fees on top of the levies they already have to pay, *e.g.* Additional HMO licensing and new Wales-wide licensing fees. Under no circumstances should a justification like this be used for choosing a particular policy option; housing policy should always give primacy to long-term considerations, *e.g.* shall this increase (or decrease) supply? Moreover, at a time when rents are in fact decreasing in real terms in Wales, our members simply cannot afford to give more money to the public purse and maintain high quality rented homes. Another justification provided for choosing this proposal over ‘Article 4’ is that it creates uniformity: ‘the option proposed in this consultation is considered preferable to the Article 4 route as it is clear and straightforward and would ensure uniformity of approach across Wales (4.17, p.23). However, the RLA disagrees with this reasoning particularly as in the previous paragraph it states that “local authorities will be able to adopt local policies to control the density and spread of this type of housing (4.16, p.23)”. In practical terms this would lead to a landlord with a property in a different local authority area having to follow different rules from someone wanting to do similar work a neighbouring local authority, as which is the case with the ‘Article 4’ approach. Under no circumstances would the RLA support the Article 4’ route as an alternative; however it is wrong to describe a characteristic of this proposal in a way which is clearly misleading to respondents.

Question 14

The RLA is opposed to this proposal. It is wrong to incorporate smaller properties into the HMO category, and bring into the definition dwellings that form just one household. For this reasons outlined above, this would create an unnecessary burden on the private rented sector and landlords.

Question 15

If these reforms are to be introduced contrary to the RLA’s advice, C4 classified HMOs need to be able to revert to a C3 dwelling house without further planning consent being required. It is imperative that the market can act quickly in adapting to changing needs and demand, without being burdened with unnecessary bureaucracy and any additional fees. In addition to this, we believe that once a dwelling has reverted back to C3 the landlord should be able to ‘flip it’ back to a C4 HMO without further planning consent being required. The prospect of a landlord having to apply for planning permission once and then having to do it again, perhaps after maintenance work has taken place or even if there is a change of tenants, alarms us greatly. For the reasons above, it is vital that all existing housing stock can be fully utilised to meet the needs of the day without unnecessary obstacles.

Question 16

We question the need for another form of regulation when the Welsh Government is already legislating in many other areas that will heavily impact the private rented sector and private landlords. Wales-wide registration and licensing are soon to be enacted, so landlords will now have to adapt to other legal requirements. The Welsh Government fails to understand that landlords are already constrained by existing laws addressing these issues, and our members need time in order to comply with new legislation.

As we mentioned in our response to Wilson's report it is important to look into the possibility of introducing other more proven enforcement policies, such as the reintroduction of fixed penalty notice. Please read more on p.3.

It is always important for the Welsh Government to have regard for the wider context, and to understand that ultimately all of the regulatory changes combined will result in many highly competent private landlords leaving the sector. The Welsh Government should acknowledge that the housing sector requires the private rented sector. The Welsh Government have recently emphasised a lot about the importance of attracting much needed investment and skilled professionals into Wales. However, the nation needs to be able to have sufficient housing stock in order to house young professionals moving to Wales. It is only the private rented sector that offers genuine choice, and is assisting the population in building the necessary housing stock in order to meet current and future demand.

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Thomas Webb	
Organisation	Royal Society of Architects in Wales	
Address	Studio 111, The Creative Quarter, Morgan Arcade, Cardiff, CF10 1AF	
E-mail address	rsaw@riba.org	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

We believe the proposed threshold is too high due to its inflexibility and arbitrary nature. Many developments in Wales take place in rural areas, perhaps with only a handful of existing dwellings. A development of nine houses (i.e. outside of the proposed threshold) would radically alter the character of such sparsely populated areas.

As alternatives, we propose either:

1) To lower the threshold of dwellinghouses provided to 2 or more.

Or:

2) Remove the threshold altogether and give discretion to the relevant local planning authority. This would allow for each application to be judged on its merits before determining whether a DAS is required.

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

We agree that a lower threshold in Conservation Areas and World Heritage Sites is appropriate due to the inherent sensitivities of these locations.

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an	Yes	Yes (subject to	No
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Consultation Reference: WG26011

	appropriate threshold?		further comment)	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We agree with the threshold set in the guidance document as set out in 3.24 a) and b).</p>				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We agree in principle to this proposal. The requirement for a statement on design within a HIA should take into account the scale and complexity of each case.</p>				

Q11	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?
<p>Comments:</p> <p>We believe the nature and intended use of a building should determine whether a statement on access is necessary.</p>	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No

Consultation Reference: WG26011

		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We agree with the overall aims of these proposals. As was mentioned in our answer to question 7, we disagree with the rather arbitrary threshold detailed within 3.19 of the consultation document. We would argue that DAS are an invaluable tool when used correctly and if these proposals are designed to produce more meaningful and well-thought-through DAS (in whatever form) then we must give our support to them.</p>				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q15	Do you agree with our proposal to enable small Houses in Multiple Occupation (new	Yes	Yes	No
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Consultation Reference: WG26011

	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?		(subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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How to Respond

Please submit your comments in any of the following ways:

Email

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

Consultation Reference: WG26011

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include **‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’** in the subject line]

Post

Please complete the consultation form and send it to:

**‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	James Caird	
Organisation	Institute of Historic Building Conservation	
Address	Jubilee House High Street Tisbury SP3 6HA	
E-mail address	consultations@ihbc.org.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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"/>

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We accept that the proposals are limited to specific referrals to Ministers and not to the statutory duties of decision makers. But we are unclear about the precise justification for the additional duties. It seems to us that setting of ancient monuments may also be compromised by developments in views of the monument as developments viewed from it. Bearing in mind the iconic status of many of Wales's monuments, we would wish to see this aspect included in the referral regime. If a limiting factor were to be sought, views defined as important in development plans might be a vehicle for this.				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Please see our response to question 2. 				

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <p>The setting of listed buildings is a point of recurring concern to us. LPAs have a statutory duty to consider this aspect which will be harder if the scope of DASs is reduced. Further the sensitivity of listed buildings to inappropriate developments in their settings can be greater than developments in many conservation areas for which the consultation implies Ministerial support. Settings of buildings can be difficult to define so a rule-of-thumb approach by distance (e.g. Grade I = 100m, Grade II* = 50m and Grade II = 25m) might be a starting point.</p>				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We agree with the proposals but would like to see 2 additions: extensions and enlargements (those requiring planning permission, obviously) involving increases in height and construction forward of the building line.				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes, this is eminently sensible.				

Q11	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?
Comments: We can see the desirability of this but are not in a position to suggest a threshold.	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Subject to the proposed amendment to TAN we are happy with this.				

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: We have no comment on this aspect.				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: We have no comment on this aspect.				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: We have no comment on this aspect.				

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 comments.	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include **‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’** in the subject line]

Post

Please complete the consultation form and send it to:

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Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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 or telephone Kristian Morgan on 029 2082 3360.

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<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>

Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Jen Heal	
Organisation	Design Commission for Wales	
Address	4 th Floor Cambrian Buildings Mount Stuart Square Cardiff CF10 5FL	
E-mail address	jen.heal@dcfw.org	
Type (please select one from the following)	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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The Design Commission for Wales is often in the position as an early stage, non-statutory consultee of awaiting statutory comment when we are consulted. The absence of the comment at key stages can be detrimental to the consideration of impact or effect. Any development or change will have impact - but it may not necessarily be negative. Timeliness and co-ordination would be helpful.				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

Q4	Do you agree with the proposed changes as set out in Table 4: (a) To remove paragraph (n)? (b) To remove paragraph (u)? (c) To add paragraph (y) to Natural Resources Wales' statutory consultation requirements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>As Q1: The Design Commission for Wales is often in the position as an early stage, non-statutory consultee of awaiting statutory comment when we are consulted. The absence of the comment at key stages can be detrimental to the consideration of impact or effect. Any development or change will have impact - but it may not necessarily be negative. Timeliness and co-ordination would be helpful.</p>				

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Consultation Reference: WG26011

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3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The category of 'major development' is recognised and understood in planning terms and therefore provides a logical threshold for the requirement of a DAS. However this excludes a large number of development which will individually or collectively have a significant impact on their context. Therefore it must be ensured that design proposals for smaller developments are clearly explained and presented in any planning application so that they are understood by officers, committees and the public - including their cumulative impact. This may require additional consideration/changes to application requirements beyond the Design and Access Statement.

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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Consultation Reference: WG26011

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Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
<p>Proper consideration is needed to avoid poor quality pastiche and ensure heritage impact is positive, and of the highest quality. Design response in the context of heritage is a single consideration and guidance should reflect this. It is right that design and heritage impact considerations are considered together as the impact assessment and design process should be iterative.</p> <p>However we cannot comment fully until the guidance on HIA has been drafted by Cadw. Over emphasis on avoiding, reducing, compensating or mitigating impacts will have a negative impact on design scope and quality.</p> <p>The statement on design should clearly explain how all aspects of the site and its context, including the heritage asset, have been considered, prioritised and used to inform the design response.</p>				

Q11	What do you consider should be the circumstances in which a Heritage Impact Assessment would also need to be accompanied by a statement
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Consultation Reference: WG26011

	on access?
Comments:	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The five objectives of good design as set out in TAN 12 are known, established and remain relevant and therefore should not necessarily be removed from DAS requirements - subject of course to future considerations regarding the extent of any proposed revision of TAN12. The majority of issues relating to the requirement to address all five objectives in a DAS even when they were not relevant, stemmed from smaller applications. This problem will be addressed by the removal of the requirement for a DAS for smaller developments. The five objectives are relevant to most major developments and can therefore be retained to give structure to DAS and ensure that the objectives stay in the minds and vocabulary of planners and designers. However, if they are not all relevant it should be acceptable to validate a DAS which does not make reference to all of the objectives.</p> <p>The fundamental requirement of a DAS is that it explains the design proposals and the considerations that have been taken place in design development. In many cases there are three fundamental (sets of) drawings that adequately achieve this once the site location, vision and brief have been set out and should be used in place of lengthy, unnecessary verbiage:</p> <ol style="list-style-type: none"> 1. Site analysis summary plan (based on the guidance provided in the document currently being prepared by DCFW) 2. Framework plan or design development drawings that set out how the design has responded to the analysis 3. Proposals - plans, sections, elevations and illustrations that explain the proposals. <p>A single, succinct, properly illustrated and diagrammatic statement, informed and guided by equally succinct guidance publication which can be web based and build on DCFW's current work in their area, could be very effective.</p>				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: We have no comment on section 4 HMOs.				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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.
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Comments:

This consultation response should be viewed in the context of the wider work the Design Commission for Wales is carrying out with and for the Welsh Government.

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-b@wales.gsi.gov.uk [Please include ' Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation ' in the subject line]
Post

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

Consultation Reference: WG26011

Please complete the consultation form and send it to:

‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360



19th October 2015

Dear Sir,

Consultation on proposed amendments to secondary legislation covering: Statutory
Consultees/DAS/HMOs

I refer to the above consultation which will close on the 26th October 2015.

The growth in the development of Houses in Multiple Occupation in Treforest is a matter of great concern to residents in this area.

I agree with the Welsh Labour Government consultation which would allow Local Authorities to have greater control over HMO development which includes:-

1. Increasing the number of proposed HMO's that require planning permission and
2. making it easier for a HMO to revert to a dwelling house.

I do not want my name or address published.

Yours faithfully,



Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ



19th October 2015

WG-26011-067

Dear Sir,

Consultation on proposed amendments to secondary legislation covering: Statutory
Consultees/DAS/HMOs

I refer to the above consultation which will close on the 26th October 2015.

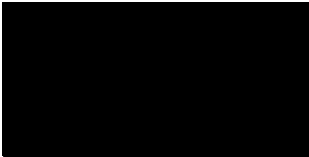
The growth in the development of Houses in Multiple Occupation in Treforest is a matter of great concern to residents in this area.

I agree with the Welsh Labour Government consultation which would allow Local Authorities to have greater control over HMO development which includes:-

1. Increasing the number of proposed HMO's that require planning permission and
2. making it easier for a HMO to revert to a dwelling house.

I do not want my name or address published.

Yours faithfully,



Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ



61 Glamorgan Ave
Uplands
Swansea
SA2 0HY
22/10/2015.

Dear Sir,

Re: Proposed amendments to
Secondary Legislation covering
statutory consultees / Design &
Access Statements / Houses in Multiple
Occupation

I have attempted to E-mail
my response but failed. Consequently
I have printed off the forms that
I managed to fill in on-line.

I apologise for the quality of the
printing but my printer seemed to
take exception to the web-page.

I have only filled in the
section dealing with Houses in

P.T.O.

Multiple Occupation as this is
the area within which I have
years of experience as an ordinary
resident of a non HMO totally
surrounded by HMO's.

I understood little of the
other sections and feel that
they should be left to people who
do understand them, but the
section on HMO is so important
to me I had to reply.

Yours faithfully

Dr. Sandy Reid Jones

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection

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.

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

Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 2 August 2015 – 26 October 2015		
Name	Sandy Reid Johns	
Organisation		
Address	61 Glanbrydan Ave Uplands Swansea	
E-mail address	sandyj20@tiscali.co.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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 checked="" type="checkbox"/>

PLEASE NOTE I HAVE ONLY COMPLETED THE SECTION ON HMO's.

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes <input type="checkbox"/>	Yes (subject to further comment) <input type="checkbox"/>	No <input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (ii)?	Yes <input type="checkbox"/>	Yes (subject to further comment) <input type="checkbox"/>	No <input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (i)?	Yes <input type="checkbox"/>	Yes (subject to further comment) <input type="checkbox"/>	No <input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	Are there any other thresholds that should be included in/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.			
		Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

<p>Q7</p>	<p>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?</p>	<p>Yes</p> <input type="checkbox"/>	<p>Yes (subject to further comment)</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
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Comments:

<p>Q8</p>	<p>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?</p>	<p>Yes</p> <input type="checkbox"/>	<p>Yes (subject to further comment)</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
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Comments:

<p>Q9</p>	<p>Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?</p>	<p>Yes</p> <input type="checkbox"/>	<p>Yes (subject to further comment)</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
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Comments:

Consultation Reference: WG26011

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	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?
Comments:	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Absolutely definitely, as soon as possible whilst the affected areas still have a few non HMOs left				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: I fear that if permission were given to an application for an Hmo for 3 occupants on the basis that it would be small and have minimal impact on amenity, parking , waste management and other such things, then at a later date, it could go to 7 or even 10 with no extra Planning when clearly there would be considerable increased impact. This might lead to potential landlords buying up small houses but then extending up into loft spaces, dividing bedrooms up and making permitted extensions outwards into back gardens, putting kitchens in extensions and using previous kitchens as more bedrooms e.t.c.				

Consultation Reference: WG26011

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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:

I appreciate the undesirable amount of delay which would be necessary if instead Change of Use Class order and Article 4 directive were used , but I am concerned that you do not set out any possible pitfalls in going down the route of Local Authority legislation rather than Welsh government Legislation. As an ordinary resident then I do not understand whether a political change of hands of a Local Authority could lead to a very quick change back again to previous legislation, without the safeguards that would have to accompany Welsh Government Law

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:

Email

Please complete the consultation form and send it to :

planconsultations-b@wales.gsi.gov.uk

[Please include 'Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation' in the subject line]

Post

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

Consultation Reference: WG26011

Please complete the consultation form and send it to:

**‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please

Email: planconsultations-b@wales.gsi.gov.uk or

Telephone: Kristian Morgan on 029 2082 3360

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 or telephone Kristian Morgan on 029 2082 3360.

Data Protection
<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>

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	Rhyan Berrigan	
Organisation	Disability Wales	
Address	Bridge House, 3 Caerphilly Business Park, Van Road, Caerphilly CF833GW	
E-mail address	rhyan.berrigan@disabilitywales.org	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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 checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

We have responded to a number of positive planning consultations and have reiterated a number of times that the size of the dwelling and footfall therein should not be the only indicator of a DAS requirement. The *type* of building and its *use* should also be a deciding factor. The Welsh Government's Framework for Action on Independent Living was published in September 2013. One of the key priorities of Independent Living is 'Accessible and Inclusive places.' During engagement events it was reported that poor design of buildings and places limits people's ability to participate in everyday life (Page 58). The Framework for Action on Independent Living is a 'living' flexible document and is something that the Welsh Government are committed to taking forward and which will be reviewed periodically. Access to buildings is of paramount importance for disabled people; accessible buildings increase disabled peoples' opportunity and ability to live independently in the community, something which Disability Wales and our members feel passionately about, Disability Wales strongly advocates and has been (and still is) a key campaigning issue. The launch of the Independent Living Manifesto in 2011 was a positive step in the right direction, which lead to the Framework for Action on Independent Living and towards disabled peoples' furthering opportunities, increasing choice and control of their lives in every aspect i.e. empowerment.

Design and Access Statements are absolutely crucial to the implementation of independent living; a fully inclusive society for all, and is at the core of the Social Model of Disability, which the Welsh Government has supported for over 10 years. Any move to abolish Design and Access Statements would hinder the progress made on disabled people's access requirements and there would be a very real danger that accessibility for disabled people will regress. Furthermore, both the Equality Act 2010 and the UN Convention on the Rights of Disabled People place a legal duty to provide accessible venues - something which would mean extra cost incurred if trying to rectify an inaccessible building due to it breaking the law. It is far more costly in both time and money than if designers and planners had considered access and engaged accordingly at the very start. Removal of DAS could curtail the right to independent living and incur extra costs to the building designers and planners and could ultimately lead to court time if disabled people were to launch legal action challenging inaccessibility.

We still believe that Design and Access Statements should be retained for all levels of development / builds no matter how small or minor they appear to be, at least until a suitable alternative is created, tried and tested and has been fully equality impact

Consultation Reference: WG26011

assessed.

For example, restricting DAS production to dwellings of 10 or more. Housing developments of less than 10 dwelling houses will still have to be accessible to ensure disabled people can navigate the vicinity in and outside safely. How will designers and planners ensure fully inclusive access to buildings without referring to or creating a DAS linked to specific builds? This is why we feel that the use of a building, complex or dwelling should be one of the main considerations as to the necessity of producing a DAS or not rather than the size. Similarly it should not be the size of the floor space and vicinity that dictates the need for a DAS but the use and the footfall of disabled people. Full, inclusive access for disabled people regardless of the size of the build or floor space is crucial.

This consultation mentions The Urbanists, The Review of Design and Access Statements in Wales report which showed that DAS' are viewed positively in most of the planning sector.

"DAS do have value as a communication tool when submitted alongside relevant plans". This was found to be the case for design officers, police architectural liaison officers, some development managers, access groups, members of the public and committee members'.

On the whole, many professionals thought DAS' were worth having (and keeping). The recommendations found in the Urbanists report did not mention DAS removal from a primary to a secondary measure nor did the recommendations suggest to do away with DAS completely for smaller developments.

Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Yes. Ideally thresholds should be the same throughout regarding accessibility disabled people's access requirements must be robustly analysed for every development. Design and Access Statements are of paramount importance and should be retained at least until a suitable alternative is tried and tested. However, greater transparency is positive and that the Welsh Government has acknowledged that some sites are different and require a statutory DAS; this illustrates the point of necessity, whereby footfall and potential numbers of disabled people visiting tourist attractions takes precedent over the size of the building, which decides whether a DAS will be produced.</p> <p>Conservation areas and World Heritage sites could attract high numbers of disabled visitors if these offered fully inclusive access in the building and around the site.</p>				

Consultation Reference: WG26011

Therefore the scale of the building should not be the pivotal factor but its use, for example many disabled people may regularly attend their local community centre. Even if this is small in size, regular use and its intrinsic sense of community mean the building may create a high footfall amongst disabled people.

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The smaller scale building 'sensitive areas' scope which would require a DAS production is welcomed.

Accessibility mistakes are likely to prove more costly to put right once a building has been complete, than if these were identified from the outset and rectified at the design stage, before the expensive building work had begun.

However, to reiterate; the enormity of the project should not be the only factor in the requirements for a DAS to be produced along with the plans. The impact on disabled users should also be a deciding factor for retaining DAS. Many disabled people would also require access to smaller developments such as community halls or pop-up shops. How would planners and designers adequately ensure that smaller builds meet access requirements; for example, the minimum standards set out under 'Part M' Building Standards if there is no prerequisite to establish and ensure access requirements are met at the initial planning stage? It is worth noting that potentially, producing DAS for all sizes of buildings may prove very beneficial and save money in the long run.

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If this measure were to become a robust alternative to DAS rather than a glossed over addition, then we would agree in principle. Heritage Impact Assessments must put disabled people's access at the heart of the creation and implementation process.

Incorporating the design statement within the HIA may simplify the process, avoid duplication and cut down on unnecessary paper work for planners and designers, however, access requirements and barrier removal should be carefully considered

Consultation Reference: WG26011

from the outset.

Q11	<p>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?</p>
<p>Ideally, in all circumstances. Conducting a Heritage Impact Assessment (HIA) would be crucial when considering making any kind of change linked to potential access barriers for disabled people such as a change of purpose, space or layout etc.</p> <p>Considering access at the start is important to ensure access barriers can be identified at the earliest opportunity, before work is carried out and resolved accordingly. Disabled people's access requirements should not be hidden within the assessment document, an optional extra or tick box exercise when included in HIA. Planners and designers, or other people who carry out a HIA, must be fully trained to recognise potential access barriers and knowledgeable in how to remove these barriers. Therefore decision makers should undergo Disability Equality Training / Disability Awareness Training to aid understanding of disability and access barriers. Active meaningful engagement with local disabled people and disabled people's organisations is key for planners and designers to gain an understanding of full inclusivity, identify access requirements and barriers, and plan to implement removal of identified issues.</p> <p>It is worth pointing out that there could be additional external access issues and barriers outside of the building that will not be identified if planners / designers are solely referring to Part M of the building regulations. That is because Part M does not cover external access issues and guidance for remedying solutions; only practical measurements for internal access requirements (these are measurements which are only the <i>bare minimum</i> standard measurements and not typically considered good practice. There could be potential cost implications involved if a builder / designer has to remove external access barriers, when these are identified at a later stage, once the build is near completion or actually already built.</p>	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Reference: WG26011

Accessibility should be considered holistically. Simplification should not mean overlooking disabled people's access requirements.

3.3 The proposals to remove the requirement to explain the specific design principles that have been applied to 'environmental sustainability' 'movement to and from and within the development', character and 'community safety' and remove the requirement to give details concerning maintenance in respect to access features specifically is a concern and also the plan to reduce the number of statutory definitions contained with a DAS. All proposals impact greatly on disabled people.

The first proposal: Explanations of specific principles ensures clarity and impacts on disabled access and inclusive design. Environmental sustainability initiatives such as environmental friendly method of construct may inadvertently cause access barriers preventing disabled people from using the building. Therefore the more knowledge at hand before the building process starts, the easier to ensure access mistakes are resolved before work starts before time and money is spent otherwise resolving issues could cost extra money to remedy which is unlikely to have been budgeted for. There could be severe financial implications to rectify access issues once a building is complete if funds for improvements are lacking.

Accessible design doesn't begin and end once disabled people have got through the door. The entrance is crucial but so is the layout inside. How disabled people navigate newly constructed buildings or design improvements made to existing buildings has to be considered from the outset.

Feeling safe in one's community is of paramount importance to disabled people. They have the right to feel safe getting to and from an establishment. For example if lighting is inadequate or badly situated, blue badge car parking provisions poor, terrain uneven or the entrance and exit to the building feels unsafe due to possible lack of security cameras in and around the entrance and exit or car park for example. Many disabled people could be dissuaded using a building even if it is fully accessible due to personal safety fears of traveling to, from and around the local vicinity. Also, where the building will be located can be an issue; will the building be situated near local amenities, public transport links, close to major link roads? All the above could affect the likelihood that disabled people would visit a Heritage site / attraction.

Keeping the character of a building, could also lead to access issues occurring. To keep in character of the building disabled people's access requirements might not be met due existing design issues that cannot be changed. Therefore, the character element is a vital aspect to design and planning and access barriers should be removed wherever possible, in keeping with the character of the building. Advice may be required because confusion of what access improvements could be carried out may vary building to building; flexibility and new ways of thinking to ensure access barriers are removed is key. Where buildings cannot be adapted, reasonable adjustments in other ways should be considered. This should be fully explained at the consultation stage to disabled people and access groups that are in attendance.

The second proposal: removing the requirement detailing Access Feature Maintenance: Maintaining access is crucial to ensure access requirement are met and their upkeep ongoing to ensure they are still fit for purpose and are not a health and safety hazard. Full, inclusive access is also about safe access, faulty or damaged

Consultation Reference: WG26011

access solutions like ramps or lifts are not good for the Heritage attraction or disabled visitors. How these will be maintained should be detailed in the DAS because some maintenance may in-fact cause barriers for disabled people, although these could be temporary, this would not be good practice.

The third proposal, to do away with statutory definitions, should be treated with caution. Many statutory definitions are helpful to ensure commonality in the design, planning and refurbishment of a building stage. Consequently at the very start of the process, disabled people's access requirements could be considered accordingly. Standard statutory reference definitions available from the outside could encourage access barrier removal uniformity. Without variation on a theme, DAS elements would not differ widely across Wales. Disabled people would then know what to expect access-wise in general terms across all Heritage buildings across Wales. This could assist disabled tourists plan their outings if they are aware of which World Heritage sites are accessible. Due to possible increases in disabled people visiting attractions, accessible Heritage sites should become aware of the spending power of the 'blue pound', embrace it and utilise it.

Standardisation and defined meanings as to what is or should be included in DAS is a useful reference tool for planners and designers also. This is especially true at the beginning. Using defined meanings to guide input could assist understanding of DAS purpose, requirements and content. Liaison and active engagement with disabled people would also help to clarify any misconceptions surrounding disabled people's access requirements. Creating and maintaining an open dialogue in the early stages through active, meaningful engagement and maintaining it throughout the building project up to completion and beyond would greatly benefit disabled people and the builders / planners too.

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Consultation Reference: WG26011

Comments:

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

How to Respond

Please submit your comments in any of the following ways:

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

Consultation Reference: WG26011

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

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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.

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Data Protection
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Consultation Reference: WG26011

Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name	[REDACTED]	
Organisation	[REDACTED]	
Address	[REDACTED]	
E-mail address	[REDACTED]	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input 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 checked="" type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes but we would also ask whether development that sits outside of or adjacent to a Conservation Area also be included here.				

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes however we would ask whether there should be a list of protected theatres for this consultation referral rather than this amendment applying to all theatres.				

Consultation Reference: WG26011

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

Comments:

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

Comments:

Yes but we would want to see the threshold lifted rather than be applicable on single dwellings.

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

should the Aviation Authority be included where development is in proximity to an airfield or which sits within an Aviation Zone?

Consultation Reference: WG26011

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q8	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

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Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We agree with the amendment however it may be simpler to state that in heritage areas, a HIA will apply in lieu of DAS</p>				

Q11	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?
<p>Comments:</p> <p>Any creatin of a new single dwelling or extension to an existing dwelling or which may impact on the local infrastructure of an area.</p>	

Q12	Do you agree with our proposals to simplify the statutory content of Design and Access Statements?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes however stringent guidance is needed on what should be included in a DAS so that there is consistency across local authority areas.</p>				

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q14	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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

Consultation Reference: WG26011

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‘Proposed amendments to secondary legislation covering: Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation’
Development Management Branch
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

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Statutory Consultees / Design and Access Statements / Houses in Multiple Occupation		
Date of consultation period: 3 August 2015 – 26 October 2015		
Name		
Organisation		
Address		
E-mail address		
Type <i>(please select one from the following)</i>	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
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	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"/>

Consultation Reference: WG26011

2.0 Statutory Consultees

Q1	Do you agree with the proposal to amend paragraph (i)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Welsh Police Forces would not wish to be statutory consultees but would wish to be placed on list of non-statutory consultees in respect of any new Welsh Planning Legislation to ensure that Designing out Crime Advice is offered on appropriate developments e.g. major developments. This would also ensure that the legal responsibilities for police and local authorities to prevent crime under section 17 of the Crime and Disorder (C&D) Act 1988 are properly discharged.

Q2	Do you agree with the proposal to amend paragraph (k)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

No comment.

Q3	Do you agree with the proposal to amend paragraph (r)?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

No comment.

Consultation Reference: WG26011

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

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

Q6	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.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

No comment.

3.0 Design and Access Statements

Q7	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

I agree with the threshold proposed for requiring a Design and Access Statement. However I would make the following observations:-

1. Article 7 of the Town & Country Planning (Development Management Procedure)(Wales) Order 2012 sets out the need, within the planning process, for community safety issues to be addressed. Welsh Police Forces believe that community safety issues should not be removed as a requirement for Design and Access Statements (DAS). DAS are the delivery mechanism for the Welsh Government's advice on crime prevention to planners and developers which is contained in Technical Advice Note 12.

2. Police Forces in Wales would ask that DAS be retained for all major developments and that community safety is retained as a key element. Without this inclusion it is difficult for Police Designing out Crime Officers to effectively establish what has been considered in respect of crime and disorder. The removal of community safety from DAS would also makes it difficult for both the police and local authority to discharge their legal obligations under section 17 of the Crime & Disorder Act.

3. The removal of community safety from the DAS is likely to undermine the progress being made to raise awareness and inform developers of the need to demonstrate that they have considered all aspects of community safety in the design process.

Consultation Reference: WG26011

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Q8	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Q9	Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Q10	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation Reference: WG26011

No comment.

Q11

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?

Comments:

No comment.

Q12

Do you agree with our proposals to simplify the statutory content of Design and Access Statements?

Yes

Yes
(subject to
further
comment)

No

☐
☐
☒

Comments:

Community Safety should be retained as a main requirement in Design and Access Statements.

It has been proven that poor design has had a major impact on creating environments that are crime and anti social generators. Such developments often require significant ongoing revenue funding from both the police and local authorities to mitigate or rectify problems.

Good design creates long term sustainable development and reduces significantly future revenue costs for public services such as police, local authorities, education and health.

Consultation Reference: WG26011

4.0 Houses in Multiple Occupation

Q13	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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

1. Research shows that where there is a transient population in an area, the higher the crime risk. The theory behind this is that transient populations, such as students, do not have the same ownership of an area as long term residents. Therefore they do not offer the same level of capable guardianship (informal policing). Any legislation that controls the number of Homes of Multiple Occupation (HMO's) in a given area is to be welcomed.

If HMO's do not require planning consent then a degree of control will be lost over this area of development.

2. All HMO developments should be encouraged to meet Secured by Design (SBD) standards.

Q14	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

See response to question 13.

Q15	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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Comments:

The Police believe regulation in this area is important in helping to maintain strong community cohesion. Some areas are reaching saturation point in terms of HMO's and any changes of use should be carefully considered. If this proposal is allowed there is a fear that accomodation, for example approved for students, could be offered to other sections of the community who could cause anxiety within existing neighbourhoods. Therefore there needs to be a process in place to allow proper consideration and scrutiny of such changes in use.

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:

No.

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

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