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Project Proposal: Development Plans in Wales

February, 1998

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Summary

This report describes a proposal to undertake strategic work to influence the planning system and development strategy in Wales. The purpose of the project is:

- To take part, in a strategic way, the review of the first '*Unitary Development Plans*' (UDPs) in Wales;
- To take part in the review of the '*National Park Management Plans*' to ensure the implementation of policies consistent with those we are seeking in the UDPs;
- To produce a definitive report on the options for sustainable systems of development in Wales, tied specifically to the legal and political processes involved with the production and review of development plans and national park management plans;
- Through all the above, to influence at a strategic level development policy in Wales, and to give Friends of the Earth/FoE Cymru standing as one of the 'key players' on development issues in the region.

By influencing the development policies across Wales we can proactively seek the adoption of our agenda on sustainable development. By and large the authorities in Wales have a very limited interpretation of how far they can achieve sustainable development through strategic planning. This view is often hampered by bodies such as the Welsh Development Agency (WDA) or the Development Board for Rural Wales (DBRW) who seek to encourage traditional 'big' developments linked to infrastructure improvements. The national parks are much further ahead in this area because the new park authorities have statutory responsibility for making development sustainable.

The initial part of the project involves the production of a '*position report*' on sustainable planning and economic/community development. This will provide a platform to launch the project with other environmental bodies, to alert the local authorities in Wales to the issues they should address in plan reviews, and to provoke public debate. The policies in the report will then provide the basis for the generation of objection to plans.

The project also provides an opportunity for development of the local groups network. Irrespective of a persons views, almost everyone is concerned about development. We can tap into this concern, and promote our agenda for managing change towards a sustainable society. This means that existing groups will be able to use the project as a focus for local 'visioning' about future development. Hopefully, by organising public events, it will also provide a means of encouraging the formation of new groups in local authority areas where no local group currently exists.

The specific work in this project, apart from the 'position report', involves responding to all the UDPs for the 22 local authorities in Wales – i.e., responding to 22 draft plans, 22 sets of pre-inquiry changes, undertaking 22 public inquiries, and finally responding to 22 adoption drafts. Additionally the project allows for responding to the draft management plans for the three national parks in Wales. The total cost of this project over the period 1998 to 2003 is £28,400. Additionally, exceptional expenses, mainly relating to the 22 public inquiries, come to £7,700. Most of the cost falls in 1999 - £17,150 – falling to 1,650 in 2002/2003.

1. Introduction

All development is, in theory, governed by the development plan. As section 54A of the Town and Country Planning Act 1990 (as amended) states..

“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

This is further reinforced in section 70(2) where the same requirement is applied to determining planning applications.

Some do not believe that it is worthwhile taking on development plans because after all the effort the local authority ignore them anyway. That may be the case, but unless you have the correct policy in the development plan local people do not have the necessary ammunition to bring judicial review cases over bad decisions. We also have to consider that local authorities will rely on development plans when they need to stop bad development, and policies they would have otherwise ignored might suddenly become useful. Finally, we have to consider that some people might like to make ‘sustainable’ developments, and providing policies for them (for example on windfarms, passive solar design or the responsible recycling of waste) will make the task of securing planning permission easier, and it will assist them should they appeal for refusal of permission.

In isolation changes to development plans might bring local benefit. But if these efforts could be co-ordinated regionally then there is the possibility of bringing real structural change. Before local government reorganisation there were 8 structure plan, 8 minerals and waste plans, 37 local plans and 3 national park plans. Tackling all 53 plans would have been immensely difficult. Following reorganisation there are now just 22 unitary development plans (UDPs) and 3 national park plans – a much more manageable target for an organisation like FoE.

The other key reason for doing all the plans in Wales is to give FoE Cymru ‘positioning’ as the visionary organisation in Wales working with local government. The existing work on development plans that I have done for Welsh FoE groups (see Table 1) has given the work of FoE, and FoE’s sustainable development agenda, prominence with both members and officers in those authorities. If we can develop this model and apply it across Wales then apart from the changes to development policy which will hopefully follow, FoE may find that it’s voice is more readily heard in the development debate alongside the housebuilders, DBRW, etc.

Finally, using the review of a UDP as a focus for public opinion it would be possible to undertake groups development work. In those areas where groups already exist (see Table 2), the review of the UDP will provide the groups with an opportunity to decide how they would like the area to develop, and to identify particular issues which they believe should be addressed through the plan. Where there are no FoE groups, it would enable FoE Cymru to organise public meetings to discuss the plan, and perhaps get a group of people together to discuss issues in more detail after this. This group of people may then decide (with a little encouragement) to form FoE groups. It is this aspect of development plans – as a means for developing and generating groups – that I believe FoE has always ignored. Although people would not readily describe themselves as ‘environmentalists’, we are all concerned about development in our communities.

Table 1: Past Welsh Local Plan Work for FoE Cymru/Local Groups

Plan	Date	Work Undertaken	Results
Dinefwr Local Plan	April '95	Review of deposit draft, proposed changes, and I also presented evidence at the public inquiry	Made many changes to the plan – which has now been adopted. The main benefit was the status this work gave the group with the local authority.
Ceredigion Local Plan	June '95	Consultation draft response	The recent deposit draft has been extensively redrafted. Over one third of the objections made by FoE have been acted upon in some way.
Vale of Glamorgan Local Plan	June '95	Deposit draft response to assist Max Wallis	Not sure (ask Max)
Brecon Beacons National Park Local Plan	August '95	Review of deposit draft, proposed changes, and I also presented evidence at the public inquiry	Made many changes to the plan. The main benefit was the status this work gave the group with the local authority. It also forced the park authority to consider issues they wouldn't have, like sustainable tourism.
South Glamorgan Structure Plan	September '95	Deposit draft response, and attended EiP with Max Wallis.	Not sure (ask Max). One indirect benefit was that the EiP chair remembered the FoE evidence from the hearing and was able to better understand evidence put before the Hertfordshire. EiP.
Llanelli Local Plan	March '96	Consultation draft response	Response really annoyed the Planning Dept., but the authority was then reorganised out of existence.

Table 2: Local Authority Coverage of Welsh FoE Groups

Aberconwy & Colwyn	Conway
Anglesey	Mon & Gwynedd
Blaenau Gwent	
Brecon Beacons NP	Brecon, Crickhowell, Hay-on-Wye, Dinefwr
Bridgend	None
Caerphilly	
Cardiff	Cardiff
Carmarthenshire	Carmarthen, Dinefwr
Ceredigion	Aberystwyth, Dyffryn Teifi, Lampeter
Denbighshire	Vale of Clywd
Flintshire	Flintshire
Gwynedd	Mon & Gwynedd

Merthyr Tydfil	
Monmouth	Chepstow
Neath Port Talbot	Neath Port Talbot
Newport	Newport
Pembrokeshire	Pembrokeshire
Pembrokeshire NP	Pembrokeshire
Powys	Brecon
Rhondda Cynon Taff	Ton-teg
Snowdonia	Mon & Gwynedd
Swansea	Swansea
Torfean	
Vale of Glamorgan	Barry, Penarth
Wrexham	

2. Development of UDPs

In the past there were county structure plans, and district local plans which had to conform to the aims of the structure plan. There were also minerals and waste plans produced by the county councils. The production of Unitary Development Plans (UDPs) takes the functions of all these plans into one. The production of the first UDPs in Wales therefore presents a tremendous opportunity to effect policy on development and the environment.

For example, the Dyfed Structure Plan was very out of date – it was produced in 1983, and yet even today the policies in that plan are being used as the basis of decision making. In the area of minerals and waste planning the Dyfed plan is particularly poor. However, the production of UDPs in Pembrokeshire, Carmarthenshire and Ceredigion will allow us to highlight the extreme gaps between current ‘best practice’ nationally and the archaic policies which even today the authorities in the area are promoting.

Taking on a UDP also allows you to concentrate efforts to achieve many aims. UDPs cover planning, transport planning, minerals extraction, waste disposal, housing, sustainable development, etc. All the key issues which FoE Cymru campaign on. Producing responses to draft plans is therefore a matter of expressing the policy aims that FoE has in all these areas, and then expressing these aims as a series of objections and suggested new policies relevant to the plan.

As well as the national angle from FoE Cymru, it is also important to have local input in order to identify local issues of concern. Where there are FoE groups already in existence this will simply be a matter of arranging a consultation with the group to identify issues they wish to address. Where FoE groups do not exist then I believe that FoE Cymru should initiate some sort of public debate – most effectively by organising some sort of public meeting and then a follow up with interested people who wish to have input on the issues raised. The local consultation aspect is an area where FoE can have a definite advantage over other national organisations who regularly input to plan revisions – e.g. the National Housebuilder’s Federation, CCW, DBRW, etc. – because we can use this local support as a justification for the Inspector supporting our claims over those put forward by, for want of a better term, ‘*self-interest groups*’.

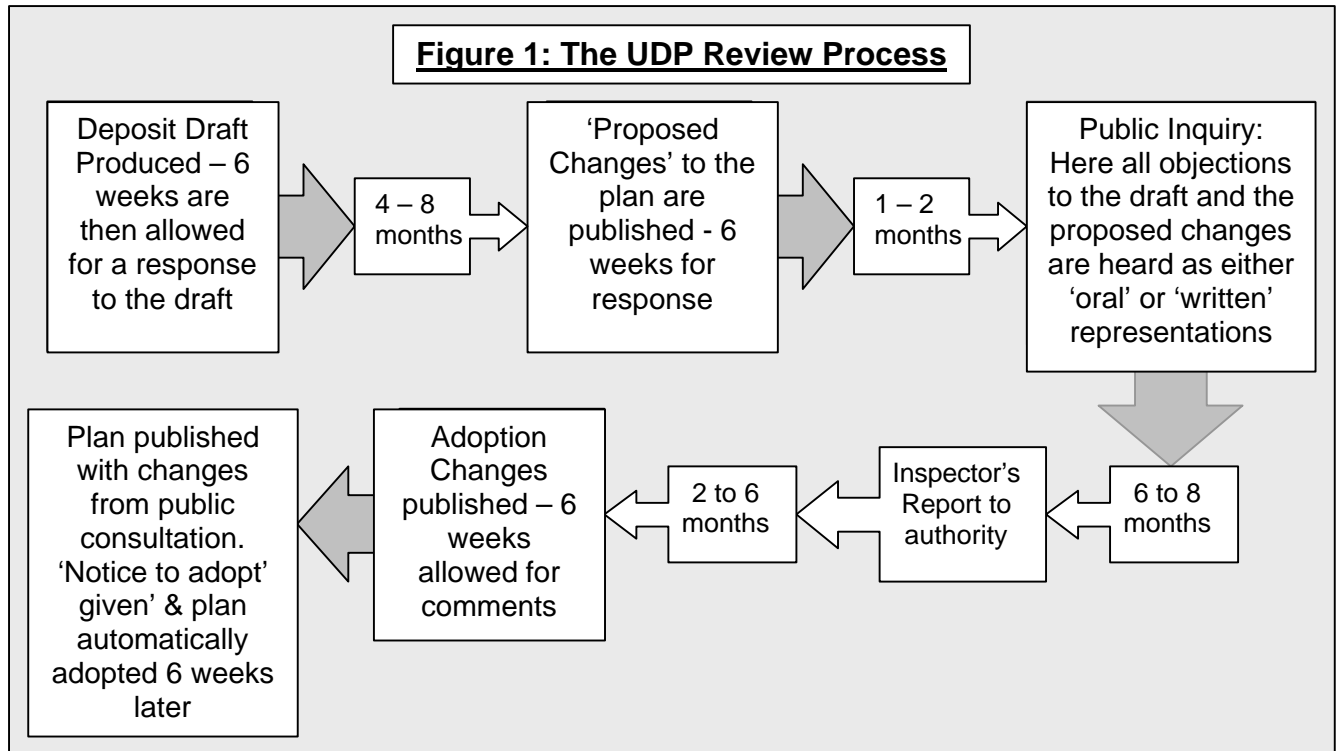
At the beginning of this programme of work there are two things FoE Cymru will have to organise:

- Firstly, we need a broad-based set of policy objectives which we will apply on a general basis. This will relate to issues such as sustainable development, waste, conservation, etc. These policies can then be expressed as a series of written statements which will form the basis of objections and written/oral submissions to public inquiries.
- Secondly, before the actual plan is published, we have to identify local people who are willing to support the project and assist with the work over the period of the plan review, and subsequent public inquiry. These people can then be included in the development of issues/policies in their local area before the drafts are even published. This will enable much more effort to be put into the process than if we just waited for the announcement in the local paper.

With regards to being able to pre-empt the announcement of a plan review, tables 3 gives the results of research I have conducted to find out the current position of development plan reviews in Wales.

The Review Process

The procedure to produce/review a UDP is set in law through Part II of the Town and Country Planning Act 1990 (as amended) and the Development Plan Regulations 1991. This is why development plan reviews are more favourable to the public – because the process of review is defined outside the control of the authority they cannot control the agenda to the same extent.



The work involved in a development plan review is not that onerous. This is because you have certain ‘windows’ over the space of two to three years during which you are required to submit information to the authority. How long it will take depends upon the authority. Some authorities push through the plan, ensuring that the whole process is completed in under two years. Other authorities, usually where there is less development pressure, are quite happy to let the process continue under its on momentum for three or four years.

The main problem in taking on so many plans at once is therefore ensuring that the overall level of work remains manageable. This is not such an issue where the responses to draft plans are involved, but it can become problematic in relation to public inquiries. Table 4 illustrates the relative positions of plan reviews. Many of these dates are very uncertain, except for those during early/mid ’98. There is also an assumption in table 3 that the public inquiry takes place 11 to 12 months after the publication of the review draft. In practice this period could be as little as 6 and as great as 18 months.

Because most the of reviews are taking place in late ‘98/early ’99, most of the public inquiries will take place in 1999 and 2000. A few authorities will however not reach the inquiry stage until 2001 or 2002. If we take this project as beginning with the first UDP publication date – currently Denbighshire on March 5th 1998, then the project will conclude sometime in 2003. This makes it a rather unique project for FoE since usually planning over such a period would be rather uncertain – but in this case things are fairly predictable.

Table 3: Current Status of Development Plan Reviews in Wales

Authority	Location	Current Position	UDP Review
Aberconwy & Colwyn	Colwyn Bay		Autumn '98
Anglesey	Llangefni	Currently reviewing in department to provide issues report.	Consultation Spring '99
Blaenau Gwent	Ebbw Vale	Draft currently in committee	Consultation August '98
Brecon Beacons NP	Brecon	Adoption changes in Summer '98.	Management plan Autumn '98
Bridgend	Bridgend	Producing issues papers	End Summer '98
Caerphilly	Hengoed	Draft going to committee in March/April	June to end Summer
Cardiff	Cardiff	Issues report published in June 1996.	Spring '99
Carmarthenshire	Carmarthen	Issues documents coming out Spring '98	Winter '98/ Spring '99
Ceredigion	Aberystwyth	Consulting with other authorities in ex-Dyfed area about what to do next.	Not in foreseeable future (2001+)
Denbighshire	Ruthin	Consultation stage	March 5th to 20th April
Flintshire	Mold	UDP consultation draft in mid '99.	Summer 2000
Gwynedd	Caernarfon	Consultation draft due out in Autumn	Autumn '99
Merthyr Tydfil	Merthyr Tydfil	Issue reports will be produced this year. Will then go straight to deposit	Spring '99
Monmouth	Cwmbran	Consultation draft March '98. Will then consult with neighbouring authorities	Spring '99
Neath Port Talbot	Port Talbot		Late Summer '98
Newport	Newport	Going to committee in March	April/May '98
Pembrokeshire	Haverfordwest	Consulting with the other ex-Dyfed authorities. Issue reports will be produced Summer '98 to Spring '99	Summer '99
Pembrokeshire NP	Haverfordwest	Local plan inquiry took place '97. Inspector's report expected end March, and adoption during the Summer.	Management plan speculated late '99
Powys	Llandrindod Wells	Just beginning to carry out necessary research work and scoping studies	Summer '99
Rhondda Cynon Taff	Cardiff	Rhondda adopted February 16th. Cynon inquiry due Autumn '98. Taff Ely local plan inquiry due Spring '99	Winter '99/ Spring 2000
Snowdonia NP	Penrhyndeudraeth	Deposit draft came out Aug. '97. Proposed changes due end Feb. '98, and Inquiry July/Aug. '98.	Management Plan in Mid '99
Swansea	Swansea	Local plan adoption in Aut. '98	2000
Torfaen	Pontypool	Local plan inquiry scheduled for June '98. No certain dates for UDP	Winter '98/ Spring '99
Vale of Glamorgan	Barry		April '98
Wrexham	Wrexham	Draft going to committee March/April.	Summer '98

The exact level of work at any one time can be predicted from Table 4. Adding up the different activities in any one year gives an indication of the time involved. These figures are given in table 5.

Table 5: Project Anticipated* Work Schedule 1998 – 2002

Activity	No. authorities in year...				
	1998	1999	2000	2001	2002/3
'Position' report	1				
Draft plan response	12	7	2	1	0
Proposed changes	2	14	4	1	1
Public Inquiry	0	12	7	2	1
Adoption changes	0	0	6	11	5
NP Management Plans	1	2	0	0	0

* - 'anticipated' in that some authorities might not produce plans/inquiries on time

3. National Parks

There are three national parks in Wales – Brecon Beacons, Pembrokeshire Coast and Snowdonia. National parks still retain local plans, and they also regularly review the 'management plans' which govern the non-planning activities in the park.

It would not make sense to carry out reviews of the local authorities and omit the national park local plans and management plans. But unlike the UDP process, we have fairly much missed the boat on national park local plans. Brecon Beacons/Pembrokeshire have had their local plan inquiries, and Snowdonia is just about to have its inquiry. But the management plans for all the parks will be coming up for revision during the period of the project. At a later date, if local plan revisions for the parks are brought forward before 2002, FoE Cymru might like to add these plans to the project.

4. Position Statement

In order to have the appropriate impact in Wales, I believe it would be useful to have some sort of statement of general principles with which we can open the debate. Rather than waiting until the draft plans roll off the printing press, it would be useful if we could dictate the agenda by launching a report on '*sustainable economic and community development in Wales*'. This document would be a general review of the policies which we would follow in the subsequent plan reviews on issue like sustainable development, environmental capacity, housing, economic development, transport, conservation and minerals/waste policy.

The purpose of the report would not only be to initiate this whole project with some media coverage, but we could send complimentary copies to chief planning officers across Wales where plan reviews were just getting underway. We could also distribute copies to other sympathetic groups in Wales, such as CPRW, environment groups in political parties and 'friendly' politicians, in order to try and focus their attention on the agenda we are promoting. In this way we will hopefully be able to have a much more positive effect at the later stages of this process – in particular the approval of draft plan policies by local councillors prior to publication.

5. Costs

The whole basis for this project is that taking on all plans in Wales over a period of six years is achievable because of the reduction of scale it brings. Essentially we will be using a standard set of policies, objection and inquiry proofs. This brings down the unit cost of doing a plan as compared to a one-off commission.

At the moment the projections contain certain assumptions:

- That we will do all plans in Wales – this would be the strategic aim, but it is not absolutely necessary. It total, one plan costs £1,250, plus £20-30 for buying the plans, and perhaps another £200-£300 for travel, subsistence, etc. (I have use the figure of £350 for all expenses involved with each plan). For example, we may only want to undertake plans in areas with development pressure – such as South Wales, West Wales, and the North Wales coast. If we only did two-thirds of the plans it would reduce the costs by around £9,075 in planned costs and £2,500 exceptional expenses
- That I would appear for three days at a public inquiry. It would be possible to do the whole inquiry with written representations in which case the costs would only be around £300 per inquiry. If we only attended half the inquiries (and did the other by written representation), for all 22 authorities this would reduce the inquiry cost by £9,900, and £3,850 in exceptional expenses.

The ‘exceptional costs’ I have not included in the price consist primarily of travel, subsistence and buying plans, etc. If it were possible to get local people to undertake this work then the overall cost could be reduced. It would be possible to undertake some of the plans indirectly by tutoring local people to attend the inquiry, and compile their responses to the plans from pre-written templates based around the response to the original plan. But if this option were chosen it would be essential to give the appropriate support to maintain the overall ‘quality’ of the work.

The separate parts of the project identified in the cost projections are a follows:

- **‘Position’ report**
This is the report outlined earlier which will form a central ‘agenda’ for debate, and for informing others of the aims of the project.
- **Draft plan response**
This is the costs of writing the response and providing one copy to the local authority, and one copy to FoE Cymru. It does not include the costs of the plan draft.
- **Proposed changes**
This is the costs of writing the response and providing one copy to the local authority, and one copy to FoE Cymru. It does not include the costs of the plan draft.
- **Public inquiries**
This is the costs of writing the proofs of evidence for the inquiry, providing the required number of copies to the local authority and one copy to FoE Cymru, and attending the inquiry for three days. It does not include the costs of travel and overnight accommodation (if this cannot be provided by the local group), and any other expenses that arise due to the inquiry.

- **Adoption changes**

This is the costs of writing the response and providing one copy to the local authority, and one copy to FoE Cymru. It does not include the costs of the plan draft.

- **National Park (NP) Management Plans**

This covers the cost of writing a response to the draft management plan, submitting a copy to the national park, and producing a copy for FoE Cymru.

Please note that the rights to all the documents produce as part of this project remain with me. I will grant permission for FoE Cymru to reproduce copies for the purposes of circulating to authorities/interested parties in Wales, but any further use of this information will have to be negotiated separately.

The itemised costs of each of these areas of work is given in Table 6a. By taking the 'work schedule' given in Table 5 and multiplying out, the total cost of this project over the period 1998 to 2003 is £28,400. Additionally, exceptional expenses, mainly relating to the 22 public inquiries, come to £7,700.

The possibility of attending meetings with local groups/the public in areas to highlight issues in the draft plan has not been included in this analysis. This is because the number and location of these meetings is not certain, and if people within FoE Cymru or the local groups network were suitably briefed (the 'position' report would be one way of achieving this) then there is no need for me to undertake this work.

Table 6a: UDP Work Schedule 1998 – 2002

Item	Unit cost
Draft plan response	£350
Proposed changes	£150
Public inquiry	£650
Adoption changes	£100
Management Plan Response	£300
Position' report	£400

Table 6b: Projected Costs in Each Year (excluding expenses)

Item	Total cost (excluding expenses) in...				
	1998	1999	2000	2001	2002/2003
Position Report	£400				
Draft plan response	£4,200	£2,450	£700	£350	£0
Proposed changes	£300	£2,100	£600	£150	£150
Public Inquiry	£0	£7,800	£4,550	£1,300	£650
Adoption changes	£0	£0	£600	£1,100	£500
Management Plan Response	£300	£600	£0	£0	£0
TOTAL	£4,800	£12,950	£6,450	£2,900	£1,300

6. Conclusion

This project has, in summary, has three key aims:

- Taking a strategic approach to development in Wales;
- Anticipating the production of draft plans and preparing for them
- More importantly, seeking to apply consistent development polices across the region.

I believe, and it has been demonstrated in a small way with the work that has already gone on in Wales, that positive change towards the policies we favour can be attained through this project. But the challenge to the existing order of political and 'self-interest' groups in Wales will also reap FoE Cymru a significant standing in terms how such policies will be considered in future strategies.

I also believe that we can develop a better local groups network off the back of this project. Development provides a focus for local people's concerns, and using particular local issues as pressing and relevant examples we can promote the more sustainable alternatives that we seek.

The total costs of this project - £28,400 for the main body of work and around £7,700 in additional expenses – does sound excessive for a single project in one region. Most of the cost falls in 1999 (£17,150). But averaged out the whole period, and assuming that some contribution were made by local groups, then this cost is not that significant for an organisation the size of Friends of the Earth Ltd. On the other hand taking such a proactive stance using this method of working would probably reap more benefits that spending the same amount of money on traditional 'public pressure' type campaigns.

There are a number of areas which, I believe, still need some discussion and negotiation. These are:

- How the work will be integrated with the other work carried out by FoE/FoE Cymru. The arrangement with the other work I undertake is that once commissioned, I get on with the work and issue occasional updates. I believe that FoE may have some objection to this;
- What financial contribution could be made to this project from local groups. It's not just a matter of funding – it's that people will have greater ownership of the project, and feel more responsible for the input and outputs of the project, if they have made contributions themselves;
- Exactly how many plans/public inquiries we will undertake. My view is that we do them all, but the emphasis on individual plans may need to be adjusted to reflect local circumstances (for example, taking an extra day over one inquiry on a key issue, but doing one day less elsewhere);
- Working out a system of reporting and managing for the project.

I hope that Friend of the Earth Limited/FoE Cymru will understand the benefits this project can bring, and the standing it will give the organisation in Wales, and agree to fund it.

Paul Mobbs
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