

Chapter 3: The consultation exercise

INTRODUCTION

- 3.1 In the previous Chapter, we described the background to the codification project, leading up to the publication of the Consultation Paper in November 2017. In this Chapter, we outline briefly the consultation exercise we carried out following the publication.

THE DISTRIBUTION OF THE CONSULTATION PAPER

- 3.2 We distributed the Consultation Paper electronically to over 500 stakeholders, and sent hard copies where requested.

MEETINGS WITH STAKEHOLDERS

Meetings solely to discuss Consultation Paper

- 3.3 The Consultation Paper was launched at an event in Cardiff, hosted by the Royal Town Planning Institute (“RTPI”) and sponsored by Francis Taylor Building (FTB), in November 2017, repeated in Colwyn Bay in February 2018.¹ Each was addressed by representatives of the main professions and organisations working in the field.
- 3.4 Planning Aid Wales and the Town & Country Planning Association organised an event at the University of Cardiff in February 2018, to publicise our proposals, particularly to third sector groups.
- 3.5 We also had particularly useful meetings with senior planning officers from most of the planning authorities, helpfully organised by the three regional groups of the Planning Officers Society of Wales (“POSW”), in Mold, Caerphilly and Llandeilo.
- 3.6 And we met with members of the Royal Institution of Chartered Surveyors (RICS) at meetings in Cardiff and Llandudno Junction.

Presentation at meetings organised by others

- 3.7 We were also invited to give a presentation on the project, and on our proposals, at events organised by various bodies – an event entitled Development Management Conversations organised by the Welsh Government; the Future Renting Wales Conference, organised by the Residential Landlords Association; a regular meeting of the Historic Environment Group, at Fonmon Castle, Barry; and an event for town councils and community councils organised by One Voice Wales in Llandrindod Wells.

¹ The meeting in Colwyn Bay was postponed from December to February, due to adverse weather.

- 3.8 We also made presentations at the two FTB Annual Planning Law Seminars in Cardiff, the 39 Essex Chambers Planning Law Conference in London, a meeting of the UK Environmental Law Association in Cardiff, and a meeting of the Joint Committee of National Amenity Societies in London.
- 3.9 Each of these meetings was open to all, and enabled us to present the principal proposals in the Consultation Paper to a wide selection of users of the planning system in Wales.

Meetings with other stakeholders

- 3.10 Thirdly, we met representatives from a number of relevant organisations – the Planning and Environment Committee of the Law Society, the Royal Society of Architects in Wales, the Welsh Planning Consultants Forum, the National Assembly Cross-Party Group on Housing, Community Housing Cymru, the Home Builders Federation, the Minerals Products Association, the Royal Society for the Protection of Birds (“RSPB”), the Woodland Trust, the Church Buildings Council, and the Department of Housing, Communities and Local Government.
- 3.11 Each of these groups had a chance to circulate our proposals to their members, and to produce responses accordingly.

THOSE WHO RESPONDED

- 3.12 We received 165 responses, from a wide range of individuals and organisations – see Appendix A for complete list.
- 3.13 We heard from most of the planning authorities in Wales – both local authorities and national park authorities – and various local authority representative bodies (including POSW). We also had representations from 21 community and town councils, and from a range of other public bodies. We have had a number of meetings with officials from the Welsh Government (including Cadw). And we had particularly helpful comments from the Planning Inspectorate (“PINS”).
- 3.14 We had a range of views from developers, landowners, and housing bodies. And we had many representations from third sector organisations (including national and local heritage bodies, faith groups, tree-related organisations, and others) – not least in relation to our proposals in Chapter 13 (the historic environment) and Chapter 15 (trees and woodlands).
- 3.15 And we received responses from a range of professional bodies (representing barristers, solicitors, architects, planners, surveyors, engineers, conservation professionals and others), and from individual professionals and other individual respondents.

Summary

- 3.16 We are satisfied that that the provisional proposals in our Consultation Paper were brought to the attention of a wide range of stakeholders.

THE NATURE OF THE RESPONSES WE RECEIVED

- 3.17 In response to the circulation of our Consultation Paper, and the various meetings with groups and individuals noted above, we received a good selection of views.
- 3.18 Some consultees produced general comments relating to the codification exercise as a whole. Some responded to every question, in many cases in considerable detail. Some responded to just a few questions that were of particular concern; or to one chapter.
- 3.19 In the following Chapter, we summarise those responses we received which consisted of or contained comments on the codification exercise as a whole. In the topic chapters (5 to 18), we summarise the principal responses relating to each topic
- 3.20 In each case, we have not mentioned every response – as a number of consultees, not surprisingly, made similar points. And in some instances we have paraphrased the comments made by a particular consultee. But we have attempted to reflect the overall tone of the responses as a whole.
- 3.21 Some of our suggestions, particularly the less consequential ones (for example the removal of reference to war-time rules) but also the proposals to do away with unused legislation, were universally popular, with unanimous or almost unanimous support from those who responded. Some generated comments that were evenly split for and against; in a few cases, a majority of respondents disagreed. However, the responses, taken as a whole, were generally supportive of our proposals.
- 3.22 A small number of our provisional proposals (notably those related to outline planning permission and those relating to the possible unification of listed building consent and planning permission) attracted a large volume of responses, principally from those with a specialist interest in the topic concerned. The responses were mixed, with several expressing strong opposition. We have considered them all very carefully, and we are as a result not pursuing our original proposal to merge outline and detailed planning permission (see **Chapter 8**). But we still consider, on balance, that listed building consent and conservation area consent should be merged with planning permission. We discuss the arguments for and against in **Chapter 13**.
- 3.23 We emphasise that we have not been carrying out a simple referendum, but have sought to reach a conclusion as to what represents the most appropriate form for the legislation governing the planning system, in the light of the various comments that we have received.