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Development Planning Advice Service: Annual Report to Welsh Ministers 2017-2018

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Natural Resources Wales Development Planning Service Annual Report to the Welsh Government: Specialist Consultee Performance Assessment		
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Executive Summary

Our Vision: Proud to be leading the way to a better future for Wales by managing the environment and natural resources sustainably

The land use planning system is a strategic delivery mechanism for achieving Natural Resources Wales (NRW) vision, objectives and priorities for managing the environment and natural resources sustainably.

NRW is a specialist consultee in the development management process. This means that applicants and authorities determining planning applications, should consult us on proposed schemes, which meet one or more of the criterion where we are identified as a specialist consultee. When consulted we are required to provide a substantive response within prescribed timescales.

As a specialist consultee, we are also required to provide an Annual Report to Welsh Ministers, which sets out our performance in providing a substantive response within statutory or agreed timescales. This Annual Report represents our second report to Welsh Ministers and it sets out our performance for the reporting period 1st April 2017 to 31st March 2018.

For this reporting period, we received 6556 planning consultations and submitted a total of 6775 substantive responses, and 97% of these were submitted within prescribed deadlines.

Contents

Section 1.0 Introduction	6
1.1 Our Development Planning Service	6
Section 2.0 Key Issues in the Reporting Year 2017/18	8
2.1 Key Issues	8
2.2 Reporting considerations	8
Section 3.0 Our Assessment of Performance	9
3.1 Context	9
3.2 Overview of performance	9
3.3 The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)	9
3.3.1 Performance overview	9
3.3.2 Annual reporting requirements for pre-application consultation	11
3.3.3 The total number of pre-application consultations received	11
3.3.4 The total number of responses submitted to pre-application consultations	11
3.3.5 Timescales for providing a response to a pre-application consultation	11
3.3.6 The number of responses submitted outside of the 28 days or other agreed time period	11
3.3.7 A summary of the reasons for submitting responses outside of a prescribed or other agreed time period	12
3.4 Annual reporting requirements for consultations from local planning authorities before the grant of planning permission	12
3.4.1 The total number of consultations received	12

3.4.2 The total number of substantive responses submitted	12
3.4.3 When the substantive response was submitted to local planning authorities	13
3.4.4 The number of responses submitted outside of the prescribed or other agreed time period.	14
3.4.5 A summary of the reasons for submitting responses outside of a prescribed or other agreed time period	13
3.5 The Town and Country Planning Developments of National Significance (Procedure) (Wales) Order 2016	14
3.5.1 Annual reporting requirements for DNS pre-application consultations and consultations from Welsh Ministers before the grant of planning permission	14
3.5.2 The total number of consultations received	14
3.5.3 The total number of responses submitted	14
3.5.4 When the response was submitted to the consultor	14
3.5.5 The number of responses submitted outside the prescribed or other agreed time period. And, a summary of the reasons for submitting responses outside of a time period	15
Section 4.0 Reflection	16
4.1 Customer survey	16
4.2 Joint Improvement Project	16
4.3 Planning Policy Wales (Edition 10)	18

Figures

Figure 1 Performance of Natural Resources Wales Development Planning Advice Service	10
Figure 2 When the response was submitted	11
Figure 3 When the response was submitted	13
Figure 4 When the response was submitted	15
Figure 5 When the response was submitted	15

Tables

Table 1 Summary of reasons	12
Table 2 Summary of reasons	13

Annexes

Annex 1 Table A1 Categories of reasons for responding outside of prescribed timescales	19
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Section 1.0 Introduction

1.0 Our Development Planning Service

The land use planning system is a strategic delivery mechanism for achieving NRW's vision, objectives and priorities for managing the environment and natural resources sustainably.

We are a statutory or specialist consultee within the planning system, both during the development plan making process, and during the planning application process. Our main role is to provide advice on how planning policies and development proposals should; protect and enhance the environment and allow for our natural resources to be sustainably maintained, enhanced and used.

As a specialist consultee, we are required to submit an Annual Report to Welsh Ministers by 1 July each year. This Annual Report provides information about our performance in providing a substantive response to all planning application consultations within statutory and prescribed timescales and for the reporting period 1st April 2017 to 31st March 2018.

Our Reporting requirements are set out in:

- The Town and Country Planning (Development Management Procedure) (Wales) Order 2012¹; and,
- The Town and Country Planning Developments of National Significance (Procedure) (Wales) Order 2016²

We are required to report on the following measures for pre-application consultation and local planning authority application consultations;

- (a) The number of occasions on which we were consulted;
- (b) The number of occasions on which a substantive response was provided;
- (c) When the substantive response was provided;
- (d) The number of occasions on which we gave a substantive response outside of the prescribed period or as otherwise agreed. And,
- (e) A summary of the reasons for not responding within a prescribed time period.

Our annual assessment of our performance against the indicators identified above can be found in Section 3.

We are also consulted for our advice on planning applications for schemes, which do not meet the criteria for which we are a specialist consultee under the above Development Management Orders. For example, we are consulted on schemes, which may impact on designated landscapes or statutorily protected species. This is reflected in our

¹SI No. 801 W10. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended in 2015 and 2016)

² SI No.55 W.25. The Town and Country Planning Developments of National Significance (Procedure) (Wales) Order 2016

Development Management Prioritisation Checklist³, which sets out when we want to be consulted by planning authorities and applicants.

³[Natural Resources Wales and Planning Consultations \(March 2015\) \(Development Management Prioritisation Checklist\)](#)

Section 2.0 Key Issues in the Reporting Year 2017/18

2.1 Key issues

2.1.1 Discretionary Advice Service

We are fully aware of the benefits of early engagement with developers so that environmental considerations are identified and addressed at the earliest opportunity thereby helping to avoid costly delays to decisions and ensure better environmental outcomes. We also regularly receive requests for advice which is beyond our statutory duties.

In April 2017, we launched our Discretionary Planning Advice Service, which sees the introduction of charges for certain types of advice. This service is currently available for advice on a limited number of topics and is offered on a voluntary basis.

We have produced a guide which explains in more detail which services you can request from us, what is offered for free and where charges apply. This also explains how each of the services can be requested from us.

Currently, our Discretionary Advice Service (DAS) is limited to advice on the following subjects and development types:

- Groundwater protection
- Land contamination
- Flood Consequence Assessments
- Developments of National Significance
- Nationally Significant Infrastructure Projects
- Marine developments (from April 2018)

We intend to extend the service to other areas of advice for which NRW has expertise.

2.2 Reporting considerations

The information to be included in an Annual Report is set out in the relevant Development Management Order. However, we are also consulted for our advice on matters not listed in the Development Management Orders. We do not record these separately. This Annual Report therefore provides data on all Development Management consultations received, regardless of whether they meet the criteria for where we are a 'specialist consultee'.

To understand the reasons for when our responses have been submitted outside of deadline, we have reviewed a 20% sample of such responses and report on the main reasons.

Section 3.0 Our Assessment of Performance

3.1 Context

In this Section we assess our performance against those indicators identified in the Development Management Orders as explained earlier in Section 1.0.

3.2 Overview of performance

Our overall performance for this Reporting year 1st April 2017 – 31st March 2018 has been captured in Figure 1.

During the reporting period, we have received a total of 6556 development management consultations. Of those, 357 were pre-application consultations, and 6199 consultations were received from determining authorities before the grant of permission.

We responded to a total of 6775 consultations. We submitted 6547 substantive responses within statutory or other agreed deadline. 228 consultation responses were submitted outside of statutory or other agreed deadlines. Therefore, 97% of our consultation responses were submitted within statutory or other agreed deadlines.

Please note that the difference between consultations received and responses submitted partly reflects work in progress where prescribed deadlines fall within the next reporting period

3.3 The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)

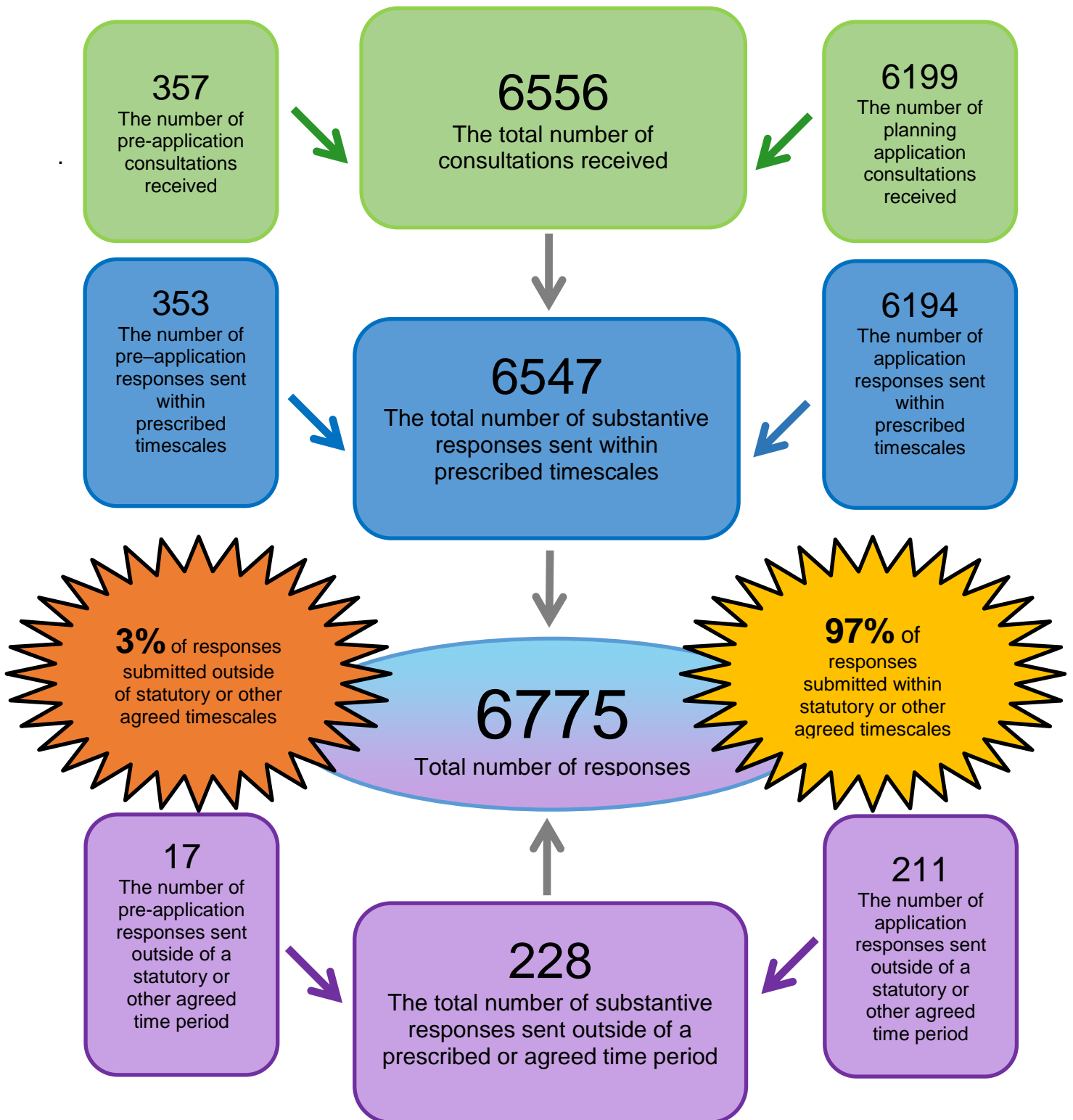
3.3.1 Performance overview

This Section sets out our performance in providing a response within prescribed deadlines for all planning applications (other than those involving a Development of National Significance). The reasons for a response being submitted outside of a statutory period have been grouped under four main categories and more explanation about these categories can be found in Table A1 in Annex 1.

The proportion of substantive responses sent within prescribed timescales in line with the DMPW0 2012 are shown in Figure 2.

A total of 6548 consultations were received, and we submitted 6767 substantive responses. Of which 6539 (97%) responses were responded within statutory or agreed time period. 228 consultation responses were submitted outside of these deadlines.

Figure 1 Performance of Natural Resources Wales Development Planning Advice Service



3.3.2 Annual reporting requirements for pre-application consultation

We have a duty to provide a substantive response to a pre-application consultation for Major Development within 28 days or such other period as agreed with the applicant.

3.3.3 The total number of pre-application consultations received

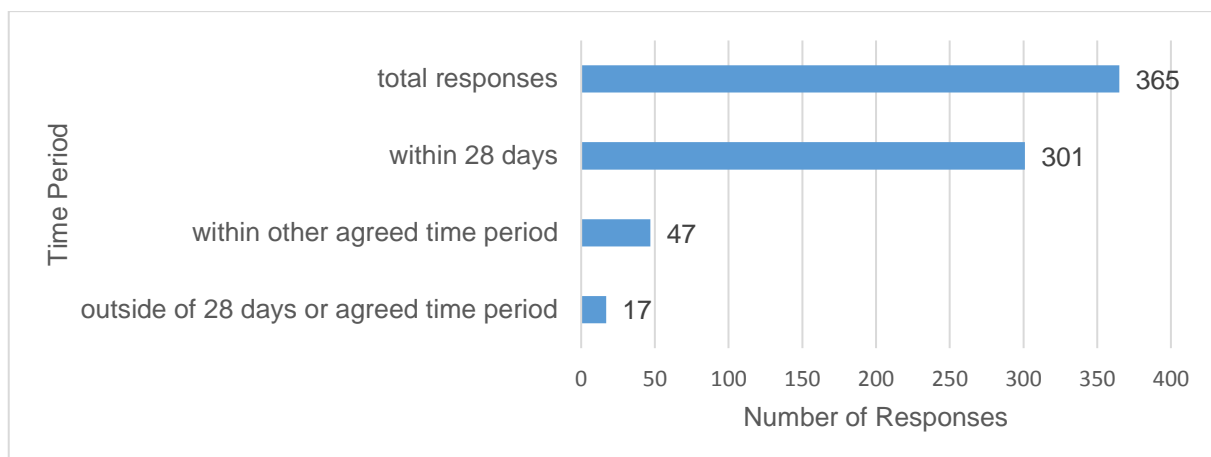
We received 352 pre-application consultations during the reporting period.

3.3.4 The total number of responses submitted to pre-application consultations

We submitted a total of 348 responses within a period of 28 days or such other period as agreed, which represents 95% of the total pre-application responses sent.

3.3.5 Timescales for providing a response to a pre-application consultation

Figure 2 When the response was submitted



The number of responses within 28 days

We provided a response to 301 pre-application consultations (82%) within 28 days.

The number of responses submitted within an agreed extended time period

We responded to 47 pre-application consultations (13%) within an agreed extended time period.

3.3.6 The number of responses submitted outside of the 28 days or other agreed time period

17 responses to pre-application consultations (5%) were submitted outside of 28 days or such other agreed period.

3.3.7 A summary of the reasons for submitting responses outside of a prescribed or other agreed time period

Table 1 Summary of reasons

Reason for responding outside of prescribed time periods	Number of responses	Percentage of responses
Inadequate Information	0	0
Complex Development Proposal	2	67
Business Changes and Resource Limitations	1	33
Limitations of Information Technology	0	0
Total	3	100

As part of our analysis (based on a 20% sample), we have reviewed 3 substantive responses submitted outside of prescribed deadlines and identified those reasons for not responding within deadline. A summary of those reasons recorded are reported in Table 1. More detail on the identified categories can be found in Table A1, Annex 1.

3.4 Annual reporting requirements for consultations from local planning authorities before the grant of planning permission

This Section sets out our performance in providing a response to local planning authorities within prescribed deadlines for planning applications. We have a duty to provide a substantive response to a consultation from a local planning authority (LPA) within 21 days or such other period as agreed in writing with the local planning authority.

3.4.1 The total number of consultations received

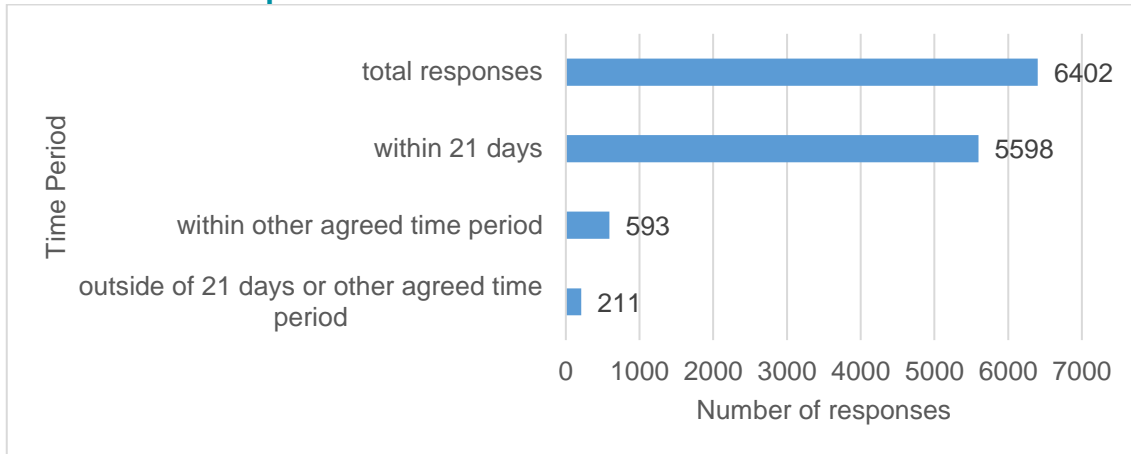
We have received a total of 6196 Development Management consultations from local planning authorities during the reporting period.

3.4.2 The total number of substantive responses submitted

We submitted a total of 6191 substantive responses within a statutory period of 21 days or such other period as agreed, which represents 97% of the total responses submitted by us.

3.4.3 When the substantive response was submitted to local planning authorities

Figure 3 When the response was submitted



The number of responses submitted within 21 days

We submitted 5598 responses (88% of total responses) within a statutory period of 21 days.

The number of responses submitted within an agreed extended time period

We responded to 593 consultations (9% of total responses) within an agreed extended time period.

3.4.4 The number of responses submitted outside of the prescribed or other agreed time period.

211 responses (3% of the total number of responses) were submitted outside of the statutory period or agreed extended time period.

3.4.5 A summary of the reasons for submitting responses outside of a prescribed or other agreed time period

Table 2 Summary of reasons

Reason for responding outside of prescribed time periods	Number of responses	Percentage of responses
Inadequate Information	7	17
Complex Development Proposal	14	33
Business Changes and Resource Limitations	19	45
Limitations of Information Technology	2	5
Total	42	100

As part of our analysis (based on a 20% sample), we have reviewed 42 substantive responses submitted outside of prescribed deadlines and identified those reasons for not responding within deadline. A summary of those reasons recorded are reported in Table 2. More detail on the identified categories can be found in Table A1, Annex 1.

3.5 The Town and Country Planning Developments of National Significance (Procedure) (Wales) Order 2016

This Section sets out our performance in providing a response within prescribed deadlines for planning applications involving Developments of National Significance (DNS).

3.5.1 Annual reporting requirements for DNS pre-application consultations and consultations from Welsh Ministers before the grant of planning permission

We have a duty to provide a substantive response to a DNS pre-application consultation within 42 days (beginning with the day on which the requisite notice is given) or such other period as agreed in writing with the consultor.

We also have a duty to provide a substantive response to a consultation from Welsh Ministers within 21 days or such other agreed period.

For this reporting year we have not recorded any secondary consent consultations because we have not received any formal applications.

3.5.2 The total number of consultations received

We received a total of 8 consultations involving Developments of National Significance. 5 consultations at the pre-application stage, and 3 consultations for the subsequent DNS application.

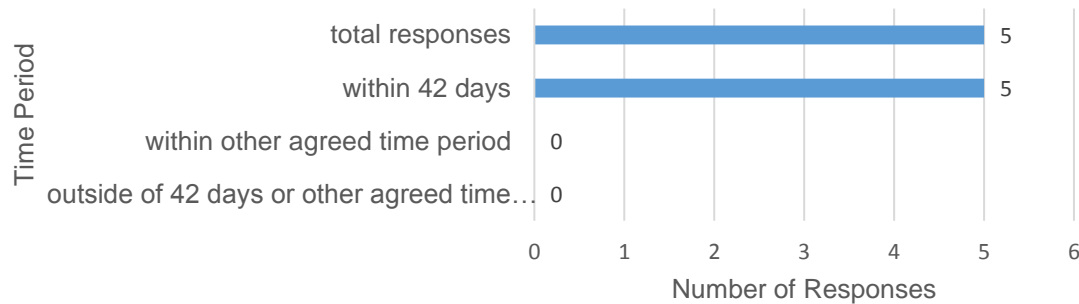
3.5.3 The total number of responses submitted

During the reporting period, we provided 5 substantive response at pre-application consultation stage and 3 substantive response to the determining authority.

3.5.4 When the response was submitted to the consultor

Figure 4 When the response was submitted

DNS Statutory Pre-Application

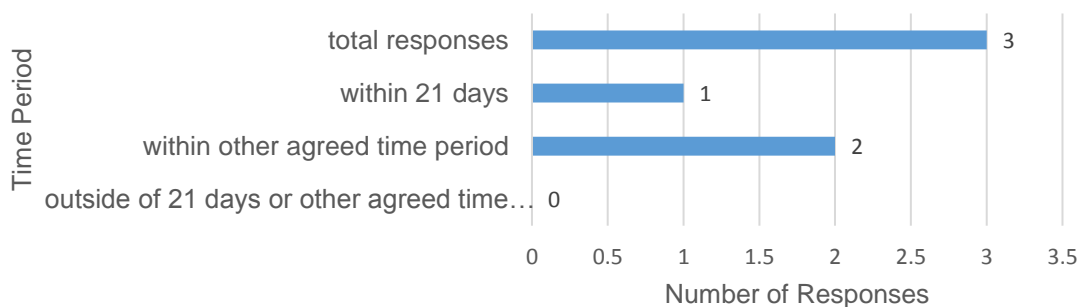


The number of responses submitted to a pre-application consultation within a statutory period of 42 days or other agreed time period

We provided a substantive response to 5 DNS pre-application consultation within the statutory period of 42 days.

Figure 5 When the response was submitted

DNS Statutory Application



The number of substantive responses submitted to the determining authority within a statutory period of 21 days or other agreed time period

We provided a substantive response to 1 DNS pre-application consultation within the statutory period of 21 days. We provided 2 substantive response to the determining authority within an agreed extended time period.

3.5.5 The number of responses submitted outside the prescribed or other agreed time period. And, a summary of the reasons for submitting responses outside of a time period

This indicator is not appropriate because our substantive responses were submitted within a statutory or agreed extended time period.

Section 4.0 Reflection

Natural Resources Wales is committed to continually improve its development planning advice service. We seek to ensure that our advice is evidence based, clear, unambiguous, and consistent to assist developers and determining authorities in making informed decisions. The views of our customers and partners are important to us as we work to improve our service.

4.1 Customer survey

As indicated in our [Annual Report to Welsh Ministers 2016/17](#), we undertook our own [survey](#) of Local Planning Authorities to gather their views on the development planning advice service we provide. Some of the key findings from our survey was set out in our previous Annual Report to Welsh Ministers, and the results of the survey has been used to inform the improvement of our planning advice service.

This year we have been consulting local planning authorities and developers on their views on our service. We are currently considering the responses received, and will prepare a report in due course, and a copy will be made available to you.

To help improve the consistency and clarity of our advice, we have developed new internal operational guidance notes on how we engage in the: development plan making process, the consenting process for Developments of National Significance; and in the appeals process.

We have also published guidance to developers on our role in the [Developments of National Significance](#) (DNS) and are encouraging developers to align their planning applications for DNS with their applications for consents, which may also be required from NRW.

We have developed internal guidance for when we respond to schemes which may affect designated landscapes, and proposals which involve waste management facilities.

4.2 Joint Improvement Project

We also indicated in our last Annual Report to Welsh Ministers that a 'Joint Improvement Project' has been established with all local planning authorities in Wales. This is overseen by ourselves and Planning Officers Society Wales (POSW) with support from the Welsh Government. The Project is being led by NRW and local planning authorities in North Wales to identify areas for improved engagement between ourselves and those authorities. Box 1 below includes topic areas which we are currently progressing as part of the Project.

Box1

Topic	Objective	Progress
Model conditions	Develop a suite of best practice model conditions that is made available to NRW and local planning authorities.	Expected completion: Summer 2018
Landscape	Provide landscape advice to local planning authorities.	Training underway with identified local planning authorities.
Model letters	Develop a standard for structuring consultation responses to Development management consultations.	Completed
Habitat Regulations Assessment	Develop standard paragraphs for structuring consultation responses to Development Management consultations, and update website advice that clarifies how we can support decision-making throughout the assessment process	Model paragraphs completed, and website advice scheduled for completion in Summer 2018
Protected Species	Develop and disseminate a recommended template when preparing survey reports.	Templates to be made available from Summer 2018.
Flood Risk	Pilot a consultation procedure for certain schemes proposed in flood zone C2.	Pilot underway until September 2018, with mid-period review during July 2018.

We are continuing our collaboration to develop and deliver further improvements for our shared customers. Joint working on the project has already helped improve working relationships between NRW and local planning authorities. Some of the most useful improvements include:

- Streamlining of NRW advice letters.
- Training and support on landscape for planning officers.
- Reducing the amount of duplication and conflicting advice from NRW and local authority ecological advisers.
- A pilot to reduce the amount of abortive work on Flood Consequence Assessments for developments in flood zones

4.3 Planning Policy Wales - Edition 10

Our response to the consultation on Edition 10 of Planning Policy Wales (PPW) welcomed and supported the intention to refresh PPW to reflect the requirements of the Well Being of Future Generations(Wales) Act together with the general direction on the role of the planning system in delivering the sustainable development of natural resources as introduced by the Environment (Wales) Act 2016.

We recognise that the effective delivery by the planning system of the new ways of working required by new legislation in Wales will take time as individuals and bodies within the planning system gain a greater understanding of how to fulfil new requirements.

It will be important, especially during the `transition period` between the end of the consultation period and the publication of the final version of PPW Edition 10, for Welsh Government, NRW, the Office of the Future Generations Commissioner for Wales and the Planning Officers Society Wales to work closely together to develop a common understanding of the application of the new ways of working together with any supporting guidance and training events for both officers and elected members.

Annex 1 Categories of reasons for responding outside of prescribed timescales

Table A1 Categories of reasons

Where a substantive response has been given outside of a statutory or agreed extended time period or where no response has been provided then our reasons for a case have been captured in those categories described in Table A1 below.

Category	Explanation
Inadequate Information	The consultor has provided inadequate information to support a consultation and to enable NRW to respond fully.
Complex Development Proposal	Detailed appraisal of a complex major development proposal where there are significant environmental risks to be addressed. NRW Development Planning Case Managers are supported by their specialist teams. This may involve discussion and/or site visit with the consultor (a local planning authority or an applicant). Information is required prior to our response.
Business Changes and Resource Limitations	Consultations are managed using a risk-based approach, whereby workload is prioritised to ensure that NRW efforts are focused on those consultations likely to have the greatest adverse environmental concern or greatest gain. Consultations are not progressed within timescales where there are changes to NRW business including employees' absences, unavailability of specialist teams to provide expertise, given resource limitations and priorities.
Limitations of Information Technology	Information and communication technology (ICT) difficulties where software is inadequate or failing to operate efficiently, or the information received is incorrectly processed or recorded.

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